

**Testimony of Jerry Fowler  
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**Before the Subcommittee on Crime, Terrorism and Homeland Security  
Committee on the Judiciary  
United States House of Representatives**

**Genocide and the Rule of Law  
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Chairman Scott, Ranking Member Forbes, distinguished members of the subcommittee, thank you for this opportunity to address one of the most urgent problems confronting humanity – the problem of genocide. As my testimony will make clear, your leadership on this issue is vitally important and I thank you for it.

I have the privilege of being the director of the Committee on Conscience at the United States Holocaust Memorial Museum. As you know, the Holocaust Memorial Museum is our national memorial to victims of the Holocaust, a public-private partnership supported both by the Federal government and the generous donations of thousands upon thousands of ordinary Americans. In the relatively brief period that it has been open, it has achieved worldwide stature as a steward of Holocaust memory and a voice of moral authority.

One of the ways in which we seek to honor the memory of those who suffered in the Holocaust is by working to prevent and stimulate effective responses to contemporary genocide. This key aspect of our *living* memorial was part of the original vision articulated by Elie Wiesel and the President's Commission on the Holocaust back in 1979. In their report to President Jimmy Carter recommending the creation of a national memorial, they noted that of all the issues they looked at, none was more perplexing or more urgent than trying to prevent future genocide. And they saw the need to prevent genocide as an obligation of a Holocaust memorial. As they put it, "a memorial unresponsive to the future would *violate* the memory of the past." Memory, in other words, imposes obligations.

Events since the Museum opened in 1993 have proved the sad wisdom of the Commission's words. Even as the Museum was being dedicated in April 1993, mass violence was being used against civilians in Bosnia as the former Yugoslavia disintegrated. That violence did not incite an effective international response, but it did bring us a new euphemism for genocide and crimes against humanity: "ethnic cleansing." And before it was over, in July 1995, the world witnessed the worst single massacre on the European continent since the end of the Holocaust, near a place called Srebrenica. More than 7,000 Bosnian Muslim men and boys who had taken refuge with their families in a so-called "UN safe area" were separated from their wives and daughters and sisters and handed over to the Bosnian Serb military, who proceeded to systematically execute them. The two individuals most responsible for that massacre, incidentally, Radovan Karadzic and Ratko Mladic, are still at large even though they have been under indictment by the International Criminal Tribunal for the former Yugoslavia for more than a decade.

A year to the month after the Museum opened, in April 1994, genocide began in the tiny central African country of Rwanda. In 100 days, as many as 800,000 people were murdered in a campaign that was planned and executed by extremist leaders of the country's Hutu majority. And I want to emphasize that it, like all genocides, was *planned and executed*. It was not ancient tribal hatreds erupting. It was not, as was suggested at the time, what "those people do from time to time." It was a conscious crime, organized

by human beings making deliberate choices. Three out of every four members of the Tutsi minority were slaughtered. Mass rape of Tutsi women was also used as part of the program of destruction, as indeed it was in Bosnia as well.

These events confirmed, if such confirmation was necessary, that genocide and related crimes against humanity did not end with the Holocaust. Far from it. The willingness of political leaders to use mass violence against civilians to achieve their goals is an ever present menace to humanity and will be so long as those leaders believe that their crimes will be met with indifference and impunity.

The juxtaposition of Bosnia and Rwanda with the opening of the Holocaust Memorial Museum gave added urgency to a question facing the Museum's leadership – how should the nation's Holocaust memorial respond when genocide or related crimes against humanity threaten today? The Museum's governing Council, recalling the Presidential Commission's view of the obligations of memory, concluded unanimously that silence was not an option. It created a Committee on Conscience to guide the Museum's genocide prevention and response activities – in short, to alert the national conscience to threats of genocide and related crimes against humanity.

But all of this begs the larger question: what is our responsibility – collectively and individually, whether we be private citizens or public servants – when genocide is threatened or actually occurring?

To answer that question, let me start by invoking the work of Ervin Staub. He was a young boy in Hungary who was rescued from the Nazis by Raoul Wallenberg, the courageous Swedish diplomat who rescued thousands of Hungarian Jews, including a distinguished member of this House, Congressman Tom Lantos. Today, Staub is a psychologist at the University of Massachusetts-Amherst. He has written a classic work about the Holocaust and mass violence called *The Roots of Evil*. In it, he asks, as a psychologist, how did this happen? In a chapter on bystanders, he explained that

[b]ystanders, people who *witness* but are not directly affected by the actions of perpetrators, help shape society by their reactions. . . . They can define the meaning of events and move others toward empathy or indifference. They can promote values and norms of caring, or by their passivity or participation in the system they can affirm the perpetrators.

