

UNITED STATES: GENOCIDE CONVENTION IMPLEMENTATION ACT OF 1987*
 [November 4, 1988]
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Introductory Note
by
Christopher C. Joyner

On November 4, 1988, President Ronald Reagan signed the Genocide Convention Implementation Act enabling the United States to become the ninety-eighth party to the Convention on the Prevention and Punishment of the Crime of Genocide. This legislation amends Part I of title 18 of the U.S. Code to make genocide a Federal offense. Genocide is defined in the legislation as acting with a "specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group." [Sec. 1091 Genocide (a)]. The legislation is parenthetically named the "Proxmire Act" after former Senator William Proxmire who personally spoke out more than 3,000 times on the Senate floor in support of ratifying the Genocide Convention.

Under the code, the law sets as maximum penalties a fine of \$1 million and life in prison for the act of killing members of such a group. A fine of \$1 million and 20 years in prison may be imposed for trying to cause bodily harm, attempting to cause permanent mental impairment through torture or drugs, attempting to destroy a group, or trying to prevent births by members of a particular group. "Incitement" to commit genocide carries a maximum penalty of a fine of \$500,000, imprisonment for five years, or both.

On December 13, 1946, the United Nations General Assembly unanimously adopted Resolution 96 (I), in which genocide was condemned as a crime under international law. On December 9, 1948, the General Assembly unanimously approved the Convention on the Prevention and Punishment of the Crime of Genocide [Resolution 260 (III)], which entered into force on January 12, 1951.

The Convention affirms the criminality of genocide in times of peace and war (Article I) [I.L.M. page 763]. The offense of genocide is defined in Article II [I.L.M. page 763], with all the following acts being punishable: genocide; conspiracy to commit genocide, direction and public incitement to commit genocide;

*[Reproduced from U.S. Public Law 100-606 of November 4, 1988. The Introductory Note was prepared by Christopher C. Joyner, member of the I.L.M. Editorial Advisory Committee, and Associate Professor of Political Science and member of the Elliott School of International Affairs at The George Washington University.

[The U.S. Senate Committee on Foreign Relations Report on the Convention appears at I.L.M. page 760. The status of signatures and ratifications of the Genocide Convention as of December 31, 1988, together with declarations, reservations and objections appears at I.L.M. page 779. Correspondence from Secretary of State Rogers to President Nixon, and from President Nixon to the Senate urging ratification of the Convention appears at 9 I.L.M. 431 (1970).]

The United States And The Genocide Convention

Michla Pomerance



The United States And The Genocide Convention:

The United States and the Genocide Convention Lawrence J. LeBlanc, 1991 In this definitive study Lawrence J. LeBlanc examines the nearly forty year struggle over ratification of the Genocide Convention by the United States. LeBlanc's analysis of the history of the convention and the issues and problems surrounding its ratification sheds important light on the process of treaty ratification in the United States and on the role of American public opinion and political culture in international human rights legislation. Drawing on case studies of genocide committed since World War II, the author also confronts the strengths and weaknesses of international adjudication as a whole. Adopted by the United Nations General Assembly in 1948 in response to the atrocities committed by the Nazis before and during World War II, the Genocide Convention was finally made law by the United States Senate in 1988 contingent upon a series of conditions known as the Lugar Helms Hatch Sovereignty Package which LeBlanc suggests markedly weakened the convention. Through careful analysis of the bitter debates over ratification, LeBlanc demonstrates that much of the opposition to the convention sprang from fears that it would be used domestically as a tool by groups such as blacks and Native Americans who might hold the U.S. accountable for genocide in matters of race relations. *The Genocide Convention* United States. Congress. Senate. Committee on Foreign Relations, 1950. *Genocide Convention* United States. Congress. Senate. Committee on Foreign Relations. Subcommittee on International Convention on the Prevention and Punishment of the Crime of Genocide, 1950.

