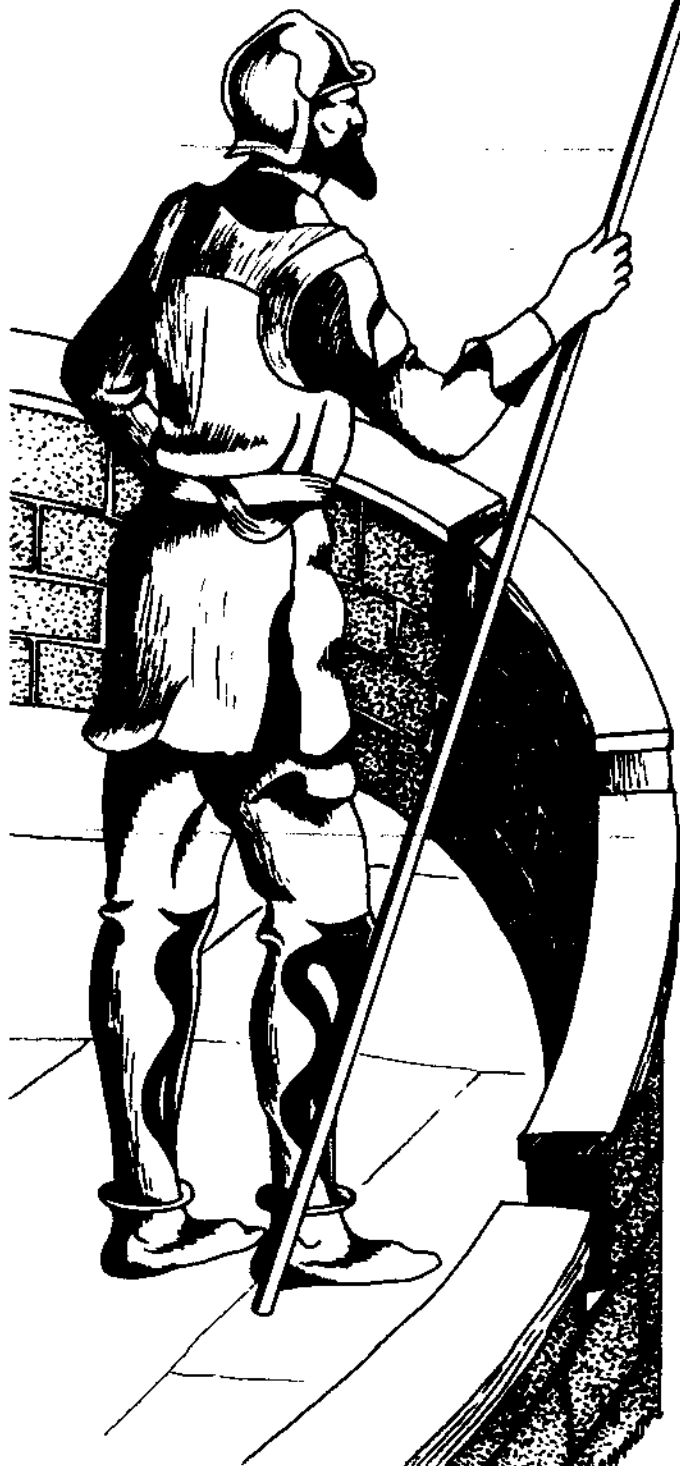


*"Watchman,
what of the night?"*

"BEHOLD, THE BRIDEGROOM!
Come out to meet Him."

(Matt 25:6 RSV)



THE GENOCIDE CONVENTION

The final proviso recommended by the Committee on Foreign Relations and passed by the Senate was the declaration - "That the President of the United States will not deposit the instrument of ratification until after the implementing legislation referred to in Article V has been enacted." Article V of the Genocide Convention required that "the Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in Article III." This would include beside the act of genocide itself, the conspiracy to commit genocide; direct and public incitement to do the same; any attempt whether successful or unsuccessful; and complicity in the act.

Inasmuch as the language of Article V of the Genocide Convention was nebulous in regard to the meaning of the phrase, "in accordance with their respective constitutions," the Senate Committee made it very specific in their second reservation. This phrase could be interpreted to mean the Constitutional process, but the Senate Committee wanted it very clear that no law would be enacted, even if suggested by the Convention, which in anyway was prohibited by the Constitution. In other words, the Constitution was supreme. Thus the act of "incitement to commit genocide" could not be interpreted so as to abridge the freedom of the press, or the right of public discussion.

