

TESTIMONY BY SENATOR WILLIAM PROXMIRE BEFORE THE SENATE
FOREIGN RELATIONS COMMITTEE

May 24, 1977

Thank you, Mr. Chairman.

Mr. Chairman, first I would like to congratulate you on scheduling these hearings. This is an extremely important subject. One which I care deeply about. And I am very grateful for this opportunity to be your first witness.

As you pointed out, the Genocide Convention has been pending before the Senate since President Truman first submitted it for ratification in 1949.

Think about that for a moment. 1949 to 1977. That's a full quarter century. An entire generation has been born and grown to adulthood during those years, and still the Senate has not acted.

It is not the fault of your Committee, Mr. Chairman. Your Committee has held hearings in 1950, 1970, 1971 and again today. This Committee has recommended prompt Senate ratification four times now. But a forceful minority has prevented the Senate from voicing its will.

In your previous hearings, this Committee has developed a long record in support of this treaty's ratification. We all know the arguments of the Convention's opponents. I firmly believe that they are as frivolous today as when they were first voiced in 1950. But I do not intend to take the Committee's time this morning rehashing old ground. I discussed these points in great detail during my appearance before this Committee in 1970, and I am sure that the witnesses who follow will adequately cover them again.

This morning I would like to briefly outline why I believe this Convention is so terribly important, why I have voiced my support for it almost every day on the floor of the Senate since our opening session in 1967, and review the further developments since your last hearings that make ratification this year urgent.

The Purpose of the Genocide Convention

Mr. Chairman, there is no human rights treaty that has been subject to more detailed scrutiny and engendered more controversy than the Genocide Convention. Every line, every phrase, every syllable has been studied over and over.

What then is this treaty about that it warrants such attention?

Its purpose is quite clear. The Genocide Convention attempts to safeguard under international law the most fundamental human principle--the right to live.

It is that simple. It is that complex.

The treaty language attempts to prevent the destruction of a national, ethnic, racial or religious group by defining genocide, outlawing it, and establishing procedures for trying and punishing violators.

These are nice phrases. Grand abstract principles.

But let's face it: we are talking about the planned, premeditated murder or extermination of an entire group of people--the most vicious crime mankind can commit.

The Origins of the Genocide Convention

None of us can envision the monstrosity of 6 million Jews put to death in concentration camps--the most hideous genocide committed in our lifetime. But it is in this context that this human rights document was conceived.

In December, 1946, the United Nations General Assembly, appalled at detailed reports of Nazi atrocities, unanimously adopted a resolution declaring genocide a crime under international law. Two years later the General Assembly gave its unanimous approval, 55-0, to the text of this Convention.

What is not widely recognized is that important role played by the United States in the drafting of the Convention during those years and our instrumental role in securing the unanimous vote within the General Assembly for this Convention. Critics who portray this treaty as some sort of Communist plot simply ignore the historical record.

For example, it was John Maktos of the United States who chaired the Ad Hoc Committee of the Economic & Social Council of the United Nations, which drafted the Convention's text.

The draft of that Ad Hoc Committee was approved 5 to 1 with 1 abstention. The dissenting vote was cast by the Soviet delegate with the Polish delegate abstaining. Thus it was the United States position that was upheld, not that of the Soviet Union.

The United States signed the Genocide Convention two days after its approval by the General Assembly, and it was transmitted to the Senate on June 16, 1949.

Growing Political Support for the Genocide Convention

Mr. Chairman, few treaties have enjoyed broader political support.

In submitting this treaty for ratification, President Truman supported it in the strongest possible terms. Subsequent Administrations, Republican and Democratic alike, have renewed that endorsement.

In his recent address before the United Nations General Assembly, President Carter has committed himself to ratification as well.

It is important to note that support for this treaty has not been based solely in the State Department. Successive Attorneys General have repeatedly certified the Constitutionality of the Convention and concluded that the objections of the opponents are without merit. In addition, the Defense Department has specifically given its support.

Two important non-governmental groups have scrutinized this treaty.

