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International Human Rights Activism in the United States during the Cold War

By

Zachary Steven Ramirez

A dissertation submitted in partial satisfaction of the

requirements for the degree of

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Committee in charge:

Professor Richard Cándida-Smith, Chair

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Abstract

International Human Rights Activism in the United States during the Cold War

By

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Professor Richard Cándida-Smith, Chair

Using archival collections and published primary sources, this dissertation offers a bottom-up, social historical perspective on how several international human rights non-governmental organizations (NGOs) in the United States during the Cold War—the International League for the Rights of Man, Amnesty International USA (AIUSA), Americas Watch and Helsinki Watch—formed a transnational advocacy network that exposed abuses and shamed governments into ending them. It finds that a small circle of rooted cosmopolitans—a term used by Sidney Tarrow to describe “outsiders inside/insiders outside”—was responsible for the emergence of a movement during the mid-1970s that was centered in New York, San Francisco, and Washington, D.C. The activists profiled here were not the powerful, but neither were they the powerless. They tended to be highly-educated professionals who were drawn into activism after their moral sensibilities had been greatly offended.

The emotional connections that formed between activists and victims thus arose within the historical context of intensifying market relations in this contemporary era of globalization. But why the spectacle of distant suffering drove some people to devote themselves to advancing the cause of human rights can be answered only in deeply personal terms. Biography is crucial to understanding how this transformation occurred for them: religious beliefs, a long-held cultural interest, a friend who experienced political repression and symbolized the plight of an entire country, previous work on domestic civil liberties, or their own victimization. Their worldview was based on a far-reaching conception of one’s ethical responsibilities. As Kwame Anthony Appiah has argued, lives are given value by the identities that shape them—the philosophical basis of a cosmopolitanism that is premised upon “kindness to strangers.” Activists proceeded in a similar path from an abstract notion of the rights-bearing individual to immersing themselves in the lived experiences of prisoners, dissidents, and other persecuted individuals they may have never actually met in person.

Lacking the authority of state actors, activists had to act as moral entrepreneurs. Their social value was providing elites with information. The researchers who gathered the material for the reports published by Amnesty International and Human Rights Watch became experts who were called to testify before Congress. Journalists quoted their findings to counter or corroborate the official version of events. NGOs also developed legal expertise that they used to expand the reach of international human rights law. As this subfield became more widely taught at law

schools, some of which established programs dedicated to it, a generation of lawyer-activists took the international human rights movement in a new, more litigious direction. Publicity was just as important. It was easier to mobilize public opinion against repressive governments if the victims were well known; even better if activists became part of the story. By reaffirming their accuracy and objectivity, activists could gain the trust of reliable donors, philanthropic foundations, wealthy benefactors, and celebrities, all of whom became important sources of income that enabled their NGOs to expand during the last three decades of the twentieth century.

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Introduction

Prologue: A Meeting at the White House

“We reject as false the choice between our safety and our ideals,” President Barack Obama proclaimed in his inaugural speech on January 20, 2009. “Our Founding Fathers, faced with perils we can scarcely imagine, drafted a charter to assure the rule of law and the rights of man, a charter expanded by the blood of generations. Those ideals still light the world, and we will not give them up for expedience’s sake.” Reaffirming how Americans still looked to the Constitution as the basis of a civic religion in which the rights of the individual were guaranteed regardless of who might be in power, Obama pledged that he would find a better balance between personal freedom and national security than had his predecessor, President George W. Bush. With his ethnically diverse background and early opposition to the Iraq War, Obama literally embodied his campaign’s promise of change. Among those desiring him to take the country in a new direction was a coalition of international human rights activists and domestic civil libertarians who deeply opposed Bush’s counterterrorism policies.¹

The post-9/11 years had been difficult for these groups. They could do little to prevent Bush from aggressively pursuing what he termed a “Global War on Terror.” Held indefinitely at Guantánamo Naval Base in Cuba and in secret prisons in the Middle East and Eastern Europe, terrorist suspects were classified beyond the reach of international law and tortured for information about possible ties to Al Qaeda. To deal with the potential legal problem on their hands, the White House and Congress devised a system to try these suspected in front of military commissions with few if any of the rights usually afforded to defendants in civilian courts. A warrantless surveillance program allowed the federal government to reach further into the private lives of Americans; their communications monitored by a slew of three letter agencies. Amnesty International, Human Rights Watch, Human Rights First, the ACLU, and the Center for Constitutional Rights repeatedly criticized the Bush administration to little avail, though their litigation culminated in a series of U.S. Supreme Court decisions—*Rasul* (2004), *Hamdan* (2006), and *Boumediene* (2008)—that narrowed some of the executive powers the White House had claimed with regard to the detainees.²

¹ Barack Obama, “Inaugural Address,” January 20, 2009, *Public Papers of the President* (PPP), John Woolley and Gerhart Peters, ed., *The American Presidency Project* (APP), <http://www.presidency.ucsb.edu/ws/index.php?pid=44&st=&st1=>

² There are many books published on Bush’s post-9/11 national security policy, which are especially critical of its perceived excesses during his first term, including Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (New York: Doubleday, 2008); Philippe Sands, *Torture Team: Rumsfeld’s Memo and the Betrayal of American Values* (New York: Palgrave Macmillan, 2008); Charlie Savage, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy* (New York: Little, Brown, 2007); Eric Lichtblau, *Bush’s Law: The Remaking of American Justice* (New York: Pantheon Books, 2008); for examples of criticism by international human rights activists and the White House’s response, see Transcript, “Amnesty International Alleges Detainee Abuse at Guantanamo Prisons,” *Online NewsHour: A NewsHour with Jim Lehrer*, June 3, 2005, http://www.pbs.org/newshour/bb/military/jan-june05/gitmo_6-3.html; “Rights Group Leader Says U.S. Has Secret Jails,” *CNN*, June 6, 2005, <http://edition.cnn.com/2005/US/06/05/amnesty.detainee/>; “Rumsfeld Rejects Amnesty’s ‘Gulag’ Label,” *CNN*, June 1, 2005, http://articles.cnn.com/2005-06-01/us/us.gitmo_1_guantanamo-detainees-guantanamo-bay-gulag?_s=PM:US; George W. Bush, “The President’s News Conference,” May 31, 2005, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=73921&st=&st1=>

On January 22, 2009, Obama issued Executive Orders 13491, 13492, and 13493, which, respectively, banned the use of all interrogation techniques that did not comply with “the treaty obligations of the United States,” mandated the closure of the Guantánamo prison camps, and authorized a review of “detention policy options.” In the Oval Office standing behind Obama as he signed the orders were retired military officers who had participated in Human Rights First’s Elect to End Torture Campaign ’08, the goal of which was to persuade Democrats and Republicans to adopt platforms with strong anti-torture language. That evening, White House lawyers instructed military prosecutors to file a motion requesting a 120-day suspension of all legal proceedings of Guantánamo detainees so the “the newly inaugurated president and his administration [can] review the military commissions process,” which had only produced three convictions up to that point.³

Assuming the responsibilities of commander-in-chief, however, forced Obama to reassess what Bush had done. In an interview with the *New York Times* a few weeks after the inauguration (but not published until January 2010), Obama credited Bush for moderating some of his policies in recent years. “I would distinguish between some of the steps that were taken immediately after 9/11 and where we were by the time I took office,” Obama said. “I think the C.I.A., for example, and some of the controversial programs that have been a focus of a lot of attention, took steps to correct certain policies and procedures after those first couple of years.” Suspects were no longer being waterboarded. The secret CIA prisons had been emptied. Bush had released or transferred more than 500 detainees from Guantánamo. To the disappointment of some of his supporters, Obama was continuing the warrantless surveillance program; White House lawyers defended the renewal of the Patriot Act; he granted himself the authority to use rendition—the practice of turning over terrorism suspects to other countries for interrogation and possible torture; and his administration’s aggressive use of the state secrets privilege blocked potential lawsuits from individuals who had been wrongly placed into rendition. And if that was not enough, Obama also tripled the number of strikes by unmanned drones against Al Qaeda leaders.⁴

In May 2009, the White House hinted that it was going to keep the military tribunals for the Guantánamo detainees. Whatever his most ardent supporters might have presumed, Obama’s opposition to the 2006 Military Commissions Act was not moral. “The problem with this bill is not that it’s too tough on terrorists,” Obama argued then. “The problem with this bill is that it’s sloppy. And the reason it’s sloppy is because we rushed it to serve political purposes instead of taking the time to do the job right.” Now with a chance to implement his own version, Obama proposed banning evidence that had been obtained through “cruel, inhuman, or degrading” tactics, placing greater restrictions on the admissibility of hearsay, giving defendants greater

³ Barack Obama, Executive Order 13491—Ensuring Lawful Interrogations, January 22, 2009, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=85669>; Barack Obama, Executive Order 13492—Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities, January 22, 2009, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=85670>; Barack Obama, Executive Order 14393—Review of Detention Policy Options, January 22, 2009, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=85671>; Barack Obama, “Remarks Following a Meeting with Retired Military Officers,” January 22, 2009, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=85686&st=&st1=>; Peter Finn, “Obama Seeks Halt to Legal Proceedings at Guantanamo,” *Washington Post*, January 21, 2009

⁴ Peter Baker, “Obama’s War Over Terror,” *New York Times*, January 4, 2010

freedom to choose their counsel, and offering protection against “adverse inference” if they did not testify.⁵

Obama’s aides insisted that the president “never promised to abolish” the tribunals, but that did not stop international human rights activists and civil libertarians from criticizing this decision. “A dismal failure” was how Gabor Rona of Human Rights First described the military commissions. “The results of the cases will be suspect around the world,” Rona predicted. “It is a tragic mistake to continue them.” A letter signed by some of the military officers who were with Obama on January 22 expressed concern that the president was eroding “international confidence” in the U.S. justice system. “I am afraid the stench of Guantanamo will remain,” said Tom Malinowski, the Advocacy Director of Human Rights Watch’s Washington, D.C. Office. “Anything that goes by the name ‘military commissions’ will unfortunately be seen around the world as a continuation of the old system. It is the worst of possible worlds.” Jonathan Hafetz, an ACLU lawyer, added, “It’s disappointing that Obama is seeking to revive rather than end this failed experiment. There’s no detainee at Guantanamo who cannot be tried and shouldn’t be tried in the regular federal courts system.”⁶

Congress rebuked Obama on closing Guantánamo a few days later. Opposed from the beginning, Republicans did not think that the White House had made plans for what to do with the remaining 240 detainees. “The president, unwisely, in my view, announced an arbitrary timeline for closing Guantánamo next January without a plan to do with the terrorists who are incarcerated down there,” said Senator Mitch McConnell (R-Kentucky). In a rare show of bipartisanship in the 111th Congress, the Senate eliminated funding for the proposed closure by a vote of 90-6. “The American people don’t want these men walking the streets of America’s neighborhoods,” Senator John Thune (R-South Dakota) declared. “The American people don’t want these detainees held at a military base or federal prison in their backyard, either.” Senator Harry Reid (D-Nevada), the Majority Leader, agreed with Thune’s basic premise: “Democrats under no circumstances will move forward without a comprehensive, responsible plan from the president. We will never allow terrorists to be released in the United States.”⁷

On May 20, the day before he was to give a speech on national security, Obama hosted a seventy-five minute off-the-record meeting with representatives from various international human rights and civil liberties NGOs that was also attended by Chief of Staff Rahm Emanuel, Attorney General Eric Holder, senior advisers Valerie Jarrett and David Axelrod, White House counsel Greg Craig, foreign policy advisor Dennis McDonough, counterterrorism expert John Brennan, and a few law professors. Before taking questions from his guests, Obama spoke for about fifteen minutes on how he had attempted to “institutionally” overhaul some of Bush’s most egregious policies. According to Human Rights First CEO Elena Massimino, Obama had “two baskets” of issues he wanted to discuss: “One was Guantanamo and all of the things pertaining to

⁵ Kristina Wong, reported by Jake Tapper, “President Obama to Reinstate Revamped Military Tribunals,” *ABC News: Political Punch*, May 14, 2009, <http://abcnews.go.com/blogs/politics/2009/05/president-oba-7/>

⁶ Huma Khan, reported by Jake Tapper, “Human Rights Activists Assail President Obama’s Decision on Military Commissions,” *ABC News: Political Punch*, May 15, 2009, <http://abcnews.go.com/blogs/politics/2009/05/human-rights-ac/>; Julian E. Barnes, “Obama to Continue Military Tribunals,” *Los Angeles Times*, May 15, 2009; Damien Pearse, “Obama to Revive Guantánamo Military Tribunals,” *The Guardian*, May 15, 2009

⁷ Catharine Richert, “Congress Balks at Obama’s Plan,” Updated May 20, 2009, *Politifact’s The Obameter: Close the Guantanamo Bay Detention Center*, <http://www.politifact.com/truth-ometer/promises/obameter/promise/177/close-the-guantanamo-bay-detention-center/>; David M. Herszenhorn, “Funds to Close Guantanamo Denied,” *New York Times*, May 20, 2009

closing it. And the other was transparency.” On the first topic, the president claimed to be “in this for the long game,” for he had come to the realization that “you can’t change people’s misperceptions overnight,” not when they have had eight years of a “steady dose of fear and a lack of leadership.” But it was his fear of a former Guantánamo detainee committing an act of terrorism that made him keep his options open regarding indefinite detention.⁸

Obama then moved onto why he had decided against releasing photographs documenting more Abu Ghraib-like prisoner abuses by American soldiers. “He said that he became convinced that the particular timing of what we were dealing with in Afghanistan right now made this a particularly bad time to release those photos,” Massimino recalled. “And he said that we should not conclude from his decision right now that those photos will not end up getting released. There are many ways that might happen. The court might order it. Circumstances might change the balance of consideration that would weigh in favor of transparency, which he reiterated would be his default position.” Most disturbing to Massimino was Obama’s refusal to disavow the military commissions, as she said, “I don’t think that this fits the overall framework that the president had articulated about using our values to reinforce a counter terrorism strategy against al Qaeda.” Massimino was not the only one who walked away wondering if the meeting had served any purpose whatsoever. Was Obama actually interested in their feedback or was he merely informing them of decisions that he had already made? Malinowski did not know. “One doesn’t expect in the president to say, ‘Gosh that was a great point I never thought of and I have to revisit my decision in light of what you just said.’”⁹

At one point in his introductory remarks, as three participants shared with *Newsweek*, Obama complained about the “mess” that had been left to him by Bush, admitting that he was struggling with what to do about the detainees who could not be prosecuted because the evidence against them was inadmissible but yet they were deemed too dangerous to be released. Malinowski thought Obama was not “entirely comfortable with any of the options.” Though he maintained his commitment to greater “transparency,” the president was adamant that there would be no truth commission to investigate alleged torture by CIA operatives. When he said that this issue had become “too distracting to his staff,” he pointedly looked at Holder, implying that the Department of Justice was “having to spend too much time on this issue.” When some activists pointed to the example of the 9/11 Commission, Obama repeated his desire to avoid distractions. “Then after that, one of those present raised the idea of a criminal prosecution, even one cram prosecution—as a symbol sort of, a ‘trophy,’ I think the word was used, to show that such conduct would—for torture, to show such conduct would not be tolerated again,” Michael Isikoff reported on MSNBC. “And the president sort of curtly dismissed the idea.” The White House did not want to sacrifice its legislative agenda on the altar of accountability. “Now, in this case, it may just be political considerations of—we want to get health care through the Congress,” Isikoff speculated. “We want to get climate change through the Congress. It’s not

⁸ Sam Stein, “Obama Huddles With Human Rights Groups Before Security Speech,” *The Huffington Post*, May 20, 2009, http://www.huffingtonpost.com/2009/05/20/obama-huddles-with-human_n_206104.html; Michael Isikoff, “Friendly Fire at the White House,” *Newsweek*, May 21, 2009, now accessible at <http://www.thedailybeast.com/newsweek/2009/05/20/friendly-fire-at-the-white-house.html>

⁹ Stein, “Obama Huddles With Human Rights Groups Before Security Speech”; Brian Beutler, “Points of Friction: Obama Meets With Civil Libertarians, Human Rights Activists,” *Talking Points Memo*, May 21, 2009, <http://tpmdc.talkingpointsmemo.com/2009/05/points-of-friction-obama-meets-with-civil-libertarians-human-rights-activists.php>

helpful to have—in our efforts to get Republican support for that—to have criminal investigations underway, that’s just going to alienate the Republicans.”¹⁰

ACLU Executive Director Anthony Romero was not prepared to accept what Obama had said. As a gay Puerto Rican, Romero said that he identified with Obama as an outsider, but told the president directly that “this stuff really pains me.” Though he did not go into detail about the meeting, but Romero made it clear that he was troubled by Obama’s “hubris” in preserving as much of Bush’s executive power as possible with the expectation that it would be used more wisely this time around. “If he’s shown himself willing to adhere to some of the Bush policies in the absence of such an attack, one worries what he’ll do when an attack comes,” Romero warned. At the time of the May 20 meeting, Obama was in discussions with Congress to pass legislation that would give him the authority to preventatively detain terrorists as long as necessary. “He was almost ruminating over the need for statutory change so the laws so that we can seal with individuals who we can’t charge and detain,” a participant recalled. “We’ve known this is on the horizon for many years, but we were able to hold it off with George [W.] Bush. The idea that we might find ourselves fighting with the Obama administration over these powers is really stunning.” The ACLU began preparing a campaign against Obama, going so far as to solicit a letter from Archbishop Desmond Tutu and contact former President Jimmy Carter. The administration ultimately reversed course, but up to fifty detainees would be held indefinitely.¹¹

Obama ran through many of these themes the next day at the National Archives, emphasizing that the best way to keep Americans safe over the long run was to “enlist the power of our most fundamental values” found in the documents “we hold in this very hall”—the Declaration of Independence and the Constitution. It was only by adhering to these principles that the U.S. “overpowered the iron fist of fascism and outlasted the iron curtain of communism.” Recognizing that “hasty decisions” made after September 2001 had pulled the country “off course,” voters nominated presidential candidates who each rejected the use of torture and made promises to close the prison camps at Guantánamo. Quoting his opponent in the 2008 presidential election, Senator John McCain (R-Arizona), that torture was “a great propaganda tool for those who recruit people to fight against us,” Obama insisted that the executive orders reflected bipartisan consensus. What needed to be answered was where the detainees would go next. The former law professor maintained that his preferred option was to try them in federal courts, but those who violated the laws of war would be sent to the military commissions. As he stated the previous afternoon, indefinite detention was reserved for those who still constituted a threat to the U.S., but could not be prosecuted because of “tainted evidence.” Unfortunately for the president’s best laid plans, the political debate lacked such clarity and nuance. “You can almost picture the direct mail pieces that emerge from any vote on this issue—designed to frighten the population,” Obama acknowledged. “I get it. But if we continue to make decisions within a climate of fear, we will make more mistakes.”¹²

¹⁰ Transcript, “The Rachel Maddow Show for Wednesday, May 20 [2009],” *MSNBC*, http://www.msnbc.msn.com/id/30869191/ns/msnbc-rachel_maddow_show/t/rachel-maddow-showfor-wednesday-may/; Malinowski quoted in Baker, “Obama’s War Over Terror”; see also Isikoff, “Friendly Fire at the White House”

¹¹ Baker, “Obama’s War Over Terror”; Sheryl Gay Stolberg, “Obama Is Said to Consider Preventative Detention Plan,” *New York Times*, May 20, 2009

¹² Barack Obama, “Remarks at the National Archives and Records Administration,” May 21, 2009, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=86166&st=&st1=>

Perhaps referring to Romero *and* former Vice-President Dick Cheney, who was busy giving a dueling speech at the American Enterprise Institute defending the use of what he termed “enhanced interrogations,” Obama was aware that “some Americans are angry” and “others want to re-fight debates that have been settled, in some cases that they have lost.” He understood why there were calls for an independent commission to look into the possibility of torture, but recriminations about the past—however recent—would not allow the country to move forward. “We see that, above all, in the recent debate—how the recent debate has obscured the truth and sends people into opposite and absolutist ends,” Obama said. “On one side of the spectrum, there are those who make little allowance for the unique challenges posed by terrorism, and would almost never put national security over transparency. And on the other end of the spectrum, there are those who embrace a view that can be summarized in two words, ‘Anything goes.’ Their arguments suggest that the ends of fighting terrorism can be used to justify any means.” Neither side was entirely correct in his eyes. Only by finding a middle ground was it possible for him to protect the American people while building a “strong and durable framework that allows us to fight terrorism while abiding by the rule of law.”¹³

Regardless of how well he might have understood why activists were upset with him, Obama could not reconcile this particular disagreement. Human Rights Watch, Human Rights First, and the ACLU wanted him to live up to the candidate they thought he was, but he was unlikely to win many votes up for upholding international human rights standards, especially as they applied to terrorist suspects. This was something that the activists never really had to take into consideration.

Certainly, this audience at White House was more than anything the Bush administration had given them—and for good reason. The ACLU and Human Rights First jointly sued Rumsfeld and three other senior military officers on behalf of eight men who had allegedly been tortured in U.S. custody. Though he found the case to be “lamentable,” “appalling,” and “an indictment of the humanity with which the United States treats its detainees,” Chief Judge Michael Hogan dismissed *Ali et al. v. Rumsfeld* in March 2007 after ruling that Iraqi and Afghani nationals detained in their own countries by Americans were not subject to the Constitution. Hogan also determined that Rumsfeld and other high-level officials were immune from lawsuits resulting from actions “taken within the scope of their official duties.” Activist-lawyers went after Bush as well. In November 2010, as he defended the use of waterboarding in his newly-released memoir, *Decision Points*, Amnesty International called for “a criminal investigation into the role of former US President George W. Bush and other officials in the use of ‘enhanced interrogation techniques’ against detainees held in secret US custody after the former president admitted authorizing their use.” Amid concerns over protests and the possibility of an arrest warrant, Bush cancelled a trip to Switzerland in February 2011. The Center for Constitutional Rights (CCR) was preparing to file an “indictment for torture” in Swiss courts to correspond with his arrival. “Waterboarding is torture, and Bush had admitted, without any sign of remorse, that he approved its use,” said CCR lawyer Katherine Gallagher.¹⁴

¹³ Obama, “Remarks by the President on National Security,”; for Cheney’s speech, see “RAW DATA: Text of Dick Cheney’s National Security Speech at AEI,” *Fox News*, <http://www.foxnews.com/politics/2009/05/21/raw-data-text-dick-cheney-national-security-speech-aei/>

¹⁴ “Lawsuit Against Rumsfeld to Be Heard in Federal Court in the District of Columbia,” ACLU, June 22, 2005, <http://www.aclu.org/national-security/lawsuit-against-rumsfeld-be-heard-federal-court-district-columbia>; “Legal Update: ACLU and Human Rights First Respond to Secretary Rumsfeld’s Claims of Immunity from Prosecution Over Torture and Abuse of Detainees,” ACLU, March 6, 2006, <http://www.aclu.org/national-security/legal-update->

Obama's decision to meet with the likes of Human Rights Watch, Human Rights First, Center for Constitutional Rights, and the ACLU thus showed how rights-oriented NGOs were influential enough to get a seat at his table, but that did not necessarily mean he would do what they said. Indeed, they were among those who White House Press Secretary Robert Gibbs derisively labeled the "professional left." "I hear these people saying he's [Obama] like George Bush," Gibbs complained to *The Hill* in August 2010. "Those people ought to be drug tested. I mean, it's crazy." In their dogged pursuit of accountability in the decade after 9/11, this coalition of international human rights activists and civil libertarians embodied important aspects of the movement out of which they emerged: an emphasis on reaching and responding to political elites, moral suasion as a means of influence, and a close association with the liberal wing of the Democratic Party.¹⁵

The International Human Rights Non-Governmental Organization (NGO)

Margaret Keck and Kathryn Sikkink identify international human rights non-governmental organizations (NGOs) as one of the most important factors in transnational advocacy networks: "By building new links among actors in civil societies, states, and international organizations, they multiply the channels of access to the international system." Such networks have formed around issues in which there is a conflict between a domestic group and its government, State A, thereby setting in motion a "boomerang pattern" through which "moral entrepreneurs" seek a third party to apply pressure on State A to end its use of repression through the following means: *information politics*—quickly and credibly generating politically useful information and disseminating it to have as much impact as possible; *symbolic politics*—calling upon symbols, actions, or stories that help others understand a situation from a distance; *leverage politics*—maintaining access to powerful actors to assist weaker members of the network; and *accountability politics*—holding leaders to their previous stated policies.¹⁶

Also significant, as Claude E. Welch, Jr. explains, is the role of human rights NGOs in "standard setting," which he defines as "establishing international norms for state behavior, set forth in legally binding treaties that had been negotiated and ratified by governments." Several American NGOs convinced the U.S. delegation to include a specific reference to human rights in the draft of the United Nations Charter at the May 1945 San Francisco Conference. Eleanor Roosevelt described NGOs as a "curious grapevine," which, as William Korey writes, "would carry the message of the Universal Declaration of Human Rights and its violations through stone walls and across barbed wire erected by totalitarian and authoritarian regimes." To facilitate ratification in a world divided by the Cold War, the International Bill of Rights became two

[aclu-and-human-rights-first-respond-secretary-rumsfelds-claims-immuni](http://www.aclu.org/national-security/aclu-and-human-rights-first-express-disappointment-dismissal-rumsfeld-torture-case); "ACLU and Human Rights First Express Disappointment at Dismissal of Rumsfeld Torture Case," ACLU, March 27, 2007, <http://www.aclu.org/national-security/aclu-and-human-rights-first-express-disappointment-dismissal-rumsfeld-torture-case>; "US Must Begin Criminal Investigation of Torture Following Bush Admission," *Amnesty International*, November 10, 2010, <http://www.amnesty.org/en/news-and-updates/us-must-begin-criminal-investigation-torture-following-bush-admission-2010-11-10>; Ewen MacAskill, "George Bush Issued Traveled Warning by Human Rights Organisations," *The Guardian*, February 7, 2011, <http://www.guardian.co.uk/world/2011/feb/07/george-bush-issued-travel-warning>

¹⁵ Sam Youngman, "White House Unloads Anger Over Criticism from 'Professional Left,'" *The Hill*, August 10, 2010, <http://thehill.com/homenews/administration/113431-white-house-unloads-on-professional-left>

¹⁶ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, New York: Cornell University Press, 1998), 1, 12-14; see also Laurie Wiseberg and Harry Scoble, "Human Rights NGOs: Notes Towards Comparative Analysis," *Human Rights*, Vol. 9, No. 4 (1976), 611-644

separate treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, both of which were adopted by the UN General Assembly in December 1966 and used by activists to hold their governments accountable. Through its Campaign for the Abolition of Torture, Amnesty International secured passage of the 1984 UN Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment and Punishment, a process that Anne Marie Clark describes in great detail. A coalition of NGOs led by Defence of Children International was responsible for drafting much of the language found in the 1989 Convention on the Rights of the Child. Recipient of the 1997 Nobel Peace Prize, as we will see in the epilogue, the International Campaign to Ban Landmines brought together over 1,200 NGOs to pressure states to ratify the Convention on the Prohibition, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (the Ottawa Convention).¹⁷

International human rights activism thus derives its legitimacy from legally binding treaties and non-binding norms. Sikkink, Thomas Risse, and Steven Ropp see a “spiral model” as explaining the process through which repressive states change their behavior. Authoritarian leaders must consider the response of the international community. By appealing outward to activists who serve as their intermediaries to the other states and multilateral organizations, a regime’s opponents can increase the “cost of repression,” whether in the form of reductions in foreign aid or the loss of reputation from “shaming and stigmatization.” Risse, Ropp, and Sikkink find that “similar patterns and processes in very different settings” mark the transition away from widespread human rights abuses: (1) repression and the activation of a network; (2) denial by the norm-violating state; (3) tactical concessions; (4) “prescriptive status,” in which other states, NGOs, and intergovernmental organizations use human rights norms as a standard of behavior; and (5), finally, rule-consistent behavior. In this way, international human rights activism has played a significant role in the “third wave of democratization,” a term used by Samuel Huntington to describe the fall of dictatorial regimes in Southern Europe during the 1970s that spread to Latin America and Eastern Europe by the end of the 1980s.¹⁸

Flexible, versatile, and easily adaptable, the language of human rights can be expressed through religion, race, ethnicity, or nationality. While this dissertation tells the story of NGOs who defined themselves solely in terms of human rights, it situates them within a web of many other groups who had similar goals. With their universal claims about the equality of God’s children and a shared tradition of social justice, Christianity and Judaism contributed significantly to the human rights movement in the U.S. Not only did the American Jewish Committee and World Council of Churches strongly advocate for freedom of conscience in the Universal Declaration of Human Rights, but the National Conference of Soviet Jewry (NCSJ) assisted Jews who had been denied the right to emigrate by Soviet authorities. Working closely with Senator Henry Jackson (D-Washington), a strong anti-communist, the NCSJ was behind the

¹⁷ Claude E. Welch, Jr., ed. “Introduction,” *NGOs and Human Rights: Promise and Performance* (Philadelphia: University of Pennsylvania Press, 2001), 3-5; William Korey, *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine* (New York: St. Martin’s Press, 1998), 29-51, ix; Ann Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton, New Jersey: Princeton University Press, 2001)

¹⁸ “Spiral model” is describe by Kathryn Sikkink in *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca, New York: Cornell University Press, 2004), 87; Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, Oklahoma: University of Oklahoma Press, 1991)

1974 Jackson-Vanik Act, which tied Most Favored Nations trade status and economic aid to the number of exit visas granted to Soviet Jews.¹⁹

The NAACP recognized the applicability of post-World War II international human rights agreements to African-Americans subjected to legal segregation in the South. Black leaders defined Jim Crow as a human rights problem, but beset by opposition from Eleanor Roosevelt, the head of the U.S. delegation who did not want to give the Soviets propaganda, and a dispute between Walter White and W.E.B. DuBois, they were unable to raise the issue at the UN. With their claims narrowed into civil rights, Carol Anderson argues that African-Americans ultimately lost “the prize” of human rights, preventing them from finding a means of reducing the economic inequality that has remained in American society long after the successes of the civil rights movement. But there were successful mobilizations too. The anti-apartheid movement convinced Democrats and Republicans in Congress to override President Ronald Reagan’s veto of the 1986 Comprehensive Anti-Apartheid Act. Universities and municipal governments divested from corporations that did business in South Africa. Led by Randall Robinson, TransAfrica worked closely with the Black Congressional Caucus and organized protests such as the November 1984 sit-in at the South African Embassy.²⁰

Ethnic organizations took up human rights issues as they pertained to their former homelands. Before leaving to attend the signing ceremony of the Helsinki Final Act in August 1975, President Gerald Ford assured Eastern European and Baltic organizations that the U.S. has “has never recognized the Soviet incorporation of Lithuania, Latvia, and Estonia.” Both of Ford’s opponents in the 1976 presidential campaign, Ronald Reagan and Jimmy Carter, accused him of conceding Soviet control over the region. Ford made this political situation worse when he asserted in a debate that the people in these countries did not see themselves “under the domination of the Soviet Union.” Making Ford appear oblivious to repression behind the Iron Curtain, Carter responded, “I would like to see Mr. Ford convince the Polish Americans and the Czech Americans and the Hungarian Americans in this country that those countries don’t live under the domination and supervision of the Soviet Union.” Ford’s mistake may have cost him the election.²¹

Nationality offered another path towards international human rights activism. If they managed to avoid imprisonment, torture, or murder, some exiles were able to expose the state crimes that had been inflicted upon them. After a series of right-wing military dictatorships took power in South America during the 1960s and 1970s, leftists in Brazil, Chile, Argentina, and Uruguay fled to major cities in the U.S. and Western Europe, where they became an important source of information for NGOs like Amnesty International. Vania Markarian has looked closely at the network that formed among Uruguayan leftists between 1967 and 1984. Leaving

¹⁹ See O. Frederick Nolde, *Free and Equal: Human Rights in Ecumenical Perspective, with Reflections on the Origin of the Universal Declaration of Human Rights by Charles Habib Malik* (Geneva: World Council of Churches, 1968), 15-23; Joseph Proskauer, *A Segment of My Times* (New York: Farrar, Strauss, 1950), 216-226; Henry L. Feingold, *“Silent No More”: Saving the Jews of Russia, the American Jewish Effort, 1967-1989* (Syracuse, New York: Syracuse University Press, 2007), 109-148

²⁰ Carol Anderson, *Eyes Off the Prize: the United Nations and the African-American Struggle for Human Rights, 1944-1955* (New York: Cambridge University Press, 2003); Randall Robinson, *Defending the Spirit: A Black Life in America* (New York: Dutton, 1998)

²¹ Michael Cotey Morgan, “The United States and the Making of the Helsinki Final Act,” in Fredrik Logevall and Andrew Preston, ed., *Nixon and the World: American Foreign Relations, 1969-1977* (New York: Oxford University Press, 2008), 173; Murrey Marder, “Ford, Kissinger, Defend U.S. Presence at Helsinki Meeting,” *Washington Post*, July 26, 1975; Walter Isaacson, *Kissinger: A Biography* (New York: Simon & Schuster, 1992), 701-703

behind the language of international socialism, they framed their protests in terms of human rights—a strategy that helped them convince Congress to cut off military aid to their former country.²²

Whether the NAACP, National Conference on Soviet Jewry, Polish American Congress, or exiled Uruguayans, human rights became the vehicle through which specific racial, ethnic, religious, or national communities could help their own members. This was why American Jews took such interest in the plight of Soviet Jews or why African-Americans viewed their government's complicity in upholding apartheid in South Africa as a sign of its commitment to domestic civil rights. Although human rights may have offered the packaging through which these groups of people advocated for one another, it was not why their organizations existed in the first place. At the very basis of their cohesion was a shared identity that shaped their lives beyond activism, for it was likely that a member was born a Jew, an African-American, or a Uruguayan.