The implementing legislation was inserted as a new item into the United States Code under title 18 and noted as chapter 50A - Genocide, with three sections: Genocide, Exclusive Remedies, and Definitions. (See pp. 2 & 3) It has been properly called the "Proxmire Act" in honor of the Senator from Wisconsin who singlehandedly kept the issue before the United States Senate until approved and implemented. Before the

Judiciary Committee of the Senate, the committee to which the implementing legislation was assigned, Senator Proxmire testified:

There is no more monstrous crime against human rights than the genocide that would destroy innocent human lives not because the victims of genocide had done anything wrong, but because they happened to worship God in their own way, or happened to belong to a certain ethnic or racial group.

The Public Law, as voted, follows the Senate provisos limiting genocide to "the specific intent" to destroy "the whole or substantial part of a national, ethnic, racial or religious group." The emphasis is that the crime of genocide is an act against large numbers of people. By emphasizing "substantial," the intent would include the liquidation of enough individuals so that their eradication would cause the destruction of the group as a viable entity. This is exactly what was voted in "Section 1093; Definitions (8)"

Subsection 7 of these definitions defines a "religious group" as "a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals;..." It is in this area of the law, its interpretation and application, wherein the greatest danger exists for those who wish to hold to truth above everything else. For example, would the eradication of a few dissidents cause the destruction of the Seventh-day Adventist Church as a viable identity? By no means! In the days of Christ, it was the opinion of the Jewish hierarchy that it was better for one man to perish than that the whole nation should be destroyed. And they turned that one Man over to the Romans for execution.

An honest appraisal of the Genocide Convention and its implementation by the Congress of the United States protects the Seventh-day Adventist Church from the coming "death decree" at least here in the United States, where according to the book of Revelation, it will be enacted. However, it does not protect any "dissident" who is at variance with the main body because of truth. These can be turned over to the State so as to secure the preservation of the main body.

PUBLIC LAW 100-606—NOV. 4, 1988

Public Law 100-606
100th Congress

An Act

To implement the International Convention on the Prevention and Punishment of Genocide.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genocide Convention Implementation Act of 1987 (the Proxmire Act)".

SEC. 2. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 50 the following:

"CHAPTER 50A—GENOCIDE

- "Sec.
- 1091. Genocide.
- 1092. Exclusive remedies.
- 1093. Definitions.

"§ 1091. Genocide

"(a) **BASIC OFFENSE.**—Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

- "(1) kills members of that group;
- "(2) causes serious bodily injury to members of that group;
- "(3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- "(4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- "(5) imposes measures intended to prevent births within the group; or
- "(6) transfers by force children of the group to another group; or attempts to do so, shall be punished as provided in subsection (b).

"(b) **PUNISHMENT FOR BASIC OFFENSE.**—The punishment for an offense under subsection (a) is—

- "(1) in the case of an offense under subsection (a)(1), a fine of not more than \$1,000,000 and imprisonment for life; and
- "(2) a fine of not more than \$1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

"(c) **INCITEMENT OFFENSE.**—Whoever in a circumstance described in subsection (d) directly and publicly incites another to violate subsection (a) shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

"(d) **REQUIRED CIRCUMSTANCE FOR OFFENSES.**—The circumstance referred to in subsections (a) and (c) is that—

Well has it been written - though its authenticity is denied by the White estate:

I saw the nominal church and the nominal Adventists, like Judas, would betray us to the Catholics to obtain their influence to come against the truth. (EGW, Dorchester Vision, Spalding & Magan Collection, p. 1)

While the wording of this early vision is couched in the language of the time, and the term, "nominal Adventist" then referred to those who had rejected the sanctuary truth, this term is now applicable to the main body who has likewise gone "soft" on this same truth. The fact remains that because of the Genocide Convention and its enabling legislation becoming the Law of the land, the safest place to be, to escape the "death decree" as foretold in Revelation, is to stay under the protective care of the General Conference. To stand up for the truth and denounce the apostasy from the truth by the Church is to put one's self outside the protective provisions of the Genocide Treaty.

Bibliography

"Genocide Convention" (Report of the Committee on Foreign Relations, United States Senate, 99th Congress, 1st Session, Exec. Rept., 99-2, 1985)

"The Genocide Convention Implementation Act of 1988" (Senate, 100th Congress, 2nd Session, Report 100-333)

#

THE GENOCIDE CONVENTION & EXTRADITION

In an issue of Waymarks (#219) captioned - "The Genocide Treaty and the Coming Crisis" - Vance Ferrell attempts to give "a predictive look at the future" though "tentative." He formulates questions, and then gives his own "opinions" as answers. One question reads:

What is this about a foreign court? Do you mean that American citizens found guilty of violating the Genocide Treaty could be taken outside the U.S. to be tried in a law court somewhere else?

