The original documents are located in Box 12, folder "HU 4: Genocide (Executive)" of the White House Central Files Subject File at the Gerald R. Ford Presidential Library.

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January 30, 1975

EXECUTIVE PRB-2/miani Beach Huy

Dear Miss Matthews:

President Ford has received your letter enclosing the copy of the resolution adopted by the City Council of the City of Miami Beach. He appreciates your courtesy in bringing this expression of views to his attention.

Sincerely,

Roland L. Elliott Director of Correspondence

Miss Elaine Matthews City Clerk City of Miami Beach City Hall 1130 Washington Avenue Miami Beach, Florida 33138

cc: w/original ofincoming to W. Dewey Clower

pav

EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET FGG-1e washington, d.c. 20503 January 31, 1975

LEGISLATIVE REFERRAL MEMORANDUM

To:

Legislative Liaison Officer/

National Security Council V Department of State Department of Defense

Subject: Justice Department draft proposal, "To implement the Convention on the Prevention and Punishment of the Crime of Genocide." This proposal is virtually identical to that cleared for submission to the 93rd Congress.

The Office of Management and Budget would appreciate receiving the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

- (XX) To permit expeditious handling, it is requested that your reply be made within 30 days.
- () Special circumstances require priority treatment and accordingly your views are requested by

Questions should be referred to Jim Barie (103 x4580) or to George Gilbert the legislative analyst in this office.

(103 x4710),

EXECUTIVE HU4 F09

James F. C. Hyde, the Acting Assistant Director /For Legislative Reference

Enclosures



Office of the Attorney General Washington, D. C. 20330

The Speaker House of Representatives Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed for your consideration and appropriate reference is a legislative proposal to implement the Convention on the Prevention and Punishment of the Crime of Genocide.

The Genocide Convention, which is now pending before the Senate for advice and consent to ratification, is intended to make genocide the commission of certain atrocities with the intent to destroy a national, ethnic, racial or religious group - an international crime. It was drafted under United Nations auspices, adopted by the General Assembly in 1948, and entered into force in 1951. It was sent to the Senate by President Truman in 1949, but was not acted upon by the Senate.

On February 19, 1970, President Nixon sent a message to the Senate, urging it "to consider anew this important Convention and to grant its advice and consent to ratification." The Convention was approved by the Senate Committee on Foreign Relations on December 8, 1970, but it was not brought to a vote by the Senate before adjournment of the 91st Congress.

On May 4, 1971, following additional hearings, the Committee on Foreign Relations again favorably reported the Convention to the Senate. On February 16, 1972, the Administration submitted implementing legislation to the Congress so that the Senate could have a draft bill at the time the Convention was being debated. The Senate did not act on the convention, however, during the remainder of the 92nd Congress.

In accordance with Senate procedure, the treaty was rereferred to the Senate Committee on Foreign Relations when the 93rd Congress convened. The Committee favorably reported the Convention again on March 6, 1973. (Senate Ex. Rept. 93-5). On page 9 of the report, reference is made to the implementing legislation, and the Committee states that the executive branch is prepared to resubmit the draft bill at an early date. In compliance with that understanding, the proposed legislation to implement the Convention was resubmitted on May 7, 1973. No further action was taken during the 93rd Congress. We are submitting this proposal again with the hope that it will assist the Senate in its deliberations concerning advise and consent to ratification of the Convention in the 94th Congress, and that following Senate approval of the Convention, the bill will be promptly enacted.

The draft bill contains three sections which are explained in detail in the accompanying sectional analysis. Section 1 of the bill would add a new chapter on Genocide to title 18 of the United States Code. While generally following the language of the Convention, the provisions contain definitions designed to make it clear, without awaiting judicial interpretation, precisely what acts are punishable, thus clarifying some of the vague terms of the Convention. The provisions also give effect to certain understandings set forth in Senate Ex. Rept. 93-5, pp. 1-2.

Section 2 of the bill would exclude civil remedies for violations of the Convention, and would express the Congressional intention not to preempt State law in the field.

The Third section expresses the sense of the Congress that extradition treaties negotiated under the Convention shall provide protection for Americans against double jeopardy for genocidal acts committee abroad it they have been proceeded against in the United States.

The Office of Management and Budget advises that enactment of the proposed legislation would be consistent with the objectives of the Administration.

Sincerely,

William B. Saxbe Attorney General

SECTIONAL ANALYSIS

SEC. 1 of the bill would add to title 18, United States Code, a new chapter 50A, Genocide, consisting of new sections 1091 and 1092:

Proposed section 1091 of title 18 contains definitions of some of the terms used in the Convention, in order to comply with the principle that criminal statutes should have a sufficient degree of certainty to make it clear without judicial interpretation just what acts are punishable.

Clauses (1)-(4) define the groups which the statute is intended to protect in terms of the characteristics which distinguish them from the rest of the population of the larger society of which they are a part. The larger society can be either a nation or the international community of nations.

Clause (5) defines "substantial part" in terms of its numerical significance to the group as a viable force. The term is used in proposed section 1092 defining the offense of genocide in order to comply with the understanding of the Senate Committee on Foreign Relations concerning the intent provision of Article II of the Convention. Senate Ex. Rep. 93-5, pp. 6-7.

Clause (6) defines children as dependent persons under 18 years of age.

Proposed section 1092 of title 18 creates the crime of genocide, tracking substantially the language of the Convention, except for the use of the terms "without justifiable cause" and "substantial part", and except for subsection (a)(3), which defines genocide by "mental harm" as the willful causing without justifiable cause of the permanent impairment of the mental falculties.

The term "without justifiable cause" is included to make it clear that certain acts, such as justifiable acts of war or acts done justifiably in self defense against domestic insurrection, do not constitute the crime of genocide.

The use of the term "substantial part" is explained in the discussion of clause (5) above.

The definition of genocide by "mental harm" complies with the second understanding of Senate Ex. Rep. 93-5. The definition also details precisely the means used to cause the impairment, in order to avoid a claim of impairment based

- 2 -

on incidental or hypothetical mental harm. Not only must the act be willful and without justifiable cause, but it must be calculated to cause dysfunction. "Mental falculties" is amplified and focused in terms of mental processes, nervous system, and motor functions.

Genocide by killing and bodily harm use the Convention terminology entirely, since killing and assault are recognized crimes.

Subsection (a)(4) defines genocide by "inhumane treatment" and clarifies the ambiguity of the Convention's phrase "conditions of life."

Subsection (a)(5) defines genocide by imposed birth control as the willful imposition of measures intended to prevent the natural group increase "as a means of effecting the destruction of the group as such".

Subsection (a)(6) defines genocide by repatriation as the willful and forcible transfer of the children of the group as a means of effecting the destruction of the group.