The American Bar Association is one of them. The Bar initially raised a number of objections to the Genocide Convention in its testimony in 1950. In the intervening years the Bar recognized that its objections had not withstood the test of time and unanimously reversed its position last year.

Also, the American Civil Liberties Union has carefully reviewed allegations of threats to civil liberties posed by this treaty and concluded that these fears are unwarranted.

Of course, we all know how intensely--how deeply--the Jewish groups feel about the Convention, and rightly so. But I think few members of the

Senate recognize how deeply this matter is felt by all denominations. This is not solely a "Jewish issue." Catholic and Protestant groups, most notably the National Council of Churches, have been outspoken in their support.

This Thursday you will be hearing from Arthur Goldberg, who will be representing the Ad Hoc Committee on the Human Rights and Genocide Treaties. That organization represents a coalition of 52 labor, religious, civic and nationality groups that support ratification.

Why the Genocide Convention Deserves Ratification

The list of supporters goes on and on.

Why do so many groups support ratification?

First and foremost, on moral grounds. The United States is the only major nation, except the People's Republic of China, that has not joined in condemning this heinous crime. In fact, all of our major NATO and SEATO allies have acceded to the treaty. We stand alone among free Western nations.

Second, our failure to ratify this treaty has been a constant source of embarrassment to us diplomatically that has puzzled our allies and delighted our enemies. During your 1970 hearings former U.S. Ambassador to the United Nations, Charles Yost, detailed the way this fact was smugly thrown in our diplomats' faces whenever we had protested gross violations of human rights in other nations. There is no logic in continuing to provide others with a club with which to hit us.

Third, our ratification will strengthen the development of international law in this crucial area of human rights. As you know, Mr. Chairman, the development of international law is a slow and tedious process, requiring the concurrence of all of the major powers. Our inaction impeded the development of these fundamental moral principles.

Fourth, as a party to the Convention we would be in a better position to use our moral influence to bear in specific cases where genocide is alleged. For example, State Department personnel have written me in the

past and indicated that our efforts to halt the genocide that occurred during the Nigerian Civil War would have been far more effective had we been a party to the Convention. Instead we were viewed as moral hypocrites.

Fifth, U.S. ratification at this time will help to spur renewed interest in the treaty among the newly emergent nations of the world.

New Impetus for Ratification

The case for prompt Senate action is even stronger today than when this Committee last held hearings.

First, we have a President who has given human rights a new priority--their proper priority--in the foreign policy of our nation. He has committed himself to new initiatives in the human rights era, and he has clearly let the Senate know that he considers the ratification of the Genocide Convention an important first step.

Second, the American Bar Association has endorsed the Convention strongly in a unanimous reversal of its previous stand. I have mentioned this point before, but it bears repeating since the Bar Association's position was the cornerstone of the opponents' case.

Third, we now have a specific endorsement of the Genocide Convention by the Defense Department. The General Counsel of the Department and the Judges Advocate General of the three military services wrote to Harry Inman of the American Bar Association in early 1976 endorsing the Convention. I ask unanimous consent that the text of these letters be included in the hearing record following my testimony.

Fourth, by ratifying the two Conventions on the Political Rights of Women, despite formal opposition by the American Bar Association, the Senate has demonstrated a new willingness to end the backlog of human rights treaties that are pending before the Senate.

Conclusion

Mr. Chairman, it is clear that the Genocide Convention is a moral document. It is a call for a higher standard of human conduct. It is not a panacea for injustice.

But in the same way that the Geneva Conventions for the Treatment of Prisoners of War have improved the treatment of prisoners of war, the Genocide Convention will also make an important step toward civilizing the affairs of nations.

In closing my testimony in 1970 I recalled the words of the late Chief Justice Earl Warren, who said, "we as a nation should have been the first to ratify the Genocide Convention."

My plea to this Committee and my colleagues in the Senate is: let us not be the last!