This question itself reveals ignorance in legal matters. For an American citizen to have been "found guilty," he would already have been tried. One is innocent until proven guilty before a jury of his peers. Since as assumed by the question, the American citizen is found to be guilty, he would be sentenced under American law defining genocide, and not extradited.

The proviso of the United States Senate to the Genocide Convention (II:3) makes it abundantly clear - "That the pledge to grant extradition in accordance with a state's laws and treaties in force found in Article VII [of the Genocide Convention] extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in Article

"(1) the offense is committed within the United States; or
"(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).
"(e) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.

"§ 1092. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

"§ 1093. Definitions

"As used in this chapter—

"(1) the term 'children' means the plural and means individuals who have not attained the age of eighteen years;

"(2) the term 'ethnic group' means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

"(3) the term 'incites' means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

"(4) the term 'members' means the plural;

"(5) the term 'national group' means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

"(6) the term 'racial group' means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

"(7) the term 'religious group' means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

"(8) the term 'substantial part' means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part."

**F
E
R
R
E
L
'
S**
**O
P
I
N
I
O
N**

BECAUSE IT IS A TREATY

As mentioned earlier, a primary worry about this treaty was the fact that it would impose a law on America that was superior to the U.S. Constitution and its Amendments, simply because it was an international treaty, rather than a domestic law. You see, it is specifically stated in our U. S. Constitution that any treaty that we make with a foreign power has precedence over all aspects of the Constitution!

(MM 217, p. 1, col. 3)

VERSUS

**THE JUDGMENT OF THE SUPREME COURT
OF THE UNITED STATES**

"Article VI, the Supremacy Clause of the Constitution, declares:

'This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; ...'

"There is nothing in this language which intimates that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution. Nor is there anything in the debates which accompanied the drafting or ratification of the Constitution which even suggests such a result. These debates as well as the history that surrounds the adoption of the treaty provision in Article VI make it clear that the reason treaties were not limited to those made in 'pursuance' of the Constitution was so that agreements made by the United States under the Articles of Confederation, including the important peace treaties which concluded the Revolutionary War, would remain in effect.

"It would be manifestly contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights - let alone alien to

our entire constitutional history and tradition - to construe Article VI as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions. In effect, such construction would permit amendment of that document in a manner not sanctioned by Article V. The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined. [i.e. a Treaty]

"There is nothing new or unique about what we say here. This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty. For example, in *Geofroy vs Riggs*, 133 U.S. 258, 267, 10 S.Ct. 295, 297, 33 L.Ed. 642, it declared:

'The treaty power, as expressed in the constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the government or of its departments, and those arising from the nature of the government itself and of that of the States. It would not be contended that it extends so far as to authorize what the constitution forbids, or a change in the character of the government or in that of one of the States, or a session of any portion of the territory of the latter, without its consent.'

To page 6, col. 2

CONSPIRACY TO COMMIT GENOCIDE

AN EXAMPLE - SDA-USSR RELATIONS

On December 9, 1948, the General Assembly of the United Nations passed unanimously the Genocide Convention. Two days later, December 11, the UN delegates from such major nations as Australia, Brazil, France and the United States signed the document. The USSR among others did not sign at that time. When the USSR did sign and what implementing actions were taken by that government is not available to us at present. However, when our Ambassador to the UN, Jeane J. Kirkpatrick, appeared before the Committee on Foreign Relations in 1984 in behalf of the Genocide Convention, she emphasized the fact that "the Soviets and others hostile to the United States have long focused on the United States' failure to ratify the Convention as part of their anti-American propaganda." (Senate, Ex. Rept. 99-2, p. 2) This would indicate that somewhere between 1948 and 1984, the USSR did ratify the Convention. And that Convention read that Genocide meant an attempt to destroy "in whole or in part" a "religious group." [The U.S. Senate provisos inserted the word, "significant" part.]

