United States Senate

WASHINGTON, DC 20510

October 14, 2020

Dr. Carla D. Hayden
Librarian of Congress
U.S. Library of Congress
101 Independence Avenue S.E.
Washington, D.C. 20540

Dear Dr. Hayden:

We write in support of the Subject Authority Proposal Forms submitted by UCLA on September 14th or 15th and by the Armenian National Committee of America (ANCA) on September 24th, both of which propose a formal change to the Library of Congress Subject Heading from "Armenian massacres, 1915-1923" to "Armenian Genocide, 1915-1923."

First, there is no statutory or constitutional basis for the Library of Congress to choose the State Department as the U.S. foreign policy authority on this topic over the U.S. Congress. Neither the Constitution nor any legislation provides that the President, or even the Secretary of State, is the primary authority on making historical genocide determinations. The Proxmire Act of 1988, which is the implementing legislation for the 1948 Genocide Convention, includes no mention of genocide determinations, whether by the President, Secretary of State, or any other Cabinet member. The recent presidential memorandum delegating certain authorities from the 2018 Elie Wiesel Act to the Secretary of State only refers to reporting on "ongoing atrocities" and "countries and regions at risk of atrocities," not historical cases like the Armenian Genocide.

Moreover, last year, the Senate sent a clear signal of its recognition of the Armenian Genocide with the unanimous passage of S.Res.150. The House of Representatives also voted to pass its Armenian Genocide resolution, H.Res.296, 405-11. Since the State Department has thus far refused to recognize this historical fact, the Armenian Genocide marks the first time in U.S. history that both houses of Congress have declared a genocide but the Executive Branch has not.

Despite the Library's stated intent to avoid participating in inter-branch disputes, the Library has already done so by stating that the determination of a genocide is a "foreign policy and diplomatic issue" and therefore falls into "the purview of the president and the State Department."[1] The Library cited "the exclusive power to receive ambassadors and other public ministers (United States Constitution, Article II §3) and the powers to make treaties and appoint ambassadors, other ministers, and consuls by and with the advice and consent of the Senate. (United States Constitution, Article II §2, clause 2)" as reasons for the executive being the "source of primary authority" on foreign policy.[2] This viewpoint disregards the foreign policy authorities granted to Congress under Article I.

As you know, Congress has significant equities and, in some cases, plenary power in foreign affairs under the Constitution. Under Article I, Congress has the power to "regulate commerce with foreign nations," "define and punish piracies and felonies committed on the high seas, and offenses against the law of nations," "declare war," "raise…armies," "provide and maintain a navy," "make rules for the government

[1] Letter from Robin Dale, Associate Librarian for Library Services, to Mr. Aram Hamparian, June 19, 2020.
[2] Email from Sarah Boliek, Congressional Relations Office Director, to SFRC Staff, July 13, 2020.

and regulation of the land and naval forces," "provide for the calling forth the militia…to repel invasions," and more (U.S. Const. art. 1 § 8, cl. 3, 10-15). As the Library's answer pointed out, even some of the President's foreign policy powers explicitly outlined in Article II—making treaties and appointing diplomats—require approval by the Senate (U.S. Const. art. 2 § 2, cl. 2). More broadly, Congress can influence U.S. foreign policy in significant ways through its power of the purse and its power to "make all laws which shall be necessary and proper" (U.S. Const. art. 1 § 8, cl. 18).

Second, the scholarly consensus is clear that "Armenian Genocide," not "Armenian massacres," is the most accurate description of this tragedy. Leading academic authorities, including experts on genocide issues, all agree that the Armenian Genocide was a genocide. The International Association of Genocide Scholars[3] unanimously passed a resolution on June 13, 1997, that "reaffirms that the mass murder of over a million Armenians in Turkey in 1915 is a case of genocide."[4] Encyclopedia Britannica's article on the Armenian Genocide is titled "Armenian Genocide" and describes the event as a genocide throughout the article.[5] The U.S. Holocaust Memorial Museum's Holocaust Encyclopedia does the same with its article on "The Armenian Genocide (1915-16): Overview,"[6] as does Yale University's Genocide Studies Program in its case study on the "Armenian Genocide."[7]

Given that the role of the Library of Congress is to inform Congress and the public, we would submit that the Library has an obligation to describe historical events like the Armenian Genocide in the most historically accurate manner. We therefore urge you to follow the scholarly consensus, rather than wrongly deferring to the executive branch, and accept the proposals submitted by UCLA and ANCA to designate "Armenian Genocide, 1915-1923" as a Subject Heading and make "Armenian massacres, 1915-1923" a *see* reference.

Sincerely,



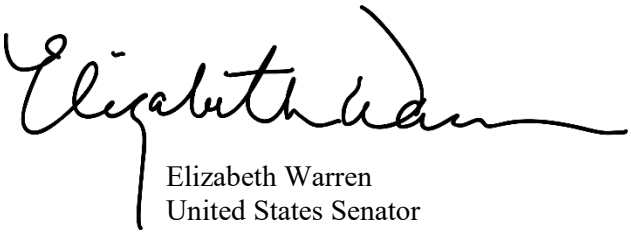
Robert Menendez
United States Senator



Charles E. Schumer
United States Senator



Sheldon Whitehouse
United States Senator



Elizabeth Warren
United States Senator

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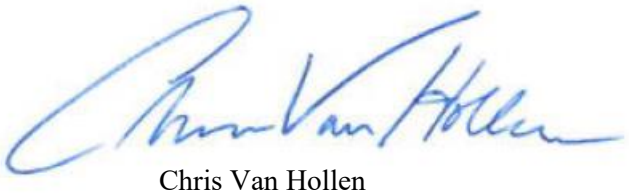
[3] At the time of the resolution's passage, the organization was called the Association of Genocide Scholars. Per the organization's website, the name was changed to the International Association of Genocide Scholars in 2001.
[4] International Association of Genocide Scholars, "The Armenian Genocide Resolution Unanimously Passed By The Association of Genocide Scholars of North America," June 13, 1997, https://genocidescholars.org/wp-content/uploads/2019/04/IAGSArmenian-Genocide-Resolution-_0.pdf.
[5] Ronald G. Suny, "Armenian Genocide," *Encyclopedia Britannica*, May 19, 2020, https://www.britannica.com/event/Armenian-Genocide (last visited Sept. 24, 2020).
[6] United States Holocaust Memorial Museum, Washington, DC, "The Armenian Genocide (1915-16): Overview," *Holocaust Encyclopedia*, https://encyclopedia.ushmm.org/content/en/article/the-armenian-genocide-1915-16-overview (last visited Sept. 24, 2020).
[7] Yale University Genocide Studies Program, "Armenian Genocide," https://gsp.yale.edu/case-studies/armenian-genocide (last visited Sept. 24, 2020).



Cory A. Booker
United States Senator



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United States Senator



Benjamin L. Cardin
United States Senator



Edward J. Markey
United States Senator



Jack Reed
United States Senator



Kamala D. Harris
United States Senator