Amnesty Human Rights Day Lecture

'Amnesty – Towards a World Conscience'

by

VICTOR G REUTHER

Director of International Affairs Department
United Automobile Workers Union (USA)

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TWO SHILLINGS

Let me begin by saying how deeply honored I am that AMNESTY has reached across the Atlantic for a Human Rights Day lecturer, although you will understand, as I do, that the gesture was in fact one of respect for the Union to whose service my entire adult life has been dedicated, the United Auto Workers.

Those of you who may have attempted it will sympathize with the difficulty one has in seeking to put into capsule form what common instinct or interest it is that brings people of such diverse national origins, occupations and life views together in AMNESTY. Although compression of expression is normally no more to be expected of lawyers than of trade unionists, it seems to me that the Cuban apostle of independence (and poet-lawyer-writer-martyr), José Martí, put into one sentence the creed which unites the diversity which is here represented. The sentence is a hundred years old and was written while Martí was himself a prisoner of conscience, but it is even more deeply charged with meaning for us with each year that passes. He wrote: "Contemplar un crimen en silencio es cometerlo" ---- "To witness a crime in silence is to commit it."

It is something akin to that postulate which, I feel, unites us -- who differ in so much else, including, I dare say, our politics -- in AMNESTY.

I do not doubt that we AMNESTY activists strike many -- especially among those who conceive that events as between human beings and their governments, are essentially governed by power -- as being more than a little quixotic in our presumption that sheer protest, the mere voicing of concern, the weaponless appeal to compassion, can open dungeons, assure a public trial, right a wrong. And yet, there the record stands. Something about the process does, somehow work. There <u>is</u>, in some fashion, an operative (if unarmed) sanction.

I choose to call this sanction a world conscience. The psychologist may wish to call it something else. If so, I will not quarrel with him. All that I wish to assert is that men are, universally and in most times, susceptible to moral and ethical injunctions -- and that the objective conduct of men (and of the governments which are the projections of men) may be basically altered when exposed to the floodlight of world judgment.

AMNESTY's nurture of what I call, however inaccurately, a world conscience has, I would suggest, a demonstrable pragmatic value. That value is illuminated with special clarity against the grim fact that, in any given nation, the forces of nationalism and considerations of "national security" can so frequently and so easily impinge upon (or indeed, totally corrupt) what there may be of public conscience. Let the arresting authority call the victim a "public enemy," or a "threat to the national security," and the public conscience of that nation where the event takes place is already half-anesthetized. To protest, even while knowing the charge to be baseless, is -- for most human beings -- to invite upon oneself a share of the obloquy. It is, further -- and this even in democratic countries -- to invite suspicion, to appear to be interfering with the government of the land in pursuance of its primary purpose -- maintenance of the national security. To protest, in short, is to appear to set oneself against the interests of one's own society.

As for the offending authority in such cases, it is often likely to read domestic protest as being self-interested, politically inspired, or mere trouble-making. The intervention of outside opinion, disinterested except in the principle of the injustice involved, is far more likely to give pause to the offending authority. All nations, even if only subconsciously, prize the good opinion of mankind -- especially that portion of it beyond its borders. Even in the act of flouting the judgments of the world conscience, those governments responsible for the most unspeakable atrocities upon human beings and human rights have performed them, so to speak, in the dark. Consider the pains taken by the Nazis to conceal from the world their concentration and extermination camps -- or the care exercized by the Soviets during the Stalin period to keep secret officially ordered assassinations and the use of forced labor camps. While the very enormity of such planned relapses into barbarism may, understandably, drive many of us with a humanistic belief in the rising perfectability of man completely over the abyss of despair, it should be at least mildly encouraging to observe that even the most debased tyrannies in human history, in their most infamous acts of depravity, were looking guiltily over their shoulders for an observing world conscience. That it was often not there is perhaps an indictment of us all. Much of the civilized world, for years, contemplated the crimes in silence ... and joined, as José Martí might say, in their commission.