To what lengths the Church will go in being a party to genocide is illustrated in the relationships between the hierarchy and the USSR as they developed under the Pierson administration. Attention has again been focused on this series of events by a book published in 1987 by the Review and Herald Publishing Association. It was written by Elder Alf Lohne, a former vice president of the General Conference who served as the official intermediary of the Church in its approachment to the Soviet government. This book is reviewed in the latest issue of Spectrum (Vol. 19, #5, 58-61) by Dr. Roland D. Bleich, Chairman of the Department of History at Walla Walla College. He wrote concerning Lohne's book:

The book implicitly raises some questions. The main one is, to what extent is the church leadership prepared to sacrifice Christian principle and the members of Christ's body in order to preserve the organizational structure? (p. 60)

This reopens the whole Shelkov issue wherein this noble saint of God was sacrificed on the altar of atheism to preserve the organizational structure of the SDA Church in the USSR. The fallout of the service performed by Alf Lohne for the Soviet rulers during the Pierson administration is still being experienced by the Wilson hierarchy in their preferential treatment by the Russian leadership today. [We reported in detail the Shelkov persecution at the time in several issues of WWN.] In brief, here is the picture:

- 1) The recognized Seventh-day Adventist Church in Russia in the 70's was fractured into several groups. (Review, Oct. 26, 1978, pp. 6-7)
- 2) The True and Free Seventh-day Adventists were active and well organized under the leadership of Elder Vladimir Shelkov. He had been released from prison in 1969, and went into hiding in the mountainous area of Tashkent. There under his leadership a large publishing work developed to which the Soviet government objected but were unable to stop because they could not locate the printing press nor Shelkov.
- 3) Into this picture enters Lohne. In 1977, he made a trip to Russia to prepare the way for a "state visit" by Pierson. After a visit to Moscow and USSR officials, he went to Tashkent because "there were many believers" in the locality. (Review, July 14, 1977, p.4)
- 4) After Elder Lohne's visit, Shelkov was arrested. (He could not be found for years by the Russian authorities, but now was quickly apprehended.)
- 5) Approximately the same time, one of the leaders of the recognized Adventist Church in Russia was in Washington D.C. to finalize the arrangements for Pierson's trip to Russia to be accompanied by Lohne.
- 6) Pierson on his trip never went near Tashkent where Shelkov was in prison awaiting trial. Keep in mind that in the Tashkent

area were "many believers," so many that it was made a part of Lohne's itinerary the year before. Neither did Pierson speak in behalf of Shelkov to any Russian leader. (See Reviews, October 19, 26, 1978)

7) After this "state visit" by Pierson and Lohne, the shameful trial of Shelkov took place. During the trial the breakdown of legality and justice was so apparent even for a Soviet Court that the officially appointed defense counsel defied the Judge. (p. 206, "V. A. Shelkov..." Religion in Communist Lands, Vol. 8, #3)

If this sequence of events were only coincidental, then it stands unique in the annals of history. The result of removing Shelkov and his successor has caused the True and Free Seventh-day Adventist to cease to be a viable entity in Russia. This has been reported with a degree of satisfaction in the Adventist Review (August 3, 1989, "Scene 5: Other Adventists," p. 11; Reprinted from Spectrum, Vol. 19, #4, pp. 4-5.)

(The source of the article in the Adventist Review, by Robert W. Nixon, an associate in the office of General Council of the General Conference, is not given. In fact it was heavily edited, with three scenes as given in Spectrum omitted in the Adventist Review. The "Scenes" omitted were - "Lenin's Tomb" - "Right Neighborly" - "Gorbachev's Sermonettes." It points up that the Adventist Review gives only "managed news" in its reporting.)

The fact is clear for all to see that the action against Shelkov was a violation of both the letter and the spirit of the Genocide Convention. He was a thorn in the flesh of the Soviet government and also a threat to the leadership of the recognized Adventist Church in Russia. The hierarchy of the Church in Takoma Park entered into the conspiracy to eliminate Shelkov.

The lesson should be clear. When the chips are down in the final controversy as it will be enacted here in the United States of America according to the prophecy, where will the hierarchy stand in regard to the "dissidents" who will dare to speak out? Will all those who are now seeking to be under the umbrella of the Church so as to have access to the facilities of the Church - Wieland, Short, Spear, Osborne, Standish, Marcussen, you name them - will they then do the same? Remember, the "mark of the beast" is more than a mere day; it is a mark of conformity.

Keep in mind that the implementing law in the United States for the Genocide Convention, while protecting large groups and a "substantial" part of the same, does not exclude from liquidation (death decree) those individuals of the group who may choose to speak up on what will then be "state" issues as well as religious issues because church and state will be united!

#

Ferrell vs Supreme Court - from p. 4, col. 2

"This Court has also repeatedly taken the position that an Act of Congress, which must comply with the Constitution, is on full parity with a treaty, and that when a statute which is subsequent in time is inconsistent with a treaty, the statute to the extent of conflict renders the treaty null. It would be completely anomalous to say that a treaty need not comply with the Constitution when such an agreement can be overridden by a statute that must conform to that instrument."