Such identities were important to human rights NGOs as well. Even as it claimed to be a secular organization, Stephen Hopgood observes that Amnesty International was “culturally Christian” in its earliest years. Inspired by the German theologian Dietrich Bonhoeffer, Peter Benenson founded AI with the notion that “practical moral action could coexist with skepticism about traditional authority.” As he awaited his April 1945 execution for having participated in an assassination plot against Hitler, Bonhoeffer wrote that he still believed in a “universal Christian brotherhood which rises above national interests.” AI was just another version of that brotherhood, “a kind of moral solidarity” to which the “language of human rights” fit perfectly.²³

Nor would have Amnesty International and Human Rights Watch been nearly as effective without the help of these organizations, for they worked hand-in-hand with clergy, exiles, and ethnic leaders. They shared resources such as information, funding, and access to congressional staff. In its earliest years, Amnesty International USA was affiliated with the Human Rights Working Group of the Coalition for a New Foreign and Military Policy, an umbrella group consisting of liberal groups associated with mainline Protestant denominations—the American Friends Service Committee, Clergy and Laity Concerned, National Council of Churches, Unitarian Universalist Association, United Methodist Church's Division of World Peace, the United Presbyterian Church USA, the Washington Office on Africa, and the Washington Office on Latin America. Growing out of the anti-Vietnam War movement “because American Militarism didn't end with the war,” the Human Rights Working Group coordinated lobbying, monitored relevant legislation, and kept rank-and-file members informed of foreign policy issues. “We helped scuttle the B-1 bomber,” read a January 1979 advertisement in *Mother Jones*. “We cut back military aid to dictatorships in Chile, Uruguay, Argentina, and the Philippines. And now we're challenging the very foundation of militarism—distorted budget priorities that put the Pentagon ahead of our communities, our jobs, and our environment.” Amnesty members provided most of the information relating to specific human rights abuses.²⁴

²² Vania Markarian, *Left in Transformation: Uruguayan Exiles and Latin American Human Rights Networks, 1967-1984* (New York: Routledge, 2005)

²³ Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca, New York: Cornell University Press, 2006); Jeri Laber, *Courage of Strangers: Coming of Age with the Human Rights Movement* (New York: PublicAffairs, 2002)

²⁴ David B. Ottaway, “The Growing Lobby for Human Rights,” *Washington Post*, December 12, 1976; Coalition for a New Foreign and Military Policy, “Try it on. See if it still fits.” *Mother Jones* (January 1979), 70

International human rights activists may have denied that their NGOs were political, but they most often worked within the American left. Liberal Democrats used the Coalition for a New Foreign and Military Policy as a vehicle through which to fulfill the goals of antiwar protestors. A focus on human rights NGOs offers a bottom-up perspective on how their participation in a transnational advocacy network brought a once-peripheral concern—the protection of individual rights—to the forefront of post-Vietnam War foreign policy debates. In contrast to wide-ranging intellectual histories that locate the origins of international human rights activism in antiquity, the French Revolution, or World War II, Kenneth Cmiel and Samuel Moyn argue that it only fully emerged in the 1970s. For all of his importance in settling this historiographical question, Moyn primarily looks at how intellectuals brought human rights into elite discourse. More interested in the organizational history of Amnesty International USA (AIUSA), Cmiel provides a point of departure for this dissertation, for it was only through institutions that ideas turned into action. One of the most significant moral, legal, and political developments of our time was sustained through organizations that brought together ordinary people to end human rights abuses all around the world.²⁵

By using archival collections and published primary sources, this dissertation shows how the most devoted of these individuals built institutions like the International League for Human Rights, Amnesty International USA, and Human Rights Watch. Lacking the official authority of state actors, they had to act as “moral entrepreneurs.” Following Peter Drucker and Gregory Dees, Roger Martin and Sally Osberg describe social entrepreneurship as consisting of three steps: (1) identifying a stable but inherently unjust equilibrium that causes the exclusion, marginalization, or suffering of a segment of humanity that lacks the means—economic or political—to achieve any transformative benefit on its own; (2) identifying an opportunity in this unjust equilibrium, develop a social value proposition, and bring to bear inspiration, creativity, direct action, courage, and fortitude, thereby challenging the status quo; and (3) forging a new, stable equilibrium that releases trapped potential or alleviates the suffering of the targeted group. To Martin and Osberg, “social value” means community development banks or homeless shelters that start businesses with the goal of training its residents. But international human rights NGOs also produced their own “social value,” albeit in a less tangible way. By branding themselves with moral credibility, they broadened their appeal and gained influence.²⁶

Activists had information that political, cultural, and legal elites came to value. The researchers who gathered the material for the many reports published by Amnesty International and Human Rights Watch became experts on the abuses in their assigned countries. They were frequently called to testify before Congress. Journalists quoted their findings to counter or corroborate the official version of events. NGOs increasingly developed the legal expertise

²⁵ For a global view of 1960s protest leading to détente, see Jeremi Suri, *Protest and Power: Global Revolution and the Rise of Détente* (Cambridge, Massachusetts: Harvard University Press, 2003); Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Massachusetts: Harvard University Press, 2010); for examples of histories that locate the origins of international human rights activism before the 1970s, see Lynn Hunt, *Inventing Human Rights: A History* (New York: W.W. Norton & Co., 2007), and Elizabeth Borgwardt, *A New Deal for the World: America's Vision for Human Rights* (Cambridge, Massachusetts: Harvard University Press, 2005); Kenneth Cmiel, “The Emergence of Human Rights Politics in the United States,” *Journal of American History*, Vol. 86, No. 3: 1231-1250; Louis Henkin, *Age of Rights* (New York: Columbia University Press, 1990)

²⁶ Martha Finnermore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization*, Vol. 52, 887-917; J. Gregory Dees, “The Meaning of Social Entrepreneurship,” 2 (2001); Roger Martin and Sally Osberg, “Social Entrepreneurship: The Case for a Definition,” *Stanford Social Innovation Review* (Spring 2007), 35

needed to use the courts to their advantage. As international human rights courses became more widely taught at American law schools, internships brought young law students into NGOs where they could apply what they had learned in the classroom. Leading law schools such as Harvard and Yale established programs dedicated to international human rights that enabled students to work on actual cases.²⁷

Publicity was just as important. It was easier to mobilize public opinion against repressive governments if the victims were well known; even better if these victims had been adopted by their NGOs. When politicians and journalists cited an NGO's findings in their speeches and news reports, the activists became part of the story. Some were skilled public relation strategists in their own right. They made friendships with editors and reporters, thus influencing how their organizations were covered. Others used media outlets like the *New York Times* and the *Washington Post* to make their views known through opinion pieces.

International human rights NGOs constantly reaffirmed their accuracy and objectivity. Such reliability was crucial to fundraising. Philanthropic foundations, the wealthy, and celebrities had to trust activist-executives before donating to their organizations. Larger fundraising budgets begat more donations. The most important tool for early NGOs was mailing lists. By building up a list of reliable donors and attracting new ones through deeply emotional solicitations, Amnesty International USA placed itself on solid footing financially. Human Rights Watch, by contrast, had no need for a large membership base. It was heavily funded by the Ford Foundation.

Information, publicity, and money enabled NGOs to introduce a rubric through which to evaluate the decisions of American officials. The language they popularized shaped the "classic debate of the late Cold War," as Mark Danner writes of El Salvador during the 1980s. On one side, there were those who argued that the geopolitics of Central America gave the U.S. no choice but to support a "'friendly regime,' however disreputable it might seem [because] the possibility of another Communist victory in the region" was intolerable, and, on the other hand, those who "insisted that the country must be willing to wash its hands of what had become a morally corrupting struggle."²⁸

Aryeh Neier, one of the most prominent American activists, has recently published a global history of the international human rights movement that takes us to the present day. Neier makes a similar argument about how Amnesty International and Human Rights Watch rose to prominence during the 1970s and 1980s, but this dissertation is more concerned with those individuals in these two organizations—Neier included—whose stories tend to be lost in the high politics of international relations. This dissertation offers a new direction for historians who want to write about how human rights became a relevant political and moral issue to Americans during the Cold War. This is a history—a very recent one at that—that tells how this occurred at the grassroots. The founding of a local Amnesty group on Manhattan's Upper Westside is just as important to the narrative as the bilateral summits that compelled President Ronald Reagan and Soviet Premier Mikhail Gorbachev to defend their respective human rights records face-to-face.

²⁷ See Yves Dezalay and Bryant G. Garth, *The Internationalization of Palace Wars: Lawyers, Economists, and the Contest to Transform Latin American States* (Chicago: University of Chicago Press, 2002); see also Austin Sarat and Stuart A. Scheingold, eds. *Cause Lawyering and Social Movements* (Stanford, California: Stanford University Press, 2006); Austin Sarat and Stuart A. Scheingold, *Cause Lawyering and the State in a Global Era* (Oxford: Oxford University Press, 2001)

²⁸ Mark Danner, *The Massacre at El Mozote: A Parable of the Cold War* (New York: Vintage Books, 1994), 9

With some exceptions, most of the activists profiled here are obscure, but that is exactly the point. The purpose of this dissertation is to uncover who they are.²⁹

The Activists

Why the spectacle of “distant suffering”—in the words of Luc Boltanski—drove some people to become international human rights activists can be answered only in deeply personal terms. Biography is crucial to understanding how this transformation occurred for them: religious beliefs, a long-held cultural interest, a friend who experienced political repression and symbolized the plight of an entire country, previous work on domestic civil liberties, or their own victimhood. Human rights provided them a meaningful way for them to take action against oppression wherever it occurred.³⁰

Historians who study the origins of humanitarianism have dealt with similar questions. Thomas Laqueur and Lynn Hunt each point to the use of narrative to help readers understand the plight of strangers. Beginning in the eighteenth century, as Laqueur shows, novels, medical reports, and political tracts increasingly used personal detail about the “the pains and deaths of ordinary people in such a way as to make apparent the causal chains that might connect the actions of its readers with the suffering of its subjects.” Greater verisimilitude exposed “the lineaments of causality and human agency,” which made it possible to see reform as possible and a moral imperative. Hunt credits the novel with instilling in readers “a sense of equality and empathy through passionate involvement in the narrative,” for they came to see that they had so much in common with characters: “Can it be coincidental that the three greatest novels of psychological identification of the eighteenth century—Richardson’s *Pamela* (1740) and *Clarissa* (1747-1748) and Rousseau’s *Julie* (1761)—were all published in the period that immediately preceded the appearance of the ‘rights of man’?”³¹

Viewing the origins of humanitarianism as inextricable from the rise of capitalism, Thomas Haskell contends that “it was primarily a change in cognitive style—specifically a change in the perception of causal connection and consequently a shift in the conventions of moral responsibility—that underlay the new constellation of attitudes and activities that we call humanitarianism.” In contrast to Marxist accounts of the rise of the bourgeoisie or the “social control” thesis popularized by Michel Foucault in *Discipline and Punish*, Haskell thought that a preoccupation with class interest obscured an important development: “What altered cognitive style in a ‘humanitarian’ direction was not in the first instance the ascendancy of a new class, or the assertion by that class of a new configuration of interests, but rather the expansion of the market, the intensification of market discipline, and the penetration of that discipline into spheres of life previously untouched by it.” An ever-expanding market gave John Woolman, a Quaker merchant turned itinerant preacher, the “recipe knowledge”—an awareness of one’s position within a causal chain—to understand that slaveholders were perpetrating a moral wrong, regardless of where the slave had been initially sold or captured. Only after understanding the

²⁹ Aryeh Neier, *The International Human Rights Movement: A History* (Princeton, New Jersey: Princeton University Press, 2012)

³⁰ Luc Boltanski, *Distant Suffering: Morality, Media, and Politics* (New York: Cambridge University Press, 1999)

³¹ Thomas Laqueur, “Bodies, Details, and the Humanitarian Narrative,” in Aletta Biersack and Lynn Hunt, eds. *The New Cultural History* (Berkeley, California: University of California Press, 1989), 177-178; Hunt, *Inventing Human Rights*, 39-40

economic relationship between supply and demand could Woolman overcome the “spatial and temporal remoteness” that had previously limited how he perceived his agency.³²

The emotional connections that formed between activists and victims in this dissertation arose within another era of intensifying market relations—the contemporary era of globalization. Post-1970 technological developments such as earth satellites, cable television, fax machines, the personal computer, electronic mail, and the Internet had a profound effect on creating what Marshall McLuhan famously termed “the global village.” A professional basketball star like Michael Jordan could sell Nike shoes anywhere in the world. Entrepreneur Ted Turner launched the Cable News Network in June 1980, a twenty-four hour news channel whose coverage allowed television views to witness events unfold in a distant country. The proliferation of media outlets made for more information to be dispersed to more people. “With 70, 150, or even 500 channels, audiences enjoyed much wider choices,” LaFeber writes. “Thus Jordan and Nike could select certain channels (MTV) to target young buyers of sneakers, or use other channels (ESPN) watched by sports fans. And with the emergence of global-girdling communication-satellite systems to carry these television advertisements, Jordan and [Nike CEO Phil] Knight instantaneously flashed their messages, and themselves, around the world.”³³

International human rights activism benefitted immensely from this ever-growing interconnectedness. “Between 1965 and 1980 the sheer quantity of informational available on human rights abuses around the world rose dramatically,” Kenneth Cmiel observes. “Fact-finding missions, academic studies, and congressional hearings all poured out. There were books on the subject, annual reports, and special reports.” As the volume of this information grew exponentially during these years, NGOs utilized this technology to shame offending governments in more effective ways. In a world overrun with signifiers, powerful symbols took on an even greater importance to activists whose power was, in the words of Representative Robert Drinan (D-Massachusetts), “the mobilization of shame.” Narrative gave them a way of telling the life stories of political prisoners. Their campaigns were organized around a few paradigmatic cases that, if effective, would make Americans consider what it would be like to be deprived of freedoms they might have taken for granted. “In order for people to rally to the human rights cause it is very often necessary for them to have an identification with individuals,” Aryeh Neier said in an interview with Sarah Snyder. “And when people started to get to know the names of someone like Yuri Orlov or Havel or Michnik, that was important.” Any success, however small—the release of a prisoner, a more lenient sentence, a stay of execution—was a sign to activists that further changes were possible. Their worldview was based on a far-reaching conception of a person’s ethical responsibilities. To do nothing while others were punished merely for expressing their most closely held beliefs was to be complicit in an ongoing injustice. Strangers became victims.³⁴

³²Thomas L. Haskell, “Capitalism and the Origins of the Humanitarian Sensibility, Part I,” in Thomas Bender, ed., *The Antislavery Debate: Capitalism and Abolitionism as a Problem in Historical Interpretation* (Berkeley, California: University of California Press, 1992), 111; Thomas L. Haskell, “Capitalism and the Origins of the Humanitarian Sensibility, Part II,” in *Ibid.*, 159

³³Walter LaFeber, *Michael Jordan and the New Global Capitalism* (New York: W.W. Norton & Co., 2002), 15-18

³⁴Cmiel, “The Emergence of Human Rights Politics in the United States,” 1236, 1249; Robert Drinan, *The Mobilization of Shame: A World View of Human Rights* (New Haven, Connecticut: Yale University Press); Neier quoted in Sarah Baldwin Snyder, “Symbolic Politics and the Cold War: How Helsinki Watch Personalized Human Rights Abuses,” September 2009, 7-8, *University of Texas Law School*, http://www.utexas.edu/law/centers/humanrights/events/speaker-series-papers/Snyder_Symbolic%20Politics.pdf; Aryeh Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (New York: PublicAffairs, 2003), 156

In Balzac's *Père Goriot*, the character Rastignac asks a friend what he would do if it was possible for him to become rich by killing a Chinese mandarin with only a nod of his head. Adam Smith raises the same question in the *Theory of Moral Sentiments* about how distance affects moral judgment, specifically, the pain one experiences over losing a finger vis-à-vis an earthquake in China: "To prevent, therefore, this paltry misfortune to himself, would a man of humanity be willing to sacrifice the lives of a hundred millions of his brethren provided he had never seen them?" Smith did not think the "soft power of humanity" was enough for most people to give up their finger. Robert Sibley reaches a similar conclusion: "Cosmopolitanism as an ethical commitment strains to extend our concrete realities to include some distant and generalized 'others' who, we are told, are our global neighbours." Based upon the notion of "kindness to strangers," the cosmopolitanism of Kwame Anthony Appiah begins from this premise to argue that lives are given value by the identities that shape them. As a gay, British-Ghanaian who has taught at Harvard and Princeton, Appiah has tried to find a balance between the peculiarities that define who he is and upholding the rights of others to be who they are—a form of multicultural liberalism he calls "rooted cosmopolitanism." An abstract, universal idea of "the human" does not provide an adequate philosophical basis for Appiah's cosmopolitanism because "humanity alone is not a sufficient identity for any of us." International human rights activists proceeded in a similar path to the concrete. Personal details mattered to them. They immersed themselves in the lives of prisoners they may have never actually met in person.³⁵

Who exactly were these activists? Sidney Tarrow identifies "outsiders inside/insiders outside" as essential to what he terms "the new transnational activism": "Through the use of both domestic and international resources and opportunities, domestic-based activists—citizens and others—move outward to form a spectrum of 'rooted cosmopolitans' who engage in regular transnational practices." Even as they move "physically and cognitively beyond their origins," they remain embedded within social networks in their former country. Their accumulation of various forms of capital—economic, social, and cultural—enables them to bring together people in numerous countries for a particular cause. These "rooted cosmopolitans" find their voice in domestic political activities. Highly educated, they tend to be "better connected, speak more languages, and travel more often." Tarrow cites a 2004 survey of twenty-seven leaders of global civil society conducted by Paola Grenier, who finds that "what distinguishes them is not so much their ability to operate at a global level but rather their capacity to connect local and global opportunity structures to pursue their causes," gaining exposure to the larger world through travel, education, or family, the product of a "somewhat privileged upbringing."³⁶

This dissertation contends that a circle of "rooted cosmopolitans" were responsible for the emergence of an international human rights movement in the U.S. during the Cold War. The following chapters are structured around a specific activist to show his or her contributions to its development. Together, the individual portraits constitute a collective biography of a

³⁵ Kwame Anthony Appiah, *Cosmopolitanism: Ethics in a World of Strangers* (New York: W.W. Norton & Sons, 2006), 155-158; see also Kwame Anthony Appiah, *The Ethics of Identity* (Princeton, New Jersey: Princeton University Press, 2005); Thomas Nagel, *Secular Philosophy and the Religious Temperament: Essays 2002-2008* (Oxford: Oxford University Press, 2010), 101-102

³⁶ Sidney Tarrow, "Outsiders Inside and Insiders Outside: Linking Transnational and Domestic Public Action for Human Rights," *Human Rights Review*, Vol. 11 (2010): 171-182; Sidney Tarrow, *The New Transnational Activism*, (New York: Cambridge University Press, 2005), 35, 42-43; Paola Grenier, "The New Pioneers: The People Behind Global Civil Society," in Helmut Anheier, Marlies Glasius, and Mary Kaldor, eds., *Global Civil Society 2004-2005* (London: Sage, 2004), 144, <http://www.gcsknowledgebase.org/wp-content/uploads/20045-Chapter6.pdf>

transnational advocacy network. Historians refer to this methodology as prosopography, which Lawrence Stone defines as “the investigation of the common background characteristics of a group of actors in history by means of a collective study of their lives.” Small group dynamics are best studied through the “elite school” of prosopography:

The technique employed is to make a meticulously detailed investigation into the genealogy, business interests, and political activities of the group, the relationships being displayed by means of detailed case studies, supported to only a secondary and relatively minor degree by statistical underpinnings. The purpose of such research is to demonstrate the cohesive strength of the group in question, bound together by common blood, background, education, and economic interests, to say nothing of prejudices, ideals, and ideology.³⁷

The individuals profiled in this dissertation were not the powerful, but neither were they the powerless. Mostly, they were professionals who were drawn into activism after their moral sensibilities had been greatly offended. The relative insularity of this activist community makes it possible to see their NGOs as part of a broader social movement that took shape in New York, San Francisco, and Washington, D.C. during the 1970s.

Chapter 1 traces the origins of the international human rights movement in the United States to Roger Baldwin, the civil libertarian who co-founded the ACLU following World War I. In 1942, Baldwin assumed leadership of an NGO that had been founded by European intellectuals exiled in New York, the International League for the Rights of Man (ILRM). The 1945 UN Charter and 1948 Universal Declaration of Human Rights compelled the ILRM to concentrate its activities on persuading UN member-states to pursue complaints of abuse, but neither the United States nor the Soviet Union were willing to embarrass their allies and the recently decolonized countries from Africa and Asia were fiercely protective of their national sovereignty. Only when it circumvented the UN did the ILRM make a difference. Borrowing from the organizational structure of local chapters he had implemented at the ACLU, Baldwin formed an international network of affiliates to provide him with information on human rights violations in South Africa, South West Africa (Namibia), India, Ghana, and Morocco. For the most part, however, Baldwin’s two decades at the ILRM were marked by frustration, as he asked after retiring in 1965, “Was it the wrong time?”

Troubled by the U.S.’s unwavering support of right-wing dictatorships during the mid-1960s, as Chapter 2 describes, a few American activists realized that they had to focus their attention on Washington, D.C. as much as anywhere else. “With the emergence of the Cold War,” David Schmitz writes, “expediency again overcame the American commitment to democracy as the United States came to prefer ‘stable’ right-wing regimes in the Third World over indigenous radicalism and what it saw as dangerous unstable democratic governments.” Seeing Baldwin as a role model from whom he could solicit advice and guidance, British lawyer Peter Benenson founded Amnesty International (AI) in 1961. Benenson relied on the ILRM to help him establish Amnesty International USA (AIUSA), the first of numerous collaborations between their organizations. Together, the ILRM and AIUSA spoke out against the Iranian Shah, Portuguese dictator António de Oliveira Salazar, and the Greek colonels. Indeed, it was the April 1967 military coup in Greece that was responsible for creating a transnational network

³⁷ Lawrence Stone, “Prosopography,” *Daedalus*, Vol. 100, No. 1 (1971), 46-79, quotations found on pp. 46-47

of AI, AIUSA, and ILRM activists that set out to publicize the new regime's use of torture against political opponents. Their moral outrage was due to their belief that the American foreign policy ought to be a reflection of their values.

Chapter 3 tells the story of AIUSA's earliest years through Ivan Morris, a British-American professor of East Asian Studies at Columbia University. From founding the Riverside Group in 1966 to undertaking fact-finding missions to Japan, South Korea, and Mexico in 1969-1970 to becoming Chairman of the Board of Directors in 1973, Morris was a key figure in AIUSA as it overcame initial fundraising struggles to take advantage of the growing awareness of international human rights issues during the mid-1970s, especially through the Campaign to Abolish Torture (1973-1975). AIUSA also made its voice heard within AI. Unlike the Western Europeans who dominated the International Executive Council, the Americans were less willing to criticize Israeli soldiers for alleged torture of Arab civilians and had no qualms about receiving money from U.S.-based philanthropic foundations. Indicative of their view that U.S. power ought to be used for good, AIUSA formed a Washington, D.C. Office to persuade the State Department and Congress to advance its legislative agenda.

The most effective grassroots organizer for AIUSA during the 1970s was Ginetta Sagan, the subject of Chapter 4. Sagan joined the Italian Resistance as a teenager after her parents were sent to Nazi concentration camps. A victim of torture, her dramatic rescue from prison inspired her to help others who had similar experiences. Thereafter, she immigrated to the U.S., eventually marrying a doctor from Northern California. Sagan was so successful at finding activists in San Francisco that she established the Western Regional Office (WRO). She brought AIUSA to Southern California, the Pacific Northwest, Texas, and the Chicago suburbs, attracting new members and donors by sharing her past and through her close friendship with folk singer Joan Baez. The WRO's success with direct mail fundraising was a significant step towards financial sustainability. Responsible for introducing information technology to AIUSA by using a personal computer to keep track of case files, WRO member Scott Harrison made significant contributions to the Urgent Action Network through which Telex terminals directed AI members to send telegrams and overnight letters when a prisoner's life was in jeopardy. Along with Sally Lilienthal, another AIUSA group leader from San Francisco, Sagan hired a lobbyist to convince American officials to allow hundreds of Chileans to resettle in the U.S. after having been expelled by the Junta for their leftist politics.

Chapter 5 focuses on another San Francisco Bay Area activist, Frank Newman, a law professor at the University of California, Berkeley. He first became aware of the need to protect individual rights in 1949 when he challenged a requirement that faculty members had to take an oath that they were not Communists. Newman threw himself into activism after Andreas Papandreou, a former economist at Berkeley, was detained by the Greek Junta in 1966-1967. A sabbatical at the Institute for Human Rights in Strasbourg changed the trajectory of Newman's academic career. Shifting to international human rights law, he was among the first to teach a course on the subject in American law schools. His students straddled the line between academia and activism just as he did. David Weissbrodt joined the faculty at the University of Minnesota Law School and became a legal adviser to AIUSA. Michael Posner founded the Lawyers Committee for Human Rights, what is now known as Human Rights First. Particularly receptive to international human rights were elite law schools that established multidisciplinary programs which would bring them prestige, media attention, and interested students.

As AIUSA became more of a factor in Washington, D.C. during the late 1970s, conservatives accused it of playing politics with human rights, a debate that is discussed in

Chapter 6. AIUSA responded that it had no ideological bias against right-wing dictatorships, but some of its leaders were concerned about the “impartiality question.” State Department officials warned AIUSA representatives to avoid too close of an association with the left if it wanted to be well-received at Foggy Bottom, but that was difficult to do when its Executive Director was David Hawk, a civil rights and antiwar protest organizer. Hawk was just one of numerous AIUSA figures who emerged out of the New Left. They may have believed that human rights trumped mere politics, but the criticism that followed from their spring 1976 campaign to cut off military aid to Uruguay showed just how fraught its relationship was with the right. When AI decided to launch the Death Penalty Campaign in 1979, at which point notable conservative William F. Buckley left the organization, AIUSA was placed in the difficult position of mobilizing against public opinion during the 1980s and 1990s.

Torture was the rare issue for AIUSA that transcended political ideology in the Reagan years. Chapter 7 begins with the murder of Joelito Filártiga, a Paraguayan teenager who was tortured to death by police inspector Américo Peña-Irala in March 1976 because his father had criticized the Stroessner regime’s negligence of poor rural peasants. As an international network of activists brought attention to the case, public interest lawyers at the Center for Constitutional Rights resurrected the 1789 Alien Tort Statute to pursue legal action against Peña-Irala in federal court. Judge Irving Kaufman ultimately ruled in June 1980 that Peña-Irala was liable for Filártiga’s death because he had committed a crime against international law. The Filártigas never received any of the damages Peña-Irala owed to them, but they finally received the justice that had been previously denied to them in Paraguay. Once again dedicated to exposing state-sanctioned torture, AI worked with Western European delegations at the UN to draft the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. AIUSA successfully convinced the White House to support its ratification. Modeled on the *Filártiga* decision and a major legislative goal of AIUSA during the late 1980s, Congress eventually passed a law—the Torture Victims Protection Act—that allowed foreigners to sue their torturers in U.S. courts.

As AIUSA Executive Director from 1981-1993, Jack Healey embarked on an ambitious project to use popular culture to raise awareness of his organization. Chapter 8 details how the image-conscious Healey followed the example of AI-UK’s *The Secret Policeman’s Ball* in using celebrities as spokespersons. Seeing rock ‘n’ roll as a form of self-expression that could educate the public about their rights, Healey organized *Conspiracy of Hope*, a tour that played in major American cities in summer 1986. With the help of promoter Bill Graham, Healey then embarked on one of the largest live musical productions ever attempted. Intended to be a celebration of the Universal Declaration of Human Rights, *Human Rights Now!* made stops on five different continents over a two-month period in fall 1988. A tour of this scale was only possible through air travel, corporate underwriting by Reebok, the popularity of Western musicians, satellite technology that enabled MTV or HBO to play their videos on cable television, and international syndication to re-broadcast the concerts all over the world. By the early 1990s, Healey had expanded AIUSA’s reach into television shows and motion pictures.

The next two chapters reveal the blurry line that exists between domestic politics and international human rights activism by looking closely at Aryeh Neier and Americas Watch, a progenitor to Human Rights Watch. Chapter 9 shows how Neier, a prominent civil libertarian, refashioned himself into an international human rights activist. Chapter 10 then follows with what happened when Neier raised objections to one of President Ronald Reagan’s most important foreign policy priorities: fighting communism in Central America. Neier’s family fled

Nazi Germany when he was three years old, so he understood the importance of defending individual rights. At the NYCLU during the 1960s, he tackled police brutality, defended antiwar protestors, and initiated lawsuits that expanded the rights of women seeking an abortion, prisoners, and mental hospital patients, a strategy he took with him to the ACLU. His eight years as Executive Director (1970-1978) are most remembered for his decision to defend the First Amendment rights of neo-Nazis to protest through Skokie, Illinois, a heavily Jewish suburb of Chicago. By the end of the 1970s, however, Neier was reconsidering his previous reliance on litigation, for there were some problems that could not be fixed through the courts, most notably, the foreign policy of the newly-elected Ronald Reagan.