Yet I am profoundly convinced that, had AMNESTY been operative through the decade of Nazi power -- or the worst excesses of the Stalin reign -- the havoc wreaked would have been far less. If this be self-deception, it is a deception necessary to the survival of even the meagerest hope as to man's future. Both Hitler and Stalin, it is now clear, were paranoid freaks, whose murderous callousness was in no way an extrusion of social or political necessity. That they came to absolute power, in sealed systems, almost simultaneously is the blackest trick played by history in this dying millenium. None of us can say with certainty that such monstrous mutation cannot recur, but that they did occur is, in my mind, more than enough justification for the most vigilant and intensive world surveillance by AMNESTY.

To those who may feel (and I concede they are numerous -- and perhaps more numerous in the constitutional democracies than elsewhere) that it is the proper business of people with energy to spare to keep about the perfection of the system, rather than the care and protection of potential martyrs in defective systems, I would say that while the best of our contemporary systems can profit from all of the skilled attention we can give them, no defective system is going to be made whole by the creation of martyrs. I would hazard, in fact, that there is a greater probability of affecting a social system through the release of a potential martyr than there is through incarceration or execution.

My reason for such an assertion is a simple one: Most abuses of what we in the West conceive of as "due process" are the product -- in our own societies as in all others -- of an excessive fear of what effect the individual to whom due process is denied might have on the status quo if he were not denied it. (This fear on the part of authority is not infrequently accompanied by the suspicion that conviction cannot, with reasonable certainty, be obtained through due process.) The individual, in short, is taken to represent, in his person, a threat to the status quo so great as to justify extraordinary measures to silence or sequester him.

I have no desire to offend anyone's theory of history -- and even less to launch one of my own -- but it seems to me next to obvious that few individuals, in their persons, have

ever represented much of a threat to any regime. History personalizes the causes of tidal events merely as a necessary form of shorthand. This is both convenient and understandable. Yet it is next to impossible to demonstrate that personal utterance or influence alone -- even the most inspired advocacy -- has been of itself a powerful source of social change. In modern times, certainly, -- and quite possibly in all times preceding -- charisma is not enough. The nominal leaders of the forces of change, however much history's shorthand may overcolor their power and influence -- have been the symbols, rather than the central energy, of the movements which bear their names. Authority, which tends like all of us to anticipate the future in the symbols of the past, frequently and falsely fancies that in neutralizing the individual it can strike down the movement.

All of which is a too-roundabout approach to the suggestion that that government or other authority which has been persuaded or embarrassed into the liberation of a person unjustly imprisoned or scheduled for execution is, almost inevitably, itself altered in that process. It learns, for one thing, that it can survive despite the offending heresy ... and may be the more inclined thereafter toward tolerance of other heresies. (If the heretic's ideas are historically ripe, of course -- if they are widely shared and are the motor of a social movement of serious power -- the regime will continue to have its problems, but these are hardly problems which the removal of a spokesman or two will solve -- and they are, moreover, problems which the creation of martyrs will only aggravate.)

There is nothing, after all, quite so persuasive of the workability of tolerance as being obliged to adhere to it and seeing that the fears which once appeared to dictate its being discarded are quite groundless. If you will forgive a brief domestic reference in this connection, I would like to point out that the U.S. Supreme Court, in a series of trailblazing decisions stretching back over the past decade, had so refined the rights and immunities of defendants as to have frightened half the law-enforcement agencies of the country into the premature conviction that they had been stripped of all weapons against crime. Actually, of course, all the Court had done was to make more explicit and more absolute the protections

laid down in the Bill of Rights -- for whose export across the Atlantic we Americans must remain forever and inexpressibly grateful. (There is, I must confess, a certain amount of agitation, each year, to send back the accompanying British gift of a most peculiar system of weights and measures, but if parting with the one means parting with the other, we will endure pounds and ounces, feet and inches, bushels and pints until Kingdom come.) All that the Court had done was to deny to the police and the prosecution the conveniences of unwarranted search and seizure, the third degree, exclusion of defendants from competent counsel, confessions through duress, evidence acquired through wire-tapping, tailor-made juries and other presumably vital appurtenances to the efficient pursuit of law, order and justice.

For some while, the clamor against the Court must have echoed even against these shores of our juridical motherland. The Court was emptying the jails. The Court was in league with criminals and subversives. The Court was shackling the guardians of law and order. And worse. Whereas the 1954 school desegregation decision had led only to an embittered right-wing demand for the impeachment of Chief Justice Earl Warren, there was now not infrequent suggestion -- from not infrequently respectable sources -- that perhaps the <u>entire</u> High Court should be impeached.

