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THE INAUGURAL MARIO BIAGGI LECTURE*

PRESIDENT JIMMY CARTER

Thank you very much Dean Simon, Congressman Biaggi, faculty, students, members of the board of directors and other friends of The New York Law School.

Before this lecture, both Dean Simon and Congressman Biaggi suggested that I share with you today some of my thoughts on the subject of human rights. I'll gladly address that topic because, as you know, it was a very important policy concern of my administration. More broadly, I believe that human rights are an inherent concern of all democratic governments.

In my farewell address as President, I said, "America did not invent human rights; human rights invented America." One hundred-and-ninety-four years ago, the Bill of Rights became part of the architecture of our society, and there is not a person in this room that hasn't directly benefitted from that document. But I would hasten to add that the subject of human rights is not conducive to apple pie, fourth of July, flag-waving cliches. We have learned from the deprivation of minorities, deliberate discrimination against people because of their race or religious beliefs or sex, from the sight of police dogs attacking children, from news about imprisonment and execution without trial, from the sight of white-hooded Ku Klux Klan terrorists, that the words "human rights" can cut like a razor.

* Delivered at New York Law School on October 11, 1985. The Biaggi Lecture will continue annually at New York Law School as a forum for distinguished public leaders to share their views with the legal community.

How can we define human rights in personal terms? I tried to think of an illustration in a small community's life, or an individual's life, that would illustrate some of the points I'd like for you to remember.

Let's take a simple example of a relatively affluent, well respected citizen, like, I would presume, everyone in this room. But in a nearby neighborhood, certainly within the realm of your consciousness, there are hungry people, starving families. You know about innocent people, jailed. Troublemakers are taken away at night. There is no trial; they are never seen again. In certain places in your community, people are not permitted to meet because they're different from us, and, we don't trust their political judgments, so we don't let them talk politics to one another.

Obviously, these inferior people ought not be given the right to vote, or have clear title to property or other prerogatives of citizenship. You know about all this. But some of the malefactors are political friends of yours, they support you and you share common interests that relate to your business. Some of them might be customers of your local store, and you don't want to alienate those on whom your livelihood depends by criticizing them for abuses that really don't affect you and your family one way or the other.

So you look the other way, and you enjoy the blessings of freedom, the blessings of prosperity, the blessings of influence, the blessings of esteem, and you think to yourself, "Well, maybe the fact that I am wealthy, or esteemed, or successful, means that I am, indeed, superior: Maybe God blesses me because he sees me as being better than these other people."

There are other ways to rationalize our selfish behavior, our ignorance, deliberate ignorance, of human rights violations. We can stigmatize an entire race of people, or an entire nation; saying, for example, that all the other people who live in a certain country, say the Soviet Union, comprise an evil kingdom. We are the ones particularly blessed by God. We can say the recent immigrants to our nation can't be as good for our country as our ancestors were who came here two or three generations ago. Perhaps it's acceptable to say that all Palestinians are terrorists. Or that in South Africa it might be best, after all, just to let the white folks vote. Who knows what kinds of decisions blacks

would make if they were given the right to control their own affairs? So, in many places on earth, particularly within our own consciousness, we participate in violations of human rights. And we have an inclination not to feel guilty about it.

The point, I believe, is that it's easy to talk about human rights violations as they apply to others, with no personal responsibility of our own. You can always find an excuse not to do anything. What you consider doing or what you propose to do is not perfect. And it may not work. So, therefore, we don't do anything. And I suggest to you that such inaction, however rational it may appear to be, is a form of moral complicity in those abuses. We know about innocents still disappearing every night in Chile. We know about murders in El Salvador and Guatemala. We know about refuseniks in the Soviet Union. Yet because of personal inaction, the leaders of the great nations of the earth remain aloof from these difficult questions and we tacitly permit murder, suffering, terrorism and alienation.

Several months ago, my daughter Amy called Rosalynn on the phone and said, "Momma, I am going to demonstrate in front of the South African embassy." She believes, as I do, that the state of affairs in South Africa is unconscionable, that our so-called "constructive engagement" is little more than quiet approval of apartheid. She volunteered to be arrested to symbolize her concern, and I am extremely proud of Amy for it. At Brown University now, she is pursuing as a major goal the elimination of apartheid in South Africa.