Publishing executive Robert Bernstein once joked that the purpose of Americas Watch—the NGO he established in 1981 with Aryeh Neier and Orville Schell—was to correct all of the “lies” the Reagan administration told about Central America. A collection of Marxist guerrillas in Nicaragua, the Sandinistas overthrew the dictator Anastasio Somoza and assisted leftist rebels in neighboring El Salvador known as the Farabundo Martí Liberation Front (FMLN), beginning a civil war that would not be resolved until 1992. With Reagan pressing for a substantial increase in assistance to anti-communist military forces, Congress approved the money on the condition that the administration certify that the Government of El Salvador was in compliance with international human rights standards, thereby allowing Americas Watch an opportunity to present information accusing the Salvadoran Army *and* its unofficial death squads of murdering civilians. Responding to Americas Watch’s accusations was Assistant Secretary of State Elliott Abrams, a neoconservative who put democracy promotion at the forefront of the Reagan administration’s human rights policy. Abrams’s strategy for refuting its allegations was to accuse international human rights activists of ideological bias. But it would be Abrams’s fervent anti-communism and omission of the truth when testifying before Congress that led to his downfall in the Iran-Contra scandal.³⁸

One of the most passionate supporters of human rights within the State Department was Abrams’s subordinate, George Lister, a career diplomat whose intellectual transformation from Cold Warrior to activist is recounted in Chapter 11. Though he remained a strong anti-communist, Lister was a pragmatist, persuading Italian Socialists to join a center-left coalition with the Christian Democrats to isolate the Communists in the early 1960s. Years later, he pushed for a similar accommodation with the Chilean left when he was transferred to the Bureau of Inter-American Affairs, but President Richard Nixon took the exact opposite course of action after Salvador Allende won the 1970 election. To fulfill Nixon’s goal of making the Chilean “economy scream,” the White House cut off economic aid to Chile and urged American businesses to go elsewhere. The CIA conspired with Chilean military officers to violently remove Allende from office in September 1973. Over the next two years, Congress held hearings on the role of human rights should have in U.S. foreign policy and passed legislation tying foreign assistance to international human rights standards, while the State Department formed the Bureau of Humanitarian Affairs and Human Rights. Reassigned to a position that fit with his desire to move “beyond a sterile anti-communism,” Lister oversaw the completion of the first set of annual human rights reports on countries receiving foreign assistance. International human rights activists in the Washington, D.C. area soon realized that they had someone who was willing to meet with them and take their concerns up the bureaucratic ladder.

³⁸ Bernstein’s characterization of Americas Watch can be found in Korey, *NGOs and the Universal Declaration of Human Rights*, 312

Lister may not have always agreed with how they characterized official policy, but he tried to understand their criticisms. He also reached out to opposition leaders in many different countries. Even as he was warned not to bring them around the State Department, Lister made sure that the views of Raul Manglapus, Kim Dae Jung, or Claudio Grossman would be heard by American officials. By the end of Reagan's second term, the administration had shifted away from its previous support of military dictatorships in the Philippines, South Korea, and Chile, a stunning reversal from just a few years earlier.

The last four chapters are focused on Helsinki Watch. Chapter 12 describes how Jeri Laber became an international human rights activist. A graduate of the Columbia University's Russian Institute, Laber toured the Soviet Union in 1954. She continued her lifelong interest in Soviet literature—while raising a family—by writing about dissident authors. After reading a story in the *New Republic* about a young woman who had been tortured in a Greek prison, Laber participated in AIUSA's Riverside Group during the mid-1970s. With the encouragement of publishing executive Robert Bernstein, she gained even more experience at International Freedom to Publish Committee and the Fund for Free Expression, both of which were supported by the American publishing industry. At the insistence of Arthur Goldberg, the former Supreme Court justice who had been the lead U.S. delegate to the CSCE Belgrade Review Conference, the Ford Foundation devoted its considerable resources to U.S. Helsinki Watch, an NGO chaired by Bernstein that was to raise awareness of human rights abuses in Eastern Europe and the Soviet Union. Laber became Executive Director of Helsinki Watch in June 1979, a position she held until 1995.

Covering the years 1979 to 1985, Chapter 13 describes how Jeri Laber brought Helsinki Watch into the Transnational Helsinki Network. Gaining the trust of dissidents and their Western representatives gave her access to information about human rights violations that were occurring in the Soviet Union, Czechoslovakia, and Poland. Willing to meet in person with the Moscow Helsinki Group, Charter 77, and KOR/Solidarity, she also had a gift for conveying their experiences to American readers through newspaper and magazine articles, reports, news releases, and interviews. More confrontational with its "target states" than Amnesty International, Helsinki Watch's approach was in sync with the strategy employed by Max Kampelman, Goldberg's successor, at the CSCE Madrid Review Conference (1980-1983). With the goal of building links between Helsinki monitoring organizations in North America, Western Europe, and Eastern Europe, Helsinki Watch played a leading role in the formation of the International Helsinki Federation for Human Rights (IHF). The early 1980s were a low point for dissidents in the Eastern Bloc. Harassed by the KGB for over six years, the Moscow Helsinki Group announced in September 1982 that it was no longer able to continue its activities. Chartists were still imprisoned and denied employment. Their children were not allowed to attend university. Even though Solidarity had been officially recognized in August 1980, General Wojciech Jaruzelski declared martial law in December 1981. Laber had little reason for optimism, but she had concluded at the end of a fact-finding mission to the region in fall 1981 that the "Soviet Empire" was headed towards its eventual demise.

Laber waited for her prediction to come true over the next few years. The hopelessness she felt in summer 1985 is the starting point for Chapter 14. U.S.-Soviet relations entered into a new phase when President Reagan and Soviet Premier Mikhail Gorbachev sat down together at Geneva that October, nearly agreeing to a substantial arms reduction a year later at Reykjavik. As Reagan and Gorbachev grew more comfortable with one another, they increasingly discussed human rights issues in their private meetings. Wishing to rid himself of the problems caused by

well-known Soviet dissidents, Gorbachev released Moscow Helsinki Group founder Yuri Orlov and internationally-renowned physicist Andrei Sakharov in late 1986. The opening of the CSCE Vienna Review Conference that fall provided Helsinki Watch and the IHF an opportunity to scrutinize the behavior of Eastern Bloc governments. A proposal by the Soviets to host a human rights conference in Moscow forced Western activists to assess how much further Gorbachev's reforms had to go before they would consider attending. Laber saw for herself at the 1987 Moscow Book Fair how much had changed in the eight years since she had last been allowed in the USSR. A new generation of dissidents was challenging state censorship in unprecedented ways. By January 1988, an IHF delegation was sitting face-to-face with the Soviet Public Commission for Humanitarian Affairs and Human Rights, a meeting that would have been unfathomable two years earlier.

Chapter 15 concludes this dissertation by showing how Helsinki Watch responded to the unexpected dissolution of the Soviet Empire. Their conversations on human rights behind closed doors were contentious and adversarial, but the partnership that formed between Reagan and Gorbachev allowed each leader to exercise public diplomacy in their own way. Reagan put this to the test at the Moscow Summit in May 1988 when he answered questions from students at Moscow State University and hosted a reception for dissidents at the U.S. Ambassador's residence. A reporter asked Reagan if he still believed the Soviet Union was an "Evil Empire," the phrase he had used five years earlier, he answered, "I was talking about another time, another era," for Soviet officials were making concessions on political prisoners, emigration restrictions, and religious freedom. Activists and dissidents were emboldened by the CSCE Vienna Review Conference, taking advantage of noticeable cracks that had become evident in the Eastern Bloc. But the party leaders who finally allowed Helsinki committees in their countries, these "dinosaurs"—as they would be called by protestors in Prague—were only months from their extinction.

Like dominoes hurtling towards the edge of a table's surface, one Eastern European communist regime fell right after another in 1989. The Polish United Workers Party was easily defeated by Solidarity at the polls. The Hungarian Socialist Workers Party negotiated a "peaceful transition" with the Oppositional Roundtable. Disobeyed by functionaries within the East German Communist Party who refused his order to use violence against protestors, Erich Honecker could do nothing but watch the Berlin Wall dismantled piece-by-piece. Having lost all of its legitimacy, the Czechoslovak Communist Party was swept aside in a "Velvet Revolution," named for how smoothly it was replaced by a new government led by Charter 77 founder Václav Havel. As it tried to make sense of what was literally "another era," Human Rights Watch, for Helsinki Watch also ceased to exist as a separate entity in 1989, was confronted with questions that were more complicated than state repression, the most controversial of which was a law in Czechoslovakia that removed office holders who were identified in old state police files as collaborators. With nationalism reducing the Soviet Union to political obsolescence by December 1991, a relatively peaceful resolution to the Cold War was as much as activists in the U.S. could have hoped for, but they soon learned that their work was far from complete. This may have been the very moment when Francis Fukuyama—channeling his inner Hegel—wrote of "the End of History," but that was little consolation for Human Rights Watch, an organization that would be as busy as Helsinki Watch had ever been.³⁹

³⁹ See Francis Fukuyama, *The End of History and the Last Man* (New York: The Free Press, 1992)

Chapter 1

“Was it the Wrong Time?”: Roger Baldwin, the International League for the Rights of Man, and the Origins of Human Rights Activism in the United States, 1941-1965

Retired from the International League for the Rights of Man (ILRM) for almost a decade, the first non-governmental organization in the United States specifically dedicated to international human rights issues, Roger Baldwin wondered if it had been “wrong time” for activists like him. The League had pursued a strategy in the 1950s and 1960s of filing petitions and raising awareness of abuses at the United Nations (UN). Reflecting upon the arcane procedural rules that allowed member-states to flout the 1945 UN Charter and 1948 Universal Declaration of Human Rights with impunity, Baldwin shared his frustration in 1975:

Blocked by the lack of U.N. action, the international nongovernmental organizations, such as those I have long represented, present the evidence of violations of human rights to the secretary-general in written complaints. It is a formal procedure, a last resort, which furnishes a handle for publicity with a questionable effect on offending governments. The secretary-general politely acknowledges the complaint, forwards it without comment to the offending government with a request for any comment it desire to make. If a government responds, the complainant is never informed.¹

Baldwin’s second career with the ILRM built upon the commitment to individual rights he had made as ACLU Executive Director from 1919-1950. Remaining a small organization that never built much of a grassroots membership, the ILRM was virtually indistinguishable from Baldwin himself. Resolutely anti-communist and anti-imperialist, the ILRM was organized through national affiliates, a global analogue to the state and local chapters that made up the ACLU. The ILRM steadfastly—if not stubbornly—worked through the UN during the postwar decades, but this multilateral institution was too dominated by the all-encompassing geopolitical struggle of the Cold War to take meaningful action on human rights. Its effectiveness constrained by a lack of access to American officials, a lack of grassroots activists, and a lack of influence at the UN, the ILRM was an NGO whose moment had not yet arrived. Nonetheless, the ILRM took up a wide variety of human rights causes under Baldwin’s leadership, from Apartheid in South Africa and South West Africa (Namibia) to the use of preventative detention in former British colonies to defending the rights of ethnic and religious minorities in Liberia and Morocco. While there have been numerous books about Baldwin’s significance to the ACLU, this chapter provides a look into a period of his life that has thus far eluded his biographers. Literature on the League has been limited as well. Political scientists Laurie Wiseberg and Harry Scoble have provided a functional analysis of the ILRM as it was in the mid-1970s, but their work was not “an in-depth study of the League’s history.”²

¹ Roger Baldwin, “Was it the Wrong Time?” *The Humanist*, July/August 1975, 11-12

² See Peggy Lamson, *Roger Baldwin, Founder of the American Civil Liberties Union: A Portrait* (Boston: Houghton Mifflin, 1976) and Robert C. Cottrell, *Roger Nash Baldwin and the American Civil Liberties Union* (New York: Columbia University Press, 2000); Laurie S. Wiseberg and Harry M. Scoble, “The International League for Human Rights: The Strategy of a Human Rights NGO,” *Georgia Journal of International and Comparative Law*, Vol. 7 (1977), 294, footnote 13.

“The Natural Liberal of My Time”

A self-described “political reformer,” Roger Baldwin believed he had always “stuck pretty closely to the under-dog and his wants on the principle that that he should be given his chance.” Originally from Massachusetts, Baldwin was born in 1884 to a family of liberal Unitarians who instilled in him a belief that social reform was the means through which American democracy could be perfected, as he asked, “Was I not the natural liberal of my time, with Negroes at our dinner table along with my Uncle William, a railroad president and reformer, trustee of Tuskegee, with my father’s business associates, Jews, his intimate friends, and with my mother an agnostic and something of a feminist?”³

As an undergraduate at Harvard College, Baldwin was heavily involved with the Phillips Brooks House, then a religiously-affiliated community outreach center. Having no personal philosophy except to be “happy and enjoy it,” Baldwin went into social work, teaching courses at Washington University. In the decade that he lived in St. Louis, he held numerous reform-oriented positions: director of a settlement house, Chief Probation Officer of the St. Louis Juvenile Court, and Secretary of the St. Louis Civil League. Baldwin first developed a national reputation for himself by co-authoring *Juvenile Courts and Probation* (1914) with Bernard Flexner. It was around this time that he began seeking a way of understanding the world around him. Rejecting the local Socialists as “too doctrinaire, too old, and too German,” Baldwin was introduced to “anarchist-libertarians” by Emma Goldman, which led him to study protest movements, utopias, and “the kind of non-conformist authors not taught at Harvard” like Peter Kropotkin. Attracted to its “vision and courage,” Baldwin also joined the Industrial Workers of the World (IWW) when he worked as a manual laborer for a few months in 1919. Numerous radicals in the IWW would be targeted by the federal government for their opposition to World War I.⁴

Baldwin was a pacifist. After moving to New York, Baldwin continued his involvement in the American Union against Militarism (AUAM), where he found himself among “his old friends in social work,” including Lillian Wald. In July 1917, AUAM created a legal division under Baldwin’s direction to defend the rights of those who had spoken out against the war. It became a separate entity three months later, the National Civil Liberties Bureau (NCLB). In October 1918, the NCLB was raided by federal authorities who suspected the office of “encouraging the very conscientious objectors” it had been defending. Baldwin was soon drafted for military service under the 1917 Selective Service Act, but refused to submit for the required physical examination. He was sentenced to one year imprisonment, which he began serving on Armistice Day: “I spent six months in this prison in Newark under an Irish warden who’d have none of ‘England’s War,’ and four months in a country penitentiary [the federal prison in Atlanta] to which I was moved as a troublemaker.” Baldwin’s sentence was reduced to ten months for good behavior. After returning to New York, he helped found the American Civil Liberties Union (ACLU) in January 1920.⁵

³ Roger Baldwin, “The Roger Baldwin Story: A Prejudiced Story About Himself,” 1, 1971, Box 29, Folder 2, Francis Grant Papers (FG), Rutgers University (RU)

⁴ Baldwin, “The Roger Baldwin Story: A Prejudice Story About Himself,” 2-3; Bernard Flexner and Roger N. Baldwin, *Juvenile Courts and Probation* (New York: The Century Company, 1914)

⁵ Baldwin, “The Roger Baldwin Story: A Prejudice Story About Himself,” 4; “Pacifist Professor Gets Year in Prison,” *New York Times*, October 31, 1918

Baldwin pursued high profile cases through which the ACLU could make a name for itself. The ACLU was involved in the Scopes trial over the teaching of evolution, the ban on James Joyce's *Ulysses*, the controversial murder conviction of Italian immigrants Sacco and Vanzetti, and the false rape allegations leveled against the Scottsboro Boys. Arguments advanced by ACLU lawyers were crucial in convincing judges to afford greater protection to the First Amendment. "The heart of the Union's efforts has always been its interventions in the courts, the protectors of constitutional rights, and its greatest victories have been decisions of the U.S. Supreme Court," Baldwin wrote in 1971.⁶

Though he later admitted that his *Liberty under the Soviets* (1928) was "much too hopeful" in looking towards "the forces of education and 'proletarian freedom' to modify a tight dictatorship," he was very critical of how the Bolsheviks suppressed its rival factions, which he learned about from Goldman's experiences. Deported to the Soviet Union in January 1920, Goldman quickly became disillusioned with Lenin's unwillingness to grant basic rights to striking workers. Sensing that her freedom would be jeopardized if she stayed in Russia, she left in December 1921. In the introduction he wrote for a book edited by Goldman's longtime partner, Alexander Berkman, *Letters from Russian Prisons* (1925), Baldwin echoed what Goldman had written in her *My Disillusionment with Russia* (1923): "Russia presents the unique spectacle of a revolutionary government based on working-class and peasant power imprisoning and exiling its political opponents in other revolutionary parties." By the end of the 1930s, Stalinist rule—and purges—had made Baldwin into an anti-communist as he finally abandoned his Popular Front sympathies following the August 1939 Non-Aggression Pact. Aware that any association with Communists could damage the ACLU, Baldwin began a campaign to oust board members who had previously been affiliated with so-called "totalitarian organizations," one of the most significant cases of which was the former IWW and Communist Party member Elizabeth Gurley Flynn. With Flynn, the ACLU set a pattern for how it would police itself during the Cold War.⁷

Even with Baldwin opposed to internment, the ACLU struggled to take a stand on behalf of Japanese-Americans during World War II. Indeed, he was careful to maintain good relations with the government. In 1947, General Douglas MacArthur asked Baldwin to serve as a civil liberties consultant in Japan and Korea, which resulted in the establishment of the Japanese Civil Liberties Union. When Baldwin announced in late 1949 that he would be retiring from the ACLU, he was widely praised for what his organization had done during the previous three decades. "You have done wonderful work with the [American] Civil Liberties Union," historian Samuel Eliot Morison wrote to him. "More than any other agency in this country, it has kept alive the traditional rights of man."⁸

⁶ "The Roger Baldwin Story: A Prejudice Story About Himself," 5; the next couple of paragraphs rely on Robert C. Cottrell, "Roger Baldwin: Founder, American Civil Liberties Union," *Notable American Unitarians*, <http://www.harvardsquarelibrary.org/unitarians/baldwin.html>

⁷ Roger N. Baldwin, *Liberty Under the Soviets* (New York: Vanguard Press, 1928); Baldwin, "The Roger Baldwin Story: A Prejudice Story About Himself," 5-6; Alice Wexler, *Emma Goldman in Exile: From the Russian Revolution to the Spanish Civil War* (Boston: Beacon Press, 1989), 47-58; Emma Goldman, *My Disillusionment in Russia* (London: C.W. Daniel and Company, 1925), Chapter XXXIII, <http://ditext.com/goldman/russia/ch33.html>; Aryeh Neier, *The International Human Rights Movement: A History* (Princeton, New Jersey: Princeton University Press, 2012), 50-51

⁸ Baldwin, "The Roger Baldwin Story: A Prejudice Story About Himself," 6; Roger Baldwin, "Memorandum on Roger Baldwin," May 1, 1959, Box 24, Folder 15, FG, RU

Baldwin's interest in defending civil liberties extended to other countries as well. The impetus for the formation of the International Committee for Political Prisoners (ICPP) in 1924 was the imprisonment of Mensheviks and Anarchists by the Bolsheviks, the first major project being the publication of *Letters from Russian Prisons*. Such criticism of the Soviet Union generated controversy among the American left, some of whom looked to the Russian Revolution for inspiration. Joining Baldwin on the ICPP Board of Directors were Jane Addams, Clarence Darrow, Felix Frankfurter, Norman Thomas, Henry G. Alsberg, Felix Frankfurter, Louis Gannett, Arthur Garfield Hays, Paul Kellogg, Freda Kirchwey, and Oswald Garrison Villard.⁹

The ICPP also began publishing a newsletter, *Political Persecution Today*, as it tried to publicize specific cases during the mid-1920s. *The Fascist Dictatorship in Italy* (1926), *Political Prisoners in Poland* (1927), and *The Dictatorship in Portugal: A Story of Political Persecution Little Known* (1935) were all released over the next few years. William Walling followed with *Terrorism under the Cuban Dictatorship* (1930), an exposé of "facts suppressed by the press" in which he demanded an investigation by the U.S. Senate. The ICPP produced other tracts on Latin America with titles such as *Venezuela: Land of Oil and Tyranny* (1931) and *Political Prisoners under the Dictatorship in Peru* (1940). At its peak, the ICPP was involved in forty countries, whether sending appeals or distributing relief funds.¹⁰

The prisoners could be found all over the world. The ICPP monitored Leon Trotsky, Serge Trotsky, and Zensi Muhsam. It maintained contact with Irish nationalist leader Maud Gonne MacBride. Baldwin's identification with the cause of Indian independence occurred because of the ICPP. Through correspondence with Jawaharlal Nehru, who became Chairman of the Indian Civil Liberties Union, the ICPP closely followed the Meerut Trial of Indian nationalist leaders and adopted the cases of M. N. Roy and Chaman Lal. Always a very small operation, the number of political prisoners overwhelmed the ICPP during the 1930s. World War II made this work nearly impossible, and the ICPP dissolved itself in 1942.¹¹

Between his work with the ICPP in the 1920s and 1930s and the U.S. Army occupation in Japan following World War II, Baldwin's had become well-acquainted with individual rights in an international context. "I had worked in Geneva with the defunct League of Nations on its mandate and minorities, but they were useless; no government would heed them," Baldwin

⁹ Baldwin, "The Roger Baldwin Story: A Prejudice Story About Himself," 6; for an overview of the ICPP, see Claudia Funke, "International Committee for Political Prisoners: Historical Note," v, April 1988 [electronic version: September 2004], *New York Public Library Finding Aid*, <http://www.nypl.org/sites/default/files/archivalcollections/pdf/icpp.pdf>; *Letters from a Russian Prison* (New York: A. & C. Boni, 1925) found on microfilm at the New York Public Library; Neier, *The International Human Rights Movement*, 50

¹⁰ See the various pamphlets published by the IPCC during the late 1920s and early 1930s, *Political Persecution Today* (New York: International Committee for Political Prisoners, 1925); *The Fascist Dictatorship in Italy* (New York: International Committee for Political Prisoners, 1926); *Political Prisoners in Poland* (New York: International Committee for Political Prisoners, 1927); *The Dictatorship in Portugal: A Story of Political Persecution Little Known*, (New York: International Committee for Political Prisoners, 1935); William English Walling, *Terrorism under the Cuban Dictatorship* (New York: International Committee for Political Prisoners, 1930); *Venezuela: Land of Oil and Tyranny* (New York: International Committee for Political Prisoners, 1931); *Political Prisoners under the Dictatorship in Peru* (New York: International Committee for Political Prisoners, 1940)

¹¹ Funke, "International Committee for Political Prisoners: Historical Note," v; Neier, *The International Human Rights Movement*, 51

recalled. “But the United Nations held better prospects and the work was in New York where we had already functioning under French refugees an International League for the Rights of Man.”¹²

The United Nations

The Ligue Internationale des Droits de l’Homme, or the International League for the Rights of Man, held its first meeting on November 12, 1941 at the New School for Social Social Research. Its initial membership consisted of exiled European academics that had fled the onset of World War II. The Ligue defined its purpose in terms of preserving democracy, democracy, but did not use the phrase “human rights.” Henry Grégoire wanted the Ligue to be a bulwark against the dual ideological threats of Communism and Fascism. Grégoire was supported by Bernard Mirkine-Guetzevitch, a Russian who wanted assurances that the organization would oppose Stalin. Del Vayo, a Spaniard, represented the democratic forces resisting Franco.¹³

The International League for the Rights of Man was a continuation of the Ligue des Droits de l’Homme, the French civil liberties organization that had been established in response to the Dreyfus Affair. In 1894, Captain Alfred Dreyfus was sentenced to life imprisonment for spying. Although the trial was highly publicized, it was soon forgotten except for a small group of family relatives, intellectuals such as the author Emile Zola, and army officers who believed that Dreyfus had been unfairly convicted for a crime he did not commit. Zola was subsequently put on trial in 1898 for speaking out in Dreyfus’s defense. After testifying on Zola’s behalf, Senator Ludovic Trarieux formed a group whose purpose was to “safeguard individual rights, the liberty of citizens and their equality before the law”—the Ligue des Droits de l’Homme. Much of its initial efforts were spent on publicizing Dreyfus’s innocence. After a retrial in 1899, the French government finally exonerated Dreyfus in 1906. The Ligue des Droits de l’Homme eventually developed into a mass membership organization whose followers were primarily leftists, though the Central Committee maintained that it was above politics. By 1932 it had 180,000 members organized into 2,400 sections. While the Ligue was known for its engagement with “national or international politics,” one official wrote in 1927, “the foremost and essential function of the League is the often modest, difficult, and low profile defense of minor civil servants, widows, pensioners, and common citizens.” The Ligue des Droits de l’Homme remained active through the mid-1930s, but could not sustain its efforts as Europe descended into war.¹⁴

The International League for the Rights of Man struggled to establish itself. There was no significant activity until April 1942 when the League brought together Europeans who opposed Hitler. Affirming its identity as an anti-fascist, pro-democratic organization, the ILRM set up committees to study the political and economic aspects of individual rights. Li Yu Yang proposed that the League also include members from Latin America. Of greatest concern at the

¹² Baldwin, “The Roger Baldwin Story: A Prejudice Story About Himself,” 7

¹³ International League for the Rights of Man (ILRM), November 12, 1941 minutes, Box 23, Folder 3, FG, RU

¹⁴ William Irvine, *Between Justice and Politics: The Ligue des Droits de l’Homme, 1898-1945* (Stanford, California: Stanford University Press, 2007), 5-6 for Dreyfus Affair origins and membership figures; 20-21 for apolitical; 11-12 for local structure; 111 for quote on the Ligue’s narrower day-to-day concerns; Kenneth Cmiel, “The Recent History of Human Rights,” *American Historical Review*, Vol. 109, No. 1; for background on Ligue des Droits de l’Homme see Wendy Perry, “Remembering Dreyfus: The Ligue des Droits de l’Homme and the Making of the Modern French Human Rights Movement” (Ph.D. dissertation, University of North Carolina, Chapel Hill, 1999)

time was the ILRM's precarious financial situation, which seems to be why it underwent major changes in 1942-1943. Even though the League did not last long in its initial incarnation of European émigrés, some of its founders—Henri Laugier and Bernard Mirkine-Guetzevitch—moved into leadership positions at the UN.¹⁵

Baldwin assumed the control of the ILRM Board of Directors by May 1943. To larger intellectual developments that took hold during the war, the League sought to participate in the drafting of an International Bill of Rights. Mirkine-Guetzevitch called “prominent professors and lawyers” to join his proposed committee that would be the American Law Institute. Baldwin suggested the ILRM contact the Commission to Organization of the Peace (CSOP). Led by academics James P. Shotwell and Clark Eichelberger, the CSOP had an influential role in the inclusion of international human rights provisions in the 1945 UN Charter.¹⁶

In a memorandum he wrote to himself in March 1944, Baldwin outlined his vision for ILRM. Its continuing presence in New York would be crucial to formulating how human rights fit into postwar geopolitics and perhaps opportunities to work any groups associated with “the international democratic front.” Baldwin wanted the ILRM to have a global membership. “Both American (South and North) and Asiatic and African contacts are lacking,” Baldwin noted. “The concept of rights has been couched in terms of European relationships, ignoring largely the issues of imperialism, international communications, and the economic and labor relations on which rights so largely depend.” Baldwin thus had a robust understanding of human rights that extended beyond the narrowly construed emphasis on political rights of his successors. The ILRM would build public support for an International Bill of Rights by undertaking an educational program. By writing letters to relevant officials and releasing copies to the press, it would “actively intervene” on current issues.¹⁷

The most important development for the ILRM during its earliest years was the creation of the United Nations. As Mirkine-Guetzevitch made clear in September 1945, the ILRM's “name and reputation” depended on having a role at the UN. The League needed to act aggressively to achieve its goal of protecting individual rights: “The League should be more radical than the governments and should ask for intervention by the Security Council in internal affairs when cases arise requiring such action, so as not to permit a new ‘Hitler’ to come into power again and kill people while all the world looks on without taking action.”¹⁸

With this in mind, the ILRM had some ideas as to how the UN could make human rights one of the “essential objects of the organization.” Anticipating the 1948 Universal Declaration of Human Rights, the ILRM called upon the UN to write “a declaration of the rights of man.” A strong Human Rights Commission would be necessary to monitor the actions of member-states, for it needed to be evident that their abuses would cause “international friction.” The ILRM proposed that the Human Rights

¹⁵ ILRM, November 29, 1941 minutes, Box 23, Folder 3, FG, RU; ILRM, April 1, 1942 minutes, Box 23, Folder 3, FG, RU; Roger Baldwin, “Memorandum,” October 15, 1952, Box 9, ILRM Internal Correspondence and Papers—Advisory Committee and Board of Directors, 1948-1952, International League for the Rights of Man Papers (ILRM), New York Public Library (NYPL); ILRM, May 9, 1942 minutes, Box 23, Folder 3, FG, RU

¹⁶ ILRM, May 28, 1943 minutes, Box 23, Folder 3, FG, RU

¹⁷ Roger Baldwin, “Memo on International League for the Rights of Man,” March 1944, Box 23, Folder 4, FG, RU

¹⁸ ILRM, September 26, 1945 minutes, Box 23, Folder 4, FG, RU

Commission ought to be placed under the Security Council since that was where power resided within the UN. However, such idealism quickly ran into realities of Cold War. The U.S. and Soviet Union would never allow such a drastic undermining of their sovereignty or that of their allies. Instead of the Security Council, the Human Rights Commission was placed within the less influential Economic and Social Council (ECOSOC).¹⁹

The UN officially granted consultative status to the ILRM in October 1947. The UN's UN's Non-Governmental Committee recognized sixteen NGOs that were allowed to petition and file reports with ECOSOC. Unfortunately, as Baldwin remarked in February 1948, "Though the League has large opportunities, an enviable tradition and an official status with the U.N., it has no office facilities or personnel at present." Seeking to enhance the ILRM's influence at the UN, Baldwin wanted to construct a network of affiliated NGOs that would cooperate with one another. He pursued a proposal to form a federation of consultative agencies at the May 1948 Geneva Conference of Non-Government Organizations, but nothing came of these efforts.²⁰

Not that it would have made much of a difference. In February 1947, the Subcommittee on the Handling of Communications recommended that the Human Rights Commission would have "no power to take any action in regard to any complaints regarding human rights." Commission members would receive a confidential list of communications, while those who filed the petition would be informed that their appeal had been received. That was it. Agreeing with P.C. Chang of China that any official acknowledgement of receiving a complaint was bound to raise "false hopes," Roland LeBeau of Belgium wanted to avoid giving the "mistaken impression that the Commission was a tribunal whose function was to redress wrongs." While Charles Malik of Lebanon thought that the Commission had "to receive all communications dealing with human rights, otherwise it might appear that it was not doing its job." Eleanor Roosevelt said it was very important to keep these proceedings confidential so as to reduce the "risk of indiscretions." In adopting the subcommittee's proposal, the Commission did U.S. delegation's bidding. State Department legal advisor Durward Sandifer warned Roosevelt that "the establishment of a special organ to supervise and enforce human rights would seem to be an extreme measure." In fact, as Sandifer explained, any attempts at enforcement violated Article 2(7) of the UN Charter, which prohibited member-states from intervening "in matters which are essentially within the domestic jurisdiction."²¹

The ILRM knew that its influence at the UN was limited from the beginning. After attending a session of the Human Rights Commission in July 1948, ILRM Representative to the UN Dr. Max Beer reported that it was more than willing to abnegate its responsibilities. Resting his hopes on the Universal Declaration of Human Rights, Beer urged ILRM members to work towards its adoption, a document that would be certain to exert a "strong moral effect on member states and on the League's position in intervening with governments." Other members such as Tony Sender and Frances Grant wanted the ILRM to keep up pressure at ECOSOC, but this was

¹⁹ ILRM, "Memorandum Submitted to the United Nations Commission of Human Rights," May 13, 1946, Box 23, Folder 4, FG, RU

²⁰ ILRM, October 17, 1947 minutes, Box 23, Folder 5, FG, RU; ILRM, February 26, 1948 minutes, Box 23, Folder 6, FG, RU; ILRM, May 5, 1948 minutes, Box 23, Folder 6, FG, RU

