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DANGERS OF THE GENOCIDE CONVENTION

In one of the recent rowdy fracases in front of the South African Embassy in our nation's capital, Washington's black mayor, Marion Barry, shouted with the other demonstrators, "Reagan, Botha [South African President], you can't hide; we charge you with genocide."

The word "genocide" was coined in the 1940s to identify the terrible crime of Hitler's murder of the Jewish people before and during World War II. To apply this same word to Ronald Reagan and his policies is to trivialize its meaning.

The Genocide Convention is a treaty which was proposed by the United Nations General Assembly in 1948. The U.S. Senate has refused to ratify it because of the danger it poses to the individual rights of American citizens, but the word "genocide" has become part of the rhetoric of agitating activists.

They have misused the word "genocide" to criticize latent discrimination against minority groups, both the use and the refusal to use forced busing, and state legislative action limiting welfare benefits. "Genocide" has almost replaced "discrimination" as the favorite epithet with which to try to intimidate your opponents.

When such charges are made in public debate in the United States, nobody takes them seriously. Even in the most activist court in our country, such a charge of "genocide" would be summarily dismissed.

But, what if those men shouting "genocide" could take their complaint into a foreign court (biased against Americans) and extradite American citizens to stand trial against such charges? Ridiculous? Of course -- unless the U.S. Senate ratifies the so-called UN Genocide Convention.

The Genocide Convention would allow American private citizens, as well as our public officials and members of our Armed Services, to be prosecuted for new crimes in a foreign court without the protections of our Bill of Rights. This prosecution could be for wild charges about such vague crimes as "causing mental harm to members of a group," or inflicting "conditions of life" calculated to destroy a group, or "complicity" in

genocide.

No one can define what those open-ended crimes might mean. The Genocide Convention would put our U.S. head in the noose of an international court whose bias would probably match the World Court's 15-to-0 decision against the United States in 1984 on a complaint by Nicaragua.

Wild charges of "genocide" have already been leveled against American servicemen who participated in our military action in Vietnam, and especially against U.S. aviators who bombed North Vietnam. Could they be tried in a foreign court on such charges?

Yes, under the Genocide Convention because that treaty specifically states that genocide, "whether committed in time of peace or in time of war," must be punished as a crime. The treaty makes no exception for soldiers fighting in uniform during wartime.

The advocates of the Genocide Convention falsely assert that support for this treaty would show our friendship with the Jewish people and condemnation of the Holocaust. On the contrary, the worst thing we could do for Israel would be to entrust its fate to the United Nations or to any UN agency. The UN is so anti-Semitic that it might welcome the chance to "try" Israel on trumped-up charges of "genocide" against the Palestinian Arabs.

In an attempt to placate critics of the Genocide Convention, the State Department has proposed three "Understandings" and one "Declaration." Those additions prove that even the pro-internationalist State Department concedes that the text of the Genocide Convention is grievously defective; however, the State Department language does nothing to protect us.

Senator Jesse Helms has proposed two Understandings which would go a long way toward protecting American citizens against phony charges in a hostile court. At the very least, they should be attached before the Senate gives any consideration to the proposed treaty.

The best way to dispose of the proposed Genocide Convention would be for the Senate to pass a simple resolution of moral purpose: "The United States condemns genocide as a crime against humanity, particularly the deliberate killing of racial, religious, ethnic, or political groups by the Nazis, the Soviet Union, the Cambodians, and the Red Chinese. We also condemn the hypocrisy of those who want to sweep real genocide under the rug while imperiling the constitutional rights of Americans."