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2D SESSION

S. RES. 399

Calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2012

Mr. MENENDEZ (for himself, Mr. KIRK, Mrs. BOXER, Mr. LIEBERMAN, Mr. BENNET, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. LEVIN, and Mr. REED) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

1 *Resolved,*

2 SHORT TITLE

3 SECTION 1. This resolution may be cited as the “Af-
4 firmation of the United States Record on the Armenian
5 Genocide Resolution”.

FINDINGS

1

2 SEC. 2. The Senate finds the following:

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4 (1) The Armenian Genocide was conceived and car-
5 ried out by the Ottoman Empire from 1915 to 1923, re-
6 sulting in the deportation of nearly 2,000,000 Armenians,
7 of whom 1,500,000 men, women, and children were killed,
8 500,000 survivors were expelled from their homes, and the
9 elimination of the over 2,500-year presence of Armenians
in their historic homeland.

10 (2) On May 24, 1915, the Allied Powers of England,
11 France, and Russia, jointly issued a statement explicitly
12 charging for the first time ever another government of
13 committing “a crime against humanity”.

14 (3) This joint statement stated that “the Allied Gov-
15 ernments announce publicly to the Sublime Porte that
16 they will hold personally responsible for these crimes all
17 members of the Ottoman Government, as well as those of
18 their agents who are implicated in such massacres”.

19 (4) The post-World War I Turkish Government in-
20 dicted the top leaders involved in the “organization and
21 execution” of the Armenian Genocide and in the “mas-
22 sacre and destruction of the Armenians”.

23 (5) In a series of courts-martial, officials of the
24 Young Turk Regime were tried and convicted, as charged,

1 for organizing and executing massacres against the Arme-
2 nian people.

3 (6) The chief organizers of the Armenian Genocide,
4 Minister of War Enver, Minister of the Interior Talaat,
5 and Minister of the Navy Jemal were all condemned to
6 death for their crimes, but, the verdicts of the courts were
7 not enforced.

8 (7) The Armenian Genocide and these domestic judi-
9 cial failures are documented with overwhelming evidence
10 in the national archives of Austria, France, Germany,
11 Great Britain, Russia, the United States, the Vatican and
12 many other countries, and this vast body of evidence at-
13 tests to the same facts, the same events, and the same
14 consequences.

15 (8) The United States National Archives and Record
16 Administration holds extensive and thorough documenta-
17 tion on the Armenian Genocide, especially in its holdings
18 under Record Group 59 of the United States Department
19 of State, files 867.00 and 867.40, which are open and
20 widely available to the public and interested institutions.

21 (9) The Honorable Henry Morgenthau, United States
22 Ambassador to the Ottoman Empire from 1913 to 1916,
23 organized and led protests by officials of many countries,
24 among them the allies of the Ottoman Empire, against
25 the Armenian Genocide.

1 (10) Ambassador Morgenthau explicitly described to
2 the Department of State the policy of the Government of
3 the Ottoman Empire as “a campaign of race extermi-
4 nation,” and was instructed on July 16, 1915, by Sec-
5 retary of State Robert Lansing that the “Department ap-
6 proves your procedure . . . to stop Armenian persecu-
7 tion”.

8 (11) Senate Concurrent Resolution 12, 64th Con-
9 gress, agreed to February 9, 1916, resolved that “the
10 President of the United States be respectfully asked to
11 designate a day on which the citizens of this country may
12 give expression to their sympathy by contributing funds
13 now being raised for the relief of the Armenians,” who
14 at the time were enduring “starvation, disease, and untold
15 suffering”.

16 (12) President Woodrow Wilson concurred and also
17 encouraged the formation of the organization known as
18 Near East Relief, chartered by the Act of August 6, 1919,
19 66th Congress (41 Stat. 273, chapter 32), which contrib-
20 uted some \$116,000,000 from 1915 to 1930 to aid Arme-
21 nian Genocide survivors, including 132,000 orphans who
22 became foster children of the American people.

23 (13) Senate Resolution 359, 66th Congress, agreed
24 to May 11, 1920, stated in part that “the testimony ad-
25 duced at the hearings conducted by the sub-committee of

1 the Senate Committee on Foreign Relations have clearly
2 established the truth of the reported massacres and other
3 atrocities from which the Armenian people have suffered”.