²¹ Carol Anderson, *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955* (New York: Cambridge University Press, 2003), 97-98

just another dead end. Resolutions and the Universal Declaration of Human Rights offered little more than symbolic victories.²²

Nevertheless, the ILRM tried to make the most of its consultative status in 1949-1950. Calling upon its national affiliates to “bring pressure” on their governments to sign the Genocide Convention, the ILRM took on cases such as that of Reverend Michael Scott, a British minister who advocated for an end to apartheid in South West Africa (now Namibia). Even if the ILRM did not receive much coverage from the press, as Dr. Beer said in December 1949, the League had benefitted from “mouth to mouth publicity” for helping Scott get a hearing before the UN Committee on Racial Discrimination. The ILRM proposed to the Human Rights Commission in March 1950 that it establish a “permanent implementation body” in conjunction the International Bill of Rights, which would have the authority to receive information, conduct investigations, publish findings, receive complaints from individuals and NGOs, and send monitors to signatories. The ILRM was well ahead of its time in suggesting such a mechanism for enforcement—the UN did not establish the Office of the High Commission for Human Rights until December 1993.²³

The ILRM held onto the belief that human rights were indivisible. In yet another memorandum submitted to the Human Rights Commission regarding the International Bill of Rights, the ILRM voiced opposition to the compromise that made any agreement possible—its separation into two covenants, one for political and civil rights and the other for economic and social rights. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESC) languished for decades. The UN General Assembly approved the ICCPR and ICESC in December 1966, and both went into effect in 1976. The U.S. waited until 1992 to ratify the ICCPR (and has yet to ratify the ICESC), only after exempting itself from the clauses that were most problematic for national sovereignty. The ILRM predicted as far back as 1950 that these conditions would make enforcement even more difficult: “We oppose the right of governments to sign and ratify the pact with reservations concerning particular rights which governments would be free not to enforce. We propose an implementation body with much authority and independence to supervise the application of the Covenant, to intervene on its own initiative with governments.”²⁴

As the ILRM had been advocating for the previous year, one way of bringing accountability to the UN would be to lessen the obstacles placed in front of individuals filing complaints against offenders. “The entire implementation system should be an efficient one in which individual petition can be channeled through organizations,” the memorandum read. Baldwin realized that the ILRM’s continued relevance depended upon having access to UN organs. “Is it too much that those who drafted the First

²² ILRM, July 7, 1948 minutes, Box 23, Folder 6, FG, RU; Beer reported to the ILRM that the Universal Declaration of Human Rights had been approved by ECSOC in December 1948, ILRM, December 8, 1948 minutes, Box 23, Folder 6, FG, RU

²³ ILRM, November 16, 1949 minutes, Box 23, Folder 6, FG, RU; at this same meeting Dr. Beer reported on efforts—in coordination with the NAACP—to get Rev. Michael Scott a hearing before the Fourth Committee on Southwest Africa; ILRM, November 16, 1949 minutes, Box 23, Folder 6, FG, RU; ILRM, March 15, 1950 minutes, Box 23, Folder 7, FG, RU

²⁴ ILRM, “Summary of the Memorandum Submitted on the Covenant of Human Rights,” Box 23, Folder 7, FG, RU; ILRM, “Memorandum on Drafting of Human Rights Covenant,” c. 1950, Box 5, General Correspondence—Beer, Max (1950-1953), Folder 1, ILRM, NYPL

Covenant will be much impressed by new directives?” the ILRM asked. “Much depends upon the big powers.” The “big powers” had no intentions of allowing activists become a thorn in their side.²⁵

The UN Human Rights Commission decided in June 1950 to only permit member-states to raise formal complaints. Other NGOs were concerned that they too would be hurt by this ruling. As a representative from the World Jewish Congress wrote to Baldwin in July 1950, “The World Jewish Congress is, as you know, already on record as being strongly in favor of the amendment of the text of the Covenant (of human rights) so that the right of invoking the Covenant shall not be confined to governments. We regard recognition of the principle of the right of petition for groups and individuals, even if only in a restricted form as a first step, as absolutely essential if the Covenant is to fulfill a real function in safeguarding of human rights and not to become a mere instrument of diplomatic warfare.” This inability for NGOs to claim the Human Rights Covenant as their own, ILRM Secretary John Pearmain complained, only reinforced the idea that “the validity of human rights depends upon the recognition of government.”²⁶

The ILRM was just one of numerous NGOs at the UN that identified national sovereignty as a problem. Led by M. Thomas Tchou, a former Chinese Nationalist, the World Citizenship Movement also wanted to give individuals a greater role at the UN. One of Tchou’s closest associates was Russell W. Davenport, manager of Wendell Willkie’s 1940 presidential campaign. (Willkie’s bestselling *One World* helped popularize the idea that an international organization would ensure world peace.) A pamphlet produced by Davenport for the World Citizenship Movement blamed outmoded concepts of national sovereignty for causing “conflict, war, disaster.” The UN, Davenport argued, should have “direct access to the individual citizens of the world and they direct access to it.” This theme was continued in Tchou’s “Are We Patriotic Enough?” which described the UN as a “global agency deriving its authority and taking its direction *from* the people of the world, *by* the people of the world, and *for* the people of the world.”²⁷

This was why the exclusion of the NGOs was so disheartening for the ILRM. “Clearly no rights can be enforced if private agencies and individuals do not have the right of presenting their grievances to the United Nations,” Baldwin and Pearmain wrote in July 1950. “Thousands of petitions are received now by the U.N. which can do nothing at all about them. A commission has been recommended to take up complaints of violations, but it is clear that if only governments can complain there will be few.” They remained hopeful that continued pressure by the ILRM would convince some smaller countries “to overcome the cautions of the U.S. and United Kingdom and the Soviet Bloc’s resistance to all measures of enforcement,” but such optimism would prove to be naïve.²⁸

²⁵ ILRM, “Summary of the Memorandum Submitted on the Covenant of Human Rights,” Box 23, Folder 7, FG, RU; ILRM, “Memorandum on Drafting of Human Rights Covenant,” c. 1950, Box 5, General Correspondence—Beer, Max (1950-1953), Folder 1, ILRM, NYPL

²⁶ John Pearmain to Pearl M. Nelson, May 8, 1950, Box 9, World Citizenship Movement, ILRM, NYPL; Maurice L. Perlswig quoted in John Pearmain, July 6, 1950, Box 9, World Citizenship Movement, ILRM, NYPL

²⁷ Russell Davenport, “Pamphlet for World Citizenship,” c. 1950, 6-7 found in Box 9, World Citizenship Movement—ILRM, NYPL; M. Thomas Tchou, “Are We Patriotic Enough?” June 1946 found in Box 9, World Citizenship Movement—ILRM, NYPL; see Wendell Willkie, *One World* (New York: Simon and Schuster, 1943)

²⁸ Roger Baldwin and John Pearmain, July 6, 1950, Box 10, Internal Correspondence and Papers—Affiliates—Miscellaneous Papers, ILRM, NYPL

Baldwin expressed further disappointment with ECOSOC in October 1951. Besides not permitting NGOs the right of private petition, ECOSOC also denied “the right of the implementation authority to take up violations on its own motion.” ECOSOC adopted a rule the next year that all complaints would be referred directly to the Human Rights Commission without being circulated to member-states. Beer pointed out how this meant “all such charges will be buried.” With no recourse through which it could get the Human Rights Commission to act on its information, the ILRM was forced to “devise other means for publicizing charges.”²⁹

Beer worked on the right of petition for the next couple of years. “Under the circumstances, several delegations and organizations, without abandoning the struggle for right of petition of individuals and of groups, are trying now to obtain at least that a certain number of non-governmental organizations with consultative status be officially invested with this right,” he wrote in 1952. “The partisans of effective international protection of the rights of man, the essential is to prevent, at all costs, the adoption of a project in which implementation rests exclusively with the states.”³⁰

The ILRM received more bad news from the Human Rights Commission in May 1953 when another vote on the right of private petition failed. “I believe that our means of action, as long as our only channel is the UNO [United Nations] are sadly inefficient,” an ILRM member wrote to Baldwin. Baldwin told the ILRM Board of Directors later in the year that recent discussions on human rights in ECOSOC had “produced no progress whatsoever since all debatable questions had been referred to the Human Rights Commission.” This situation was made all the worse by the fact that a proposal sponsored by Egypt to give the Human Rights Commission the right to examine and report on violations was also defeated.³¹

ILRM officials responded to these setbacks by asking themselves if the UN was still the appropriate venue through which to pursue their goals. The League had taken the position in 1952 that no state should be a member of the UN if failed to live up to human rights principles enunciated in the UN Charter. “This position is logical for the League, even though it appears to many academic in view of the many States now members which deny these rights,” admitted Baldwin in April 1954. His suggestion was for the ILRM drop this demand because UN membership was so intertwined with “world politics” that “any test based on human rights is no longer practical.” It was evident to Baldwin that there was only so much the ILRM could do. “The major violations of denials of human rights today are in areas where the League cannot intervene with any hope of results,” Baldwin noted in 1947. “They are the dictatorships and the colonial countries. The best we can do is to encourage the forces opposed, as we have the Spanish Republicans and the Indonesians and the others. Where there are no really democratic

²⁹ Roger Baldwin, October 5, 1951, Box 5, General Correspondence—Beer, Max (1950-1953), Folder 1—ILRM, NYPL; ILRM, “September 10, 1952 minutes,” Box 10, Internal Correspondence and Papers—Boards of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL

³⁰ Max Beer, “The Battle for Man’s Rights” in *World Trade*, c. 1952-1953 in Box 5, General Correspondence—Beer, Max (1954-1968), Folder 2—ILRM, NYPL

³¹ ILRM, May 20, 1953 minutes, Box 10, Internal Correspondence and Papers—Boards of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; Marcel Aubry to Roger Baldwin, February 20, 1953, Box 9, Internal Correspondence and Papers—Advisory Committee and Board of Directors, 1953, ILRM, NYPL; ILRM, November 18, 1953 minutes, Box 10, Internal Correspondence and Papers—Boards of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL

opponents, as in the case of [the People's Republic of] China and Russia, we cannot act except to protest particular outrages from time to time."³²

Beer had a different view than Baldwin. "It would be inconceivable, particularly at the at the present time when the admission of Communist China is rightly reflected on the unique unique basis justifying such rejection: the absence of elementary human rights in this regime and regime and the efforts made by it to destroy human rights in other Asian nations," Beer countered at a November 1954 meeting. "The principle that only states respecting human rights rights can be admitted is also the basis of refusal of admission of Rumania, Bulgaria, Hungary, Hungary, and Albania. The argument that there are already member states which do not respect respect human rights is understandable when voiced by adversaries of human rights, but cannot cannot be invoked by our League!" One of Baldwin's closest friends, the Socialist leader Norman Thomas agreed with Beer, "It is within the framework of the U.N. that we can best work for human rights as matters have shaped up." Lacking an alternative, the ILRM stuck with the UN. After the UN General Assembly approved the two Covenants in November 1954, the ILRM Board of Directors agreed to publicize them, all the while maintaining that a lack of access to the UN by "aggrieved parties" would render them "ineffective."³³

Advocating for human rights in the early years of the Cold War must have seemed hopeless at times. The U.S. and the Soviet Union dominated the UN. About the only thing that the two superpowers could agree upon was that their human rights records were not up for scrutiny. Given their experiences under colonialism, Baldwin hoped that the non-aligned countries would take up the issue. "There is only one place to turn if a solution is to be found, and that is you and your colleagues, who are taking a much needed lead against the manipulation of the two power blocs," Baldwin wrote to Jawaharlal Nehru just before the Bandung Conference in April 1955. However, nationalist leaders such as Nehru were most interested in economic development and state-building. Indeed, as we will see, a major focus of ILRM during the 1950s and 1960s was defending the rights of ethnic minorities in recently decolonized countries.³⁴

"Cold War issues may be expected to still dominate the [UN General] Assembly," the ILRM Board of Directors concluded in September 1955, as the most recent report by the Secretary-General barely even mentioned human rights. Baldwin reported that the widely-held feeling at the UN was that any "decisive action" depended entirely upon the General Assembly's most powerful members: the five permanent members of the Security Council. Nothing had changed by October 1957, when he faulted the General Assembly for lacking "leadership and drive." Reviewing the session that just ended, ILRM minutes from December 1957 stated, "Mr.

³² Roger Baldwin, "Memo for Board Concerning Membership in U.N.," April 1954," Box 9, Internal Correspondence and Papers—Advisory Committee and Board of Directors, 1954, ILRM, NYPL; ILRM, November 24, 1954 minutes, Box 10, Internal Correspondence and Papers—Boards of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; Roger Baldwin, "UN Memorandum for ILRM," c. 1947, Box 23, Folder 5, FG, RU

³³ Roger Baldwin, "Memo for Board Concerning Membership in U.N.," April 1954," Box 9, Internal Correspondence and Papers—Advisory Committee and Board of Directors, 1954, ILRM, NYPL; ILRM, November 24, 1954 minutes, Box 10, Internal Correspondence and Papers—Boards of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL

³⁴ Roger Baldwin to Jawaharlal Nehru, April 7, 1955 (mistakenly typed as "1952"), Box 3, General Correspondence—India—General—Folder 1 (1954-1956), ILRM, NYPL; for more on why Baldwin would be disappointed, see Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Massachusetts: Harvard University Press, 2010), Ch. 3

Baldwin observed that it had accomplished little in the human rights field, and, in general, appeared to be at a stalemate.”³⁵

The only tool at ILRM’s disposal was shame. Citing its “moral effect,” the ILRM supported a resolution condemning the People’s Republic of China for its 1958 invasion of Tibet. “I think it does good for the world community to express itself on human rights issues wherever and however they arise,” Baldwin wrote Lakshmi Menon in November 1959. Besides, Baldwin asked, “What more could the United Nations do?” Appreciating Baldwin’s efforts to “build up international opinion” in favor of human rights, Menon also held a sobering view of the UN’s capability: “The United Nations could do very little except keep the fire burning and let us hope that in the end our Karma will lead us to a better way of living in peace and tolerance.”³⁶

A dispute between ILRM officials Dr. Max Beer and Louis Fischer grew out of frustration that this situation caused them. Beer took offense to Fischer’s declaration that ILRM’s presence at the UN had been “worthless.” Beer wanted the ILRM to remain true UN: “Our common policy was realistic and careful, particularly responsible action in the U.N. with the Secretariat, the delegates and the U.N. bodies. This certainly was the only policy with which as representative at the U.N. I could agree.” Fischer, on the other hand, called for “mass action in the United States,” a grassroots strategy Beer held with contempt: “It is demagoguery to preach mass action in the USA—an action we are not entitled to undertake as an international organization and for which, furthermore, we are not equipped.” Viewing the ILRM as organization of limited membership like the ACLU, Baldwin assured Beer that he would not seriously consider Fischer’s suggestion. At any rate, their disagreement was attributable to a misunderstanding by Beer. “He did not advocate, as I understood him, any mass action in the U.S., but international action to arouse the professions, the government, and that primarily through measure that would publicity,” Baldwin wrote. “The Board did not approve that nor did I.”³⁷

By not engaging the public in a substantial way, the ILRM remained at a loss for how to promote itself and its cause. In search of ways to make his organization more effective, Baldwin solicited input from ILRM members in May 1957. Among the suggestions he received was developing relations with reporters and magazine writers. The ILRM should consider hosting an annual fundraising dinner with prominent speakers so as “to give the League more standing.” It could also give more attention to human rights problems within the U.S. by working with the ACLU and NAACP. Indicating the difficulties the ILRM would have encountered had it gone with Fischer instead of Beer,

³⁵ ILRM, September 21, 1955 minutes, Box 10, Internal Correspondence and Papers—Boards of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; ILRM, October 17, 1957 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1956-1957, ILRM, NYPL; ILRM, December 19, 1957 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1956-1957, ILRM, NYPL

³⁶ Roger Baldwin to Lakshmi N. Menon, November 3, 1959, Box 19, General Correspondence—India, ILRM, NYPL; Lakshmi Menon to Roger Baldwin, November 16, 1959, Box 19, General Correspondence—India, ILRM, NYPL

³⁷ Max Beer to Roger Baldwin, June 9, 1955, Box 5, General Correspondence—Beer, Max (1954-1968), Folder 2—ILRM, NYPL; Max Beer to Roger Baldwin, July 5, 1955, Box 5, General Correspondence—Beer, Max (1954-1968), Folder 2—ILRM, NYPL; Max Beer to Roger Baldwin, July 9, 1955, Box 5, General Correspondence—Beer, Max (1954-1968), Folder 2—ILRM, NYPL; Roger Baldwin to Max Beer, July 12, 1955, Box 5, General Correspondence—Beer, Max (1954-1968), Folder 2—ILRM, NYPL

Baldwin admitted, “Our members are more interested in these than they are in foreign affairs.”³⁸

Not much changed for the ILRM over the next few years. Still frustrated with the UN, Baldwin asked the ILRM Board of Directors in January 1960, “In making representations to governments against violations of human rights, can we make more effective approaches than through the Secretary-General?” Although the UN would prove to be a major disappointment, Baldwin was far from discouraged in his attempts to build an international human rights network that dealt with a wide variety of issues: the self-determination of all subject peoples; eliminating all forms of discrimination based on race, nationality, religion, and sex; and defending free speech, a free press, the right of free association, and the right to a fair trial. The rare successes the ILRM experienced in the postwar decades occurred when it avoided the ineffectual Human Rights Commission. Solutions were not to be found in the labyrinth-like structure of the UN, but through direct interactions with victims.³⁹

“What We Need In Every Country Is Contacts”

In January 1946, Felix du Courdray, an exile from the Dominican Republic, walked into the ILRM’s offices and asked for help. Along with his wife and two daughters, Courdray had fled the Trujillo dictatorship, but left behind four other children—aged six to twelve—and two older sons who were in college. Not long after Courdray fled to the U.S., the two sons participated in an anti-government demonstration that made them fear for their lives, prompting them to seek asylum in Colombia. Courdray had secured visas for them to enter the U.S., but Dominican authorities refused to let them go. The ILRM called local relief agencies and sent a carefully worded protest to Trujillo. After a month of negotiations, Trujillo evidently decided it was better to grant the exit visas rather than to risk having the incident reported in New York newspapers.⁴⁰

The ILRM was the prototype for the human rights NGOs that followed it in the 1960s and 1970s, Amnesty International and Human Rights Watch. The ILRM’s major objective was to collect information about abuses wherever they occurred. Its reporting was to be as objective as possible: “No other political considerations may influence our judgment.” Pointing to the growing number of dictatorships that had taken hold over the previous few years, Baldwin believed that many of the world’s human rights problems were “bound with [the] opposing political ideologies of the world.” If the ILRM was to have any influence at all, its work had to take on a “broader and less spectacular character,” by which he meant ILRM reports “must be prepared by men and women whose knowledge of the countries, the languages and conditions enable them to see the situation clearly, through the fog of political propaganda.”⁴¹

Baldwin tried to replicate the organizational structure of the ACLU through national affiliates—local civil rights or human rights organizations that were to send their findings to New York. “We need to extend very greatly the number of affiliated organizations throughout the world,” Baldwin wrote in March 1951. “We should have in the United States contacts with

³⁸ “Suggestions Made at Social Meeting,” May 8, 1957, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1956-1957, ILRM, NYPL

³⁹ Roger Baldwin, “For Review by the Board,” January 11, 1960, Box 10, Internal Correspondence and Papers—Advisory Committee and Board of Directors, 1959-1960, ILRM, NYPL

⁴⁰ Roger Baldwin, “Affiliates,” n.d., Box 10, Internal Correspondence and Papers—Affiliates—Miscellaneous Papers, ILRM, NYPL

⁴¹ *Ibid.*

organizations interested in human rights in foreign countries. There are many such organizations for each country where there is any issue of political independence, especially the Iron Curtain and the Colonial countries which have their organizations in the United States.” These affiliates acted as ILRM’s eyes and ears in their respective countries.⁴²

“What we need in every country is contacts with a lawyer or a man in public life who is willing to answer inquiries concerning any human rights problems which may arise, or to advise us if we can assist in any such problems in the international field,” Baldwin wrote to a prospective affiliate in February 1955. The ILRM maintained an informal relationship with these organizations in order to exchange information and coordinate their attempts to influence UN member-states. Using Thailand as an example, Baldwin thought the ILRM would be helped if non-Americans made human rights a point of emphasis at the UN: “In the councils of the United Nations, the position of the representatives of Thai on human rights matters is important. Since every country has an equal vote, there are occasions in which we find it more persuasive to have our position brought to bear through a citizen of the country rather than by ourselves directly.”⁴³

This search for affiliates was aided by ILRM members who travelled abroad. “Contact should be made in advance with the persons whose names are given in the countries visited so that possible little group meetings can be arranged,” read a set of Baldwin’s instructions written in May 1956. “Explanation should be given of the League’s work, particularly at the U.N. together with the opportunities for affiliates and individuals to share in them.” After Pryn Hopkins travelled to South Asia in summer 1949, the ILRM Board of Directors decided to establish formal representation in India with J.J. Singh of the All India Civil Liberties Council.⁴⁴

When reaching out to potential candidates in South Korea and Ceylon two years later, Baldwin relied on those with whom he was already familiar. Having worked with L. George Paik on the Commission of the Churches on International Affairs, Baldwin asked Paik to be the ILRM’s representative in South Korea. “The League is the only agency tackling the problems of political, civil, and human rights on so broad a scale,” Baldwin wrote to Paik. “Our recognized role with the United Nations as an advisor body enables us to exert a persuasive influence internationally. In order to acquire representation in all countries of the world, we are engaged in an expansion program.” Valentino Perera, a Ceylonese lawyer who belonged to the International Law Association, received a similar invitation.⁴⁵

The ILRM had more than a few affiliates during the early 1950s. The ILRM established links with the Ligue des Droits de l’Homme et la Democratique Nouvelle in the Belgian Congo, the

⁴² Roger Baldwin to Thomas Gaines, March 26, 1951, Box 10, Internal Correspondence and Papers—Affiliates—Prospective, 1948-1951, ILRM, NYPL; Baldwin wanted to extend ILRM’s affiliations to groups focused on women, labor, racial or minority issues.” Baldwin viewed Gaines as having done the necessary work for ILRM to get its message to the press: “The work which Mr. Gaines did on press contacts in the United States and abroad should be followed up so that we have a good card index likely to take Human Rights news directed to us via airmail and the press association likely to take more important items.”

⁴³ Roger Baldwin to M. R. Seni Premoj, February 11, 1955, Box 9, Internal Correspondence and Papers—Advisory Committee and Board of Directors, 1955, ILRM, NYPL

⁴⁴ Roger Baldwin, “Suggestion to Representatives of the ILRM Traveling Abroad,” May 1956, Box 10, Internal Correspondence and Papers—Consultants and Representatives Abroad, 1956-1959, ILRM, NYPL; ILRM, June 24, 1949 minutes, Box 23, Folder 6, FG, RU

⁴⁵ Roger Baldwin to L. George Paik, May 16, 1951, Box 10, Internal Correspondence and Papers—Affiliates—Prospective, 1948-1951, ILRM, NYPL; Roger Baldwin to Valentino S. Perera, May 23, 1951, Box 10, Internal Correspondence and Papers—Affiliates—Prospective, 1948-1951, ILRM, NYPL

Natal Natal Indian Congress, and Civil Rights League of Cape Town. France was represented with the Ligue Francaise des Droits de l'Homme. There was also the All India Civil Liberties Council, the Japanese Civil Liberties Union (JCLU), and Korean Civil Liberties Union (KCLU). Baldwin claimed in May 1951 that the ILRM's network had membership totals that ranged from sixty in Switzerland and 118 in Italy to 600 in South Africa and 1500 in Austria to 2500 in Germany and 3000 in Japan.⁴⁶

Baldwin focused his attention on the JCLU. Formed in November 1947 with Baldwin's assistance, the JCLU's declaration maintained, "The establishment of freedom and civil rights is not only an inalienable right of the Japanese people but it is also their sacred responsibility." Before hosting JCLU representatives in June 1950, Baldwin set conditions for JCLU-ILRM cooperation. The JCLU had to refrain from participating in politics. Any Communists or other "anti-democrats" were to be prohibited from joining the JCLU.⁴⁷

Shinkichi Unno of the JCLU briefed Baldwin on proposed legislation in the Japanese Diet modeled after the 1940 Smith Act, a law that made it a federal crime to call for the overthrow of the U.S. government. "There is no denying the fact that various legislations are being contemplated by the Japanese Government under the pretext of the preservation of the public security, so that the endeavors for the protection of human rights have been seriously endangered," Unno warned. The JCLU was opposed to what it saw as an attempt to silent dissent. "The general conservative tendency all through the world in a period of rearmament and anti-Communism as major policy makes such proposals more dangerous than in normal times," Baldwin wrote Unno in a letter offering his support from afar. "Perhaps we do not have any more normal times."⁴⁸

With the ILRM dedicated to an Anglo-American concept of individual rights, Baldwin had some difficulty establishing affiliates in counties with different legal traditions. After spending a few weeks in Frankfurt as a guest of the German Civil Rights Union during fall 1950, Baldwin was looking for an explanation as to why he had such difficulty convincing Germans to join the organization. "The whole concept of protecting civil liberties is a novelty in a country where officials are supposed to govern and citizens obey," Baldwin concluded. "You can figure from all this that I have been having a tough time trying to help built up a national civil liberties agency. It's about the toughest assignment I ever had."⁴⁹

Baldwin had an easier time with the All India Civil Liberties Council (AICLC). A small body consisting of about forty members, the AICLC was established in July 1949. AICLC leader S.G. Vaze did not pretend as if the AICLC was a major organization, as he wrote in February 1951, "It must therefore be said that the civil liberty organization in this country is of the loosest kind and has practically no resources either in men or money at its command."

⁴⁶ "Membership Totals," May 24, 1951, Box 10, Internal Correspondence and Papers—Affiliates—Miscellaneous Papers, ILRM, NYPL. Baldwin added 12,500 from ACLU and 300,000 from the NAACP to come up with a total of 320,514.

⁴⁷ "Memorandum Regarding League Meeting with the Japanese Civil Liberties Union," June 15, 1950, Box 3, General Correspondence—Japan—Japan Civil Liberties Union (1950-1958), ILRM, NYPL. The exception to Baldwin's rule was the UN's Henri Laugier who was only "honorary" at the time. The JCLU's highest profile cases involved a young man who was mistakenly killed by seven policemen as they apprehended him in Tokugawa Prefecture and the torture inflicted on a woman by interrogators in Niigata Prefecture.

⁴⁸ Shinkichi Unno to Roger Baldwin, February 28, 1952, Box 3, General Correspondence—Japan—Japanese Civil Liberties Union (1950-1958), ILRM, NYPL; Roger Baldwin to Shinkichi Unno, March 10, 1952, Box 3, General Correspondence—Japan—Japanese Civil Liberties Union (1950-1958), ILRM, NYPL

⁴⁹ Roger Baldwin, October 30, 1950, Box 2, General Correspondence—Germany—General, Folder 1, ILRM, NYPL

Formed as a “severely non-political body,” the AICLC did not restrict membership on the basis of political affiliation. “It is not quite impossible that AICLC may be captured by Communists, but the contingency of this happening is very remote,” Vaze assured Baldwin. The AICLC had trouble attracting members who belonged to the Indian National Congress because it regularly criticized the government.⁵⁰

Baldwin’s network never coalesced into anything more than a loose federation of similarly-minded organizations because the ILRM remained so small. Without a meaningful grassroots membership like Amnesty International that would have brought a source of funding through dues, the ILRM lacked the resources of its successors. And because major philanthropic foundations or the wealthy had yet to identify international human rights as a suitable cause for their largesse, the ILRM did not have the kind of donor base that fueled the growth of Human Rights Watch.

In fact, the ILRM relied upon theater performances and mailing lists for its fundraising. The ILRM bought a bloc of tickets to a Broadway show at a reduced price which it then sold at face value, keeping the difference for itself. The first such event occurred in February 1952 with *Venus Observed*, followed by the *Caine Mutiny* in March 1954, *Witness for the Prosecution* in April 1955, and *The Ponder Heart* in March 1956. It was through these performances that the ILRM usually brought in nearly twenty percent of its paltry annual budget.⁵¹

Though the ILRM lacked the computer technology that made direct mail so important to a wide variety of political activists during the 1970s, it tried soliciting donations through membership lists. A letter signed by Baldwin that was sent to potential donors in the early 1950s made the case for the ILRM’s existence: “I know that it has become apparent to you—as it did to me—that the spirit of liberty has greatly declined in these past years, due, no doubt to the pressures of the Cold War.” Assuming that the ILRM had “good lists” and “a letter that pulls,” Baldwin expected to receive a three to five percent response with an average contribution of \$5. ILRM Secretary Frieda Zimmerman was to send 10,000 letters per year with the hope that the organization would have 300 donations to show for it. Baldwin preferred many small donors to just a few large ones. “The big money is never as good as the little,” he said. “And the fewer we have of them to depend on, the better.”⁵²

Zimmerman was in charge of tracking ILRM’s finances. In November 1954, she reported that the ILRM had generated over \$3400 of income through the end of September with over \$400 expected from “delinquents” who had yet to send in their donations. This left the League \$1200 shy of its goal of operating a \$5000 budget. Another filing from May 1958 had the ILRM running a \$500 deficit, but Zimmerman had managed to put away \$2000 in a reserve account by this time. No doubt that Baldwin ran a shoestring operation at the ILRM. Even if

⁵⁰ S.G. Vaze to Roger Baldwin, February 1951, Box 3, General Correspondence—India—All-India Civil Liberties Council (1951-1959), ILRM, NYPL

⁵¹ *Venus Observed*, February 19, 1952, Box 10, Internal Correspondence and Papers—Finance—Theater Benefits, ILRM, NYPL. *Venus Observed* made a profit of \$441.08; *Caine Mutiny*, March 22, 1954, Box 10, Internal Correspondence and Papers—Finance—Theater Benefits, ILRM, NYPL. *Caine Mutiny* brought in a profit of \$931.40; *Witness for the Prosecution*, April 15, 1955, Box 10, Internal Correspondence and Papers—Finance—Theater Benefits, ILRM, NYPL. *Witness for the Prosecution* added \$788.38; *The Ponder Heart*, March 5, 1956, Box 10, Internal Correspondence and Papers—Finance—Theater Benefits, ILRM, NYPL. *The Ponder Heart* resulted in a \$323.40 profit for the League.

