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RELEASE: FEBRUARY 6, 1986

GENOCIDE TREATY TRAP

Majority Leader Bob Dole keeps saying every few weeks that he intends to bring up the Genocide Treaty for a vote in the Senate. Since this United Nations-written treaty has been hanging around the Senate since 1948, what's the hurry?

Why is Bob Dole so eager to force a vote? That's what Senate Republicans are asking, especially those who are up for election this year.

A survey of Senate offices shows that there is no push to ratify it, but an enormous volume of mail and phone calls against it. So many phone calls have gone into the Majority Leader's office that his staff has become very irritable about them. Even Dole himself, when approached personally at Republican receptions, displays enormous annoyance at anyone who suggests that it's a bad idea to vote on the treaty.

The problem with the Genocide Treaty is that it opens the door for American citizens to be tried in foreign courts without the protection of the U.S. Bill of Rights. Those at particular risk would be members of the U.S. Armed Forces and American missionaries serving abroad.

This is why, among patriotic groups and among Christian groups, the Genocide Treaty has become a major issue. Many of these groups see the treaty as a litmus paper test that will determine their support of Senators over and above all other issues. They call it the "Panama Canal issue of the '80s."

While there is no logical argument for the treaty, the term "genocide" evokes the imagery of the Holocaust 40 years ago. But the world is different today; Hitler is dead and today's biggest perpetrators of genocide are the Soviets, the Red Chinese, and the Cambodians.

But the 1948 treaty is written in such a way as not to apply to Communist genocide. The State Department admitted last year that the treaty could not be applied to the Soviets' genocide against Afghanistan or the mass murder of the Cambodians in the 1970s.

The Jewish Press has recognized that the treaty "stands to hurt every American and

especially Israel. Interestingly enough, it would be used as a club against the very nations it was designed to protect."

Leading Jewish Americans, such as Senator Chic Hecht (R-NV), have spoken out against the Genocide Treaty because it endangers the constitutional rights of all Americans. He dispelled the notion that Senators should vote for the treaty in order to prove they are against the Holocaust.

Senators know that, if they vote for the Genocide Treaty, they don't gain any votes because even those who say they support it don't really care one way or the other. But they do stand to lose the support of patriotic and religious groups that are necessary to their winning coalition in 1986.

This is especially true of Senator James Abdnor of South Dakota, who faces a challenge in the primary by Governor William Janklow (a staunch opponent of the Genocide Treaty), and Senator Paula Hawkins of Florida, whose reelection depends on maintaining her fragile coalition of Jewish and Christian groups and doesn't need any problems raised by an unnecessary vote on a 38-year-old treaty.

Some Senators are trying to hide behind Jesse Helms' "Understandings" which were added to the Genocide Treaty before it came out of the Foreign Relations Committee. Senator Helms did the best he could to clean up the treaty while in that very liberal committee, but it's impossible to make such a bad treaty acceptable. Senator Helms is committed to vote against it despite the addition of his language.

In law and diplomacy, "understandings" simply do not have the effect of "amendments" or "reservations." The United States may "understand" the treaty to have a certain meaning, but that is no guarantee whatsoever that the World Court, or some "international penal tribunal" set up to try those accused of genocide, will "understand" the treaty's terms the same way we do.

According to <u>The Jewish Press</u>, the Genocide Treaty is "a propaganda tool of the Russians. It has been designed to embarrass us before the world."

As Majority Leader, Bob Dole has the power to call for a vote or to leave the Genocide Treaty buried in the deep freeze it's been in for nearly four decades. If he forced the Senate to vote, he could give the Democrats just that little margin they need to defeat one or two Republicans and cost Republicans their control of the Senate.