4 (14) The resolution followed the April 13, 1920, re-
5 port to the Senate of the American Military Mission to
6 Armenia led by General James Harbord, that stated
7 “[m]utilation, violation, torture, and death have left their
8 haunting memories in a hundred beautiful Armenian val-
9 leys, and the traveler in that region is seldom free from
10 the evidence of this most colossal crime of all the ages”.

11 (15) As displayed in the United States Holocaust Me-
12 morial Museum, Adolf Hitler, on ordering his military
13 commanders to attack Poland without provocation in
14 1939, dismissed objections by saying “[w]ho, after all,
15 speaks today of the annihilation of the Armenians?” and
16 thus set the stage for the Holocaust.

17 (16) Raphael Lemkin, who coined the term “geno-
18 cide” in 1944, and who was the earliest proponent of the
19 United Nations Convention on the Prevention and Punish-
20 ment of the Crime of Genocide, invoked the Armenian case
21 as a definitive example of genocide in the 20th century.

22 (17) The first resolution on genocide adopted by the
23 United Nations at Mr. Lemkin’s urging, the December 11,
24 1946, United Nations General Assembly Resolution 96(1),
25 and the United Nations Convention on the Prevention and

1 Punishment of the Crime of Genocide recognized the Ar-
2 menian Genocide as the type of crime the United Nations
3 intended to prevent and punish by codifying existing
4 standards.

5 (18) In 1948, the United Nations War Crimes Com-
6 mission invoked the Armenian Genocide, “precisely . . .
7 one of the types of acts which the modern term ‘crimes
8 against humanity’ is intended to cover,” as a precedent
9 for the Nuremberg tribunals.

10 (19) The Commission stated that “[t]he provisions
11 of Article 230 of the Peace Treaty of Sevres were obvi-
12 ously intended to cover, in conformity with the Allied note
13 of 1915 . . . , offenses which had been committed on
14 Turkish territory against persons of Turkish citizenship,
15 though of Armenian or Greek race. This article constitutes
16 therefore a precedent for Article 6c and 5c of the Nurem-
17 berg and Tokyo Charters, and offers an example of one
18 of the categories of ‘crimes against humanity’ as under-
19 stood by these enactments”.

20 (20) On May 28, 1951, in a written statement sub-
21 mitted to the International Court of Justice concerning
22 the Convention on the Prevention and Punishment of the
23 Crime of Genocide, the United States Government stated,
24 “The Genocide Convention resulted from the inhuman and
25 barbarous practices which prevailed in certain countries

1 prior to and during World War II, when entire religious,
2 racial and national minority groups were threatened with
3 and subjected to deliberate extermination. The practice of
4 genocide has occurred throughout human history. The
5 Roman persecution of the Christians, the Turkish mas-
6 sacres of Armenians, the extermination of millions of Jews
7 and Poles by the Nazis are outstanding examples of the
8 crime of genocide. This was the background when the Gen-
9 eral Assembly of the United Nations considered the prob-
10 lem of genocide. Not once, but twice, that body declared
11 unanimously that the practice of genocide is criminal
12 under international law and that States ought to take
13 steps to prevent and punish genocide.”.

14 (21) House Joint Resolution 148, 94th Congress,
15 adopted on April 8, 1975, resolved, “That April 24, 1975,
16 is hereby designated as ‘National Day of Remembrance
17 of Man’s Inhumanity to Man’, and the President of the
18 United States is authorized and requested to issue a pro-
19 clamation calling upon the people of the United States to
20 observe such day as a day of remembrance for all the vic-
21 tims of genocide, especially those of Armenian ancestry
22 . . .”.

23 (22) President Ronald Reagan, in proclamation num-
24 ber 4838, dated April 22, 1981 (95 Stat. 1813), stated
25 that, in part “[l]ike the genocide of the Armenians before

1 it, and the genocide of the Cambodians, which followed
2 it—and like too many other persecutions of too many
3 other people—the lessons of the Holocaust must never be
4 forgotten”.

5 (23) House Joint Resolution 247, 98th Congress,
6 adopted on September 10, 1984, resolved, “That April 24,
7 1985, is hereby designated as ‘National Day of Remem-
8 brance of Man’s Inhumanity to Man’, and the President
9 of the United States is authorized and requested to issue
10 a proclamation calling upon the people of the United
11 States to observe such day as a day of remembrance for
12 all the victims of genocide, especially the one and one-half
13 million people of Armenian ancestry . . .”.