⁵² Fundraising Letter, n.d., Box 10, Internal Correspondence and Papers—Finance—Miscellaneous, ILRM, NYPL; Roger Baldwin to Frieda Zimmerman, n.d., Box 10, Internal Correspondence and Papers—Finance—Miscellaneous, ILRM, NYPL

these meager resources constrained his organization, he still spoke out against human rights violations in countries such as South Africa, Ghana, India, Liberia, and Morocco.⁵³

South Africa and South West Africa: Apartheid

A lifelong opponent of racial discrimination, Baldwin took a firm stance against apartheid soon after the National Party took power in 1948. Working closely with Reverend Michael Scott, a British minister, to protest against the implementation of this policy in the territory of South West Africa (Namibia), the ILRM also reached out to anti-apartheid activists belonging to the Civil Rights League of Cape Town. The ILRM began its efforts in South Africa by participating in a December 1950 meeting held at the NAACP with many of Baldwin's longtime friends and political allies: A.J. Muste, Bayard Rustin, Norman Thomas, and Walter White. Scott told them how the General Assembly had recently passed a resolution that required South Africa to submit reports on its administration of South West Africa. Another resolution gave inhabitants the right to petition during upcoming negotiations between South Africa and the UN. Baldwin, Muste, Thomas, and White decided to raise awareness of apartheid by reaching out to "liberals" in South Africa and the U.S. so as "to make the issue so strong that neither the US, UK, nor France could avoid it," with White asking Scott to "take back to Africa the news that America was beginning to wake up to African problems."⁵⁴

Baldwin already had an affiliate in South Africa: the Civil Rights League of Cape Town (CRL). The Civil Rights League accused the National Party of risking the freedom of *all* South Africans. "Our Constitution is in danger," the CRL stated in its March 1950 manifesto. "South Africa is, therefore, facing an immediate and most urgent crisis. A threat has been made in Parliament to the established constitutional rights of Non-Europeans. This threat must be resisted on the grounds that it is immoral. If the present crisis is not averted it will inevitably lead internal strife, moral degradation, spiritual decay and material improvement." L.M. Thompson founded the CRL in response to the series of racist laws. The Asiatic Laws left Indians in South Africa without parliamentary representation. The Election Laws Amendment put into place obstacles were intended to keep colored people—those of mixed African and European background—off the voting rolls. Draft Proclamation 1890 authorized government officials to prevent black Africans from exercising the right of free association.⁵⁵

Wanting to avoid trouble with an anti-communist ally, the U.S. government refused to grant Scott a visa to testify before the UN. A September 1950 letter from Norman Thomas addressed to President Harry Truman described the difficulties Scott encountered at the U.S. Embassy in London. Scott may have been a "militant crusading champion of African natives,"

⁵³ From Frieda Zimmerman, November 1, 1954, Box 10, Internal Correspondence and Papers—Finance—Miscellaneous, ILRM, NYPL. Income through September 30, 1954 was \$3401.44 with another \$429 expected from delinquents; ILRM, "May 15, 1958 minutes," Box 23, Folder 11, FG, RU. With an additional \$642.50 in receipts offset by \$659.35 in expenses during the April 1958, the balance at the end of the month was \$446.01 with \$155.80 in outstanding bills. The League also had a reserve account of \$1945.30 to be used in case supplemental funding was needed

⁵⁴ ILRM, "Minutes of Meeting on 14 December 1950 to Discuss Formation of Ad Hoc Committee on South West Africa," December 14, 1950, Box 23, Folder 7, FG, RU

⁵⁵ Civil Rights League of Cape Town, "Civil Rights League: Defend the Constitution. Defend the Rights of All Races," received March 1, 1950, Box 4, General Correspondence—South Africa (General), ILRM, NYPL; L.M. Thompson, "Civil Rights League: The First Weeks," n.d. [c. 1950], Box 4, General Correspondence—South Africa (General), ILRM, NYPL

but he was no Communist. Thomas framed the question as a test of the U.S.'s resolve on human rights: "If technicalities or the opposition of the reactionary government of the Union of South Africa should lead our government to keep him away from the Assembly after the deep impression he made a year ago, our American leadership for the rights of man would be sorely impaired throughout Asia and Africa."⁵⁶

The McCarran-Walter Act prohibited suspected Communists from entering the U.S. Refusing to submit to what he believed was an unjust law, Scott did not provide any information on his political background. Baldwin raised Scott's visa status in private meetings with U.S. and UN officials in October 1952. The UN assured Baldwin that it had placed no restrictions on Scott, while the U.S. maintained it had the right to exclude any visitor on "security grounds." The ACLU filed a protest on Scott's behalf, and the ILRM appointed him as its official observer at the UN. Evidently, this was enough to get Scott into the country.⁵⁷

In contrast to many of the ILRM's failed protests in the 1950s and 1960s, the UN condemned South Africa for its use of apartheid. The UN General Assembly formed a committee in January 1953. This was an important development, Beer told the ILRM Board of Directors at the time, because it constituted "direct intervention" into the affairs of a member state. India successfully argued that officially-sanctioned discrimination against Indians living in South Africa had made apartheid an issue of international concern.⁵⁸

"It was explained that since the Union of South Africa is a sovereign state, these questions are in the political department of Security Council affairs," read Baldwin's notes after meeting with UN officials in February 1953. "The Secretariat has no responsibility or power in its regard. It is up to South Africa to meet with India and come before the Committee set up by the Assembly." The Security Council was not going to intervene as long as the U.S. viewed South Africa as a friendly government. Nor was the answer to be found in largely meaningless UN resolutions. "Nothing is achieved by the yearly reiteration of resolutions except the international recognition of a complaint," Baldwin said to the ILRM Board of Directors. "It might be possible for the General Assembly to set up some less cumbersome activity for dealing with the petitions." The ILRM was "advised to be patient and to have a practical approach" by the UN representatives, considering "the very special limitations under which the U.N. operates in the present situation," an open admission that there was little they could do to punish the

⁵⁶ Norman Thomas to Harry S. Truman, September 8, 1950, Box 9, Internal Correspondence and Papers—Advisory Committee and Board of Directors, 1948-1952, ILRM, NYPL; the National Party's anti-communism and a desire to have access to uranium ore brought the U.S. closer to South Africa, see Thomas Borstelmann, *Apartheid's Reluctant Uncle: The United States and Southern Africa during the Early Cold War* (New York: Oxford University Press, 1953)

⁵⁷ ILRM, "October 15, 1952 minutes," Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; ILRM, October 21, 1953 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; see also ILRM, November 18, 1952 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL: "Mr. Baldwin reported the restrictions placed on Michael Scott by the US immigration officials, who have not replied to repeated requests for exceptions to the ban on public speaking. It was agreed to give publicity to the facts, with special emphasis on the right of religious freedom since most of Mr. Scott's invitations came from religious bodies."

⁵⁸ ILRM, January 21, 1953 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL

South African government. Not surprisingly, as Scott told the ILRM in October 1953, the treatment of Indians in South Africa had been “steadily worsening.”⁵⁹

Even as it waited for the international community to take substantive action against South Africa, the ILRM’s early anti-apartheid protests inspired other activists in the U.S. such as George Houser, founder of the American Committee on Africa (ACA). Houser and Baldwin exchanged letters on South Africa in May 1953. Baldwin offered Houser advice on how to make his NGO as effective as possible: keep track of developments at the UN and inform activists in Africa so that they could raise these issues in their countries. “The best propaganda is action on specific issues of immediate concern,” Baldwin noted.⁶⁰

Baldwin relied on Houser to provide the ILRM with up-to-date information on South Africa. As part of a month-long tour of Africa in late summer 1954, Houser spent a few days in Alice, South Africa, where he visited with Reverend Dr. Z. K. Matthews, a black professor who taught at the University College of Fort Hare. Houser and Matthews had met two years earlier at the Union Theological Seminary in New York. Police detectives followed Houser the entire time, taking him in for questioning under the 1950 Suppression of Communism Act, a law that prohibited African National Congress members from congregating. “The question was whether my companions and I were in a ‘gathering,’” Houser wrote of his brush with the authorities. “However once we were at police headquarters, I was the only one who was questioned, not aggressively, but politely and in quite a friendly fashion. After all, I could be arrested on any charge. They probably just wanted to find out what I was doing and where I was going.” As one of Houser’s associates, George Shepherd, wrote the *New York Times* in August 1954, the ACA observed that many Africans believed the U.S. was on the side of apartheid: “The impact of Soviet propaganda on the nationalist movements of Africa is tremendous today simply because the United States appears to be increasingly falling in behind the colonial powers.”⁶¹

The CRL’s 1953-1954 annual report had numerous explanations as to why it had yet to become a factor in South African politics: “Between crises it carried on with other aspects of its work—the slow education of public opinion, the vigilance towards infringement of civil rights in any sphere—which do not all within the orbit of any political party. It is, of course, handicapped by the fact that in, South Africa, most of the infringements of what would elsewhere be regarded as civil rights are in fact authorized by discriminatory laws.” It had no influence within the National Party. Nor was it optimistic about the future. “The League is faced today with the problem that it can see little prospect at present of reversing the trend of reactionary legislation, or of achieving the aim it set before itself six years ago, of the extension of civil rights for all sections of the South African population.” The IRLM and ACA had similar problems. Neither organization had much access in Congress or the State Department. A March 1955 letter from the ACA identified the lack of awareness of apartheid among Americans: “When we consider, for example, that no agency exists in the United States today to arouse to public opinion on the

⁵⁹ Roger Baldwin, “Off the Record Meeting with Members of Trusteeship and Non Self-Governing Divisions of the UN Secretariat,” February 6, 1953, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; ILRM, October 21, 1953 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL

⁶⁰ Roger Baldwin to George Houser, May 28, 1953, Box 5, American Committee on Africa, ILRM, NYPL

⁶¹ George Houser, “Notes on Africa Trip,” October 1, 1954, Box 5, American Committee on Africa, ILRM, NYPL; George Shepherd, “Letter to the Editor,” *New York Times*, August 9, 1954, Box 5, American Committee on Africa, ILRM, NYPL

wholesale evacuation into segregated areas being perpetuated at Johannesburg at this moment, this seems deplorable.”⁶²

Baldwin and Scott continued to insist that anti-apartheid sanctions were not undue “interference in domestic affairs.” As they pointed out to UN officials in November 1955, the General Assembly had voted several times that “the effects of racial segregation on resident Asiatics make the whole policy [of apartheid] one of international concern.” But a resolution continuing the Special Committee on Racial Segregation in South Africa failed to pass the General Assembly “due to pressure by the Western powers.” Scott expressed disappointment in January 1957 that the resolution condemning apartheid was “weaker” than it had been in previous years.”⁶³

After reading in the newspaper about the arrests of 140 black leaders in Johannesburg for having allegedly committed treason in December 1956, Norman Thomas was dismayed to learn that among those apprehended was Reverend Dr. Z. K. Matthews. Also arrested were ANC leaders Nelson Mandela and Albert Luthuli. “I had the honor of knowing Dr. Matthews when he was in the United States and was much impressed by the moderation of his approach to South African problems and his repudiation of violence,” Thomas wrote in a letter to the South African Ambassador to the U.S. The arrests followed documents that had been seized in raids the previous year. “No American can write on this problem with any smug feeling of national righteousness,” Thomas admitted. “I am keenly aware how our leadership for freedom is compromised in the world by our own denials of equality of right of man and women solely on ground of color. I do rejoice, however, that our courts are standing for that right with increasing vigor. I hope we can find a similar satisfaction in South Africa.” Baldwin made a similar protest to a South African official: “We have noted press reports of the offenses with which these persons are charged, brought under the law for suppression of communism, whose broad terms apparently cover activities not associated with that political doctrine.”⁶⁴

In addition to the CRL, Baldwin remained in contact with the National Indian Congress (NIC), another affiliate in South Africa. Representing Indians who had been victimized by apartheid, it opposed the December 1956 arrests. The ILRM learned from the NIC in October 1957 that the official investigation had been ongoing for the previous ten months. With the next hearing not scheduled until January 1958, these extended legal proceedings had “become a costly affair and immense funds are required for legal costs, maintenance of dependents of the accused

⁶² Civil Rights League, “Annual Report of the Civil Rights League, 1953-1954,” October 1954, Box 4, General Correspondence—South Africa (General), ILRM, NYPL; A.J. Muste, A. Philip Randolph, and J. Waties Waring, March 15, 1955, Box 5, American Committee on Africa, ILRM, NYPL

⁶³ Michael Scott and Roger Baldwin to Delegates of UN Ad-Hoc Committee on South Africa, November 2, 1955, Box 9, United Nations—South Africa, Ad Hoc Committee on the Continuance on the Racial Situation (1954-1955), ILRM, NYPL; ILRM, December 21, 1955 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; ILRM, January 24, 1957 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1956-1957, ILRM, NYPL

⁶⁴ Norman Thomas to Dr. J.E. Hollyway, December 10, 1956, Box 4, General Correspondence—South Africa (General), ILRM, NYPL; , December 20, 1956 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1956-1957, ILRM, NYPL. The ILRM also addressed the government of South Africa in protest.; Roger Baldwin to D.B. Sole, December 21, 1956, Box 4, General Correspondence—South Africa (General), ILRM, NYPL

persons.” In a letter sent to Houser from prison, Matthews described these expenses as their own form of punishment.⁶⁵

A trial of this size was unprecedented. “Never in the history of South Africa have so many South African citizens, white and non-white, stood together in peacetime to face such serious allegations,” Matthews wrote. Most of the accused were opponents of the National Party: the ANC, the Indian Congress, the Coloured People’s Organization, the South African Congress of Democrats, the Congress of Trade Unions, and South African Peace Council. What they had in common was their belief in what Matthews described as “full citizenship rights for all as the only sound policy for a multiracial society such as ours.” These activists were treasonous only in the sense that they would not accept apartheid: “We are being called upon to pay a penalty for our compromising stand for a policy of equal rights for all. We have no intention of departing from our beliefs even if it should be made criminal to hold or advocate such beliefs. At present, of course, there is no law against this, even in South Africa, but there is a law against advocating Communism, so an attempt is being made to bring the accused.”⁶⁶

After the ILRM and the ACA participated in an “International Day of Protest” on December 10, 1957, Baldwin met with Norman Marsh of the International Commission of Jurists (ICJ) in March 1958. Marsh impressed Baldwin by telling him that the ICJ was already planning to send an observer to South Africa for the treason trial, just one of numerous countries in which it was involved. “Apparently, the International Commission of Jurists is distinguished enough to gain admission almost into any country,” Baldwin marveled.⁶⁷

Aware that publicity was one of the few ways in which the ILRM could influence events in South Africa, Baldwin formulated a media strategy that would be utilized far more successfully by Amnesty International and Human Rights Watch: “To make contacts quickly for telling the South African story and raising funds, it is desirable to get a radio or TV appearance on one of the network stations. An interview might be arranged on a week’s notice by one of the best stations if Mrs. Roosevelt requested it. It takes influence.” Unfortunately, the ILRM lacked the capability to undertake such an ambitious campaign.⁶⁸

With the ILRM and ACA closely tracking his status and the ICJ monitoring the trial, Matthews was released by South African authorities in late 1958. He returned to Fort Hare, but resigned from his teaching position when the government made the college exclusively for the Xhosa. Matthews moved to Geneva in 1961 and became secretary of the World Council of Churches Africa Division. Returning to Botswana in 1966, Matthews was appointed Ambassador to the United States. He died two years later in Washington, D.C.⁶⁹

The ILRM may not have had the influence in South Africa it would have liked, but its anti-apartheid protests served as a model for activists who followed in its wake. The problem

⁶⁵ G.M. Naicker to ILRM, October 9, 1957, Box 4, General Correspondence—South Africa (General), ILRM, NYPL; Z.K. Matthews to George M. Houser, c. 1956-1957, Box 5, American Committee on Africa, ILRM, NYPL

⁶⁶ Z.K. Matthews to George M. Houser, c. 1956-1957, Box 5, American Committee on Africa, ILRM, NYPL

⁶⁷ Dale Harrison to Roger Baldwin, October 21, 1957, Box 5, American Committee on Africa, ILRM, NYPL; Roger Baldwin, “Memo—Trials in South Africa,” March 19, 1958, Box 4—General Correspondence—South Africa (General), ILRM, NYPL

⁶⁸ Roger Baldwin to Ronald Segal, October 7, 1958, Box 4—General Correspondence—South Africa (General), ILRM, NYPL

⁶⁹ Thomas Karis and Gwendolen M. Carter, eds., *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882-1964, Vol. 3* (Stanford, California: Hoover Institute Press, 1977); Ammi Ryke, “ZK Matthews Biographical Information,” UNISA Documentation Centre for African Studies, <http://uir.unisa.ac.za/bitstream/10500/3167/1/ZK%20Matthews%20inventory.pdf>

that the ILRM ran up against was the fact that the U.S. chose anti-communism over human rights by not publicly criticizing a Cold War partner. Following the Sharpeville Massacre of March 1960, Baldwin wrote to UN Representative Henry Cabot Lodge to express the League's appreciation that the U.S. would raise the incident at the Security Council. "We have always regarded the discussion of any such issue by the United Nations agency as proper regardless of claims of interference with domestic jurisdiction," Baldwin insisted. "The benefit of such discussion is apparent even without decisive action." The ILRM also showed the usefulness of working with similar-minded NGOs such as American Committee on Africa or International Commission of Jurists, cultivating relationships with South African groups like Civil Rights League or Natal Indian Congress, and the need to mobilize international opinion to shame South African leaders. But this was merely the beginning of a decades-long global struggle to undo the injustice of apartheid.⁷⁰

Ghana and India: Preventative Detention

Baldwin's concern for Indian nationalists through the International Committee for Political Prisoners during the 1920s and 1930s turned him into a strong opponent of imperialism. The ILRM was very active in the 1950s and 1960s in protecting the rights of ethnic minorities in the recently decolonized countries of Ghana and India. The imprisonment of political opponents for suspected treason was justified in these countries through preventative detention, a legal doctrine imposed by the British to maintain order over their colonial subjects. Through he routinely expressed his support for nationalist leaders such as Kwame Nkrumah and Jawaharlal Nehru, Baldwin did not hesitate to point out when he thought their governments had overreached.

One of the ILRM's West African affiliates was located in British Togoland, which had voted to integrate with the soon-to-be independent Ghana in a May 1956 referendum. The Ewe who lived in the Trans-Volta Togoland region had been overwhelmingly against it, but they lacked the numbers to match those who supported it in the north. After receiving reports from this affiliate regarding the Ewe's opposition to the centralization of power under the new constitution, Baldwin made their complaints known to a Ghanaian member of parliament. The March 1958 arrest of S.G. Antor, a Ewe leader, drove Baldwin to make further representations to Ghanaian authorities.⁷¹

The events leading to Antor's arrest began the previous month when the government heard rumors that the Ewe was planning to disrupt a celebration of Ghana's independence. Responding to repeated instances of cut telegraph and telephone lines, the police allegedly found two training camps for Ewe fighters that it promptly shut down. A large demonstration was held on March 3 in the local city of Jaskan, where a crowd presented a petition decrying the UN resolution that British Togoland be incorporated into Ghana. Although most of the people eventually dispersed, the refusal of 150 protestors to do so precipitated a showdown with police that left four injured and one dead. Because he was the most prominent Ewe opponent, Antor

⁷⁰ Roger Baldwin to Henry Cabot Lodge, March 29, 1960, Box 4, General Correspondence—South Africa (General), ILRM, NYPL

⁷¹ Roger Baldwin to Fenner Brockway, February 11, 1957, Box 2, General Correspondence—Ghana—General (1956-1959), ILRM, NYPL; Roger Baldwin to Kwame Nkrumah, April 26, 1957, Box 2, General Correspondence—Ghana—General (1956-1959), ILRM, NYPL; Roger Baldwin to Daniel A. Chapman, March 14, 1958, Box 2, General Correspondence—Ghana—General (1956-1959), ILRM, NYPL

was quickly convicted of conspiracy and sentenced to six years in hard labor. The presiding judge accused Antor of having been the “brains responsible for the wicked conspiracy.” Antor’s tough sentence was intended to make other Ewe “careful in their choice of words and actions.”⁷²

With little evidence to tie him to the riot, Antor was released from prison by the end of the year. Antor confided to Baldwin in December 1958 that the purpose of his arrest was to “intimidate the people and through force and threats to coerce the peoples of Togoland to accept what they democratically voted against.” Baldwin was not surprised to learn from Antor that other oppositional leaders had been thrown into jail through preventative detention. “We have also noted both in the press here and from reports of our friends recently in Accra, the unhappy state of political affairs under the preventative detention act, together with the activities of the interior ministers,” Baldwin wrote to Antor. “Unfortunately preventative detention seems to be the policy in former and present British colonies. It is a principle which we wholly oppose, demanding open public trials instead.” Baldwin vowed that he would take up the issue with the Ghanaian authorities. The denial of these basic civil rights in recently decolonized countries was a legacy of imperialism, as Baldwin told the Ghanaian Ambassador to the U.S. in January 1959: “The Preventative Detention Act of 1958 was a colonial law that deprived political opponents from receiving an open trial as stipulated in the Universal Declaration of Human Rights. We are advised that under the Preventative Detention Act some forty members of the opposition are detained in James Fort and Usher Fort prisons, including two members of parliament.”⁷³

Baldwin made similar criticisms of how preventative detention was deployed in India. An April 1958 report of the All India Civil Liberties Council (AICLC) described its attempts to persuade members of the parliament to vote against the reauthorization of the Preventative Detention Act. The ILRM asked the AICLC to submit a statement on preventative detentions to a special committee set up by the UN Human Rights Commission to study “arbitrary arrest, detention, and exile” in all countries of the world.⁷⁴

One arrest that drove Baldwin to act was that of Sheik Muhammad Abdullah in Kashmir, a contested region located between India and Pakistan. Abdullah was released then detained a second time without an indictment. “Our concern rises from the practice of preventative detention without charges or trial—a procedure almost universally condemned by advocates of human rights,” Baldwin wrote to an Indian official, G.M. Bakshi, in June 1958. “We recognize that this old colonial practice still persists in India as it does in a few other countries, and we deplore its applications in Kashmir.” After being told six months later that Abdullah would be granted a fair trial, Baldwin expressed his appreciation. “I am glad that the International League for the Rights of Man appreciates the open trial of Sheikh Abdullah for his anti-state activities,”

⁷² Amon Nikoi to Roger Baldwin, April 8, 1958, Box 2, General Correspondence—Ghana—General (1956-1959), ILRM, NYPL; see attached *Regina v. S.G. Antor*, March 11, 1958 trial transcript; Amon Nikoi to Roger Baldwin, April 14, 1958, Box 2, General Correspondence—Ghana—General (1956-1959), ILRM, NYPL

⁷³ S. G. Antor to Roger Baldwin, December 31, 1958, Box 2, General Correspondence—Ghana—General (1956-1959), ILRM, NYPL; Roger Baldwin to S. G. Antor, January 13, 1959, Box 2, General Correspondence—Ghana—General (1956-1959), ILRM, NYPL; Roger Baldwin to Daniel Chapman, January 13, 1959, Box 2, General Correspondence—Ghana—General (1956-1959), ILRM, NYPL

⁷⁴ All India Civil Liberties Union, “Report of the Secretary,” April 15, 1958, Box 3, General Correspondence—India—All-India Civil Liberties Council (1951-1959), ILRM, NYPL

Bakshi responded to Baldwin. “Like any other accused he has been allowed fullest faculties to defend himself and to place his point of view in an open public trial.”⁷⁵

As S.G. Vaze of AICLC explained to American lawyer Luis Kutner in September 1958, India’s recent independence made civil liberties a low priority to its leaders, whose most pressing concern was holding their young country together. Vaze observed that the “general feeling” among many prominent Indian politicians was not very strong in favor of upholding “the integrity of habeas corpus”: “They feel the newly won independence will be in danger if suspected subversives are not sternly put down, and that though some injustice might result in the process it is the price we have to pay to keep the Republic safe. They thus say: a few arrests and detentions don’t much matter in the circumstances in which we are placed.”⁷⁶

C. S. Jha, an Indian official, confirmed Vaze’s observation. Jha defended preventative detention by saying that it was used only for “very grave reasons.” Besides, he continued, the Indian Parliament had overwhelmingly supported the Preventative Detention Act. “Unfortunately, it has a far too common practice in countries recently freed from colonial rule, and abused by parties in power,” Baldwin responded. “Even if India opinion sustains the law, as you say, it is obviously not to be recommended as an international practice.” This exchange with Jha over reveals that there was only so much Baldwin could do from New York. His only hope was Indian authorities would realize that preventative detention was a relic of imperialism. “Preventative detention is bound to go some day, and a start might just as well be made now,” Baldwin told Vaze in November 1958. “After all, it was a British colonial intervention.”⁷⁷

Liberia: Didwho Twe

Initiating a case that the ILRM would monitor for the next six years, Didwho Twe personally visited Baldwin in January 1951. A leader of the indigenous people in Liberia, Twe doubted the fairness of upcoming national elections in which he was planning to run as a presidential candidate. Previously a member of the Liberian parliament for almost two decades (1910-1929), Twe wanted the State Department to ask the U.S. Ambassador to Liberia to “keep an eye” on the election.⁷⁸

Twe’s suspicions turned out to be correct. Excluded from the ballot, a number of Twe’s closest supporters had been arrested and held without trial on charges of sedition. Twe himself had been forced into hiding. The NAACP’s Dr. John Collier learned from a Liberian source in August 1951 that President William Tubman had ordered 100 soldiers to bring him Twe dead or alive. “God, not permitting such an evil deed did not make it possible for them to locate him,”

⁷⁵ Roger Baldwin to Gulum Muhammad Bakshi, June 16, 1958, Box 19, General Correspondence—India, ILRM, NYPL; G. M. Bakshi to Roger Baldwin, December 31, 1958, Box 19, General Correspondence—India, ILRM, NYPL

⁷⁶ S. G. Vaze to Luis Kutner, September 22, 1958, Box 3, General Correspondence—India—All-India Civil Liberties Council (1951-1959), ILRM, NYPL

⁷⁷ C.S. Jha to Roger Baldwin, July 14, 1960, Box 19, General Correspondence—India, ILRM, NYPL; Roger Baldwin to C.S. Jha, July 21, 1960, Box 19, General Correspondence—India, ILRM, NYPL; Roger Baldwin to S. G. Vaze, November 3, 1958, Box 3, General Correspondence—India—All-India Civil Liberties Council (1951-1959), ILRM, NYPL

⁷⁸ Roger Baldwin, “Memo for Intl. League Files,” January 1951, Box 3, General Correspondence—Liberia (1951-1952), ILRM, NYPL

Collier's letter read. "He is still being pursued and I do not hesitate to say his life is very much in danger."⁷⁹

Baldwin immediately dashed off a complaint to Secretary of State Dean Acheson. "These events indicate a virtual dictatorship by the governing minority headed by President Tubman," Baldwin wrote alarmingly. Whether through private investment or the Point Four economic aid program, he emphasized that the U.S. was in a position to greatly influence Tubman if it so chose: "It would appear the U.S. government bears some responsibility of the conduct of the Liberian government." The Truman administration thus had a responsibility to pressure Tubman into easing up on Twe.⁸⁰

In a reply sent to NAACP President Walter White from the U.S. Embassy in Monrovia, American officials claimed that the "facts were not as we believed them to be." The Liberian government attributed Twe's absence from the ballot to his not having filed the necessary paperwork on time. Baldwin was not persuaded. "For this effort to bring in foreign observers, Mr. Twe and his supporters have been indicated for sedition," Baldwin wrote in the *New York Times* on September 13. "Mr. Twe has been forced into hiding to save his life. Orders have been issued to bring him in dead-or-alive; and alive, his adherents say, he wouldn't last long."⁸¹

The State Department soon responded to Baldwin. Twe had filed his application only three weeks before the May 1 election, not the sixty days as had been required by the law. State Department officer E. H. Bourgerie even warned Baldwin that continuing these protests would only lead to further trouble for Twe: "In any case, the Department has received no indication from Liberia that the lives of Mr. Twe and his followers are in any danger. However, resentment against Mr. Twe and his part has grown in Liberia as a result of the unfavorable publicity that Liberia has received in the American press during the past few weeks."⁸²

Eleanor Roosevelt made Baldwin's task more difficult when she publicly expressed support for Tubman. No one would describe Tubman as a "perfect human being," she said, but what he had done as president was nothing short of "remarkable." The U.S. did not want to get involved in what they saw as an internal affair. "The Department, though its representatives, had obtained assurance that the trials would be stopped," Roosevelt told Collier in November 1951. "[But] then Mr. Tubman, who is excitable, received a telegram from Walter White and was enraged at outside interference from well-meaning but misguided people."⁸³

Tubman eventually tried Twe's supporters in spring 1953. A number of these defendants had signed a petition requesting a UN inquiry into human rights abuses in Liberia. They were sentenced that June to three years imprisonment and confiscation of all their property. Fortunately for Twe, he was exiled in London during this time. Although an appeal had been

⁷⁹ Roger Baldwin to Dean Acheson, August 21, 1951, Box 3, General Correspondence—Liberia (1951-1952), ILRM Papers, NYPL; Walter White to C. D. B. King, June 20, 1951, Box 3, General Correspondence—Liberia (1951-1952), ILRM, NYPL; "NAME OMITTED" to Dr. John Collier, August 4, 1951, Box 3, General Correspondence—Liberia (1951-1952), NYPL

⁸⁰ Roger Baldwin to Dean Acheson, August 21, 1951, Box 3, General Correspondence—Liberia (1951-1952), ILRM, NYPL

⁸¹ Walter White to Roger Baldwin, September 5, 1951, Box 3, General Correspondence—Liberia (1951-1952), ILRM, NYPL; Roger Baldwin to the *New York Times*, September 13, 1951, Box 3, General Correspondence—Liberia (1951-1952), ILRM, NYPL

⁸² E.H. Bourgerie to Roger Baldwin, September 20, 1951, Box 3, General Correspondence—Liberia (1951-1952), ILRM, NYPL

⁸³ Eleanor Roosevelt to John Collier, November 10, 1951, Box 3, General Correspondence—Liberia (1951-1952), ILRM, NYPL

made to the Liberian Supreme Court, Twe doubted the courts would overrule Tubman. “It is believed that if the final judgment does against the men they will be sent to Bele Yela, a concentration camp in the interior and this means untold suffering, sickness, and death,” Twe feared.⁸⁴

Twe then asked Baldwin to intercede with the White House to help return him safely to Liberia. In his reply, Baldwin tried to give Twe a realistic assessment of an increasingly hopeless situation: “Your suggestion of writing Eisenhower about your return is not, I regret to say, practical. He would not intervene with another government in a matter of domestic concern where no United States citizen or interest is involved.” Furthermore, Tubman was unlikely to let Twe return unless it was to face trial. Twe’s supporters languished in prison through the end of the year. Of the eighty-five who had signed the UN petition, only ten had been prosecuted by December 1953. Their indefinite confinement made it obvious to Twe that the sedition laws were “solely intended to intimidate the indigenous peoples from time to time purposely to keep Americo-Liberians in power continuously.”⁸⁵

Revealing of the difficulties faced by international human rights activists in the postwar decades, Baldwin informed Twe in June 1954 that he could not forward a letter of Twe’s addressed to UN General-Secretary Dag Hammarskjöld. There were restrictions upon how the UN Human Rights Commission received complaints. None were to be accepted on a country-by-country basis. Instead, as Baldwin explained, these communications were to be “confidential” and only mentioned in reports “in general terms as to their character and not their origins.”⁸⁶

A Liberian student named Martin Karpeh gave an update on Twe at the October 1954 ILRM Board of Directors meeting. With Twe now exiled in Sierra Leone, Karpeh said that the system of one party rule in Liberia kept “aborigines from getting any power.” The ILRM agreed to hand Tubman a letter questioning his country’s human rights practices during his next visit to the U.S., but even this idea was put on hold while Baldwin talked with American officials.⁸⁷

Curious as to what he should do for Twe, Baldwin arranged for a private meeting with E.F. Dudley of the State Department. Dudley advised Baldwin to leave the case alone. It would neither be wise nor helpful to send a personal letter to Tubman. “It would do more harm than good for Americans to intervene in so mixed a situation as that created by the sedition prosecutions,” Baldwin recalled. Dudley insisted that Tubman had been opposed to the trials, but pressuring him only made it less likely he would release the prisoners. No president—American or Liberian—wanted to look weak. The best thing the ILRM or the NAACP could do was to let Tubman and Twe work out their differences by themselves.⁸⁸

Dudley convinced Baldwin that there was nothing he could do for Twe. In December 1954, Baldwin implored Twe to back away from his position that Liberia needed to have

⁸⁴ D. Twe to Dr. Collier, January 17, 1953, Box 3, General Correspondence—Liberia (1953-1954), ILRM, NYPL; D. Twe to Roger Baldwin, July 10, 1953, Box 3, General Correspondence—Liberia (1953-1954), ILRM, NYPL

⁸⁵ Roger Baldwin to D. Twe, July 29, 1953, Box 3, General Correspondence—Liberia (1953-1954), ILRM, NYPL; D. Twe to Roger Baldwin, December 9, 1953, Box 3, General Correspondence—Liberia (1953-1954), ILRM, NYPL

⁸⁶ Roger Baldwin to D. Twe, June 15, 1954, Box 3, General Correspondence—Liberia (1953-1954), ILRM, NYPL
⁸⁷ ILRM, October 20, 1954 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; ILRM, November 24, 1954 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL

⁸⁸ Roger Baldwin, “Confidential Memorandum Concerning Talk with E. F. Dudley,” c. 1954, Box 3, General Correspondence—Liberia (1953-1954), ILRM, NYPL

international election observers. If Twe were to concede this much to Tubman, Baldwin implied, then Twe might be pardoned: “I would think from what I hear that the President would welcome some way of ending the case so long as the government did not have to admit error. I cannot speak from knowledge, but I have the impression that Mr. Tubman was not wholly in favor of the prosecutions, and would like to end that chapter.”⁸⁹

But too much had already happened for Twe just to give up:

Considering the excessive price already paid in loss of a valuable life, in imprisonment and ruin of health, in maltreatment and degradation of women, not for giving out secrets, not for collaborating with enemy of the state, but merely for appealing to the UN for ‘justice and relief from political suppression’ and considering what is still going on in the country at the moment, my people and I feel that it is now too late to seek executive clemency from Mr. Tubman.⁹⁰

Baldwin was adamant that the ILRM’s continued involvement would only make things worse for Twe. “I learned that the Liberian government like most governments resents outside pressure on matters of individual concern,” Baldwin wrote in March 1955. “If we were to intervene, I am sure it would just make the case of those in prison more difficult. But, if the prisoners themselves do what is done in most countries, namely petition for commutation or amnesty, we then might get some private support from friends of the regime.”⁹¹

“Every effort we have made has been rebuffed or ignored,” Baldwin complained to Collier in January 1956. “The NAACP to whom we appealed tried diplomatically to do something with Tubman, wholly without success.” Baldwin made one last appeal to Tubman, but to no avail. Tubman had no reason to be magnanimous. Nor did he have to worry that the U.S. or the UN would give him a compelling reason to change his behavior.⁹²

“I am sorry to say that it is just no use in putting the case of the Liberians to the U.N.,” Baldwin wrote in September 1956. “We tried it with the delegation and with Tubman. I know the U.S. is mostly responsible, but until we can get some definite complaint within U.N. jurisdiction, there is nothing the U.S. can do.” In another letter to Twe in April 1957, Baldwin blamed national sovereignty: “Since Liberia is a sovereign state, no international action can be taken. In either your case or that of anyone else, the U.N. has no jurisdiction in any sovereign state unless peace is threatened.” The U.S. would only intervene if it appeared Tubman was pro-Soviet Union, but he was not. In a final statement of the ILRM’s futility, Baldwin apologized, “I regret to say that we do not see any opportunity to aid you. Our repeated representations about the prisoners go unanswered—the Liberian delegation here at the U.N. states it is entirely a matter for the officials in Monrovia.”⁹³

⁸⁹ Roger Baldwin to D. Twe, December 17, 1954, Box 3, General Correspondence—Liberia (1953-1954), ILRM, NYPL

⁹⁰ D. Twe to Roger Baldwin, January 15, 1955, Box 3, General Correspondence—Liberia (1955), ILRM, NYPL

⁹¹ Roger Baldwin to Twe, March 2, 1955, Box 3, General Correspondence—Liberia (1955), ILRM, NYPL

⁹² Roger Baldwin to Dr. John Collier, January 19, 1956, Box 3—General Correspondence—Liberia (1956-1957), ILRM, NYPL; ILRM, February 21, 1956 minutes, Box 10, Internal Correspondence and Papers—Board of Directors—Minutes of Meetings, 1952-1955, ILRM, NYPL; Roger Baldwin to William V. S. Tubman, March 13, 1956, Box 3—General Correspondence—Liberia (1956-1957), ILRM, NYPL

⁹³ Roger Baldwin to D. Twe, April 26, 1957, Box 3—General Correspondence—Liberia (1956-1957), ILRM, NYPL; Roger Baldwin to D. Twe, September 19, 1956, Box 3—General Correspondence—Liberia (1956-1957), ILRM, NYPL

Morocco: The Nador Case

Reducing his role in the ILRM's day-to-day operations during the early 1960s, Baldwin's longtime devotion to the cause of individual rights made him a role model to younger activists in the U.S. and Western Europe. One of Baldwin's admirers was Peter Benenson, the British lawyer who founded Amnesty International in 1961. The ILRM and Amnesty International collaborated on behalf of members of the Baha'i Faith who had been imprisoned in Morocco for their religious beliefs. In contrast to the frustration Baldwin often experienced during these years, the Nador Case proved to be one of his greatest successes at the ILRM.