Subsection (b) proscribes attempted genocide and public incitement to genocide, in order to comply with Article III of the Convention. In this regard, it is unnecessary to

- 3 -

proscribe complicity in genocide, as required by Article III, since this inchoate offense would be covered, 18 U.S.C. 2 (principals), and 18 U.S.C. 3 (accessory after the fact).

Subsection (b) also sets forth the penalties for genocide and related offenses. Like the penalties for violations of other criminal statutes, increased penalties are provided if death results.

Section 2 of the bill would provide that the remedies in it are the exclusive means of enforcing the rights based on it, thus excluding civil remedies, but would also express the Congressional intent not to preempt State law in the field.

Section 3 of the bill would express the sense of the Congress that extradition treaties negotiated (pursuant to Article VII of the Convention) shall provide protection for Americans against double jeopardy for genocidal acts committed abroad if they have been proceeded against in the United States or if the United States intends to exercise its jurisdiction. See Senate Ex. Rep. 93-5, p. 11-12. This section is included because the draft statute would make it possible for the United States to assert jurisdiction over citizens of this country in cases of alleged genocide where the facts giving rise to the case took place outside United States territory. As a result it is possible that there may

- 4 -

be situations where both the United States and another country will have jurisdiction to try someone for the same alleged offense. The statutes of the United States are not directed to the issue of who exercises jurisdiction, but leave the answer to the text of the extradition treaty involved. 18 U.S.C. 3184. See, for example, Treaty of Extradition with Brazil, 15 U.S.T. 2094, Art. V., which is the source of the language for this section. The Secretary of State is directed to ensure that future extradition treaties which treat genocide as an offense for which extradition may be granted shall reserve to the United States in cases where double jurisdiction exists the right to try its own citizens rather than grant extradition. Clause (b) of the section is, as a matter of policy, presently included in all extradition treaties.

- 5 -

A BILL

To implement the Convention on the Prevention and Punishment of the Crime of Genocide.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 18, United States Code, is amended by adding after chapter 50 the following new chapter:

CHAPTER 50A -- GENOCIDE

"Sec.

"1091. Definitions.

"1092. Genocide.

"Sec. 1091. Definitions.

"As used in this chapter --

"(1) 'National group' means a set of persons whose identity as such is distinctive in terms of nationality or national origins from the other groups or sets of persons forming the population of the nation of which it is a part or from the groups or sets of persons forming the international community of nations. "(2) 'Ethnic group' means a set of persons whose identity as such is distinctive in terms of its common cultural traditions or heritage from the other groups or sets of persons forming the population of the nation of which it is a part or from the groups or sets of persons forming the international community of nations. "(3) 'Racial group' means a set of persons whose identity as such is distinctive in terms of race, color of skin, or other physical characteristics from the other groups or sets of persons forming the population of the nation of which it is a part or from the groups or sets of persons forming the international community of nations.

"(4) 'Religious group' means a set of persons whose identity as such is distinctive in terms of its common religious creed, beliefs, doctrines, or rituals from the other groups or sets of persons forming the population of the nation of which it is a part or from the groups or sets of persons forming the international community of nations.

"(5) 'Substantial part' means a part of the group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity.

"(6) 'Children' means persons who have not attained the age of eighteen and who are legally subject to the care, custody, and control of their parents or of an adult of the group standing <u>in loco parentis</u>.

"Sec. 1092. Genocide.

(a) Whoever, being a national of the United States or otherwise under or within the jurisdiction of the

- 2 -

of the United States, willfully without justifiable cause, commits, within or without the territory of the United States in time of peace or in time of war, any of the following acts with the intent to destroy by means of the commission of that act, or with the intent to carry out a plan to destroy, the whole or a substantial part of a national, ethnic, racial or religious group shall be guilty of genocide: "(1) kills members of the group;

"(2) causes serious bodily injury to members of the group;

"(3) causes the permanent impairment of the mental faculties of members of the group by means of torture, deprivation of physical or physiological needs, surgical operation, introduction of drugs or other foreign substances into the bodies of such members, or subjection to psychological or psychiatric treatment calculated to permanently impair the mental processes, or nervous system, or motor functions of such members; "(4) subjects the group to cruel, unusual, or inhumane conditions of life calculated to bring about the physical destruction of the group or a substantial part thereof;

"(5) imposes measures calculated to prevent birth within the group as a means of effecting the destruction

- 3 -

of the group as such; or

"(6) transfers by force the children of the group to another group, as a means of effecting the destruction of the group as such.

- 4

"(b) Whoever is guilty of genocide or of an attempt to commit genocide shall be fined not more than \$20,000, or imprisoned for not more than twenty years, or both; and if death results shall be subject to imprisonment for any term of years or life imprisonment. Whoever directly and publicly incites another to commit genocide shall be fined not more than \$10,000 or imprisoned not more than five years, or both." "(c) The intent described in subsection (a) of this section is a separate element of the offense of genocide. It shall not be presumed solely from the commission of the act charged.

"(d) If two or more persons conspire to violate this section, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than \$10,000 or imprisoned not more than five years or both.

"(e) The offenses defined in this section, wherever committed, shall be deemed to be offenses against the United States. (b) The analysis of title 18, United States Code, is amended by adding after the item for chapter 50 the following new item:

- 5 -

SEC. 2. The remedies provided in this Act shall be the exclusive means of enforcing the rights based on it, but nothing in the Act shall be construed as indicating an intent on the part of the Congress to occupy, to the exclusion of State or local laws on the same subject matter, the field in which the provisions of the Act operate nor shall those provisions be construed to invalidate a provision of State law unless it is inconsistent with the purposes of the Act or the provisions of it.

SEC. 3. It is the sense of the Congress that the Secretary of State in negotiating extradition treaties or conventions shall reserve for the United States the right to refuse extradition of a United States national to a foreign country for an offense defined in chapter 50A of title 18, United States Code, when the offense has been committed outside the United States, and

(a) where the United States is competent to prosecute the person whose surrender is sought, and intends to exercise its jurisdiction, or

(b) where the person whose surrender is sought has already been or is at the time of the request being prosecuted for such offense.

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MEMORANDUM OF INFORMATION FOR THE FILE

DATE 3/5/75

-LETTER, MEMO, ETC	BRIEFING PAPER
TO:	THE PRESIDENT
FROM:	PATRICK O'DONNELL
SUBJECT:	Masting with the Cousts

Meeting with the Senate *Republican Steering Committee

FG 35 HU 4 CO 124 CM 28 FO 3-1/Panama PR 7-1 TA 4/29 LE Davis-Bacon Act FG 6-11-1/Rumsfeld, Donald FG 6-11-1/Hartmann, Robert FG 6-11-1/Seidman, William FG 6-11-1/Marsh, Jack FG 6-11-1/Friedersdorf, Max FG 6-11-1/Cavanaugh, James FG 6-11-1/O'Donnell, Patrick FG 6-16 Brock, Bill (Sen) Buckley, James L. (Sen) Curtis, Carl T. (Sen) Fannin, Paul (Sen) Garn, Jake (Sen) Goldwater, Barry (Sen) Hansen, Clifford P. (Sen) Helms, Jesse A. (Sen) Hruska, Roman L. (Sen) Laxalt, Paul (Sen) McClure, James A. (Sen) Scott, William Lloyd (Sen) Thurmond, Strom (Sen)

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THE WHITE HOUSE

WASHINGTON

THE 30TH ANNIVERSARY OF THE LIBERATION OF BUCHENWALD

Thirty years ago, on April 6, 1945, Allied soldiers liberated the survivors of Buchenwald's concentration camp and the world discovered the shocking atrocities that had been committed.