The Genocide Convention United States. Congress. Senate. Committee on Foreign Relations, 1950. **The United States and Genocide** Jeffrey Bachman, 2017-11-22 There exists a dominant narrative that essentially defines the US relationship with genocide through what the US has failed to do to stop or prevent genocide rather than through how its actions have contributed to the commission of genocide. This narrative acts to conceal the true nature of the US relationship with many of the governments that have committed genocide since the Holocaust as well as the US own actions. In response, this book challenges the dominant narrative through a comprehensive analysis of the US relationship with genocide. The analysis is situated within the broader genocide studies literature while emphasizing the role of state responsibility for the commission of genocide and the crime's ancillary acts. The book addresses how a culture of impunity contributes to the resiliency of the dominant narrative in the face of considerable evidence that challenges it. Bachman's narrative presents a far darker relationship between the US and genocide, one that has developed from the start of the Genocide Convention's negotiations and has extended all the way to present day as can be seen in the relationships the US maintains with potentially genocidal regimes from Saudi Arabia to Myanmar. This book will be of interest to scholars, postgraduates, and students of genocide studies, US foreign policy, and human rights. A secondary readership may be found in those who study international law and international relations. *The Genocide Convention* United States. Congress. Senate. Committee on Foreign Relations, 1982. *The United States and the International Criminal Court* Sarah B. Sewall, Carl Kaysen, 2000.

American reluctance to join the International Criminal Court illuminates important trends in international security and a central dilemma facing U S Foreign policy in the 21st century The ICC will prosecute individuals who commit egregious international human rights violations such as genocide The Court is a logical culmination of the global trends toward expanding human rights and creating international institutions The U S which fostered these trends because they served American national interests initially championed the creation of an ICC The Court fundamentally represents the triumph of American values in the international arena Yet the United States now opposes the ICC for fear of constraints upon America s ability to use force to protect its national interests The principal national security and constitutional objections to the Court which the volume explores in detail inflate the potential risks inherent in joining the ICC More fundamentally they reflect a belief in American exceptionalism that is unsustainable in today s world Court opponents also underestimate the growing salience of international norms and institutions in addressing emerging threats to U S national interests The misguided assessments that buttress opposition to the ICC threaten to undermine American leadership and security in the 21st century more gravely than could any international institution *Public Papers of the Presidents of the United States* United States.

President,1965 Containing the public messages speeches and statements of the President 1956 1992 **State Participation in International Treaty Regimes** Srini Sitaraman,2016-04-01 Why do some states resist entering into international treaty regimes while others demonstrate eagerness to participate Although factors such as degree of pressure exerted by international actors ambiguity in the treaty language and a regime s lack of teeth enforcement and sanctioning mechanism do affect participation this book investigates whether internal domestic factors may ultimately be responsible for influencing why a state resists or joins international treaty regimes The volume draws on United Nations treaty ratification data from three different issue areas arms control environment and human rights to study the participation patterns of democracies and non democracies in international treaty regimes Incorporating two in depth case studies on the United States and China the author traces the impact of domestic institutional structure state capacity and internal social norms on state decisions to resist or participate **Congressional Record** United States. Congress,1950 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873 **Genocide Convention** United States. Congress. Senate. Committee on Foreign Relations. Subcommittee on International Convention on the Prevention and Punishment of the Crime of Genocide,1950

Expanded International Information and Education Program United States. Congress. Senate. Committee on Foreign Relations,1950 [The United States and the World Court as a `Supreme Court of the Nations'](#) Michla Pomerance,2023-09-14 Integrating legal and historical materials and insights Professor Pomerance examines in this volume

the troubled saga of the U S pursuit of the Supreme Court of the Nations idea from its early pre World War I origins through the present post Nicaragua period of U S reserve disillusionment and reassessment **The Politics of Constructing the International Criminal Court** M. Struett,2008-05-12 This book examines the political process that led to the establishment of the International Criminal Court in 2002 It accounts for the main features of the court including its strong independent prosecutor by analyzing the discourse surrounding the ICC negotiations and particularly highlights the role of human rights NGOs Hearings, Reports and Prints of the Senate Committee on Foreign Relations United States. Congress. Senate. Committee on Foreign Relations,1950 **Impact of the War in Southeast Asia on the U.S. Economy** United States. Congress. Senate. Committee on Foreign Relations,1970 **The Law of the Land** United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Human Rights and the Law,2010 **The Department of State Bulletin** ,1988 The official monthly record of United States foreign policy **We Charge Genocide** Civil Rights Congress (U.S.),1952 **Public Papers of the Presidents of the United States: 1950** United States. President (1945-1953 : Truman),1965

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The United States And The Genocide Convention Introduction

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