(Reid v. Covert, 354 U.S. 15, 77 Supreme Court Reporter pp. 1230, 1231)

#

The Genocide Convention & Extradition - from p. 3

VI effects the right of any state to bring to trial before its own tribunal any of its nationals for acts committed outside a state." (See WWN, XXII-9, p. 6, col. 2)

The Senate document on the Genocide Convention further amplifies this aspect of the Treaty. It reads:

Article VI states that those accused of genocide are to be tried by a municipal court of the state where the act was committed. The second half of the Committee's understanding makes clear that this is not the only place where trial may be had. Any state may try its nationals for acts of genocide regardless of where the acts took place. Were, for example, a United States citizen accused of genocidal acts abroad, the United States could meet its obligations under Article VI [of the Convention] by prosecuting him under United States law. ("Genocide Convention," Senate Exec. Rept. 99-2, p. 24)

Ferrell's "opinion" in answering his own question reads:

Yes, this is part of the agreement that our nation

→ → →

pledged itself to, when it bound itself to this treaty. Those found guilty under this treaty may be taken to a court in Switzerland for trial. But an added proviso states that our government, when it deems advisable, can choose instead to try that person here in the United States. (WM 219, p. 1, col. 3)

This answer still contains the erroneous concept that one guilty stands trial, rather than that one tried may be found guilty. Ferrell does admit, though misconstrued, that there is a proviso for trial of one accused of genocide by a foreign power to be held in the United States. Anyway one looks at the question and "opinion" given, it is a distortion of truth so as to play on the fears and emotions of the readers. In this instance, the distortion of truth lends itself to sensationalism, which the headlines captioning this "questions and opinion" issue evidence.

Let us take a candid look at the facts involving the possibility of a trial before an international tribunal or a foreign court.

The Genocide Convention does contemplate an "international penal tribunal" by which those accused of committing acts of genocide could be tried. (See Article VI, WWN, XXII-9, p. 5) The Senate proviso (II-5) clearly placed the members of the UN on notice that U.S. "participation in any such tribunal" will only be recognized by a separate "treaty entered into specifically for that purpose with the advice and consent of the Senate." No such treaty has as yet been negotiated, neither is there any indication that such a treaty is being contemplated.

"Extradition procedures in the United States are set out in chapter 209 of Title 18 of the U.S. Code and in the case law construing that chapter. A state seeking extradition must furnish 'evidence of criminality.' The evidence is presented to a U.S. magistrate or Federal district court judge who decides if it is 'sufficient to sustain the charge.' In making the determination whether an individual is extradictable, the presiding officer must find that the acts for which extradition is sought would be a crime had they been committed in the United States. (Collins v, Loisel, 259 U.S. 309 (1921))

"These conditions apply to all extradition requests, whether the individual sought is a United States Citizen, a citizen of the state requesting extradition, or a citizen of a third state. Thus, for example, if a citizen of a third state was sought for extradition

from the United States on the grounds that he had incited others to commit genocide, extradition would lie only if the offending words would constitute incitement under U.S. law. ("Genocide Convention" op. cit.)

If, however, the U.S. magistrate or Federal district judge did issue a finding adverse to the defendant, an application for a writ of habeas corpus could follow. Finally, the Secretary of State would still retain discretion to deny a request for extradition regardless of any ruling by the courts. The only restriction placed on the Secretary of State is that the allegation of genocide could not be considered a "political" crime.

To predict the "coming crisis" there would have to be some other changes in the rights of the accused before the sensationalism of Ferrell's opinions could be considered as a foreseeable reality. Ultimately it will come - and sooner than we may think - when the "saints" of God will have no "rights" before the tribunals of earth. It will not be that the protective laws of human rights have been abolished, but rather, as in the trial of Jesus, they will be ignored. He shall see "the travail of His soul" in His own "seed."

It is sad the confusion to which God's concerned people are subjected by sensational mongers.

Oh what a tangled web we weave
When first we practice to deceive!

Sir Walter Scott

Husband a lie, and trump it up into some
extraordinary emergency.

Joseph Addison, English essayist

"Watchman, What of the Night?" is published monthly by the Adventist Laymen's Foundation of Mississippi, Inc., P. O. Box 69, Ozone, AR 72854, USA.

In Canada, write - The Adventist Laymen's Foundation of Canada, P.O. Box 117, Thorne, Ont., POH 2J0.

Editor Elder Wm. H. Grotheer
Contributing Editor Allen Stump

Any portion of this Thought Paper may be reproduced without further permission by adding the credit line - "Reprinted from Watchman, What of the Night?" - Ozone, Arkansas, USA
First copy free upon request; duplicate copies - 50c.