Time may have dulled the horror of those tragic revelations. But the inhumanity suffered there, and at other such camps, must never be forgotten.

On this Sunday, April 6, 1975, it is not only appropriate to recall the atrocities of thirty years ago, but to also remember our responsibilities to our fellow human beings today. Let us resolve anew that these horrors of the past will never occur again.

70-0

Hereld B. Ford

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30th anniv, liberation of Bucherwald

MEMORANDUM OF INFORMATION FOR THE FILE EXECUTIVE DATE 4/16/75 HUH 00156 LETTER, MEMO, ETC. TO: Harold G. Legan FROM: Marren S. Rustand フロウ SUBJECT: Request for Mita. in connection withproposed ational May of Remembrance

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DATE 6/16/75

EXECUTIVE

HUH

LETTER, MEMO, ETC. TO: Bill Nicholson

FROM: Mary R.

SUBJECT: Inkuch "genoride" of Armenian people - Gina S. Gnakian -

CORRESPONDENCE FILED CENTRAL FILES - CONFIDENTIAL FILE

MEMORANDUM OF INFORMATION FOR THE FILE

DATE 6/10/75

EXECUTIVE Huy 10156 DRI

LETTER, MEMO, ETC. ro: Dr. Grra S. Grakian FROM: Warren Rustand SUBJECT: Jurkish "genocide" of the "Armenian people Amintrany of the Generice of the Armenians

CORRESPONDENCE FILED CENTRAL FILES – CONFIDENTIAL FILE

THE WHITE HOUSE WASHINGTON

June 16, 1975

NOTE FOR BILL NICHOLSON

Bill -

Early this morning, Kimberley Moore took a call to Warren from Dr. Arra S. Avakian who told her he had received Mr. Rustand's letter; that he had been in touch with Mr. Seidner before; that he would like to come in and present his memorandum for the President to Warren personally.

Shall I regret mtg with Warren and route thru NSC on the way out?

Or, send this to NSC to handle for us?

RECEIVED JUN 1 8 1975

Mary R

CENTRAL HELS

K 6/17: Libby Caltra adresd me Arahuan applin with "me Ruston not for Bell (per instructions from Bell "nicholom)

C. F. *Hu* 4

June 10, 1975

Dear Dr. Avakian:

Thank you for your letter of May 1, 1975. Regretfully, the many demands on the President's schedule will not make it possible to arrange a meeting. However, I understand that Mr. Francis Seidner of the Department of State's Bureau of European Affairs would be pleased to meet with you and accept your memorandum.

Again, your letter is appreciated.

Sincerely,

Warren S. Rustand Appointments Secretary to the President

Dr. Arra S. Avakian Apartment 810 2117 E Street, NW. Washington, D.C. 20037

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WSR:rs

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MEMORANDUM

NATIONAL SECURITY COUNCIL

ADMINISTRATIVELY CONFIDENTIAL

May 29, 1975

MEMORANDUM FOR WARREN S. RUSTAND

FROM:

Jeanne W. Davi

SUBJECT:

Request for Appointment with the President by Armenian-Americans

Your memorandum of May 8 concerning a request by Mr. Arra S. Avakian for a brief meeting with the President to present a memorandum on the Turkish "genocide" of the Armenian people is appreciated. Because the Armenian-American community is now engaged in an intensive campaign to obtain official U.S. condemnation of Turkey for this attempted Armenian "genocide" and in view of the current sensitivity of our relations with Turkey, we believe an appointment with the President for this group would be particularly unwise and, accordingly, recommend against it.

A proposed reply for your signature to Mr. Avakian is at Tab A, together with the incoming correspondence.

OK WER

ADMINISTRATIVELY CONFIDENTIAL



3135



PROPOSED REPLY

Dear Mr. Avakian:

Thank you for your letter of May 1, 1975. Regretfully, the many demands on the President's schedule will not make it possible to arrange a meeting. However, I understand that Mr. Francis Seidner of the Department of State's Bureau of European Affairs would be pleased to meet with you and accept your memorandum.

1

Again, your letter is appreciated.

Sincerely,

Warren S. Rustand

Dr. Arra S. Avakian 2117 E Street, N.W. #810 Washington, D. C. 20037



NATIONAL SECURITY COUNCIL

ACTION May 29, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR JEANNE W. DAVIS

FROM:

Robert M. Gates A.

SUBJECT:

Request for Appointment with the President by Armenian-Americans

On May 1, Mr. Arra S. Avakian wrote to Warren Rustand on behalf of the United Committee for the 60th Anniversary of the Genocide of the Armenians seeking a brief meeting with the President to deliver a memorandum prepared by his Committee on the Turkish genocide of the Armenian people in 1915. Mr. Rustand has forwarded Mr. Avakian's letter to the NSC together with a request for recommendations (at Tab B).

The memorandum for your signature to Mr. Rustand at Tab I would state that because the Armenian-American community is now engaged in an intensive campaign to obtain official U.S. condemnation of Turkey for its attempted "genocide" of the Armenian people in 1915 and in view of the current sensitivity of our relations with Turkey, we think a meeting would be particularly unwise and accordingly recommend against it. Your memorandum would also forward a proposed reply (at Tab A) for Rustand's signature to Mr. Avakian.

RECOMMENDATION

That you sign the memorandum to Warren Rustand at Tab I.

ADMINISTRATIVELY CONFIDENTIAL

S/S-7509528 3135



DEPARTMENT OF STATE

Washington, D.C. 20520

UNCLASSIFIED

May 23, 1975

MEMORANDUM FOR LIEUTENANT GENERAL BRENT SCOWCROFT THE WHITE HOUSE

SUBJECT: Request by the United Committee for the 60th Anniversary of the Genocide of Armenians for a brief Audience with the President

The United Committee for the 60th Anniversary of the Genocide of Armenians has written to Mr. Warren Rustand requesting a brief audience with the President in order to deliver a memorandum. The United Committee was formed to coordinate activities of all of the different Armenian/American organizations to commemorate this year the 60th Anniversary of the Armenian massacre which took place in 1915.

These groups are, in general, strongly opposed to US policy with regard to Turkey, and the President is aware of their opposition. Therefore, rather than attempt to seek an appointment with the President, we recommend that Mr. Rustand offer to see the delegation to accept their memorandum.