The Baha'i International Community brought the Nador Case to Baldwin's attention in December 1962. In a letter addressed to Morocco's UN representative, Ahmed Taibi Behima, Baldwin expressed the ILRM's concern over reports that eight followers of Baha'i Faith had been convicted of heresy, three of whom received the death penalty while the remaining five were handed life sentences by the regional court in Nador. Their trial began on December 10—Human Rights Day—and ended on December 14, the same day on which Morocco instituted a new constitution that proclaimed “Islam is the religion of the State which guarantees to all free practice of their faith.” According to Moroccan sources, these religious prisoners had been subjected to “brutal treatment” while in custody. “We have the names and know the places of detention of all the prisoners on whom reports have been made up to now,” Baldwin wrote. “We would not want to bring the matter before the United Nations, especially in view of the cordial relations which we had with your representatives during the long struggle for Morocco's independence.”⁹⁴

The Baha'i International Community first raised the Nador Case at the UN. An open letter it sent to more than thirty member-states accused Morocco of “a flagrant violation” of the Universal Declaration of Human Rights. “We request that you urge your Government to take appropriate steps to remove this threat to the [Human Rights] Convention by a State which has signed and ratified it. We also appeal for your personal intervention, in the manner you consider most effective, to save our coreligionists in Morocco from sentences of death and life imprisonment at hard labor imposed upon them on the charge of heresy.” This attempt at generating international attention paid off. “Evidently the pressure of public opinion throughout the world, and within Morocco itself, caused the authorities to review the situation,” the Baha'i International Community later wrote. “The [Moroccan] Secretary of Information issued a statement assuring the public that the verdict was not definitive and that the condemned men had the right to appeal.”⁹⁵

In January 1963, Baldwin testified before the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities that Moroccan authorities had violated the religious freedom of the Baha'is. Because UN protocol prohibited him from mentioning Morocco by name, Baldwin had to refer to it as “member State”: “So far as we know, this is the only case in recent history in any country where members of a religion have been condemned to death solely

⁹⁴ Roger Baldwin, “Statement before the Subcommittee on Prevention of Discrimination and Protection of Minorities,” January 30, 1963, Box 24, Morocco—Baha'is—1963-1964, ILRM, NYPL; Baha'i International Community, “Freedom of Religion on Trial in Morocco: The Nador Case,” January 1963, 3-4, Box 24, Morocco—Baha'is—1963-1964, ILRM, NYPL

⁹⁵ Baha'i International Community, “Freedom of Religion on Trial in Morocco: The Nador Case,” January 1963, 14-15, Box 24, Morocco—Baha'is—1963-1964, ILRM, NYPL

for holding and expressing religious views regarding as heretical.” Moroccan law did not recognize the Baha’i Faith. “The original charges cover offenses properly punishable such as ‘rebellion, disorder, endangering public security’ and an added charge of ‘injuring religious faith’ which in effect making converts from Islam,” Baldwin said. “The trial evidence, however, shows no support to these charges. All the evidence related to religious expression and belief.”⁹⁶

Learning from past experience that he could not rely exclusively upon the UN to resolve the case, Baldwin wanted the ILRM and Amnesty International to keep up their public opposition to Morocco. “We are proceeding on the theory that the more pressure on the Moroccan government the better,” Baldwin wrote to Peter Benenson in February 1963. “I do not think that any case as grave as this one can proceed on the assumption that outside interference is unjustified and would be resented.”⁹⁷

Amnesty International sent Michael Davison to find out what had happened. A British journalist who had covered the Middle East for the (London) *Observer*, Davidson attended an appeal hearing pretending to be a newspaper correspondent. Davidson’s mission was to remain confidential so as to avoid offending Moroccans “sensitive” about foreigners intervening in a domestic affair. Benenson thought the most effective means exerting “international pressure” was to get the case onto the pages of *Le Monde* or *Le Figaro*, both of which were read in the capital of Rabat.⁹⁸

Davidson found that the arrest of the Baha’is was part of a political conflict between monarchy and the opposition Istiqlal Party. The Court of Appeals was said to be “quite sound” and it was very likely that the appeal would “decided on law.” The government seemed to be “well aware” that it had made a “big mistake,” and Davidson had little doubt that Moroccan officials were “very sensitive about public opinion abroad.” Though Davidson’s advice for Amnesty International and the ILRM was to refrain from engaging in a “press campaign” because it was “much better do things quietly, without publicly humiliating the government,” his analysis had identified a vulnerability that Amnesty International would exploit in following years.⁹⁹

The most immediate outcome of Amnesty International and the ILRM’s protests in January 1963 was a stay of execution. “We cannot underestimate the value of your representations on our behalf,” American Baha’i leader Hugh Chance wrote to Baldwin. Chance hoped that any legal proceedings moving forward would be “more in keeping with ordinary principles of justice.” The Moroccan Supreme Court overturned the convictions in December 1963. The judges ruled that there was no law in Morocco under which people could be tried for

⁹⁶ Roger Baldwin, “Statement before the Subcommittee on Prevention of Discrimination and Protection of Minorities,” January 30, 1963, Box 24, Morocco—Baha’is—1963-1964, ILRM, NYPL

⁹⁷ Roger Baldwin to Peter Benenson, February 1, 1963, Box 24, Morocco—Baha’is—1963-1964, ILRM, NYPL

⁹⁸ Peter Benenson to Roger Baldwin, January 23, 1963, Box 24, Morocco—Baha’is—1963-1964, ILRM, NYPL; Amnesty International and the ILRM collaborated on another case in Morocco such as the July 1963 arrest of the leaders of the left-wing Union Nationale des Forces Populaires in Rabat, see “Urgent Press Release for World Newspapers,” July 30, 1963, Box 24, Morocco—Baha’is—1963-1964, ILRM, NYPL; Roger Baldwin to El Medhi ben Barka, December 9, 1963, Box 24, Morocco—Baha’is—1963-1964, ILRM, NYPL; Roger Baldwin to the King of Morocco, April 1, 1964, Box 24, Morocco—Baha’is—1963-1964, ILRM Papers, NYPL; Roger Baldwin to Sean MacBride, April 7, 1964, Box 24, Morocco—Baha’is—1963-1964, ILRM, NYPL

⁹⁹ Michael Davidson, “Preliminary Report from Morocco,” February 8, 1963, Box 24, Morocco—Baha’is—1963-1964, ILRM, NYPL

attempting to convert Muslims to another religion, a decision that gave the Baha'is the right to practice their religion.¹⁰⁰

Baldwin personally thanked Morocco's UN representative in New York. For his work on the Nador Case, Baldwin received kind words from the American Baha'i. "We must express our most profound gratitude for the favorable outcome of this memorable and perhaps precedent-setting crisis," David Rhue wrote to Baldwin in January 1964. "We praise you for your willingness to undertake defense of the rights of man wherever they may be infringed upon."¹⁰¹

"A Very Low Point"

The immense difficulties faced by the ILRM during the postwar decades were on display during three month tour in summer 1959 that took Baldwin through Western Europe, the Mediterranean, the Middle East, India, Southeast Asia, and Japan: "The object of the trip was to study the relation of peoples to governments, particularly in the field of human rights, to examine the work of the U.N. in relation to non-governmental organization and to make contacts with independent agencies outside of government, whether in the press or politics." Baldwin saw firsthand how the Cold War had a profoundly corrosive effect on individual rights. "In every one of the twenty-one countries, the governments are in conservative hands, except India, where both government and opposition are committed to socialist programs," a fact which Baldwin ascribed to the widespread embrace of militarism. Appeals to anti-communism were widely used as a way to crush the legitimate political dissent: "Fear of communism, which has resulted in outlawing the movement [for socialism] in all Asian countries I visited except India and Japan, also checks other progressive movements for human rights." This trend went together with an "unfortunate attitude" he encountered among many of the world's political leaders. Although they made sure to describe how they were "pleasing to the United States" in the struggle against the Soviet Union, they were actually "presenting a façade of democracy behind which a rigorous suppression goes on."¹⁰²

As long as national security trumped human rights concerns in these countries, the ILRM would be fighting a losing battle. If activists feared that they could be arrested for defending the rights of others (or themselves), then it was very unlikely that public opinion could be mobilized in such a way as to make offending governments take notice. Wrongly assuming that the UN would become a forum in which it would be possible for victims to raise complaints and heard by the world community, the ILRM was repeatedly disappointed when member-states proved unwilling to criticize each other's human rights abuses because they did not want to be criticized themselves. The UN's ineffectiveness made activists look in other directions, as Baldwin noticed in his conversations with them, "Interest in the United Nations struck me as at pretty low ebb compared with interest in great power politics."¹⁰³

¹⁰⁰ Roger Baldwin to David Rhue, January 21, 1964, Box 24, Morocco—Baha'is—1963-1964, ILRM, NYPL; UPI, "Rabat Court Frees Nine in Baha'i Section," December 11, 1963, Box 24, Morocco—Baha'is—1963-1964, ILRM, NYPL

¹⁰¹ Roger Baldwin to M. Ahmed Behima, n.d., Box 24, Morocco—Baha'is—1963-1964, ILRM Papers, NYPL; David Rhue to Roger Baldwin, January 7, 1964, Box 24, Morocco—Baha'is—1963-1964, ILRM, NYPL

¹⁰² Roger Baldwin, "Memorandum on Tour of Roger Baldwin, June-September 1959," c. May 1959, Box 24, Folder 15, FG, RU; Roger Baldwin, "A Report on a World Tour," October 1959, Box 23, Folder 11, FG, RU

¹⁰³ Ibid.; See also ILRM Press Release, "An Annual Survey of Human Rights, January 1, 1960," Box 10, Internal Correspondence and Papers—Advisory Committee and Board of Directors, 1959-1960, ILRM, NYPL

Nearly the end of his long career, Baldwin announced in January 1964 that he would be resigning as Chairman of the ILRM Board of Directors so that he could spend more of his time in Puerto Rico, where he had taught law classes in the summer. Dr. Jan Papanek, Baldwin's successor, said the ILRM had become "so identified" with Baldwin that the board members had to "share more actively in the work of the League" to preserve its reputation. Not surprisingly, the ILRM had trouble adjusting to Baldwin's departure. A memorandum Baldwin sent to the ILRM Board of Directors in 1965 described the ILRM's UN efforts at a "low point." "Publicity has always been a weak spot in the League" because "the UN is just not good copy on its affirmative side." In this regard, the ILRM compared unfavorably to Amnesty International. "As for our interventions with offending governments we are not as active as the new organization, Amnesty International, which deals with much the same problems as we," Baldwin despaired. "We have not cultivated contacts in countries where we do not have affiliates." Part of this problem had to do with the ILRM's limited resources, as Frieda Zimmerman pleaded: "WE NEED MORE MONEY to hire a researcher [and] more secretarial and clerical help." An ensuing power struggle within the ILRM during 1968-1969 made a bad situation even worse. When Herschel Halbert became Executive Director in November 1969, the ILRM's prospects were very bleak, as Baldwin wrote to him:

We are at a very low point now due to several factors, first the United Nations efforts in this field are practically at a standstill and yet there are many obligations an affiliated NGO has to promote the U.N. program. Second, our activities in practically departments have shrunk and have not been revitalized. Third, we have had no human interest program that enlists support. Following as we do mainly the U.N. attempt to create an international responsibility for human rights, our appeals have failed wither to be understood or to arouse interest.¹⁰⁴

The ILRM's cooperation with Amnesty International on the Nador Case in Morocco offered a glimpse of what international human rights activism would become in the near future. In contrast to the ILRM, Amnesty International built a larger, worldwide membership base that exerted direct pressure on human rights violators. Decades of futility as well as Baldwin's retirement prompted the ILRM Board of Directors to rethink their strategy. When one board member argued that the League worked "too closely" with the UN, Baldwin replied that the ILRM's consultative status gave it "obligations" at the UN that could not be avoided, but conceded that "more could be done outside [of] the U.N."¹⁰⁵

As the first NGOs exclusively dedicated to international human rights in the United States, the ILRM played a significant role in establishing a field of activism that would not fully blossom until the 1970s. It helped establish the American section of Amnesty International. Baldwin served on the AIUSA Board of Directors through the mid-1970s. He was also a mentor to Aryeh Neier, who eventually succeeded Baldwin as ACLU Executive Director. Following a

¹⁰⁴ ILRM, January 15, 1964 minutes, Box 23, Folder 14, FG, RU; Roger Baldwin, "Additional Memo on League Program," c. 1965, Box 24, Folder 18, FG, RU; Roger Baldwin, "Memo for the International League Executive Committee," c. 1966, Box 24, Folder 18, FG, RU; Frieda Zimmerman to Committee for Programming Activities for ILRM, 1967-1968, c. 1967, Box 24, Folder 19, FG, RU; Roger Baldwin to Herschel Halbert, November 13, 1969, Box 24, Folder 24, FG, RU; Roger Baldwin, "A Few Comments on League Policies," Box 29, Folder 1, FG, RU

¹⁰⁵ Roger Baldwin, "A Few Comments on League Policies"

similar career path as Baldwin, Neier founded Americas Watch in 1981, one of the NGOs that became Human Rights Watch.

When he received the Presidential Medal of Freedom in January 1981, Baldwin took a moment to describe his personal philosophy to the *New York Times*: “Never yield your courage—your courage to live, your courage to fight, to resist, to develop your own lives, to be free. I’m talking about resistance to wrong and fighting oppression.” Baldwin died of heart failure that August at the age of ninety-seven. In a statement released following his death, two ACLU colleagues, Ira Glasser and Norman Dorsen, wrote that Baldwin was “in a way one of our country’s founding fathers—they wrote the Constitution, and he invented a way to enforce it.” A second career at the ILM gave Baldwin the chance to do this on a global scale. But he was a man whose time had not yet arrived. He had the unfortunate luck to be an international human rights activist at the height of the Cold War, a historical moment when the two superpowers agreed that neither they nor their allies would have to answer for their inability to live up to the Universal Declaration of Human Rights.¹⁰⁶

¹⁰⁶ “Roger Baldwin, 97, Is Dead,” *New York Times*, August 27, 1981

Chapter 2

“The Kind of Thing Decent People Ought to be Concerned About”: The International League for the Rights of Man, Amnesty International, and Amnesty International USA and the Cold War, 1961-1974

In *Persecution 1961*, a book that was intended to publicize the work of Amnesty International, British lawyer Peter Benenson told the stories of nine people who had been punished merely for expressing their opinion. Most of them, including the Soviet writer Olga Ivinskaya, were “to a greater or lesser extent, directly or indirectly, victims of the ideological struggle between West or East.” Another victim highlighted by Benenson was Agostinho Neto, a black Angolan who was educated at a medical school in Portugal and whose poems on forced labor made him into a literary figure of some renown. Neto’s membership in various pro-independence groups led the secret police—the PIDE—to arrest him in February 1955, after which he spent the next two years in prison. One of the few surgeons in Portuguese Angola, Neto was rearrested in June 1960. Without an indictment or a trial, he was banished to a remote island in the Cape Verdes, and appointed “Delegate of Health” even though he was not allowed to practice medicine. This second arrest of Neto led to protests in his village that culminated in a shootout that left thirty dead and more than 200 wounded.¹

In February 1961, a large crowd in Luanda stormed police stations, the radio station, and a jail holding political prisoners. The Portuguese responded with overwhelming violence. *The Observer* (London) reported in May that up to “twenty thousand Africans are said to have been killed.” Several thousands were detained in prison camps—Baia dos Tigres, Damba, Porto, Alexandre, and Silva Porto. Neto’s imprisonment was thus symbolic of the oppression Angolans has suffered under Antonio Salazar, the dictator who had ruled over Portugal and its colonial territories for over three decades. Benenson emphasized the Salazar regime would not exist if not for the United States. “Were it not for the fact that these regimes have buttressed their position by military alliances, in particular, granting bases for nuclear bombers, if it doubtful whether they could continue to exist,” Benenson asserted. “If the United States were to demonstrate the same opposition to tyranny in Spain and in Portugal as she has recently shown towards Cuba, there would be swift changes in both countries—and freedom for those men, and for many thousands like them.”²

This view of the U.S.’s role in upholding right-wing dictators like Salazar resonated with international human rights activists on both sides of the Atlantic. The various alliances that tied together the U.S. with anti-communist military dictatorships became increasingly problematic for a small group of organizations whose opposition to the right-wing dictatorships grew more pronounced through the 1960s. When Benenson wanted to bring Amnesty International to Americans, he sought the assistance of Roger Baldwin and the International League for the Rights of Man (ILRM). Together, the ILRM, AI, and the newly formed Amnesty International USA (AIUSA) spoke out against U.S.-supported regimes in Iran, Portugal, and Greece. The April 1967 military coup in Greece had a galvanizing effect on international human rights activism in the United States, as it offered a preview of what was to follow: the growing moral schism between NGOs and official U.S. foreign policy in regions of geopolitical significance, namely, the Middle East and the Mediterrean, as activists separated themselves from the

¹ Peter Benenson, *Persecution 1961*, (London: Penguin, 1961), 51-61

² *Ibid.*, 10-11

realpolitik practiced by their leaders. As these three groups publicized the many instances of torture inflicted by the Greek Junta upon its political prisoners, they learned that they had to find ways of confronting the American officials whose complicity allowed such abuses to occur. Political scientists hold that *state identity* an important variable in explaining why leaders hold themselves to international human rights standards, but this is also true for activists. Their understanding of the U.S.'s role in the world was, as Daniel Thomas writes, that their country "has been philosophically dedicated to supporting liberal democracy and the rule of law."³

Peter Benenson and Roger Baldwin

Educated at Eton and Oxford, Peter Benenson served six years in the British Army during World War II. After becoming a lawyer, Benenson served as a London alderman and unsuccessfully stood as the Labour Party candidate for a Parliament seat in the 1958 elections. Specializing in what he described as "cases of injustice," Benenson ran a Legal Aid Service. Observing the 1955 trial of Basques in Spain and the 1956 South African Treason Trial convinced Benenson that political prisoners needed international legal assistance. With lawyers from the three major political parties, he formed JUSTICE, which became the British affiliate of the International Commission of Jurists.⁴

According to Benenson's version of events, the idea for an international human rights organization came to him after reading a November 1960 newspaper story about two Portuguese students who had received seven-year sentences for raising their glasses in a toast to freedom. After discussions with Eric Baker of the Society of Friends, a fundraiser with the Committee for Nuclear Disarmament, Benenson established an office in London whose purpose would be to compile information about political prisoners and shape international public opinion on their behalf. As Benenson wrote in "The Forgotten Prisoners," which was published in the (London) *Observer* on May 28, 1961, moral suasion was to be the means through he hoped to stop repression:

Governments are by no means insensitive to the pressure of outside opinion. And when world opinion is concentrated on one weak spot, it can sometimes succeed in making a government relent. The important thing is to mobilise public opinion quickly and widely, before a government is caught up in the vicious spiral caused by its own repression and is faced with impending civil war. By then the situation will have become too desperate for the government to make concessions. The force of opinion, to be effective, should be broadly based, international, nonsectarian and all-party.⁵

³ For the importance of state identity, see Kathryn Sikkink, *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca, New York: Cornell University Press, 2004), 7-9; Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton, New Jersey: Princeton University Press, 2001), 15-17, 278-281

⁴ Tom Buchanan, "'The Truth Will Set You Free': The Making of Amnesty International," *Journal of Contemporary History*, Vol. 37, No. 4 (October 2002), 577-579

⁵ It appears that Benenson was either mistaken or simply made up the account of the Portuguese students, but there were similar stories regarding the Salazar regime that appeared regularly in British newspapers, see Buchanan, "'The Truth Will Set You Free,'" 576-577, fn 6. Buchanan writes: "I have been unable to locate the news item about the Portuguese students in *The Daily Telegraph* for 19 November 1960, or indeed for the whole of November and December. The first documented references to this episode come in 1962, and do not mention the infamous toast to

As he did in *Persecution 1961*, Benenson focused on individual cases that violated Articles 18 and 19 of the 1945 Universal Declaration of Human Rights. Article 18 guaranteed the right to freedom of thought, conscience and religion. Article 19 guaranteed the right to freedom of opinion. The year 1961 held significance to Benenson because it marked the centennial of President Abraham Lincoln's inauguration and Czar Alexander I's decree that banned serfdom in the Russia. Reprinted in *Le Monde*, the *Frankfurter Allgemeine Zeitung*, and the *New York Herald Tribune*, Benenson's appeal was a success. This letter writing campaign soon spread through Western Europe, leading to the July 1961 decision to form Amnesty International.⁶

Headquartered in London, Amnesty International (AI) worked—and still works—towards the release of non-violent individuals who have been imprisoned for their political or religious beliefs. After verifying the information it received regarding these Prisoners of Conscience (POCs) through fact-finding missions, AI assigned them to smaller local groups that wrote letters to officials and gained publicity on behalf of the prisoner. To overcome the ideological boundaries of the Cold War, AI allocated three POCs to each local group, an act of impartiality through it was implied that the West, the Soviet Bloc, and the non-aligned countries were all guilty of abuses.⁷

By 1966, AI claimed that it had helped release some 800 POCs, including Josef Beran, Archbishop of Prague; Dr. Julietta Gandra, a Portuguese medical worker; Heinz Brandt, a leading East German communist who defected to the West; Ming-Min Peng, a Taiwanese professor; and, as we saw in the previous chapter, several members of the Baha'i faith in Morocco. "Amnesty is prompted by the belief that the spread of the dictatorship, the tension that have resulted from the Cold War, and the increasing cleavage between races of a different color," AIUSA executive Michael Straight wrote in 1966, "have combined to make state persecution of the individual the greatest social problem of the 1960s."⁸

What AI lacked during these early years was a presence in the United States. In February 1961, three months before "The Forgotten Prisoners" appeared in the *Observer*, Benenson contacted Roger Baldwin of the International League for the Rights of Man. Asking for Baldwin's advice on the POC concept, Benenson deferred to the ACLU co-founder, "This is the first letter that is being written to anyone in U.S.A. about the Appeal, as naturally we should not approach anyone before yourself[,] whose long career fighting for civil liberty in the States and

liberty... Unlike *The Daily Telegraph*, *The Times* for this period is full of items concerning political imprisonment in Portugal: reports concern the jailing of eight printers (11 November 1960), nine alleged members of an illegal secret society (17 November 1960), a glassworker jailed for promoting meetings and contacts with members of an alleged illegal secret society (19 November 1960), six artisans (25 November 1960), a glassworker (28 November 1960), and a man and a woman jailed for engaging in subversive activities and crimes against the security of the state between 1953 and 1956 (19 December 1960). Thus, there was a great deal of repression in Portugal in this period, primarily directed against alleged communists who, if convicted, were automatically assumed to be guilty of subversion."; Peter Benenson, "The Forgotten Prisoners," (London) *Observer*, May 28, 1961

⁶ Benenson, "The Forgotten Prisoners"

⁷ Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca, New York: Cornell University Press, 2006), 61-62

⁸ Michael Straight, "Background on Amnesty International and Peter Benenson," c. 1966, Box 31, Amnesty International—1966, International League for the Rights of Man (ILRM) Papers, New York Public Library (NYPL); for more on Amnesty International's early history, see also Egon Larsen, *A Flame in Barbed Wire: The Story of Amnesty International* (New York: W. W. Norton and Company, 1979) and Jonathan Power, *Against Oblivion: Amnesty International's Fight for Human Rights* (London: Fontana, 1981)

throughout the world is so well-known to us.” Skeptical that it would always be possible to know why an individual was imprisoned, Baldwin urged Benenson be more specific in formulating the criteria for POCs. Benenson’s description of “those held in confinement because of the views they have expressed or hold, or of the faith they profess” did not cover individuals who belonged to “prohibited associations,” some of which were engaged in “terrorist or unlawful acts.” AI subsequently adopted strict guidelines that prohibited it from adopting prisoners who had engaged in violence.⁹

Benenson kept Baldwin updated as AI took shape in the early 1960s. In search of “a leading newspaper which would sponsor the Appeal,” Benenson asked for Baldwin’s opinion so that AI may be “taken up in the U.S.A.” When Baldwin advised him against AI associating itself too closely with the left, Benenson remarked, “We try to stay away from Communist-led conferences, but we try to act on recommendations made by them.” In November 1962, Benenson excitedly told Baldwin that AI members had demonstrated “sufficient enthusiasm to start Groups of THREE and go ahead with the work of adopting prisoners,” specifically mentioning local groups that had been formed in New York, Washington, D.C., and San Francisco. This gave Benenson hope that Americans would join his organization even though they lagged behind the Western Europeans in doing so thus far: “We hope that in time there will be more of these groups so that ultimately they can meet together and form some National Section of the AMNESTY Movement as has been done in other countries.”¹⁰

In December 1963, after Baldwin expressed his frustration with the ILRM’s inability to hold governments accountable at the UN, Benenson offered some words of encouragement: “Don’t be too depressed about the political situation. It is true that we hear a great deal more about political prisoners, but this is a large extent of your own doing; you have made the newspapers and public conscious of the problem.” When former Irish External Minister Sean MacBride was appointed as the Secretary General of the International Commission of Jurists (ICJ) two months before, Benenson urged Baldwin to reach out to MacBride: “You may count of us for any cooperation we can give you although our resources are quite limited.” A future Nobel Peace Prize recipient and Chairman of AI’s International Executive Committee, MacBride very much admired Baldwin: “While I have never had the pleasure of meeting you, I have read and heard of you and of the valiant services you have so consistently rendered to the cause of human liberty. Indeed, I have come to regard you as one of the ‘Founding Fathers’ of the U.N. Declaration of Human Rights.”¹¹

In June 1964, Benenson informed ILRM Secretary Frieda Zimmerman that AI had decided to send a monitor to observe civil rights protests in the American South. The person chosen was Anthony Lester, a young British lawyer who had studied at Harvard Law School for

⁹ Peter Benenson to Roger Baldwin, February 1, 1961, Box 31, Amnesty International—1961, ILRM, NYPL; Roger Baldwin to Peter Benenson, February 6, 1961, Box 31, Amnesty International—1961, ILRM, NYPL; Baldwin reminded Benenson that Poland and the Soviet Union routinely denied the existence of political prisoners.

