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RELEASE: JUNE 13, 1985

DANGERS OF THE GENOCIDE CONVENTION

All the Christian churches in America which send missionaries to foreign lands have been badly shaken by the 3-1/2 year prison sentence inflicted in Greece on Don Stephens for the crime of "attempting to proselytize and abduct a minor." He was the director of an international disaster relief ship, the Anastasis, administering aid to earthquake victims in a Greek port city.

While on shore, Stephens and two assistants were approached by a 16-year-old boy, Kostas Kotopoulon. The ministry team counseled and prayed with him, and gave him a copy of the New Testament in modern Greek.

Kostas' mother, upset that her son had become a Christian, brought the court case against Stephens and his two associates, one British and the other Greek-born. The case is now being reviewed, but lawyers have told them the only real hope of overturning the sentence is through a massive display of support from fellow Christians in other lands.

Human rights groups in Austria, England, Holland, France and Switzerland, as well as the United States, have protested Don Stephens' conviction, saying it violates human rights under the Helsinki Accords, which Greece signed. The question now is, would his conviction be given the color of legitimacy if we had ratified the Genocide Convention?

In May, the Senate Foreign Relations Committee reported out the Genocide Convention (Treaty) along with a Republican-backed package of two Reservations, five Understandings, and one Declaration. Senator Richard Lugar, chairman, and his fellow Republicans labored mightily to make this 37-year-old treaty acceptable to those who have always found it offensive to American liberties guaranteed in the U.S. Constitution.

As the old adage says, "You can't make a silk purse out of a sow's ear." The Genocide Convention, which was written by the Soviets at the United Nations, is so obnoxious to Americans in every sentence that it is well-nigh impossible to amend it into acceptability.

Article I of the Genocide Convention creates a "crime" called "genocide." Article II

includes in the definition of this crime any act "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group," including causing "mental harm."

Article III says that the crime of genocide doesn't have to be an overt act; it can be merely "conspiracy," "attempt," or "complicity." Article IV makes it clear that "private individuals," not governments, are to be punished for the crime.

Article VI says that accused persons shall be tried where "the act was committed" or by an "international penal tribunal." Article VII assures that persons accused of genocide can be extradited from their own country to be tried in a foreign court.

Under these vague and open-ended provisions, Don Stephens could easily have been accused of the crime of genocide. They caught him in Greece, so he could be tried there. If he had escaped back to America, he might have been extradited.

Now, ask yourself, would the Republican attachments protect him from having to stand trial in a foreign court under the Genocide Convention? Not really; the two Reservations are not pertinent to the Stephens case, the five Understandings would be inneffectual, and the Declaration is irrelevant.

On first reading, the Understandings sound good, and the intent is certainly to protect American rights. They attempt to limit the crime of "genocide" to acts affecting a substantial part of a group (rather than just one person), and they attempt to define "mental harm" to mean permanent impairment through drugs or torture.

The problem is that an Understanding, under international law, is a unilateral statement of what one country believes the treaty to mean. It is legally non-binding on any foreign court or penal tribunal.

Some have made the argument that the Understandings in the Republican attachments are really more like Reservations because they include the language "SHALL apply to the obligations of the United States." But poor Don Stephens' predicament isn't a matter of the "obligations of the United States" but of the new powers the treaty gives to foreign courts.

The five Understandings should have been Reservations or Conditions. What's in a word? Everything, when it comes to legal documents. Don't you know what it's like to be in a lawsuit over a contract and have your lawyer tell you, "You got your own self in this jam. You should have read the fine print."