George S \$pringsteen

Executive Secretary

Attachments:

- 1. Suggested reply
- Letter from the United Committee for the 60th Anniversary of the Genocide of Armenians dated May 1, 1975

UNCLASSIFIED

DRAFT LETTER

Dr. Arra S. Avakian 2117 E. Street NW, #810 Washington, D.C. 20037

Dear Dr. Avakian:

Thank you for your letter of May 1 requesting an audience with the President.

Unfortunately, there will not be room in the President's schedule for such an appointment within the near future. However, I would be pleased to see you and accept the memorandum prepared by the United Committee for the 60th Anniversary of the Genocide of the Armenians.

Please let me know if you wish such a meeting.

Best regards,

Sincerely,

Department of State

CLASSIFICATION

NSC REFERRAL TO STATE SECRETARIAT . Date: 7 MEMORANDUM FOR: GEORGE SPRINGSTEEN NSC LOG# EXECUTIVE SECRETARY DEPARTMENT OF STATE DOCUMENT DESCRIPTION: TO: Warren Kustand FROM: ana S. avakian 1975 DATE: May 1, leg United Committee SUBJECT: Prepare mo niue to . wared ACTION REQUESTED: DRAFT REPLY FOR: PRESIDENT'S SIGNATURE WHITE HOUSE STAFF SIGNATURE OTHER additional DIRECT REPLY FURNISH INFO COPY DISPATCH **RECOMMENDATIONS/COMMENTS** TRANSLATION APPROPRIATE HANDLING INFORMATION FOR ADDITIONAL PROCESSING AS INDICATED: DUE DATE: May 13,1975 URGENT ROUTINE COMMENTS: no for NNE W. Staff Secretary

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United Committee for 60th Anniv. of Genocide of Armenians.

SCHEDULING ROUTING MEMO

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THE WHITE HOUSE

WASHINGTON

May 8, 1975

MEMORANDUM FOR:

JEANNE DAVIS

FROM:

• • • • • •

WARREN RUSTAND WSR/MW

SUBJECT:

Request for appointment with the President to deliver memorandum prepared by the United Committee for the 60th Anniversary of the Genocide of the Armedians.

I would appreciate your advice on the handling of this request.

If the NSC or Department of State would care to handle this on our behalf, this is fine. If you think it should be acknowledged from the White House, please send suggested draft of letter.

Thank you.

May 8, 1975

MEMORANDUM FOR:

JEANNE DAVIS

WARREN RUSTAND

FROM:

SUBJECT:

Request for appointment with the President to deliver memorandum prepared by the United Committee for the 60th Anniversary of the Genocide of the Armedians.

I would appreciate your advice on the handling of this request.

If the NSC or Department of State would care to handle this on our behalf, this is fine. If you think it should be acknowledged from the White House, please send suggested draft of letter.

Thank you.

1 drigient letter peut to Jeanne Davis
UNITED COMMITTEE for the 60th Anniversary of the Gen	nocide of the Armenian	s State
Armenian Revolutionary Federation Armenian Democratic Liberal Organization Armenian Social Democratic Hunchakian Party (American and Canadian Regions)		JUSTICE
Address Response to: National Offices: 212 Stuart St. Boston, Ma. 02116 Tel.: (617) 426-8479	□ 755 Mt. Auburn St., Watertown Tel.: (617) 924-4422	Ma. 02172 _{T/D} SCHEDULE BD. DATE RECEIVED
	May 1, 1975	MAY 2 1975
The Honorable Mr Warre The White House Washington, DC 20500	n Rustand	MESSAGE SPEAKERS BUREAU OTHER APPOINTMENT OFFICE

Dear Mr Rustand:

On behalf of the United Committee for the 60th Anniversary of the Genocide of the Armenians I respectfully request a brief audience with the President in order to deliver a memorandum prepared by the United Committee especially for this occasion.

The memorandum sets forth important matters concerning the commitments of the United States. The Armenian community in America is gravely concerned that the President is well informed on these matters.

There would be three or four others to accompany me. I shall, of course, identify them. We should be available to make the visit at any time, according to the President's wish.

I look forward to your favorable response. In the interest of avoiding delay I should like to hear from you by telephone.

Respectfully yours,

Arra S. Avakian for the United Committee

Please address reply to

Dr Arra S. Avakian 2117 E Street, NW, #810 Washington, DC 20037

Telephone:

Office: 202 + 833 - 1367 Resid.: 202 + 333 - 7073

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UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATIVE STATE RESEARCH SERVICE WASHINGTON, D.C. 20250

August 29, 1975

President Gerald Ford Office of the President Washington, D. C.

Mr. President:

This will appropriately and urgently bring to your attention a documented critical threat to the national security of America. Namely, the active potential for retardation and genocide to selected members of our population through research.

The referral to your office is consistent with the oath I have taken as a federal employee in 1965. It is also consistent with support of the Office of the Secretary, U. S. Department of Agriculture and the Office of the President of the U.S., as the responsible line offices in the Executive Branch.

A research grant to Lincoln University, September 20, 1973, has now a record of activity for calendar year 1974 which cites the study of 500 Black pregnant women from a pre-natal clinic. Grant No. 416-15-10, Relation of Nutrition During Pregnancy to Maternal and Fetal Body Composition, was approved for the study of 40 pregnant women, their offspring, and rhesus monkeys. There was no indication for restricting the study to any one racial group.

The research plan further calls for administering a mixture of deuterium oxide and sodium thiocyanate. The levels for administration were not included in the project outline. Sodium thiocyanate can be deadly or induce a variety of debilitating dysfunctions. Assurances for protection of human subjects have not been filed. Neither of the 3 cited investigators offers evidence of a medical degree.

Although the Missouri project is in my area of assigned responsibility, it is one of many projects in this area that has been kept from my review. An unusual appointment to a permanent position from a temporary IPA assignment, in which the permanent position subjugates and absorbs my responsibilities, was cited as a crisis action in USDA Investigation Reports WA-1303-1 and WA-1303-1(S) on a complaint I filed in USDA October 18, 1974. This matter is now before the Board of Appeals of the U.S. Civil Service Commission and directly relates to the mechanism through which the Missouri project was approved. USDA Investigation Reports H-1303-1, H-1303-2 and supplement, Record of Hearing, and Civil Service Commission Decision, are applicable parts of these considerations. Collectively, these Investigation Reports document the effort to remove me from a position in which I might detect the actions I now bring to your attention.

Since my discovery of the circumstance in the case of the Missouri grant, appropriate measures have been taken within the agency. This does not read solve the continuing existence of potential in this research, and perhaps

RECEIVED SEP S 1975 CENTRAL FILES

that of other agencies, for racial retardation, genocide, or training in approaches for such. Other attempts have already been detected in Hatch and P.L. 89-106 phases of the research program to file fraudulent records for projects, denying the use of human subjects although accompanying documents clearly show human subjects are to be involved.