¹⁰ Peter Benenson to Roger Baldwin, February 11, 1961, Box 31, Amnesty International—1961, ILRM, NYPL; Peter Benenson to Roger Baldwin, March 12, 1963, Box 31, Amnesty International—1963, ILRM, NYPL; Peter Benenson to Roger Baldwin, November 16, 1962, Box 31, Amnesty International—1962, ILRM, NYPL

¹¹ In addition to winning the 1973 Nobel Peace Prize, MacBride would later serve as Chairman of AI’s International Executive Committee. Peter Benenson to Roger Baldwin, December 31, 1963, Box 31, Amnesty International—1963, ILRM, NYPL; Peter Benenson to Roger Baldwin, October 4, 1963; Box 31, Amnesty International—1963, ILRM, NYPL; Roger Baldwin to Sean MacBride, October 16, 1963, Box 31, Amnesty International—1963, ILRM, NYPL; Sean MacBride to Roger Baldwin, October 29, 1963, Box 31, Amnesty International—1963, ILRM, NYPL; Peter Benenson to Roger Baldwin, December 31, 1963, Box 31, Amnesty International—1963, ILRM, NYPL

two years. Lister's findings helped AI determine how it could "assist the Civil Rights struggle," keeping in mind the "present mood of nationalists in the States." To Benenson, this was a situation comparable to that in Cyprus, British Guiana, South Africa, Rhodesia, and Malaya, all of which were "torn apart in ethnic strife."¹²

Baldwin sent an observer of his own to London—Michael Straight, former Executive Director of the American Veterans Committee and an editor of the *New Republic*. Straight reported on the September 1964 AI Annual Meeting. A contentious issue was whether Nelson Mandela should be adopted as a POC. Because Mandela had participated in the armed wing of the African National Congress, the Umkhonto we Sizwe (Spear of the Nation), AI did not take up his case. A motion to include prisoners who had resorted to violence because "there was no redress for them" was defeated. MacBride followed with a speech highlighting the limitations of the UN Commission on Human Rights.¹³

Straight described AI as a "hard working modest group," whose members tended to be Holocaust survivors, had some experience with imprisonment, or previously belonged to the Committee for Nuclear Disarmament, but "who found in AI a movement dealing with men and women in direct, personal terms." Also crucial to AI's success in Great Britain was that it had cultivated a "sympathetic and helpful" relationship with the press. Favorable coverage brought in new members, as Straight learned from interviews, "Staff organizers have traveled to existing and prospective groups, but the groups themselves have formed in response to local initiative."¹⁴

Although his impressions of AI were positive, Straight did not anticipate that it would ever take hold in the U.S., as "Americans do not, by tradition, petition foreign governments, or intervene on behalf of individuals who have been tried, sentenced, and imprisoned. Nor are U.S. prisoners men who have been aided to any extent by A.I." There was probably a need for an organization that would serve as a liaison between AI and the NAACP or ACLU, he concluded, but most Americans were more interested in domestic civil rights than international human rights at the time.¹⁵

The Early Years of Amnesty International USA: April 1965-July 1969

Straight's prediction notwithstanding, the ILRM helped AI establish an affiliate—known as a national section—in the United States. In April 1965, the ILRM held a planning meeting attended by Straight and Benenson. One of the proposals they discussed was to develop a "social card member scheme" under which those who wanted to participate in AI activities would be invited to send three cards each month to prisoners, their families, or governments in accordance with a monthly newsletter produced by the ILRM. Baldwin told the ILRM Board of Directors the next month that AI had requested that the ILRM "undertake the work of an American section of Amnesty International to adopt political prisoners." Frieda Zimmerman agreed to undertake this work provided she had "adequate help," but the ILRM lacked the resources to fully carry out its own programs, let alone those of AI.¹⁶

¹² Peter Benenson to Frieda Zimmerman, June 30, 1964, Box 31, Amnesty International—1964, ILRM, NYPL; Peter Benenson to Roger Baldwin, July 31, 1964, Box 31, Amnesty International—1964, ILRM, NYPL

¹³ Michael Straight to Roger Baldwin, September 28, 1964, Box 31, Amnesty International—1964, ILRM, NYPL

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ ILRM, "AI Planning Meeting Minutes," April 20, 1965, Box 31, Amnesty International—1965, ILRM, NYPL; also attending was Martin Enthoven; Zimmerman was to coordinate her efforts with Amnesty's unofficial U.S.

By November 1965, “in light of the success of national sections in Europe” and the response to a feature on AI that had appeared in the *Readers Digest*, Straight was arguing for a U.S. section. Showing just how much of a novelty the human rights NGO was to Americans, AI member Richard Perry had to explain how his small group in Britain operated to those who attended an Amnesty International U.S.A. (AIUSA) organizational meeting in New York: “Each individual case was treated differently as the circumstances required; but that tact had to be maintained in order not to offend governments, nor jeopardize the families of prisoners that success was had in the freeing of some prisoners through these interventions; and that even medical personnel was sent by the government to examine a prisoner whom the group found to be ill.” Baldwin announced soon thereafter that AIUSA would be housed at the ILRM headquarters:

The efforts in the United States, as in other countries, should be directed to enlisting small groups of people associated with some interested organization, or even independently, to take the responsibility of contacts with particular prisoners in another country. Such prisoners will be assigned by Amnesty International. Some may also be aided by other countries than the U.S.; but American interest and pressure are highly desirable.¹⁷

AIUSA was incorporated in December 1965. Appointed as Chairman of the AIUSA Board of Directors, Straight suggested that Baldwin be included as an honorary chairman along with Victor Reuther, Francis Biddle, and Reverend Dean Sayre. A public meeting was planned for early 1966 to which all those who had expressed an interest in AI or had been part of similar organizations would be invited.¹⁸

AI already had more than a few active members in the U.S. by this time. In a January 1966 letter to Zimmerman, Benenson referred to Dr. Ivan Morris, a professor at Columbia University, whom she thought was someone who “could be of great value” to AIUSA. An attendee at the 1965 annual meeting in the Netherlands and a visitor to AI’s small office, Morris had developed a familiarity with the organization that could be of immediate help to AIUSA.¹⁹

Zimmerman certainly could have used Morris’s assistance. Baldwin’s proposed organizational arrangement made it so that she was working simultaneously for two NGOs. With Baldwin’s retirement, the day-to-day operations of the ILRM were completely dependent upon her and two unpaid volunteers. “I am hoping that they are not contemplating a program for me which I may not be able to cope with without competent secretarial help,” Zimmerman told

representative, Nils Groth, and Benenson; ILRM, May 17, 1965 minutes, Box 23, Folder 14, Frances Grant Papers (FG), Rutgers University (RU)

¹⁷ AIUSA Board of Directors, November 10, 1965 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1965, AIUSA National Office (AIUSA) Papers, Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Straight was referring to an article by Irwin Ross, “Amnesty Frees the Prisoners of Conscience,” *Readers Digest*, c. 1965; ILRM, November 23, 1965 minutes, Box 23, Folder 15, FG, RU; “Memorandum Attached to November 1965 Minutes,” November 23, 1965, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1965, AIUSA, CHRDR, CU

¹⁸ AIUSA Board of Directors, December 15, 1965 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1965, AIUSA, CHRDR, CU

¹⁹ Peter Benenson to Frieda Zimmerman, January 4, 1966, Box 31, Amnesty International—1966, ILRM, NYPL

Benenson in February 1966. "I am disturbed that I may have 'bitten off more than I can chew' when I offered my help in the beginning when all other avenues failed to materialize."²⁰

In a speech to the March 1966 introductory meeting, Baldwin expressed admiration for Benenson's vision of global activism:

He has created an international movement to free the victims of repressive laws and to prevent the imprisonment of others. While imprisoned the movement would make more tolerable prison conditions. It would where possible enlist forces to encourage repeal of repressive laws. Such a formidable task in an age of confusion, fear, and repression faces the opposition in most countries to international intervention. It faces apathy, resistance by controlled news agencies, and the lack of reliable information on which to act.

This was why it was so essential that AI have a presence in the U.S. Americans were concerned with protecting "basic freedom of opinion and association" around the world, Baldwin said, so they should work others who had the same goal.²¹

The organizing meeting spurred the creation of local groups across the country. According to a November 1966 "Progress Report" there were eight groups in all: "Group I is in Manhattan; Group II is in Missoula, Montana; Group III is at Columbia University; Group IV in Chevy Chase, Maryland; Group V in the District of Columbia; Group VI in Manhattan; Group VII in Carthagen, Ohio; Group VIII in Bethesda, Maryland."²²

AIUSA urged its new members to maintain civility in their letters to foreign officials. They were to remain considerate yet firm in their demand that the prisoner be released. While the tactics employed by each group had to be "tailored carefully to each particular situation," the point was to make it "genuinely uncomfortable for the transgressing government," so the appearance of "restraint and maturity" was essential. "It would simply be counterproductive to dash off an angry letter to Ian Smith, calling him another Eichmann," AIUSA Executive Director Paul Lyons warned. "Premier Kosygin would probably be unmoved by a letter informing him that its author is so mad about Daniel and Sinyavski that he or she would rather be dead than red."²³

A lawyer from Washington, D.C., Lyons offered to work for an annual salary of \$15,000. Busy trying to build a local group in his area, he spent four to five hours a day on AI. A November 1966 house meeting hosted by Straight was considered a "great success" for having successfully convinced twenty-five people to get involved with the organization: "The way we

²⁰ Frieda Zimmerman to Peter Benenson, February 7, 1966, Box 31, Amnesty International—1966, ILRM, NYPL; Frieda Zimmerman to Peter Benenson, January 12, 1966,; Michael Straight to Frieda Zimmerman, February 3, 1966, Box 31, Amnesty International—1966, ILRM, NYPL. Straight said he had been "preoccupied" with moving his family.

²¹ AIUSA Board of Directors minutes, February 8, 1966, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1966, AIUSA, CHRDR, CU; Michael Straight to Roger Baldwin, March 12, 1966, Box 31, Amnesty International—1966, ILRM, NYPL; Roger Baldwin, "Remarks on Peter Benenson," March 1966, Box 31, Amnesty International—1966, ILRM, NYPL; for early publicity on AI, see "International Law: Helping Prisoners of Conscience," *Time*, April 15, 1966

²² AIUSA Board of Directors, May 17, 1966 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1966, AIUSA, CHRDR, CU; "Progress Report," November 9, 1966, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1966, AIUSA, CHRDR, CU

²³ Paul J. Lyons, "Amnesty for Prisoners of Conscience," c. 1966, Box 31, Amnesty International—1966, ILRM, NYPL

worked was something like this: Michael [Straight] played the role (not a role at all really) of warm, genial host and informed toastmaster. He chatted about Amnesty's work and personalities in that inimitable style of his that suits so well the Fabianesque techniques of our movement."²⁴

Even though he was highly complementary of Lyons's "devotion," Baldwin did not think that employing him as Executive Director was a wise financial decision, not when AIUSA was so strapped for money. AIUSA could make it through 1967 because of Straight's family trust, but Baldwin did not foresee "support in membership or foundation grants beyond that." Baldwin's experience at the IRLM had taught him that AIUSA was engaged in a kind of program that did not bring in members "sufficient to carry such a cost." It still remained to be seen if AI would "enlist sufficient influence in the U.S. as do the groups in England and Europe."²⁵

The AIUSA Board of Directors nonetheless accepted Lyons's offer. This appointment was made conditional on the organization's ability to raise the requisite funds. AIUSA's relied completely upon the dues of its members. So-called "sponsor members" were to pay \$100 per year, all of which would go directly to AIUSA, while "contributing members" were expected to put up \$25, \$5 of which would remain with their local group. If they wished to join AIUSA, students could pay \$2.²⁶

Meanwhile, the International Secretariat in London was rife with internal conflict. Public opinion turned against AI after it issued a report that alleged torture by the British in the Aden Colony. Benenson made things worse when he held a press conference in which he accused the government of suppressing a report that British soldiers had killed fifty demonstrators in Aden—charges that UK Defence Minister Denis Healey refuted. After claiming that AI had been infiltrated by British intelligence, Benenson had hurt his credibility when it was revealed he had requested government funds for prisoners in Rhodesia. Sean MacBride blamed Benenson for having brought about a crisis through "a number of erratic actions," including "wild and wide-ranging charges and some unilateral initiatives." Benenson eventually resigned.²⁷

Struggling to emerge from what had been a disastrous year, as Martin Enthoven admitted in August 1967, AI was in serious trouble: "We have only enough money to last about 7 more weeks." Supporting the entire operating expenses of the fact-finding, the British Section had nothing left. The Swedish had agreed to make an emergency contribution to sustain AI. Unless there was "dramatic improvement," most of the staff would have to be "dismissed." However, AIUSA was no position to help the London office. "Our own position is so tight, in fact, that I cannot exclude the possibility of my having to cut back temporarily to part time activity, building membership and funds, then swinging back in," Lyons wrote to Enthoven.²⁸

²⁴ Paul J. Lyons, November 16, 1966, Box 31, Amnesty International—1966, IRLM, NYPL; Paul J. Lyons to Peter Benenson, November 23, 1966, Box 31, Amnesty International—1966, IRLM, NYPL

²⁵ Roger Baldwin to Michael Straight, November 28, 1966, Box 31, Amnesty International—1966, IRLM, NYPL

²⁶ AIUSA Board of Directors, December 6, 1966 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1966, AIUSA, CHRDR, CU

²⁷ Larsen, *A Flame in Barbed Wire*, 34; Jonathan Power, *Against Oblivion*, 29; see also Tom Buchanan, "Amnesty International in Crisis," *Twentieth Century British History*, Vol. 15, No. 3 (2004): 267-289

²⁸ According to Peter Archer, a member of British AI: "Early 1967 saw the nadir of Amnesty's fortunes. Its leadership appeared to be divided, financial disaster threatened, in Britain it was in the position of being simultaneously unpopular with the Foreign Office and accused of being in the pocket of the government, and morale among some groups was low," quoted by Larsen, *A Flame in Barbed Wire*, 34; see AIUSA Board of Directors, March 15, 1967 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1966, AIUSA, CHRDR, CU); Martin Enthoven, August 23, 1967, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1967, AIUSA, CHRDR, CU; Paul Lyons to Martin Enthoven (AIUSA

“Perhaps the most important single activity from a growth/survival standpoint has been the two-pronged operation of continuous list-building and regular mailing of our newsletter with a contribution envelope,” Lyons said to the AIUSA Board of Directors in April 1967. *Amnesty Action* meant “more active members and spreaders of the word,” which was what ultimately led to more contributions. As AIUSA began exploring ways of building up its membership base and its fundraising capacity, Lyons settled on small-scale direct mailing, which was the “logical next step to building the broad base we need.” Not only was the price of obtaining mailing lists relatively inexpensive, the unit-cost of AIUSA’s mailings would be reduced if done on a larger scale. AIUSA would then be in a position where it could appeal to the public with stories of individual prisoners: “We can call for people to try to help Daniel and Siniafsky [sic], Andreas Papandreou, Mihajlo Mihajlov, the American AID official kidnapped by the Viet Cong, and many others. After all, this is why we are in business. And we can run statements of support by Melina Mercouri (we already have a commitment), Walter Reuther, probably Congressman Don Edwards.” Securing these kinds of notable endorsements was an important part of laying “the groundwork for our movement.”²⁹

Most organizations exchanged their lists with one another, but AIUSA did not have the numbers to match the American Civil Liberties Union or Americans for Democratic Action. A minimum of 10,000 recipients was necessary for an effective mailing. With a cost of about eight to nine cents per letter (a total of \$800-\$900), a \$10 membership fee with a one percent return would pay for the mailing. AIUSA announced in May 1968 that an experimental mailing had paid for itself while bringing in over 250 new members, which led to a larger mailing of 200,000. Though membership had grown from 1,000 to 5,000 by October, AIUSA only had \$2,000 on hand compared to \$25,000 in debts, most of which were incurred with the direct mail campaign. Avoiding financial ruin depended upon the generosity of donors, membership renewals, and applying for grants from philanthropic foundations like the Twentieth Century Fund and Ottinger Fund.³⁰

AIUSA also struggled to define itself in relation to American POCs. The International Secretariat did not permit national sections to work on cases within their own borders, a policy that Lyons explained in March 1968: “First, Amnesty’s procedures are designed to demonstrate international concern. In addition, and particularly in the United States, there may be indigenous organizations, like ACLU, that handle domestic cases. Finally, not working for American prisoners frees our national branch from domestic politics and pressures.” Conscientious objectors to the Vietnam War were frequently chosen as POCs, a perceived association with the antiwar left that hurt AIUSA’s recruitment efforts. Its unwillingness to condemn draft card

Board Meetings), August 19, 1967, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1967, AIUSA, CHRDR, CU

²⁹ Paul Lyons, “Quarterly Report to Board of Directors,” April 12, 1967, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1967, AIUSA, CHRDR, CU); Paul Lyons to AIUSA Board of Directors, May 26, 1967, Box 31, Amnesty International—1967, ILRM, NYPL; Paul Lyons to AIUSA Board, c. September 1967, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1967, AIUSA, CHRDR, CU

³⁰ The talk was given by Jeffrey Fuller who explained that, at one point, mailings were responsible for 90% of the ACLU’s growth in new membership. The costs were \$9,000 for the direct mail fundraiser, \$10,000 for printing, \$3,500 for list brokers, and \$2,500 for miscellaneous. AIUSA Board of Directors, September 12, 1967 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1967, AIUSA, CHRDR, CU; AIUSA Board of Directors, May 17, 1968 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1968, AIUSA, CHRDR, CU; AIUSA Board of Directors, October 4, 1968 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1968, AIUSA, CHRDR, CU

burning resulted in the loss of “a few less prominent members over the issue,” including Senator Herbert Pell (D-Rhode Island). The “amnesty” in “Amnesty International” was misconstrued as advocacy for the unconditional pardon of so-called “draft evaders.”³¹

AIUSA’s poor financial outlook worried Lyons. “It has been clear enough for the last year or so, that we were living beyond our means,” he wrote in July 1969. A budget analysis revealed that unless AIUSA was put on “stable fiscal footing,” it would be forced into “some kind of holding operation.” The organization needed to find more revenue. Lyons could not understand why the Ford Foundation did not direct its money to international human rights: “The amount needed is frustratingly small (as little as \$25,000 or \$30,000 spread over 4 or 5 sources would at least maintain the status quo) when one considers some of the idiocies the foundations support, such as Ford’s \$100,000 grant to a roof-repairing school fraud (even the unsubsidized roof-repairing businesses are usually crooked).” When these foundations began looking for a new cause during the 1970s, activists finally received the funding they needed to expand their NGOs.³²

From London to New York

As Amnesty International and Amnesty International USA fought for survival through the mid-to-late 1960s, they collaborated with the International League for the Rights of Man in opposing countries with U.S.-backed right-wing dictatorships: Iran, Portugal, and Greece. Activists within all three NGOs learned from this experience that they had to convince American officials to hold their Cold War allies accountable for human rights abuses. This meant, of course, that they had to have a presence in Washington, D.C. if they wanted to make a difference, but acquiring the clout they needed was still a few years away for them.

Iran

Mohammad Reza Pahlavi, the Shah of Iran, who had been installed in a CIA orchestrated military coup in 1953, was an important U.S. ally in the oil-rich Middle East. In June 1964, the ILRM wrote the Shah concerning allegations that the Iranian government had violated international human rights standards: “The imposition of military rule, the outlawry of the Nation Front, the torture of prisoners and the activities of the secret police discredit Iran’s claims to participation in the free world.” The ILRM made this complaint with information provided to it from Iranian students in California. After news reports of the Shah’s repression surfaced in the *New York Times*, the *Times of London*, and *Le Monde*, the ILRM alerted UN Secretary-General U Thant: “It appears that the Iranian government, in the alleged interest of security and under the direction of the special security, has virtually outlawed the religious leaders of Iran for opposing governmental policies held to conflict with constitutional rights. The major leaders are held in prison without trial, and, many if not most of the others are under house arrest.” One leader specifically mentioned by the ILRM was the Ayatollah Ruhullah Khomeini, who had been exiled

³¹ Paul Lyons, “Re: Directors Meeting—April 2, 1968,” March 15, 1968, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1968, AIUSA, CHRDR, CU; Paul Lyons, “Quarterly Report to Board of Directors,” April 12, 1967, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1967, AIUSA, CHRDR, CU; Stephen P. Goldman to Mark Benenson, March 19, 1968, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1968, AIUSA, CHRDR, CU

³² Paul Lyons to Michael Straight, August 12, 1969, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1969, AIUSA, CHRDR, CU

to Izmir, Turkey. Ironically, as he would impose a strict theocracy following the 1979 Islamic Revolution, the ILRM wondered, “It is difficult to understand how a leader so restricted could have been guilty of incitement to further activities.”³³

The ILRM spent more time on Iranian student protestors. In June 1965, Massood Gilani, their designated spokesman in the U.S., attended an ILRM meeting following a wave of arrests that swept through the Confederation of Iranian Students, most of whom attended university in Great Britain and had been guilty of continuing their protests against the Shah upon returning home to Iran: Mansoor Pour-Kashani, Firouz Shirvanloo, Parvis Nikkhah, and Mansoori Tehrani Moghadam, who all studied at University of Manchester, Mohsen Rassooli from the University of Cardiff, and Ahmad Kamrani, a high school graduate. They were apprehended after the secret police allegedly caught one of them with books on guerrilla warfare. Charged with conspiring to overthrow the Shah, they were imprisoned and tortured as they awaited a trial before a military tribunal.³⁴

Gilani’s information was used by the ILRM as evidence in a formal complaint filed with Iran’s UN representative, Dr. Mehdi Vakil. “We have known for some time that Iranian students abroad have opposed the present regime in Iran on grounds which appear to us entirely legitimate, not involving any unlawful activities,” the ILRM wrote to Vakil in June 1965. “Indeed, the opposition on the basis of violations of human rights is one which reasonable persons would commend.” Although the ILRM did not know how the government would prove its case against the students, it feared that they had been denied the rights afforded to defendants under the Iranian Constitution.³⁵

Because the ILRM could not send its own person into Iran, it relied upon AI to monitor the trial. The report from a mission to Tehran later that summer noted how “those outside official quarters expressed extreme skepticism about their connection with the attempt and measured skepticism about the alleged plans for guerrilla warfare supposed to have been mounted by the Group and confessed to by Nikkhah in particular.” AI’s findings contradicted promises from Iranian officials that there would be a fair trial. There was “little chance of civilian lawyers being retained for the defense.” Indeed, it appeared to AI that the objective of the trials was to “give pause to students abroad who have been voluble in their criticism of the Shah’s regime.”³⁶

The ILRM kept up pressure on the Shah by sending him a cable that had been written by Gilani: “AS A U.N. NON-GOVERNMENTAL AGENCY CONCERNED WITH HUMAN RIGHTS, SHOCKED BY CURRENT CLOSED TRIAL OF STUDENTS DESPITE ASSURANCE OF YOUR GOVERNMENT THAT ACCUSED WOULD RECEIVE AN OPEN TRIAL IN PRESENCE OF FOREIGN OBSERVERS AND YOUR PROFESSED CONCERN WITH DEMOCRATIC PROCESSES.” Jan Papanek and Roger Baldwin followed with another letter to Vakil explaining the ILRM’s objections to the Shah. Military tribunals did not allow defendants the right to an open trial or legal counsel. Most disturbingly to them, the students faced capital punishment: “We are opposed to the death penalty especially where no acts of armed violence are proved, and we think that opposition is shared increasingly throughout the

³³ Jan Papanek and Roger Baldwin to Mohammad Reza Pahlavi, June 8, 1964, Box 22, Iran, ILRM, NYPL; Frieda Zimmerman to Faramraz Fatemi, June 11, 1964, Box 22, Iran, ILRM, NYPL; Jan Papanek and Roger Baldwin to U Thant, December 8, 1964, Box 22, Iran, ILRM, NYPL

³⁴ Massood Gilani to International League for the Rights of Man, June 15, 1965, Box 22, Iran, ILRM, NYPL; Masood Gilani to International League for the Rights of Man, June 22, 1965, Box 22, Iran, ILRM, NYPL

³⁵ Jan Papanek and Roger Baldwin to Dr. Mehdi Vakil, June 23, 1965, Box 22, Iran, ILRM, NYPL

³⁶ “Confidential: Iran, July 1965—Report by an Amnesty Delegate,” Box 22, Iran, ILRM, NYPL

world. Our affiliates in the United States opposed it when the Rosenbergs, husband and wife, were executed for acts only of spying; and in other countries we have similarly protested, notably in Ghana and South Africa.”³⁷

AI learned in November 1965 that two students, Ahmad Kamrani and Ahman Mansouri, had been sentenced to death. Parvez Nikkhah received life imprisonment, while Hassan Sharif had to serve three years. Eight other students were given sentences ranging from three to eight years. Only two of the defendants were acquitted. The ILRM and AI sent another cable pleading that the students not be executed. “We did so because the last time such a cable was sent by us and others, death sentences were commuted,” Papanek wrote to Benenson. “I suppose these trials will continue and I know you must be keeping your watchful eye on the situation, but we would like to be kept informed by you since our only information comes from the Iranian students here in the U.S.” Yet there was only so much that their NGOs could do without the support of U.S. officials. “I am sure that the efforts of your organization have been highly instrumental in saving a number of lives and avoiding some of the more extreme violations of human rights in Iran,” Hossein Mahdavy of the Confederation of Iranian Students wrote Papanek in June 1966. “In spite of gratifying successes, the reports reaching this Committee indicate that the conditions of the political prisoners in Iran are highly distressing. Examples of denial of basic justice, maltreatment and torture of prisoners abound.”³⁸

Portugal

The ILRM had long pointed to Antonio Salazar as the kind of leader the United States had to abandon if it wanted to win the Cold War. In 1952, Frances Grant, Baldwin’s protégé, visited Lisbon and Porto, where she met with democratic leaders and recently released political prisoners. “Complete suppression of all civic and political liberties continues, despite the façade of tranquility under the Salazar regime,” Grant wrote in her report. Peter Benenson was left with a similar feeling after spending a couple of days in Portugal eight years later: “Unfortunately, the improvement which I have been led to expect does not seem to be present.” Working with JUSTICE at the time, Benenson was closely following the trial of Aquilino Ribeiro, a leading Portuguese author whose 1959 novel *When the Wolves Howl* was seized by the police for allegedly containing “insults to the dignity of the Magistrature and the State.”³⁹

At the request of exiled Portuguese colleagues in Paris, Canadian lawyer Norman Endicott went in April 1964 “to investigate individual rights and liberties, and the position of political prisoners and their dependents.” Accompanied by three other lawyers, including a former California Attorney General, Endicott was unsuccessful in obtaining an interview with the Minister of Justice, the Minister of the Interior, or the PIDE Director. However, he was able to meet with a group of defense lawyers who briefed them on the political trials, one of whom said that he had endured a three-day interrogation without any problem, but his mind began to

³⁷ Frieda Zimmerman to K. Chakeri, Confederation of Iranian Students, October 19, 1965, Box 22, Iran, ILRM, NYPL; Jan Papanek and Roger Baldwin to Dr. Mehdi Vakil, October 28, 1965, Box 22, Iran, ILRM, NYPL

³⁸ “Iran, November 1965: Report of Mr. Luis Blom-Cooper to Amnesty International,” Box 22, Iran, ILRM, NYPL; “Cable Sent in French, December 18, 1965,” Box 22, Iran, ILRM, NYPL; Jan Papanek to Peter Benenson, May 13, 1966, Box 22, Iran, ILRM, NYPL; Hossein Mahdavy to Jan Papanek, June 5, 1966, Box 22, Iran, ILRM, NYPL

³⁹ Roger Baldwin, “Memo on Portugal,” c. 1952, Box 24, Portugal, ILRM, NYPL; Peter Benenson to Roger Baldwin, February 1, 1960, Box 31, International Commission of Jurists, ILRM, NYPL

leave him when it continued for another two weeks, an experience that was made all the worse by sleep deprivation and the screams he heard from neighboring cells.⁴⁰

Endicott's delegation wanted to hold a press conference to disclose their findings to the Portuguese press, but they were held under arrest at the airport by PIDE agents until their departure. "Mr. Salazar appears to maintain his rule through a form of genteel dictatorship which intimidates all and arrests even minor political dissenters," Endicott concluded. "A façade of legalities and a pretense of humanism are affected through maintaining a legal system with a series of tribunals."⁴¹

Because no criticism of Salazar was permitted in Portugal, Endicott believed there was a "strong need" to publicize what he had seen firsthand: "Our expulsion was the subject of an official communiqué which should be printed, and we were told that indirectly this would be of immense moral support to the Portuguese themselves." Endicott was also surprised to learn of increasing opposition to Salazar within the armed forces:

The present one-man government has been operating for over 37 years and provides no way for young people with new ideas to express themselves. Much of the leadership for the opposition arises from young military officers who can see the failure of the overseas Portugal policy, i.e. in Angola and Mozambique. The young Portuguese believe that because of Salazar's out-of-date policy, the expulsion from India (Goa) cost the Portuguese much of their financial and economic interests.⁴²

Endicott was correct on both accounts. By the mid-1970s, Salazar's unsuccessful attempts at holding onto the Portugal's colonial empire in Africa would lead to a left-wing military coup that ended the Estado Novo.

Baldwin and Benenson agreed that they had to shame Salazar's regime. After reading about six students that were put on trial in April 1966 for belonging to the Portuguese Communist Party, Baldwin wanted to know if AI was going to do anything on their behalf because of the League's limited resources: "We have a correspondent in Lisbon, but I doubt whether he would risk any protests and there seems to be no way of bringing pressure internally on the government." Benenson asked himself "what should be done about Portugal," for AI had found the country's human rights situation to be "exceptionally unsatisfactory." Their best option seemed to be filing a complaint with the Council of Europe, though Portugal was not even a member. An ICJ observer who went to Angola observed that there had been "distinct material improvements in the Portuguese colonies, but neither there, nor on the Portuguese mainland, is there any modification of the practices of arbitrary arrest."⁴³

International human rights activists might have some leverage over Salazar if they could get the U.S. government to speak out against him. A letter from Portuguese exile named Abilio Aguas made this point with reference to Baldwin's longstanding involvement in Portugal:

⁴⁰ Norman A. Endicott, "On Being Expelled from Portugal," c. April 1964, Box 24, Portugal, ILRM, NYPL

⁴¹ Ibid.

⁴² Ibid.