Well, we have not heard the end of this yet, but we <u>have</u> had a few years of law enforcement experience under these "crippling restrictions" on the prosecution, and you may be relieved to learn that there have been no reported suicides amongst frustrated prosecuting attorneys and that cases continue to reach juries with about their customary dreary volume. What <u>has</u> changed, to be sure, is that the processes of justice are now themselves, more just, that the chances of convictions of the innocent have been measurably reduced, and that the manners of the police have been vastly refined. What <u>has</u> changed (and this fact is being admitted by a rising number of enlighted commissioners of police and attorneys general) is that fewer convictions are being reversed on error, that the mechanics of justice are both more equitable and more efficient. Authority, to be brief about it, has -- by being obliged to -- learned to live with what were, until a few years ago, a number of unthinkable heresies. And it seems entirely likely -- as authority -- to function the better for it.

I dare say that the need for some such international commitment as that represented by AMNESTY will be with us for as long as organized societies exist. I am hardly the first to have noted that man's history is not, unhappily, a straight-line march from the peat bogs to John Stuart Mill. While it may be obvious that the physical and civil condition of man is now generally superior to what it was in any time past, it is far from obvious that this condition will necessarily improve through the remainder of this century. I am familiar with the dangers of extrapolating future trends from even the recent past, but if the long-faced gentlemen with computers who project population totals into the future are even half-right, the world is due for a shattering Malthusian confrontation within what is left of the average lifetime in this hall. I have no wish to argue its intensity, dimensions, or outcome -- nor even the many ways in which, theoretically, it might be blunted or avoided altogether. It does seem clear, however, that the next several decades will find most of the world -- but especially that two thirds of it still locked inside traditionalist economies -- in a constant subsistence crisis which must, inevitably, express itself in constant political and social upheaval and tension. The thrust and shape of things to come are concealed in the murk of unpredictability, but one thing in the murk is discernible, and that is a sharply rising need for AMNESTY's care-taking of human rights.

I intend neither offense nor condescension in suggesting that an impending subsistence crisis in Asia, Africa and South America is likely to produce human rights casualties in sharply increased number. The responses of desperation have no known ethnic or geographical peculiarities. For that matter, it is next to improbable that the developed world can remain immune to the afflictions of that two-thirds of the globe which is already entering into a population crisis. And even if this were possible -- and conceding that the condition of man, both materially and in terms of the health of human rights, is perhaps best in the liberal democracies of the North Atlantic world -- it is by no means certain that this condition is permanent. There persists in American attitudes (and, one gathers, in British attitudes as well -- although doubtless to a less marked degree), a usually submerged but, in crisis periods, potentially powerful component of opinion which is not only illiberal,

irrational, intolerant and paranoid, but capable of doing serious damage to the essential fabric of our society if thrust into power.

Serious damage, indeed, may be done by the repressive authority even short of the outright assumption of power. The Sacco-Vanzetti case in the United States is but the most publicized of many instances in which the passion, hysteria or intolerance of the moment has infected the judiciary itself. The shameful McCarthy era produced hundreds upon hundreds of instances of violations of individual rights of speech and opinion by the very agencies of government whose duty it was to safeguard the Constitution. The mere possession of democratic institutions and of laws protective of human rights is not, unhappily, a guarantee that the institutions will forever perform democratically or the laws be scrupulously observed. In highly organized and structured societies, moreover, there is the constant danger of corruption of due process through the usurpation of quasi-judicial powers by administrative agencies. The man who is denied employment or discharged for holding views, or having associations unpopular with this agency or that, suffers a violation of his rights which is often more severe in its consequences than any punishment which might be visited upon him by an authorized court.

No society is ever so inextricably welded to constitutionality and respect for the freedom to dissent that it cannot -- in that instant reshuffling of traditional values which is presumed threat to the national security seems always to bring about -- find a justifying gloss for doing violence to individual rights. It must be the eternal and passionate dedication of AMNESTY to keep the candles of personal liberties burning against the gales of nationalist expediency.