That is a powerful truth he has articulated: “*People who witness . . . help shape society by their reactions . . . . They can promote values and norms of caring, or . . . they can affirm the perpetrators.*”

What we do, whether we act or remain indifferent, has an effect on those around us. If we are silent, others believe silence is permissible, perhaps even necessary. If we speak out, others will be encouraged to speak out. As Elie Wiesel has said many times, silence only helps the perpetrators, never the victims.

In the main hall of the Holocaust Memorial Museum is inscribed a passage from the book of Isaiah, "You are my witnesses." This passage works on several levels. Most obviously, it is underscoring the fact that visitors to the Museum are themselves becoming witnesses to the enormity of the Holocaust.

It also echoes the explanation that General Dwight Eisenhower gave for insisting on visiting newly liberated camps. "I made the visit deliberately," he said, "in order to be in a position to give first hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations to propaganda." Witness, in other words, protects against the distortion or denial of history.

Finally, the passage from Isaiah is a challenge – a *challenge* – using the present tense to imply a continuing obligation on all of us to bear witness – to the crimes and injustice of today as well as the crimes and injustice of yesterday. And as Professor Staub says, "People who witness help shape society by their reactions."

Today, we are confronting genocide in the Darfur region of Sudan. It is a massive catastrophe, and a hugely complex one as well. It is vital to acknowledge the complexity, but not lose sight of the moral contours of the situation. And the moral contours are these: hundreds of thousands of civilians have perished, and over two million have been driven from their homes. Thousands of women and girls have been raped. And hundreds of thousands of lives are hanging in the balance even as we speak today. The primary responsibility for this catastrophe rests with the government of Sudan. Not only has that government manifestly failed to protect its citizens from this massive violence, in the vast majority of cases the government has actually instigated it.

In May 2004, I went to Chad and traveled along the Chad-Sudan border, meeting refugees, listening to their stories, seeing the incredibly harsh desert into which they had been driven. The daily temperatures at that time of year rose to 115 to 120 degrees. On many days there was a sandstorm, cutting visibility to a hundred yards. One day near the end of that trip, I met a woman named Hawa. I interviewed her in the small makeshift hut she had constructed out of sticks and some plastic sheeting that the UN had given her. We were inside this hut along with her four children, an elderly woman and my translator. Outside it was well over 100 degrees, and inside the atmosphere was oppressive.

She told me about the day her village was attacked. She told me that her father was killed, her brother was killed, a cousin was killed. Thirty people in her village were killed, and her mother disappeared.

I have to admit that I suddenly felt overwhelmed by her suffering, by all the suffering I had been witnessing in those days and felt compelled to get out of that hut. I thanked her for sharing her story and started to crawl out, when she started talking in a low voice. I looked over at her, and tears were streaming down her cheeks. She was asking, "What about my mother? What about my mother? I don't know if she is alive or if she's dead?"

I felt as though was asking me for an answer, which I could not possibly give her. All I could think to do was to ask her her mother's name and promise to bring her name back to Americans. Her mother's name is Khadiya Ahmed – actually a common woman's name in Darfur. So I'm telling you that name, and telling you that as vast as this catastrophe is, as many people as it has affected, it also is about one woman who didn't know where her mother was and probably won't until there is peace and security in Darfur.

The Holocaust Memorial Museum has been an essential part of, and has helped stimulate, a burgeoning constituency of conscience that is standing up and speaking out for those whose lives are hanging in the balance. We joined with colleagues to found the Save Darfur Coalition and worked with a tireless group of Georgetown students to help them launch Students Taking Action Now: Darfur (STAND), which now has expanded to hundreds of campuses worldwide. Citizens from all walks of life have joined together to say that they will not stand silently by while genocide happens on their watch and more join every day. They are standing up and bearing witness and shaping society by their reactions. That constituency of conscience is growing, and any political leader who ignores its voice does so at his peril.

By authorizing the creation of the Holocaust Memorial Museum, a memorial to victims of a *particular* genocide, Congress placed in the metaphorical heart of our nation – the memorial core of Washington, DC – the *universal* principle that indifference to genocide is not an American value. Living up to this principle is an enormous task, but not an impossible one. And the challenge that faces each and every one of us is to transform that principle into a practical reality.