I have now observed and experienced violate actions of virtually every published rule and regulation of EEO and Civil Rights legislation and procedures for resolve of related problems in connection with processing complaints I have filed. The coincident harassment to me has been almost unbelievable with demonstrated assistance from other agencies and departments of the Executive Branch. A control mechanism for revising Civil Service Commission regulations to assist further violations has been identified.

With this kind of background, I wish to offer several suggestions for these phases of national interest and security. The concern is further justified by a recent unauthorized entry into my home during which a section was cut from the neck of Jesus in a wooden sculpture therein.

- (a) Research involving human subjects with potential for physiological retardation or genocide should become an immediate and direct concern of the Office of the President, as preventive measures.
- (b) Federal positions responsible for the conduct or administration of research involving human subjects in human nutrition research should be made sensitive positions with a history of discriminatory indicators as a negative criterion for employee clearance.
- (c) Employee transfers from the U.S. Department of Agriculture to the U.S. Civil Service Commission should be reviewed, for actions 1971 to present, with respect to privilege for negatively modifying Civil Service Commission regulations to the disadvantage of employees.
- (d) Employee support and operational support of employees in the Cooperative State Research Service should be placed under the direct supervision of the Office of the Secretary of Agriculture with provision for monitoring personnel changes and adherence to EEO and Civil Rights legislation, and involvement in international assignments.
- (e) Research support for land grant colleges (1862 and 1890) should be appropriated and administered similarly according to existing directives in the Hatch Act. This is not to obviate supplementary funding either group of these colleges might receive as special funds.

As long as open violation under item (e) is tolerated, disregard for other rules of less scope can continue to be expected. It has been through a circumvention device with respect to item (e) that the cited Missouri problem has evolved; and the H-1303, WA-1303 series has been necessary.

Sincerely,

Gladys W. Royal Principal Biochemist

Gladys U. Royal

SODIUM THIOCYANATE NaSCN

MED. USE. (See Potassium thiocyanate)

Formerly used for prophylaxis and treatment of shigellosis. DOSE, HUMAN TOXICITY, CAUTION: See Potassium Thiocyanate.

POTASSIUM THIOCYANATE KSCN

MED. USE. Has been employed as antihypertensive and for determination of extracellular fluid volume. Dose: Oral 100 to 600 mg. HUMAN TOXICITY: Average or large doses may cause fatigue, skin eruptions, goiter, hypothyrcidism, thrombophlebitis, purpura and hemorrhage in patients with increased capillary fragility, nausea, vomiting. Large doses and overdoses may, in addition, cause psychosis, circulatory collapse, uremia, death. CAUTION: Not to be administered unless facilities for frequent serum thiocyanate determinations are available. Severe toxic reactions uncommon with thiocyanate level below 12 mg/100 cc of serum. Hypothyroidism often prevented by administration of iodine together with thiocyanate.

MERCK INDEX CITATIONS



MEMORANDUM

NATIONAL SECURITY COUNCIL

SCOWCROFT

CLINTON E. GRANGER

GENERAL

INFORMATION

EXECUTIVE

7/U 3

June 25, 1975

MEMORANDUM FOR:

FROM:

SUBJECT:

Mass Destruction Terrorism Crisis Management Study (Status Report No. 2)

The ad hoc Study Group of the Working Group to Combat Terrorism has adopted terms of reference (Tab A) which closely parallels the earlier preliminary draft provided you (Tab B). The approved terms of referrence are in complete consonance with our objectives.

The real work of the Study Group is now under way. The departments and agencies represented on the Study Group are preparing contributions (Tab C), due later this week. I will offer comments and suggestions on various topics as appropriate. After the contributions are received, a rough first draft of a report will be prepared and distributed for comments. The Study Group still hopes to complete its work in late July or early August, but I suspect that September is a more accurate prediction.

As I noted in my June 11th memo on this subject, the study is being conducted with as low a profile as possible. However, word of this effort has apparently reached the Hill, as predicted. Inquiries by Senate staffers have been received by the Chairman of the Study Group. In order to be prepared to answer further inquiries, a guidance paper has been prepared by State (Tab D). We have nothing to hide in the conduct of this study, indeed the Executive Branch would be derelict in its duty if it did not, and this comes across well in the guidance paper.

I will keep you informed of the progress of this effort.





FOR OFFICIAL USIS ONLY

1.8 JUN 1975

DRAFT REVISED TERMS OF REFERENCE

MASS DESTRUCTION TERRORISM CRISIS MANAGEMENT REVIEW

Background:

Secretary Kissinger, in his May 12 speech in St. Louis, warned that "as nuclear weapons proliferate, nuclear catastrophe looms more plausible -- whether through design or miscalculation, accident, theft, or blackmail." His statement is a reflection of the increasing attention which has been paid over the past several years, including by a number of Congressional committees, to the potential for terrorist threats involving material capable of inflicting mass casualties, particularly the threat of nuclear terrorism but also that of chemical and biological agents.

Thus far, the focus of Executive Branch efforts to combat this threat has been upon nuclear weapons and materials physical security and accounting procedures, as well as immediate response procedures in the event such measures are unsuccessful. In addition, however, it is important to review procedures and guidelines for managing the over-all USG response should terrorist use, or threaten to use mass destruction means.

Review Group:

1

Under the auspices of the Working Group of the Cabinet Committee to Combat Terrorism, a review group is hereby formed to conduct an initial Inquiry into the problem of management of a crisis involving a terrorist threat to use (or the actual use of) mass destruction means in order to determine what, if any, further study/review is required. The review group will be composed of representatives of the Department of State, the Department of Defense (ISA), the FBI, the NSC Staff, the Office of

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Preparedness (GSA), the Energy Research and Development Administration (ERDA), and the Nuclear Regulatory Commission. The review group will be chaired by Mr. Robert M. Kupperman, acting on behalf of the Chairman, CCCT/WG.

Review Scope:

The review begins at the point at which a credible terrorist threat Involving the possible use of nuclear or other means of mass destruction has been identified. It will address the problem in broad general terms, keeping detail to the minimum necessary to develop major points. <u>Review Agenda</u>:

1. Survey established procedures for managing the crisis created by a credible terrorist threat to use means of mass destruction; (e.g., jurisdictions, communications, coordination, decision-making, public relations).

2. Survey planning work in progress or contemplated which is relevant to the problem of managing such a crisis.

3. Develop the key policy issues and management problems which are associated with the problem.

41 Identify those policy issues/management problems which should be studied in greater detail, and make recommendations on the manner and forum in which such studies should be pursued.

The review group should submit a report covering the above areas to the Working Group of the Cabinet Committee to Combat Terrorism by mid-July 1975.