But if not even the presumptively "developed" nations, several of which now have extensive histories of studied respect for human rights, are permanently immune to repudiation of the very essence of their traditions, it should hardly surprise us that nations barely emergent, and still

in the process of creating a collective identity, should produce regimes inclined to equate dissent with treason and disposed to strangle deviant utterance as a "threat to the national security". Many of the developing nations are, indeed, under a "security threat" every moment of their existences, scrabbling for the very tools of subsistence, traditionless, economically at the mercy of trivial shifts in world trade or prices, humiliatingly dependent on the help of others, yet flushed with nationalist pride and hopes of quick emergence into modernity. Yet many will remain so for decades to come, their governing groups under persistent interior challenge and subject to frequent change. All of which spells trouble for human rights --- and work for AMNESTY.

It is here, I believe, that AMNESTY will for many years to come find the most persistent challenge to its energies and ingenuity, for it is here that the persecuted will be, in the world arena, next to anonymous, generally symbolic of little which will be immediately meaningful to world opinion. They will be all but secret victims, unlikely to command more than that measure of interest or sympathy that might be accorded an unnamed casualty of a traffic accident on an obscure road in a country whose name most of us will labor even to remember. And it is here, too, that the very process of solicitous interventions will be most delicate and difficult.

And yet I would submit that it is here -- and precisely for these reasons -- that the moral imperative dictating engaged concern by AMNESTY will be most acute. None of us here, I take it, is deeply interested in riding the coat-tails of larger social and political forces to paper victories. Our concern is the integrity of the human spirit, not the establishment of an impressive organizational average in advocacy. We are not a professional football team intent on dazzling a crowd or showing a high years'-end record in attracting paying customers. Nor is it central to our concerns, as AMNESTY activists, to tilt events, to shape history. Each of us, in that regard, has his own preoccupations, whether public or private, but what draws us together as AMNESTY members is not common

doctrine -- nor even common hopes for the eventual predominance of this or that expression of political power. It is something far simpler: a common dedication to freedom, and in particular to individual freedom -- whatever the social or political system in which that freedom may be operative.

Thus our obligation to intervene, both to inform and to express the world conscience, is no less heavy in the case of the obscure and the unknown than in that of the prestigious and powerful. It is, I would think, even more compelling in the former case than in the latter. If history, as is its bent, continues to repeat itself, we may assume that, in many countries, leaders of movements and others of already established renown will, now and again, be unjustly imprisoned or find their constitutional freedoms in other ways abridged. They will, fully and without quibble, merit AMNESTY's instant concern. Yet I would urge that AMNESTY's more important burden will be that which others disdain to assume.

To join in protest over a cause celebre, one which immediately and dramatically draws the kleig lights of world attention -- is (who can question it?) infinitely more exciting (if infinitely easier) than an effort in behalf of the liberation of someone nameless and nondescript in a country which is still damp ink on this year's Atlas. Yet our business is not excitement, but justice.

There are, I would think, practical as well as moral reasons for the higher claim on our energies of the nameless over that of the noted. The prisoner of conscience who is nationally or internationally known is, almost by definition, a man with friends or influence. His influence, in fact, -- or the presumption of it -- will, more often than not, be the <u>cause</u> of his persecution -- for it is that influence which the authority doing violence to his rights seeks to subdue, silence or punish. And yet, though his influence be the <u>cause</u> of the prisoner's incarceration, it is at the same time a substantial protection to him. The magnitude of such influence will roughly approximate the risk which the offending authority takes in laying hands upon him, for in doing so it lays hands upon those forces of opinion or action which he represents. These forces, if they are substantial, will usually impose a certain circumspection on governments. Lesser men than the author of DOCTOR

ZHIVAGO were coughing their lungs out in the work camps of Siberia -- for lesser artistic heresies -- even as the Soviet regime itched to lock punitive hands around his throat ... and desisted. It desisted because Boris Pasternak was not only Russia's best-known poet; the eyes of the world were upon him as a Nobel prize winner.