Jacobo Timmerman, the distinguished Argentinian newspaper editor and now a friend of mine, said that in the beginning, when he was imprisoned and awaiting execution, there was—and I'm quoting him, "There was a great silence . . . the silence that can transform any nation into an accomplice." The silence in the civilized world concerning the atrocities in Argentina was similar to the worldwide silence when six million jews died in Nazi Germany; we stayed silent and they died. Today the United States of America, the superpower in the democratic world, can once again create a deafening silence.

When I became President, I tried not to be silent. We inventoried everything that our nation could do to hold as high as possible the banner of freedom and human rights. I designated all ambassadors who served me in any foreign country as my

special representatives on human rights, and every embassy was a haven, a well-known haven, for those in any country on earth who suffered from human rights abuses. Sometimes it damaged, to some degree, my relationship with those particular oppressive leaders. For instance, I would sit down with the Soviet leaders, ambassadors, foreign ministers, and I would say, "This is a list of people who we know want to leave the Soviet Union, in accordance with the Helsinki agreement, in accordance with the United Nations Charter." And although Brezhnev, or Gromyko or Dobrynin would say, "This is not a matter that concerns the United States; it's an internal matter"—they would take the list. And, they knew that we would be staunch and persistent in our efforts. Our efforts paid rich dividends because by 1979, in that one year, over fifty-three thousand Soviet Jews were given their freedom. Last year, less than eight hundred; this year, not quite so many.

In addition, I studied what other Presidents had done about this problem before me. I learned that our nation has always been strongest when we uphold our basic principles: peace and the quality of life, not only for ourselves but for others. This strengthens our ties with our allies; it builds our own influence. In my inaugural address, I said, "Because we are free, we can never be indifferent to freedom elsewhere." I tried to keep, as best I could, the question of human rights in the forefront of the world's awareness.

That was not always easy. Almost by default, the United States of America must lead. You can go down the line and you can inventory all the other hundred and fifty or sixty nations on earth, and, somehow or another, there is no other natural leader in the protection of human rights. Other countries may not be strong enough, some of them might be guilty themselves. They might be weak, their voices might be too small. They might, like the individual person I described before, have ties to those who persecute, or are economically dependent upon the favor or the approbation of violators.

So what can our country do? Our voice should be heard loudly and consistently in the world human rights arena. Recently, I made a trip through Latin America to visit four nations that have become democracies since I became President, partially as a result of a strong human rights policy. And, I talked

there to people who had formerly suffered. They told me, "The intervention or interest of the United States, expressed publicly and privately to my leaders, saved my life." We may have helped on occasion, but in the final analysis the major factor was their own effort, their own willingness to put their lives at stake, that saved themselves and others.

We can protect civil rights at home. In my memory all the Presidents who have preceded me, certainly from Harry Truman on, have been identified as champions of human rights in the minds of those minorities in our country who suffered. They always expected the Justice Department officials to come forward when a civil rights case was at stake. They'd say, "Our position is on the side of affirmative action. Our position is on the side of equality under the law. Our position is on the side of correcting a defect in our law system that doesn't give you equality." That has now changed; it's no longer the case. The Justice Department is now much more likely to be on the side against civil rights. That disturbs me very much.

The quality of appointees to positions of major responsibility in Washington is a very good test of our nation's attitude toward human rights. All these things send clear signals. I'm afraid in recent years there have been disappointing signals coming out of Washington.

Well, to close, let me say that I've been a Southerner during civil rights days, and later I was a governor when we were removing the millstone of racial inequality and persecution from around our neck, and then I was President. In each office, I attempted to raise our consciousness about human rights, and to raise the human rights banner around the world. Similarly, what are required today are clear, maximum efforts, from our government and from every private citizen in our nation who has a concern about inequality or persecution, or who feels compassion, or wishes to enhance justice. Certainly, law schools like this one should be a focal point for this effort.

In closing let me quote a brief paragraph from my favorite President, Harry Truman: "The attainment of worldwide respect for essential human rights is synonymous with the attainment of world peace. The people of the world want a peaceful world, a prosperous world and a free world. And, where the basic rights of men everywhere are observed and respected, there will

be such a world. On us, as a nation, rests the responsibility of taking a position of leadership in the struggle for human rights. We cannot turn aside from the task, if we wish to remain true to the vision of our forefathers and the ideals that have made our country what it is." I hope that we and all other Americans will heed his words. Thank you very much.