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OFFICIAL

Robert A. Fearey, Chairman Working Group/Cabinet Committee to Combat Terrorism

LIMITED OFFICIAL USE

June 2, 1975

TERMS OF REFERENCE

MASS DESTRUCTION TERRORISM CRISIS MANAGEMENT STUDY

Background

Secretary Kissinger, in his May 12 speech in St. Louis, warned that "as nuclear weapons proliferate, nuclear catastrophe looms more plausible -- whether through design or miscalculation, accident, theft, or blackmail." His statement is a reflection of the increasing attention which has been paid over the past several years, including by a number of Congressional committees, to the potential for terrorist threats involving weapons capable of inflicting mass fatalities, particularly the threat of nuclear terrorism but also that of chemical and biological agents.

Thus far the focus of Executive Branch efforts to combat this threat has been upon nuclear weapons and materials physical security and accounting measures. Relatively little attention has been paid to the question of what the USG should do in the event these measures are unsuccessful and nuclear (or other mass fatality) weapons are stolen by terrorists or terrorists are able to assemble such weapons. Carefully developed procedures and guidelines for managing the response of the USG to terrorists threats to employ such weapons should be established.

Study Group

Under the auspices of the Working Croup of the Cabinet Committee to Combat Terrorism, a study group is hereby formed to prepare a preliminary assessment of the operational problems the USG can anticipate in the event of terrorists plausibly threatening to employ an agent of mass destruction, and to make recommendations for Substantive governmental actions. The study group will be composed of representatives of the Department of State (ACDA), the Department of Defense (ISA), the FBI, the NSC Staff, the Office of Preparedness (GSA), the Energy Research and Development Administration (ERDA), and the Nuclear Regulatory Commission. The study group will be chaired by the representative of the U.S. Arms Control and Disarmament Agency.

Study Agenda

The study group will:

-- Review the current adequacy of domestic and international mechanisms for responding to a terrorist threat involving nuclear, chemical and biological weapons.

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-- Survey planning work presently available or in preparation which may be relevant to the management problems and policy issues which would face the USG both domestically and internationally in the event of such a crisis.

-- Identify those key policy issues and management problems which should be studied in greater detail in order that specific recommendations for substantive USG action in this area might be developed.

-- Make recommendations on the manner in which these issues and problems can receive detailed examination and on how the results of this work should be evaluated and applied to the development of specific recommendations for USG action both domestically and internationally.

The study group should submit a report covering the above areas to the Working Group of the Cabinet Committee to Combat Terrorism by mid-July 1975.

Kolak Ferry

Robert A. Fearey, Chairman Working Group/Cabinet Committee to Combat Terrorism

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6/12/75 R. H. Kupperman DRAFT

OUTLINE

MASS DESTRUCTION TERRORISM STUDY

- Α. Introduction
- The Threat Β.
 - Effects of nuclear explosive, radiological, 1. chemical, and biological weapons (Defense, ÉRDA, NRC)
 - 2. Representative scenarios
 - Dr. Kupperman)
 - Specialized targets 3.
- (Dr. Kuppernien; suggestions from other agencies) Mass Destruction Extortions to Date (FBI Domestic; CIA International) Powier of Date С.
- Review of Relevant Agency Authorities and Activities D. to Date; Thoblem areas (all ligencus)

Ε. Domestić Management Concerns

- "The Government Nervous System" and information flow 1. requirements --(all agencies condinated by mr. Eisenstein of ERDA)
 - Interagency communication a. (all agencies condinated by hur. Eisenstein of ERDA)
 - Federal, state and local roles and relationships b. (Mice of Preparedness) Public Affairs
 - c.
 - State, ERDA, FBI, OP)
 - International cooperation and aid d. State)
- 2. Assessing the threat
 - Technical advice and support а.
 - (ERDA Defence NRC) Threat verification b.
 - (ERDA Defense NRC)
 - Evaluating possible consequences of the threat с. (ERDA - Definice - NRC)
 - Political and behavioral threat assessment d. political faratics, criminals, psychotics?
 - (Behavioral Science Resources Group of CCCT/WG FBI) Bargaining considerations (money, political e. concessions, weapons, etc.)

(FBI - Domestic; State - International)

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- Contingency mechanisms (all legencies) 3.
- Post IDisaster Operations, Ineparing for 4.
- (office of Preparedness) International Operations many of the same considerations outlined in Domestic Management apply to international threats.
 - 1. International communications - sharing of data banks, technical information and personnel
 - (Stale, EKDA, Defence) Support to threatened foreign governments assistance arrangements with allies and others 2.
 - (State, ERDA, Dekuse) Foreign intelligence generation 3.
 - (CIA, DIA) International cooperation and agreements 4.
 - (Shit Legal Min) Extradition agreements (eliminating safe havens) a. and uniform penalties
 - Sanctions against non-cooperating nations b.
 - Indemnification for risks taken on behalf of c. other nations
 - d. International Institutions

G.

- Legal Considere crations, Survey of Possible (Institute Department) Invasion of privacy 1.
- 2. Search and seizure issues
- 3. Mechanisms for payoff
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Response to Queries

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The Cabinet Committee to Combat Terrorism and its subordinate Working Group are responsible for considering the most effective means to prevent terrorism here and abroad, and for taking the lead within the Government in establishing procedures to ensure that the Government can take appropriate action in response to acts of terrorism swiftly and effectively.

There is a possibility that the Government may in the indeterminate future be faced with credible terrorist threats involving weapons or materials of mass destruction. In pursuance of its normal responsibilities the Cabinet Committee/ Working Group recently established a Study Group to conduct an initial examination of the relevant issues and policy considerations connected with management of such threats. The Study Group is composed of representatives from the State Department, the National Security Council Staff, the Department of Justice, the Federal Bureau of Investigation, the Office of Preparedness, the Department of Defense, the Energy Research and Development Administration and the Nuclear Regulatory Commission.

The study is a preliminary survey and will be of short duration probably ending in early August. It would be premature to make any further comments at this time.

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MEMORANDUM

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NSC# 3302

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NATIONAL SECURITY COUNCIL WASHINGTON, D.C. 20506 (Correspondence Referral)

Date: June 8, 1976

TO: RALPH MARTIN

FROM: JEANNE W. DAVIS WW REFERENCE

To: Vice-President

Date: <u>May 1976</u>

From: Mrs. Marvin C. Birchfield

Subject: Opposition to the Genocide Treaty

Comment:

A draft reply is attached at Tab A. The incoming letter is attached at Tab B.

Attachments

SUGGESTED REPLY

Dear Mrs. Birchfield:

The Vice President has asked me to reply to your letter of last month asking for his views on the Genocide Convention, now before the Senate.

The Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948, was transmitted to the Senate in 1949 by President Truman, who urged advice and consent to ratification. No action was taken by the Senate, and President Nixon in 1970 once again urged the Senate to give its advice and consent to ratification. He stated that ratification of the Convention would reaffirm the strong U.S. opposition to the crime of genocide, and noted that the Attorney General and the Secretary of State believe that there are no constitutional obstacles to U.S. ratification.