14 (24) In August 1985, after extensive study and delib-
15 eration, the United Nations Sub-Commission on Preven-
16 tion of Discrimination and Protection of Minorities voted
17 14 to 1 to accept a report entitled “Study of the Question
18 of the Prevention and Punishment of the Crime of Geno-
19 cide,” which stated that “[t]he Nazi aberration has unfor-
20 tunately not been the only case of genocide in the 20th
21 century. Among other examples which can be cited as
22 qualifying are . . . the Ottoman massacre of Armenians
23 in 1915–1916”.

24 (25) This report also explained that “[a]t least
25 1,000,000, and possibly well over half of the Armenian

1 population, are reliably estimated to have been killed or
2 death marched by independent authorities and eye-wit-
3 nesses. This is corroborated by reports in United States,
4 German and British archives and of contemporary dip-
5 lomats in the Ottoman Empire, including those of its ally
6 Germany”.

7 (26) The United States Holocaust Memorial Council,
8 an independent Federal agency, unanimously resolved on
9 April 30, 1981, that the United States Holocaust Memo-
10 rial Museum would include the Armenian Genocide in the
11 Museum and has since done so.

12 (27) Reviewing an aberrant 1982 expression (later
13 retracted) by the Department of State asserting that the
14 facts of the Armenian Genocide may be ambiguous, the
15 United States Court of Appeals for the District of Colum-
16 bia in 1993, after a review of documents pertaining to the
17 policy record of the United States, noted that the assertion
18 on ambiguity in the United States record about the Arme-
19 nian Genocide “contradicted longstanding United States
20 policy and was eventually retracted”.

21 (28) On June 5, 1996, the House of Representatives
22 adopted an amendment to House Bill 3540, 104th Con-
23 gress (the Foreign Operations, Export Financing, and Re-
24 lated Programs Appropriations Act, 1997), to reduce aid
25 to Turkey by \$3,000,000 (an estimate of its payment of

1 lobbying fees in the United States) until the Government
2 of Turkey acknowledged the Armenian Genocide and took
3 steps to honor the memory of its victims.

4 (29) President William Jefferson Clinton, on April
5 24, 1998, stated: “This year, as in the past, we join with
6 Armenian-Americans throughout the nation in commemo-
7 rating one of the saddest chapters in the history of this
8 century, the deportations and massacres of a million and
9 a half Armenians in the Ottoman Empire in the years
10 1915–1923.”.

11 (30) President George W. Bush, on April 24, 2004,
12 stated: “On this day, we pause in remembrance of one
13 of the most horrible tragedies of the 20th century, the an-
14 nihilation of as many as 1,500,000 Armenians through
15 forced exile and murder at the end of the Ottoman Em-
16 pire.”.

17 (31) President Barack Obama, on April 24, 2010, ex-
18 plicitly employed the expression *Meds Yeghern*, a term
19 used by Armenians to reference the Armenian Genocide.
20 The statement reads in part: “On this solemn day of re-
21 membrance, we pause to recall that 95 years ago one of
22 the worst atrocities of the 20th century began. In that
23 dark moment of history, 1,500,000 Armenians were mas-
24 sacred or marched to their death in the final days of the
25 Ottoman Empire. . . . The *Meds Yeghern* is a devastating

1 chapter in the history of the Armenian people, and we
 2 must keep its memory alive in honor of those who were
 3 murdered and so that we do not repeat the grave mistakes
 4 of the past.”.

5 (32) Despite the international recognition and affir-
 6 mation of the Armenian Genocide, the failure of the do-
 7 mestic and international authorities to punish those re-
 8 sponsible for the Armenian Genocide is a reason why simi-
 9 lar genocides have recurred and may recur in the future,
 10 and that just resolution of this issue will help prevent fu-
 11 ture genocides.

12 DECLARATION OF POLICY

13 SEC. 3. The Senate—

14 (1) calls upon the President to ensure that the for-
 15 eign policy of the United States reflects appropriate un-
 16 derstanding and sensitivity concerning issues related to
 17 human rights, crimes against humanity, ethnic cleansing,
 18 and genocide documented in the United States record re-
 19 lating to the Armenian Genocide and the consequences of
 20 the failure to realize a just resolution; and

21 (2) calls upon the President in the President’s annual
 22 message commemorating the Armenian Genocide issued
 23 on or about April 24, to accurately characterize the sys-
 24 tematic and deliberate annihilation of 1,500,000 Arme-
 25 nians as genocide and to recall the proud history of United

- 1 States intervention in opposition to the Armenian Geno-
- 2 cide.