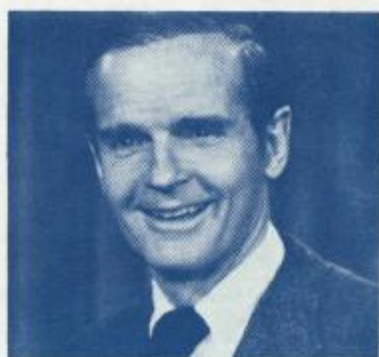
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U. S. Senator

William Proxmire

*reports to you
from Washington*



May 1985

THE BIG SHIPBUILDING BAILOUT

You paid for them: \$436 hammers and \$2,228 wrenches. Courtesy of the Defense Department. But that is only the tip of the iceberg. The big money comes from big defense contracts. And they have been just as bad — if not worse.

Two Categories of Problems

There are 2 broad categories of military procurement problems. One concerns the way prices are set for new contracts. We spend far too much for the weapons we buy largely because of the "cost-plus" pricing system. Under this system, when new contracts are negotiated, the Defense Department accepts costs based on previous history without regard to whether they were inflated by inefficiency, waste or mismanagement. The result is a constant escalation of prices far above what defense equipment should cost. The ridiculously high prices for spare parts is only one symptom of what is wrong with the system.

Cheating in Defense Contracts

The second category is cheating. We know that procurement fraud exists. In fact, the Justice Department has created an Office of Defense Procurement Fraud to deal with the large numbers of alleged wrongdoing in defense contracting. Many actions have been taken by the Pentagon and the Justice Department against small contractors who have broken the law. But the government has rarely acted against the giant defense contractors who have engaged in wrongful or questionable activities. That is the heart of the problem.

The law enforcement agencies are the last bulwark of defense against cheating in military procurement. If wrongdoers who happen to be large defense contractors are not prosecuted for breaking the law, then the taxpayer has no real protection against military procurement crime. Defense contractors will act as if they are exempt from the laws that everyone else must obey. And that is how some of them act!

General Dynamics and the 688-Class Submarine

Navy shipbuilding at General Dynamics is a prime example of the ineffectiveness of law enforcement in military procurement. Contracts for the construction of 18 nuclear attack submarines, called the 688-class, were awarded to General Dynamics in the early 1970s.

The construction program was in trouble almost as soon as it began. The submarines were supposed to cost about \$1.4 billion, including future inflation. The Navy actually paid \$2.5 billion, a cost overrun of more than \$1 billion. The ships were delivered from 2 years to 4 years late. The last ship in the series was delivered just this past December, 46 months late.

Allegations of Wrongdoing by Admiral Rickover

General Dynamics blamed the Navy for all its problems and in 1976 submitted a \$544 million claim, seeking reimbursement for the cost overruns. Later, the claim was increased to \$843 million.

Admiral Rickover, who was in charge of the nuclear engines in the submarines, acknowledged that the Navy was responsible for some of the overruns. But he believed the claim was grossly exaggerated, if not fraudulent. He prepared a memorandum for his superiors detailing the areas of possible fraud. The Navy hierarchy at first acted as if it wanted to ignore the allegations. After they were disclosed to Congress, the Navy referred them to the Justice Department. While the matter was pending in the Justice Department, the Navy agreed to a very controversial settlement with General Dynamics, agreeing to pay it \$642 million.

The Justice Department began investigating the matter in the Spring of 1978. The pace of the investigation could not have been more leisurely. A single Assistant U.S. Attorney worked on it as the prosecuting attorney for the better part of 4 years, aided for a brief time by another attorney. Although the prosecuting attorney submitted 2 reports recommending that the company be indicted, and although the FBI also submitted a report recommending that the company and one official be indicted, the Justice Department terminated the investigation at the end of 1981. Its explanation was that there was insufficient evidence to warrant prosecution.

Allegations of Wrongdoing by an Ex-Official of General Dynamics

The case was dormant until January, 1984 when P. Takis Veliotis, a former Vice President of General Dynamics publically accused his former employer of wrongfully bilking the Navy out of millions of dollars through various fraudulent activities, including the falsification of the claims on the 688-class submarine program.