This Administration, like its predecessors mentioned above, supports the ratification of the Genocide Convention because we believe the protection of human rights, of which this Convention is a keystone, is rightfully a matter of international concern. This belief has found practical expression in the acts of the United States in

Mrs. Marvin C. Birchfield, 1344 Mar. Card. Road, East, Marion, Ohio. ratifying the World War II peace treaties, the United Nations Charter, the Slavery Convention of 1926, and more recently the Supplementary Convention on Slavery (1967), the Supplementary Convention on Refugees (1968), and the Convention on the Political Rights of Women (1975).

In 1970, and again in 1971, 1973, and 1976 the Senate Foreign Relations Committee reported the Convention favorably to the Senate. In its 1976 report the question of the constitutional implications of the Convention was specifically addressed by the Committee, which determined that the Convention cannot and will not supersede or set aside the Constitution. In order to take into account other questions that have been raised about the meaning of certain provisions of the Convention, the Committee has recommended that ratification be subject to express statements of the meaning the United States Government attaches to these provisions. Finally, the Convention is not self-executing so that, in order for the United States to become a party to the Convention and to implement its provisions within the United States, it would be necessary for Congress to enact a statute to that effect. ora oral

Mrs. http://www.

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In brief, the Genocide Convention outlaws action that is repugnant to the American people and contrary to the principles on which our country was founded and, I believe, merits wide support among the American people.

Sincerely,

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s/s# ⁷⁶¹⁰⁸⁵⁷

Date JUN 7 1976

DEPARTMENT OF STATE EXECUTIVE SECRETARIAT TRANSMITTAL FORM

FOR: Mr. Brent Scowcroft National Security Council The White House

REFERENCE:

TO: Vice President FROM: Mrs. Marvin C. Birchfield DATE: May 1976 SUBJECT: Opposition to the "Genocide Treaty" WHITE HOUSE REFERRAL DATED: 5/24/76 NSC# 330: THE ATTACHED ITEM WAS SENT DIRECTLY TO THE DEPARTMENT OF STATE ACTION TAKEN: X A draft reply is attached. A draft reply will be forwarded. A translation is attached. An information copy of a direct reply is attached. We believe no response is necessary for the reason cited below. Other

REMARKS:

TYSI.

George S. Springsteen Executive Secretary

UNCLASSIFIED (CLASSIFICATION)

SUGGESTED REPLY

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- 2 -

In brief, the Genocide Convention outlaws action that is repugnant to the American people and contrary to the principles on which our country was founded and, I believe, merits wide support among the American people.

Sincerely,

OFFICE OF THE VICE PRESIDENT

REFERRAL



To:

Director, Secretariat Staff (S/S-S) Date: MAY 2 4 1976 Department of State, Room 7241 Washington, D.C. 20520

	ACTION	REQUESTED
	XX_Draft reply for:	
	Vice President's signature.	
. • •	XX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	NOTE
-	Memorandum for use as enclosure to reply.	Prompt action is essential.
	Direct reply. Furnish information copy.	If more than 48 hours' delay is encountered, please telephone the undersigned immediately.
· · · · ·	Suitable acknowledgment or other appropriate handling.	
	Furnish copy of reply, if any.	Basic correspondence should be returned when draft reply, memorandum, or comment is re- quested.
• •	For your information.	yucsicu.
	For comment.	
REMAR	RKS:	

Description:

1	Letter: Telegram; Other:
To:	The Vice President
From:	Mrs. Marvin C. Birchfield
Date:	May 1976
Subject:	Opposed to the "Genocide Treaty"

RALPH E. MARTIN Special Assistant By direction of the Vice President

(Conv to remain with correspondence)

May 1976 7610857 Vice President Thison Rackefeller Thes. Pro Jemp. Senates Washington, D.C. Diav Mr. Hockefeller Quanderstand the Denocide Convention is before the Senate, I an apposed to this and if a tie should occur, I hope you will vote against it. I adopted, it will pepardize the Constitutional rights and safeguards of all americans. It would do away with our sovereignty as a nation, I have whitten to my senators and want you to know my apinion, Allhoe give me your apidian. Sincerely, Mrs. Marin C. Birchfield 1344 MAR. CARD, RD, EASTU MARION, OHIO 43302 CC: Sen Mike Mansfield Sen James abdurezk 57234 · .951 · ETEL

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'MEMORANDUM

NSC#4361

NATIONAL SECURITY COUNCIL WASHINGTON, D.C. 20506 (Correspondence Referral)

Date: August 2, 1976

TO:

JON HOWE

FROM:

JEANNE W. DA

REFERENCE:

To:	<u><i>Vice</i></u>	President	Date:	June	16,	1976
		A. Draim				

Subject: U.S. Ratification of the Genocide Convention

Comment:

A draft reply is attached at Tab A. The incoming letter is attached at Tab B.

Attachments

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Dear Captain Draim:

The Vice President has asked me to reply to your recent letter expressing your concern about U.S. ratification of the Genocide Convention.

This Administration supports ratification of this treaty because we believe that the protection of human rights, of which the Convention is a keystone, is basic to our fundamental beliefs and is rightfully a matter of international concern. Ratification would, in our view, reaffirm our country's strong opposition to the heinous crime of genocide. Moreover, the Genocide Convention would complement other international agreements such as the United Nations Charter, the Slavery Convention of 1936 and the Supplementary Convention on Slavery (1967), the Supplementary Convention on Refugees (1968) and the Convention on the Political Rights of Women (1975).

The Senate Foreign Relations Committee considered the Convention in 1970, 1971, 1973 and 1976. On each occasion the Committee reviewed the principal objections to the Convention, and in particular the specific concerns you raised in your letter. In each instance, the Committee recommended that the Senate give its advice and consent to ratification, but with a specific caveat that ratification be subject to certain understandings and a declaration. I am enclosing a copy of the Committee Report issued on April 29, 1976 and would call your attention to pages 18-19 for the text of the Resolution of Ratification along with the committee recommended understandings and declarations.

You will also note on page 40 the list of signatory states. The texts of each country's reservations were supplied to the Foreign Relations Committee in April - May of 1970 and are included in the published record of the hearings for April 24, 27 and May 22, 1970 (pp. 28-36). Should you wish to obtain a copy of the 1970 hearings, I suggest you write to the Committee on Foreign Relations, United States Senate, Washington, D. C. 20510.

Let me assure you we appreciate your thoughtful letter and hope this information is helpful to you.

Sincerely,

Captain N. A. Draim, USN (Ret.) 348 Carol Drive Ventura, California 93003 UNCLASSIFIED

(CLASSIFICATION)

S/S# 7613276

JUL 2 9 1976

DEPARTMENT OF STATE EXECUTIVE SECRETARIAT TRANSMITTAL FORM

Date

FOR: Mr. Brent Scowcroft National Security Council The White House

REFERENCE:

TO: The Vice President	FROM: N. A. Draim
DATE: 6/16/76	SUBJECT: Genocide Convention
WHITE HOUSE REFERRAL DATED	6/24/76 NSC #
THE ATTACHED ITEM WAS TO THE DEPARTMENT OF S	

ACTION TAKEN:

X A draft reply is attached.