The Soviet decision merely to vilify, rather than to imprison, Pasternak was a sophisticated, if reluctant, judgment. It was also a wise one -- by an authority forced into awareness of an operative world conscience. In nations whose socio-political strata are still in process of definition, however, (and these run heavily to personal or small-clique rule, cultures whose lack of interior communications makes the creation of public opinion on any question a slow and arduous business), the governing power may either hysterically over-estimate the influence of the victim or, negligently, under-estimate it. In either case, the possibility of intemperate decision is heightened. And so, too, is the need for disinterested intervention in behalf of justice from outside, for it is in precisely such countries that the prisoner of conscience is likely to be a person without automatic defenders in terms either of opinion or power.

Those of you with trade union interests will already have noted that union prisoners of conscience are especially numerous in the catalogue of cases in which AMNESTY is currently intervening in nations still to cross the thresh-hold of political maturity. It is grimly probable that their number will rise over the decade to come. Conflicts between unions and governments, even if both be free, are next to inevitable. We need only look back over the histories of the emergence of free unions in Western Europe and the United States to see that the process is painful, prone to violence, and rich in the production of prisoners of conscience. There is little prospect that the developing nations, as they recapitulate our own history, will escape such consequences. I would hope that, over the near future, many unions in the developed nations will follow the example of others in intensified support of the work of AMNESTY, for the need will be acute and rising.

To conclude, then, although no common explicit dogma binds us, each of us takes his moral mandate from the spirit, if not the letter, of that section of the United Nations Declaration of Human Rights which asserts that "Everyone has the right to freedom of thought, conscience and religion." I once overheard AMNESTY being described, in a tone of sympathetic condescension, as "that outfit over there in London which is against evil." I must confess that, condescension and all, it made me feel rather proud. Not many of us, unhappily, <u>are</u> against evil. It may be, as Malraux insists, that "every culture is visibly or invisibly haunted by its notion of death," yet more fearful, even, than death, is evil. Evil (and I am not speaking theologically) is that which threatens the quality of man. It is that which deprives him of dignity, which sullies the meaning, rather than the mere duration, of existence. Evil, then, is poverty, injustice, himiliation, torture, infringement upon man's freedom. AMNESTY is, indeed, against evil.

I have no doubt, of course, that any organizational sociologist (and surely one, somewhere, is dissecting AMNESTY in a doctoral thesis) will find us an impossible motley, defying analysis. So be it. It should, in truth, be surprising if we were otherwise, for we are in the main made up of principled dissenters -- people who, in whatever tongue, care deeply enough about the right to free expression, care deeply enough about the <u>quality</u> of human life, to be moved to intervention against whatever power, person or process would throttle or besmirch it.

Much of what we so laboriously -- and, at times, ineptly -- inscribe upon the palimpsest of time will prove, no doubt, to have been written in water. It may well be that no few of those whose jail locks AMNESTY may painstakingly pick will live out their lives as egregious scoundrels. Much of what we do will prove out as fruitless and frustrating. But so be it. An act of conscience does not have to justify itself by its results. If it does, then it is something else than an act of conscience. An act of conscience is one which must be done <u>whatever</u> its consequences. And I am deeply convinced that AMNESTY -- for all of the embassies, palaces of justice and prison warden offices we may be thrown out of -- is, by the sheer fact of giving the individual

conscience concrete and meaningful opportunity to express itself, making possible the maturing of an effective world conscience.

In just three weeks, now, what the United Nations has declared to be International Human Rights Year will begin. I would hope that before the year 1968 closes every UN member nation will have ratified all of the several Human Rights Conventions approved by the UN and forwarded to all member governments for approval. I find it both puzzling and distressing that so many member nations, including the United States, have dawdled for so long in committing themselves, in treaty form, to principles and practices already embedded for decades in their national constitutions.

These Human Rights Conventions are not mere empty gestures. In a profound sense they define us, as nations, and as human beings. Twenty-two years ago, a young reporter who was covering the founding formalities of the United Nations in San Francisco raised the question: "Why is it necessary to adopt these Conventions?" The young man's name was John Kennedy. Eighteen years later, as President, he answered his own question in his message to the Senate urging their ratification:

"The fact that our Constitution already assures us of these rights does not entitle us to stand aloof from documents which project our own heritage on an international scale. There is no society so advanced that it no longer needs periodic recommitment to human rights."