A draft reply will be forwarded.

A translation is attached.

An information copy of a direct reply is attached.

We believe no response is necessary for the reason cited below.

Other

REMARKS:

с. Arthur Bo

Executive Secretary

UNCLASSIFIED (CLASSIFICATION)

	94TH CONGRESS 2d Session SENATE Ex. Report 2d Session No. 94-23
	INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT
	OF THE CRIME OF GENOCIDE
	Mr. HUMPHREY, from the Committee on Foreign Relations, submitted the following
	REPORT on
	EXECUTIVE O, 81st CONGRESS, 1st SESSION
** 4	
	APRIL 29, 1976.—Ordered to be printed
	U.S. GOVERNMENT PRINTING OFFICE 57-119 O WASHINGTON : 1976

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348 Carol Drive Ventura, California 93003 16 June, 1976

Nelson A. Rockefeller Vice President of the United States 212 Capitol Builling Washington, D.C. 20510

7613276

Dear Mr. Vice President:

The article on the U. N. Genocide Convention in the 12 June, 1976, issue of HUMAN EVENTS Weekly, prompts me to write to you in your capacity as Presiding Officer of the Senate.

Not long after 12 March, 1970, the date of my letter on the proposed treaty of adoption of the Convention, addressed to individual Senate members, I learned that many countries, most of them behind the Iron Curtain, had signed the Genocide Convention, but did so with reservations that made its enforcement provisions inapplicable to their own nationals, thereby rendering their signatures mere propaganda gestures. I think all our Senators should be made aware of this, before arriving at a decision to vote for a Genocide Convention treaty.

It is suggested that the Senate request the Secretary of State to provide its members with a list of the nations which have signed the U. N. Genocide Convention, indicating which nations have signed with reservations; with, in addition, a verbatim text of the reservations made.

I see no reason to alter my conclusion of March, 1970, that it would be a disaster of the first magnitude if we were, by treaty, to adopt this Convention as written, as the supreme law of our land. It is certain that all aspects of this matter should be considered with the utmost care, and an estimate made of the possible consequences, before entering into a binding treaty commitment.

Sincerely, m.a. N. A. Draim

Enclosures:

- (A) Copy of my letter of 12 March, 1970, and its enclosure, addressed to individual members of the Senate.
- (B) My identity data.

Copies to:

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The Secretary of State Senator Cranston Senator Tunney Congressman Lagomarsino Editor HUMAN EVENTS Editor Ventura County STAR FREE-Press Station KVEN

March 12, 1970 -

Dear Senator

The enclosed statement regarding the Genocide Cenvention is forwarded for your serious consideration. Believing that it is the duty of every citizen to take an informed stand on this important subject. I have studied the text of the Convention, to form an opinion as to whethe the United States should bind itself by treaty to its terms. After careful study, I have reached the conviction that it would be exceedingly unwise for us so to be bound. Let me restate this in another way: I think it would be a disaster of the first magnitude if we were, by treaty, to adop this Convention, as written, as a supreme law of our land. The enclose statement will tell you why I believe this.

If I am wrong, I would be happy to be corrected.

Sincerely,

N. A. Draim 348 Carol Drive Ventura, California 93003

NAD/eh

Enclosure

GOPY

Enclosure (A) to letter 16 June, 1976, N. A. Jraim to the Vice President

SHOULD THE UNITED STATES BIND ITSELF TO THE UNITED NATIONS GENOCIDE CONVENTION?

References:

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(a) Text of the U. N. Genocide Convention.(b) H. Res. 252.

(c) Senator Proxmire's statement,

Congressional Record, 15 Sept. 1969.

In order to evaluate the proposed anti-genocide treaty, it is necessary to esk certain questions, many of which remain unanswered.

(1) What are its roots?

(2) Are there traps in it?

(3) If signed, what could it lead to?

In 1948, when the feeling agrinst Hitler's extermination of the Jews was at its height, a United States representative empowered to do so, signed the Convention. The Senate, wary of entrapment, tabled it from that time to this.

The definition of genocide, Art. II, is stretched so far it loses connection with Hitler's genocidal acts and makes "killing members" of any "national, ethnical, recial or religious group" a genocidal act, no matter what the group is doing. It embraces "mental harm" without definition. School busing, without parents' and childrens' permission, could, by the terms of the Convention, be an act of genocide.

Art. III makes punishable genocide, conspiracy to commit it, incitement to commit, sttempt to commit it, and complicity in it. Under Arts. IV, V, VI and VIII, the President of the United States, any Senator, Congressman, judge, policeman, soldier, sailor, or even ordinary citizon, could be harassed by trumped up charges of genocide. And who may join the pact? Not only members of the United Nations, but any state the General Assembly may choose to recognize and invite. A state called upon to hand over one of its citizens or officials to stend trial in an international court or in a foreign court in whose jurisdiction the alleged genocide took place, waives its right to refuse extradition.

This U. N. Genocide Convention really covers the waterfront, on who may be charged, tried and punished. But-

Why did not a member of the pact denounce Russia for the sleughter of the Hungarians in 1956?

Why did not a member of the pact denounce North Vietnam and the NLF for the massacres at Hue, and the general orders making torture and assassination instrumints of their national policy?

Why was not an article inserted in the Convention specifying

that groups engaged in crime, militant anarchy, subversion, sedition, guerills warfare, and armed revolt have not the right to bring charges of genocide?

Why was it not specified that before any State had the right to levy charges of genocide against another State, it must be prepared to show its hands are clean.. and that it, itself, has not condoned acts of terror and assassination of minority groups, domestic or foreign?

Why, after twenty years of silence, this sudden pressure on the Senate to give its consent to a treaty?

If the Senate does give its consent, and the Convention terms are made the supreme law of the land, it could lead to situations such as:

(a) Upon criminal action instituted against a member of an anarchistic, revolutionary group, that group could demand trial, on the grounds the accused could not receive impartial treatment in his own country, by an international tribunal.

(b) The United Nations could invite North Vietnam and the Provisional Government of South Vietnam to become parties to the pact, whereupon the latter could, and most certainly would, charge our troops in the field with genocide, and demand their extradition for trial in Communists' peoples' courts.

It is my conviction that whoever drafted the Genocide convention was insincere and prompted by hidden-motives, emong which could be entrapment. The text of the Convention is certainly riddled with traps. If we bind ourselves to it by treaty, it would be a long stride towards infringement of national sovereignty in favor of control of the United States by a world government composed targely of States hostile to the best interests of our country.

If the Senate is as salty as I think it is, it will continue to abstain from giving its consent to the proposed treaty.

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N. A. Draim.

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