⁴³ Roger Baldwin to Peter Benenson, April 15, 1966, Box 24, Portugal, ILRM, NYPL; Peter Benenson to Roger Baldwin, April 22, 1966, Box 24, Portugal, ILRM, NYPL

I have here before me a copy of a pamphlet published by the International Committee for Political Prisoners in July of 1935, then at 70 Fifth Avenue, NYC, and under the ever-diligent chairmanship of Mr. Roger Baldwin, pleading on behalf of Portuguese Political Prisoners. That was 31 long years ago. The appeal was completely ignored by Salazar upon whim. Since the beginning with Eisenhower a round of accolades by the United States Secretaries of States, Ambassadors, et al. was bestowed in support of Salazar's tyrannical regime.⁴⁴

ILRM Executive Director Donald Keys said as much to the State Department in January 1969: "It would be tragic if the United States should increase its dependence on Portugal, because the price in terms of relations in Africa is too high. Bases in Portugal are not a good trade-off for alienation of African countries, whose cause of ending Portuguese colonialism is certainly a just one."⁴⁵

Declaring that American officials had consistently supported the principle of self-determination for all people, State Department officer Joseph Palmer II denied that the U.S. had aided Salazar's attempt to keep control over Angola, Mozambique, and Portuguese Guinea. "On the contrary, we have repeatedly refused to permit the export of American arms and military equipment intended for use in Portuguese Africa." News of an agreement between the U.S. and Salazar over bases in the Azores that had appeared in the *Johannesburg Star*—an article that had been cited by Keys—was merely "a product of press speculation."⁴⁶

A rare success, the case of Dr. Telo de Mascarenhas from the former Portuguese colony of Goa provides an example of how the ILRM, AI, and AIUSA collaborated with one another during these years. Madhu Mehta, an Indian fashion designer, brought Mascarenhas's imprisonment to the attention of the ILRM in early 1970. Mehta, in turn, introduced the ILRM to Dr. D. R. SarDesai, a professor of South Asian Studies at the University of California, Los Angeles, who had been keeping track of Mascarenhas from afar.⁴⁷

According to a biographical sheet produced in 1969-1970, Mascarenhas was a seventy-year-old Goan who suffered from rheumatism, heart trouble, and high blood pressure. After walking away from a promising legal career in 1928, he wrote on two books on Indian nationalism and translated the works of Rabindranath Tagore into Portuguese. Mascarenhas moved to Bombay in 1948—a year after the British granted India and Pakistan their independence—and began demanding in a newsletter that Salazar grant autonomy to Goa. Arrested by colonial authorities while visiting his family in 1958, Mascarenhas was forcibly relocated to Portugal, where he and his wife lived under official supervision. After Salazar granted amnesty to all non-violent political prisoners in 1959, Mascarenhas returned to Goa only to be imprisoned for three more months until receiving another pardon. Mascarenhas was arrested in Lisbon yet again in November 1960 for his anti-colonial activities. After the Portuguese ceded Goa to India in 1961, Goans were given a choice of keeping Portuguese citizenship or applying for Indian citizenship. Though Mascarenhas filed paperwork to become an Indian citizen, the Portuguese claimed that he had not turned it in on time. Tried and convicted for his political activities in 1962, Mascarenhas was sentenced to twenty-four years imprisonment. Besides refusing to renounce his previous writings, Mascarenhas affirmed at his

⁴⁴ Abillio Aguas to Frieda Zimmerman, September 15, 1966, Box 24, Portugal, ILRM, NYPL

⁴⁵ Donald Keys to Senator Edward Brooke, January 3, 1969, Box 24, Portugal, ILRM, NYPL

⁴⁶ Joseph Palmer II to Donald Keys, January 16, 1969, Box 24, Portugal, ILRM, NYPL

⁴⁷ "Information Sheet: Dr. Telo de Mascarenhas," c. 1969-1970, Box 24, Portugal, ILRM, NYPL

trial that Goa belonged to India, not Portugal. “For the last ten years, there has been no change in Mascarenhas’s status, except that his health has deteriorated,” read an update dated February 1970, by which time he had not seen his wife in nearly a decade.⁴⁸

Mehta travelled to New York and London in early 1970 to convince the ILRM and AI to work on Mascarenhas’s case. AI declared Mascarenhas “Prisoner of the Year,” while the ILRM’s Herschel Halbert and AIUSA’s Mark Benenson visited the Portugal’s UN delegation and the Portuguese Embassy. Mascarenhas also received assistance from the leading American conservative intellectual, William F. Buckley, Jr. At the insistence of Mark Benenson, Buckley had joined the AIUSA Board of Directors the previous year. As Buckley explained in his syndicated column, he would think carefully before endorsing AIUSA’s activities: “All of this sounds defensive, and shouldn’t, because by and large Amnesty is concerned with the kind of thing decent people ought to be concerned about, mainly the imperative to help others who are in trouble. In Amnesty’s case, political trouble.” In April 1970, he wrote a column about three POCs, one of whom was Mascarenhas. Buckley may have doubted that Mascarenhas was a “profound political thinker” or a “great patriot,” but he found the Portuguese treatment of him deplorable: “I believe in punishment for political crimes, under certain circumstances. But I believe (who doesn’t?) in mercy. And that ought to be the principle point. Portugal’s keeping of this 70 year-old physical wreck in jail, ten years after the fate of Goa was irrevocably settled, is simply uncouth.” Demanding that the Portuguese admit their “legal error” and grant Mascarenhas clemency—“quickly and quietly”—Buckley tempered his criticism by reminding his readers that he considered Salazar to be a decent man. Mascarenhas was released a month later.⁴⁹

Greece

The April 1967 military coup in Greece was a significant event for American human rights activists. The ILRM, AI, and AIUSA worked over the next seven years to bring international attention to political repression in the birthplace of democracy. Opposition to the right-wing military dictatorship led by Colonel George Papadopoulos brought in two new activists into AIUSA: Frank Newman, a law professor at the University of California, Berkeley, and a housewife from a suburb south of San Francisco, Ginetta Sagan, each of whom contributed to the international human rights movement as it emerged during the 1970s. Newman trained the first generation of international human rights lawyers. Sagan made AIUSA into a national organization through the many local groups she established on the West Coast. Their work on behalf of Greek political prisoners brought them closer to the New York-based activists who formed the core leadership of ILRM and AIUSA.

In one of the first conflicts of the Cold War, an insurrection led by the Greek Communist Party was defeated by the U.S.-backed Greek Army. The conservative National Radical Union

⁴⁸ “Information Sheet: Dr. Telo de Mascarenhas”; D. R. SarDesai to Adrienne Beyler, February 15, 1970, Box 24, Portugal, ILRM, NYPL

⁴⁹ D.R. SarDesai to Herschel Halbert, February 10, 1970, Box 24, Portugal, ILRM, NYPL; D.R. SarDesai to Adrienne Beyler, February 15, 1970, Box 24, Portugal, ILRM, NYPL; Hershel Halbert to D.R. SarDesai, February 17, 1970, Box 24, Portugal, ILRM, NYPL; Hershel Halbert to Victor Reuther, March 30, 1970, Box 24, Portugal, ILRM, NYPL; Hershel Halbert to Madhu Mehta, March 31, 1970, Box 24, Portugal, ILRM, NYPL; D.R. SarDesai to Hershel Halbert, April 17, 1970, Box 24, Portugal, ILRM, NYPL; William F. Buckley, “On the Right: Amnesty,” *New York Post Magazine*, April 17, 1970, 40; John Carey to Dr. Duarte Vaz Pinto, May 20, 1970, Box 24, Portugal, ILRM, NYPL

(ERE) ruled from 1950 to 1963, when it was defeated by successive elections by the Center Union (EK), a center-left coalition led by Georgios Papandreou that also contained ERE defectors. One of his most controversial advisors was his son, Andreas Papandreou, formerly an economist at Berkeley. Much more of an outspoken leftist than his father, Andreas was reviled by the right-wing.⁵⁰

In May 1965, conservative newspapers reported the existence of ASPIDA (The Shield), a secret society of left-wing military officers. ASPIDA was alleged to have committed sabotage in an artillery unit stationed along the Turkish border, a plot uncovered by Colonel Georgios Papadopoulos that consisted of pouring sugar into the gas tanks of army vehicles. A confidential report tying Andreas to ASPIDA was leaked to a conservative newspaper. Though an official preliminary inquiry described ASPIDA as “insignificant,” the case resulted in a political crisis. King Constantine II’s refused to let the elder Papandreou appoint himself as Minister of Defense, precipitating the fall of the government when the ERE defectors abandoned the EK coalition. EK dismissed the scandal as just another smear campaign; ERE accused the Papandreou family of turning the army into a political instrument.⁵¹

Andreas defended socialism in nationalist terms. “All development efforts are without meaning and condemned to failure in advance if there is not a fair distribution of the sacrifices involved in the development and of the fruits that will result,” he warned in June 1966. He defined himself as a populist. “The people, if educated, become demanding, rise against economic, political, and social exploitation from oligarchic groups, and take their destiny into their own hands.” It was obvious who was responsible for this exploitation, as he wrote in August 1966: “Above all, the Right has bargained away the national sovereignty of Greece. It has become the overseer of foreign interests in return for their protection and support. This Greek oligarchy and its foreign masters are bound together, and together they will fall.” His solution was a “national renaissance” that would transform Greece into a modern state that could defend its interests against multinational corporations. “It is contrary to the general welfare and to the economic and social development of Greece that autonomous centers, foreign states, or private firms such as Litton, be free to make independent decisions affecting the Greek economy.”⁵²

American diplomats blamed Andreas for the upheaval in Greece. With the EK looking as though it was going to win in elections scheduled for May 1967, a November 1966 State Department memorandum predicted “further political fragmentation and a sharper polarization been right and left.” Andreas was accused of engaging in “traditional Greek demagogy” with his questioning of the monarch’s role in politics, constant attacks on American interference in Greek politics, and demands for a more equitable distribution of wealth. The State Department predicted that King Constantine II would declare an emergency to prevent the Papandreous from returning to power. On April 21, 1967, a group of colonels in the Greek Army took control of

⁵⁰ “The Case of Andreas Papandreou,” c. 1967, Carton 2, Greece—Andreas G. Papandreou (1 of 3), Frank Newman Papers (FN), Bancroft Library (BL), University of California, Berkeley (UCB)

⁵¹ Ibid.

⁵² Andreas Papandreou, “Second Installment: The Future of Greece,” *TO VHMA*, June 28, 1966, Carton 2, Greece—Andreas G. Papandreou (1 of 3), FN, BL, UCB; Andreas Papandreou, “Present Condition and Future Developments in Education,” later published in two parts in *To Vima*, July 31 and August 2, 1966, Carton 2, Greece—Andreas G. Papandreou (1 of 3), FN, BL, UCB; Andreas Papandreou, “Our Course and Our Future: National Renaissance and Foreign Policy,” *To Vima*, August 23, 1966, Carton 2, Greece—Andreas G. Papandreou (1 of 3), FN, BL, UCB

the government. After arresting over 5,000 suspected communists, including Georgios and Andreas, they imposed martial law and suspended parts of the constitution.⁵³

Georgios remained in house arrest until his death in November 1968. A former economist who taught at a number of universities in the United States, Andreas benefitted from friendships he had formed during his academic career. An open letter to the *New York Times* signed by Ken Arrow of Stanford, Walter Galenson of Cornell, Harvey Leibenstein and Roy Radner of Berkeley, and Henry Rosovsky of Harvard asked readers to “join with us in stating unequivocally that Greece cannot be regarded as a nation with which the United States should maintain close political and military relations until the Papandreou and other arrested political leaders are released.” Former White House economists such as Walter Heller and Carl Kaysen contacted high-level officials in the State Department. Within days of the coup, U.S. Ambassador to Greece Philip Talbot was working on Junta leaders to get them to promise that they would not hurt the Papandreou, suggesting that they simply exile Andreas. Such an arrangement would “meet our domestic needs while at the same time being a gain for the government,” the National Security Council concluded. “They [the Junta] would probably rather shoot him but know that would trigger an intolerable world reaction.” Intended as a signal to the Greek colonels, the Johnson suspended the delivery of major military equipment such as airplanes and tanks, but permitted small arms shipments. By January 1968, however, Walt Rostow was convinced that there was nothing more to be gained by withholding formal recognition of the Greek Junta. Papadopoulos, he wrote to President Lyndon Johnson, was “reasonable and well-intentioned.”⁵⁴

Another one of Andreas’s friends from Berkeley was law professor Frank Newman. They had worked together on academic freedom issues at the University of California during the early 1950s. Newman’s plans for a vacation in the Greek Isles were thrown off by the April 1967 coup. He began following the events in Greece closely after learning of the Papandreou arrests. Allegations of torture made by the Junta’s political prisoners compelled Newman to see for himself what had happened in Athens. “Basically I was the first American to knock on Maggie’s door,” Newman said of Andreas’s wife who also was under house arrest with their four children.⁵⁵

Newman made sure that American officials knew that Andreas was in serious trouble. One such official was his boss at the Office of Price Administration during World War II, economist John Kenneth Galbraith. An admirer of Andreas’s work as an economist, Galbraith took up his case with Senator Claiborne Pell (D-Rhode Island) and Senator Joseph Clark (D-Pennsylvania). Newman’s recollection of this conversation began with one of the senators asking, “Well, Ken, who is this Papandreou? Why do you care?” Galbraith’s response: “How can I best tell you? Well, for instance, this is one subject on which Milton Friedman and I agree, that Andreas is one of the brightest young economists in the whole United States of America.”⁵⁶

Newman flew to Athens and visited Maggie on May 10. A meeting with the family’s lawyer convinced him that Andreas was receiving adequate legal representation, but a fair trial seemed unlikely “unless some strong pressures are applied, comparable to those which

⁵³ David F. Schmitz, *The United States and Right-Wing Dictatorships, 1965-1989* (New York: Cambridge University Press, 2006), 63-65

⁵⁴ *Ibid.*, 66-67, 69

⁵⁵ Quoted in Margaret Papandreou, *Nightmare in Athens* (Englewood Cliffs, NJ: Prentice-Hall, 1970), 193; Frank Newman, “Regional Oral History Office Interview,” (ROHO) University of California, Berkeley, 1991, 259-260, BL, UCB

⁵⁶ Frank Newman, *ROHO Interview*, 271, BL, UCB

presumably have helped keep him alive.” Newman asked Galbraith to help him answer the following questions:

Is Andy’s right to counsel under Greek law really unimpaired? Are searches of the house and of Maggie’s office (from which she’s now locked out) in fact for the purpose of fabricating evidence (e.g., via photos)? Are the guarantees of the European Convention of Human Rights being respected? Are the cards intolerably stacked against Andy because of records from the militarily dominated ASPIDA trial?⁵⁷

Newman confided to Galbraith a week later that there had been “some irritation as well as considerable defensiveness at the Embassy regarding your role and the resulting inquiries from Washington.” A local lawyer representing an American client allegedly overheard a commercial officer at the U.S. Embassy say, “Well I hope, they get Andreas.” Most Greeks suspected that the Junta was backed by the U.S., as Newman noted, “Several Greeks with whom I talked (including anti-Papandreou and neutrals) echoed the occasional hints in the press that obviously the C.I.A. participated, or at least that the ‘Americans knew what was coming.’”⁵⁸

Newman wrote Galbraith again on May 19 after police officers searched Andreas’s house, taking birth certificates and property deeds with them. They interrogated Maggie and accused her of lying—“all without benefit of counsel from either lawyer or Embassy.” Maggie hastily arranged a meeting with her lawyers, as Newman recalled: “By the time we added up we were an illegal meeting. All the blinds down; the radio blaring because of the ‘bugs.’” They decided to contact the U.S. Embassy. Originally from Illinois, Maggie met Andreas while attending the University of Minnesota, so Newman was hopeful that her status as an American citizen would protect her.⁵⁹

This experience in Athens turned Newman into a critic of his own government. Newman complained to the White House in July that the U.S. Embassy in Athens had not done nearly enough to ensure that Andreas’s case would be “adjudicated fairly” by a military tribunal. “It is evil when dictators (towards whom the United States has been startlingly tolerant) deny their political prisoners a fair trial,” he wrote. “It is worse when, they proclaim and pretend, ‘Of course there will be a fair trial.’ Worse of all would be for you and my government, also falsely, to pretend that there will be a fair trial. For two months Papandreou had been allowed to speak with his lawyer only in the presence of two guards.”⁶⁰

Los Angeles attorney Stanley Sheinbaum—an early supporter of AIUSA—believed the government had a very weak case against Andreas. Most of the testimony was based upon hearsay, or, in Sheinbaum’s words, “what some people said about having heard from somebody else about Papandreou’s views and his role in ASPIDA.” Nonetheless, Newman was still angry about the slow response from the State Department. “When it is known through the American Embassy that Andreas Papandreou is not even allowed the right to private counsel, that two listeners are present during every meeting with his lawyer, then we have enough the extent of a

⁵⁷ Frank Newman to John Kenneth Galbraith, May 17, 1967, Carton 2, Greece—Andreas G. Papandreou (1 of 3), FN, BL, UCB

⁵⁸ Ibid.

⁵⁹ Frank Newman to John Kenneth Galbraith, May 19, 1967, Carton 2, Greece—Andreas G. Papandreou (1 of 3), FN, BL, UCB; Frank Newman, *ROHO Interview*, 267, BL, UCB

⁶⁰ Frank Newman to President Lyndon Baines Johnson, July 17, 1967, Carton 2, Greece—Andreas G. Papandreou (1 of 3), FN, BL, UCB

‘fair’ trial,” Newman fumed in August. His idea to get Andreas’s story in the *New York Times* never materialized. Publisher C. L. Sulzberger called Galbraith asking why he was “sticking his neck out for Andreas” before giving him what Newman dismissed as “the King’s line” by labeling Papandreou as a radical.⁶¹

Fortunately, the Greek Junta released Andreas on Christmas Eve with the understanding that he would go into exile. He and Margaret went to Sweden, where they founded the Panhellenic Liberation Movement. Newman later described his involvement in this case as “the big project, incidentally, to teach me human rights.”⁶²

Roger Baldwin and Representative Donald Fraser (D-Minnesota) also agreed that the U.S. too frequently betrayed its ideals in pursuit of Cold War geopolitical objectives. “I would not think your work effective unless you can get support for the general position of repudiating dictatorships whose only merit for the U.S. is their anti-communism,” Baldwin advised Fraser in May 1968. “We’ve suffered this foreign policy so long in so many countries we should point up its price in terms of the evidence you cite, in strengthening reaction and in weakening American prestige as a champion of democracy and a free world.” Before more of Fraser’s colleagues would go along with him, their constituents would have to let them know that the status quo was unacceptable. That meant activists had to find a way to generate the necessary outrage over what was happening in Greece.⁶³

At a meeting hosted by the American Committee for Democracy and Freedom in Greece in summer 1967, Greek actress Merlina Mercouri alleged that she had been recently intimidated by the Junta. Mercouri, according to AIUSA’s Paul Lyons, became something of a “rallying point for American protests against the incredibly anti-democratic actions of the junta.” AIUSA and the American Committee for Democracy and Freedom in Greece held a demonstration in front of Greek National Tourist Organization’s New York office. AIUSA was pleased to note that it received coverage in the Associated Press and the WCBS evening news. *Amnesty Action* reported that several hundred prisoners were released ten days after the protest.⁶⁴

In a press release entitled “Melina Mercouri is a Greek,” AIUSA described the star of *Never on Sunday* and *Illya, Darling* as a symbol of “fun-loving and love-loving Greece.” But for her public denunciations of the Greek Junta, she lost her citizenship and property. As the first celebrity to promote Amnesty International in the U.S., Mercouri was the main attraction at a July 1967 house party intended to bring new members into AIUSA. She led another demonstration in front of the Greek Embassy two months later.⁶⁵

AIUSA targeted other buildings associated with the Greek government. One such protest occurred outside Olympic Airways in August 1968. An irate man emerged from the office towards the end of the demonstration and asked Ivan Morris why AIUSA was not more

⁶¹ Stanley Sheinbaum to Frank Newman, c. 1967, Carton 2, Greece—Andreas G. Papandreou (1 of 3), FN, BL, UCB; Frank Newman to Stephen Rousseas, August 2, 1967, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman to Stephen Rousseas, August 8, 1967, Carton 2, Greece—Correspondence, FN, BL, UCB; this criticism of Sulzberger was repeated by economist Paul Samuelson, “The Greek Tragedy,” *Newsweek* (May 22, 1967)

⁶² For Papandreou’s release, see Margaret Papandreou, *Nightmare in Athens*, 364-365; Frank Newman, *ROHO Interview*, 268, BL, UCB;

⁶³ Roger Baldwin to Donald Fraser, c. May 1968, Box 34, Greece, 1968-1969, IIRM, NYPL

⁶⁴ “New York Amnesty Groups Protest Greek Political Imprisonments,” *Amnesty Action*, Vol. 1, No. 6 (Summer 1967)

⁶⁵ AIUSA Press Release, “Melina Mercouri is a Greek,” c. 1967, Box 31, Amnesty International—1967, IIRM, NYPL; Carolyn Lewis, “Winds of Freedom Blow at House Party,” *Washington Post*, July 31, 1967; John Carmody, “Melina Mercouri Leads March Here,” *Washington Post*, September 12, 1967

concerned with political prisoners in Communist countries. There probably were not more than twenty-five people present, but Morris was pleased with AIUSA did: “We managed to distribute about one thousand leaflets and copies of Amnesty Action about Greek prisoners. Not a single person entered the offices of Olympic Airways while we were demonstrating (perhaps they wouldn’t have done in anyway) and several people stopped and read out posters.”⁶⁶

At the urging of his Greek-born wife, James Becket, an American who had graduated from Harvard Law School and was working on a Ph.D. at the Institute of International Studies, set up a small office in Athens with British lawyer Anthony Marreco to investigate torture in Greece for AI. Becket conducted interviews and gathered documents. Marreco arranged for interviews with Greek officials. Their initial findings contained sixteen affidavits from victims and allegations concerning another thirty-two victims. An appendix listed the names of responsible police organizations, individual torturers, and commonly used methods of physical and psychological torture. All of the evidence accumulated by Becket and Marreco led them to conclude that the Greek Junta was using torture “deliberately and officially” against its political opponents. Supplementing this research with interviews of Greek exiles in Western Europe, Becket expanded the report to cover the period between April 1967 and March 1969.⁶⁷

Becket wanted to confront the Greeks at the UN, while Marreco looked to the Council of Europe. “In the sixties, Western Europe was way ahead of the U.N. on practical developments,” Newman said. “They had a Human Rights Commission and a Human Rights Court for Western Europe.” Marreco’s complaint was eventually incorporated into that filed against Greece by Denmark, Norway, Sweden, and the Netherlands in January 1968. Pointing to how individual rights protected by the Greek Constitution had been suspended, they argued such actions could not be justified by appealing to a public emergency. Denmark, Norway, and Sweden soon amended the complaint after learning of specific incidents of torture, retroactive criminal legislation, property confiscation, and the Junta’s refusal to allow a free election. The European Commission on Human Rights declared these new allegations admissible in May, which led to the creation of a Sub-Commission on Greece that compiled witness testimony into another report that was sent to Council of Europe Ministers in November 1969.⁶⁸

Praised by Becket as a “very good” report, the Sub-Commission found that the Greeks had violated numerous articles in the 1950 European Convention on Human Rights. Becket noted how American officials had been “working overtime” to persuade their European allies that the Greeks would stop cooperating with NATO if expelled from the Council of Europe. “The whole atmosphere is bad,” Becket wrote. “After massacres by U.S. in Vietnam, a few thousand Greeks only tortured pales.” In an attempt to reduce its significance, the Greeks declared the report “null and void.” Urging the Junta to restore “human rights and fundamental freedoms in Greece,” the Council of Europe demanded the immediate end of “torture and other ill-treatment of prisoners” and the release of all people held under “administrative order.”⁶⁹

⁶⁶ Ivan Morris, “Demonstration at Olympic Airways,” *Amnesty Action*, Vol. 2, No. 3 (August 1968)

⁶⁷ “Memo on James Becket,” October 1969, Box 34, Greece—1972 (mistakenly filed), ILRM, NYPL; Stephanie Grant, “Anthony Marreco and Amnesty International,” *Anthony Freire Marreco, 1915-2006* at a website dedicated to his life: <http://anthonymarreco.com/amnesty.html>. Grant was a former researcher at AI in London and director of AIUSA’s Washington, D.C. Office; Roger Baldwin to U Thant, October 15, 1969, Box 34, Greece—1969-1970, ILRM, NYPL

⁶⁸ Frank Newman, *ROHO Interview*, 272, BL, UCB; “Council of Europe decisions of 18 Nov. 1969 and 15 Apr. 1970,” Carton 2, Greece—Council of Europe, FN, BL, UCB

⁶⁹ James Becket to Roger Baldwin, November 23, 1969, Box 34, Greece—1968-1969, ILRM, NYPL; “Council of Europe decisions of 18 Nov. 1969 and 15 Apr. 1970,” Carton 2, Greece—Council of Europe, FN, BL, UCB

Realizing that its expulsion from the Council of Europe was inevitable, Greece withdrew in December 1969, though most observers agreed that this did little to improve things. “Rights under the Constitution and the institutional laws are hedged in by so many restrictions and conditions that they remain largely theoretical,” council lawyers conceded. “In reality, repression continues. The persisting state of emergency gives the regime considerable latitude for arbitrary action.” Following political trials that convicted many of his opponents, Prime Minister George Papadopoulos declared at an April 1970 press conference: “The courts must place reason above humanitarian sentiment. They are guilty of a serious crime if they show clemency to criminals.”⁷⁰

The United States was very reluctant to abandon its ally in the Mediterranean. Not only did the U.S. Senate defeat an amendment by Senator Vance Hartke (D-Indiana) that would have ended weapons sales to the Greeks, arms shipments were resumed in September 1970. A State Department spokesman defended this reversal by claiming that the Junta had made some progress on human rights: “Although the United States had hoped for a more rapid return to representative government in Greece, the trend towards a constitutional order is established.” The Council of Europe differed in its assessment of what was actually driving U.S. policy towards Greece: “The decision in Washington was probably coloured by the way in which the Middle East and the Mediterranean situation is developing situation Soviet penetration in the area, the Jordan crisis, and anxiety about the defence of NATO’s southern flank.”⁷¹

The ILRM informed U.S. Ambassador to Greece Henry Tasca in late 1970 that it would be sending James Shenton, a history professor at Columbia, to monitor a group of academics put on trial for their dissent. Tasca replied that “all the foreign observers, including Professor Shenton had been barred from further attendance at the trial,” but were allowed to attend the opening session. Shenton appealed the decision, but Greek authorities held firm on its ban of trial observers. “The Government is, of course, within its sovereign rights, but such exclusion serves no useful purpose and in fact damages the Greek Government’s standing abroad,” Tasca admitted to the ILRM, but he did not think there was “not very much a foreign ambassador can do about this situation except to deplore it.” Attributing his treatment by the Junta to its “deep hostility to Western European humanitarian organizations,” Shenton was certain that the Greeks were “systematically violating the most basic of human rights and employing torture and other forms of terror to maintain its grip.” When the ILRM’s Herschel Halbert visited the Greek Consulate in May 1970, he was frustrated by the unwillingness of Greek officials to acknowledge their abuses, recounting an exchange he had with a diplomat: “He did not admit that any denials or violations of human rights are taking place in Greece, so I pressed him about allowing observers, for instance, an American delegation of jurists and lawyers to visit detention centers and issue reports. He said he would resent a group of foreigners coming to his country to look into human rights matters even as US citizens would.” Halbert learned that the Junta was “not pleased at all” by liberals in Congress who wanted to cut off their military aid.⁷²

⁷⁰ “Council of Europe, Strasbourg, 15 April 1970—Resolution DH (70) 1: The Greek Case,” Carton 2, Greece—Council of Europe, FN, BL, UCB; “Consultative Assembly of the Council of Europe, Document 2892” January 18, 1971, 10-12, Carton 2, Greece—Council of Europe, FN, BL, UCB

⁷¹ “Consultative Assembly of the Council of Europe, Document 2892,” January 18, 1971, 19, Carton 2, Greece—Council of Europe, FN, BL, UCB

⁷² Herschel Halbert to Ambassador Henry Tasca, March 26, 1970, Box 34, Greece—1970-1971, ILRM, NYPL; Henry Tasca to Herschel Halbert, April 3, 1970, Box 34, Greece—1970-1971, ILRM, NYPL; James P. Shenton to Herschel Halbert, April 20, 1970, Box 34, Greece—1970-1971, ILRM, NYPL; Herschel Halbert, “Memo to Mr. John Carey Re Visit to Greek Consulate,” May 7, 1970, Box 34, Greece—1970-1971, ILRM, NYPL

At the head of this group was Representative Donald Fraser. A mass mailing produced by U.S. Committee for Democracy and Freedom in Greece that was signed by Fraser, Hartke, Representative Don Edwards (D-California) screamed at its readers, “YOU can change American foreign policy!” The House of Representatives passed an amendment to the 1971 Foreign Authorization Bill that banned military aid to Greece. “It is the first time since World War II that either House of Congress has taken action against a right-wing tyranny,” the letter read. “For American military aid to the Greek colonels has not only given them the weapons they need to suppress their own people, it has made many Greeks fear a Vietnam-style military intervention if they rise against the junta.” The Senate ultimately passed the amendment, but changed its language to give the White House a loophole to resume aid to Greece if it certified that the “the overriding requirements” required it to do so. Nixon announced in February 1972 that he would be using this clause to give economic and military assistance to Greece.⁷³

Activists searched for particularly egregious examples of repression that could be used to sway public opinion on Greece, victims like Christos Sartzetakis, a jurist whose unflinching pursuit of justice was the basis for the 1966 Vassilis Vassilikos novel *Z* and the 1969 film directed by Costa Gavras. Born in 1929, Sartzetakis was a brilliant legal student, placing first at a competitive bar examination in 1954. He was appointed as the investigating magistrate in the murder of Grigoris Lambrakis, a Member of Parliament with the Left Democratic Party (EDD) who had been ran over by a vehicle in May 1963. The driver claimed to be a member of an extreme right-wing organization, but Sartzetakis was not convinced. Shortly after being assigned to the investigation, he was pressured to not indict any important officials. Refusing to participate in a cover-up, Sartzetakis brought a number of high-ranking military officers before the court, all of whom were subsequently reinstated by the Junta after the coup. After earning a Ph.D. at the University of Paris, he returned to Greece in May 1967 against the advice of friends who feared for his safety. When the Junta revoked judicial independence a year later, Sartzetakis was among thirty judges who were summarily dismissed. And when the Council of State declared this action illegal in January 1969, the Junta dismissed the council president. Sartzetakis was arrested in December 1970.⁷⁴

Andreas Papandreou updated his American friends about what had happened to Sartzetakis. The former magistrate was held incommunicado by the special investigating division of the Greek military police near the U.S. Embassy. The film *Z* provided one way of making Sartzetakis’s plight known, as a telegram from the Panhellenic Liberation Movement stated, “SARTZETAKIS IS THE COURAGEOUS AND DISTINGUISHED JUDGE WHO INVESTIGATED THE ASSASSINATION OF LAMBRAKIS A STORY WELLKNOWN BY NOW THROUGH THE POPULAR FILM Z.”⁷⁵

“Are there any bigger steps we can take to stop the terrible tyranny in Greece where all human rights have been abrogated for four years now, and the terrorism is rising, not abating?” Margaret Papandreou asked in January 1971. In the year since Greece left the Council of Europe, she had not noticed any action “on the international level, to my knowledge, to keep putting pressure on them, and to give some protection to their victims.” To counter the

⁷³ “Letter from U.S. Committee for Democracy in Greece, Signed by Don Edwards, Donald Fraser, Vance Hartke and Ogden R. Reid,” Carton 2, Greece—Miscellany, FN, BL, UCB; Council of Europe, Document 3114, “Report on the Situation in Greece,” April 24, 1972, 20, Carton 2, Greece—Council of Europe, FN, BL, UCB

⁷⁴ Niall MacDermot to Robert P. Bass, March 25, 1971, Carton 2, Greece—International Commission of Jurists (ICJ), FN, BL, UCB

⁷⁵ Andreas Papandreou to John Carey, c. January 1971, Box 34, Greece—1970-1971, ILRM, NYPL

predictable refrain from Greek officials about national sovereignty, the ICJ's Niall McDermot gave activists two talking points:

(1) the arrest and detention of an international figure like Sartzetakis without his being brought before any court is not 'purely an internal affair,' as is shown by the worldwide concern which has been shown; (2) in previous cases the U.S. has declined to intervene on grounds that the matter was being handled by the Red Cross. Now that the Red Cross is powerless, there is no longer any barrier to U.S. intervention.⁷⁶

But that was precisely the problem. Nixon and Kissinger were not going to intervene in the domestic affairs of a NATO ally. Sartzetakis, as a result, languished in a jail cell. Newman learned in October 1972 that no one—not even a lawyer—had been allowed to see Sartzetakis for the previous two months. Sartzetakis had been sent twice to the hospital after previous torture sessions had rendered him unconscious.⁷⁷

Activists had one thing going for them: American officials did not hesitate to intervene when the lives of Americans were in danger. In September 1971, Newman took up the case of John Skelton, a twenty-six-year-old seminarian with the United Church of Christ. Skelton was arrested for participating in scheme to help Alexandros Panaglouis escape from prison. Panaglouis had been convicted in 1968 for making an assassination attempt on Papadopoulos. The plot's mastermind was Amalia Fleming, the wife of Sir Alexander Fleming. Skelton claimed to have been an inadvertent accomplice, as he did not know that Fleming had hired him to drive the getaway car. Skelton's parents wrote to Tasca that they were "particularly anxious because of the unsettledness of the entire situation, especially when there is to be a military trial." A State Department officer reported in early September that Skelton was in good condition. Dr. Howard Schomer of the United Church Board for World Ministries was permitted by Greek military police to visit Skelton.⁷⁸

Newman returned to Greece because of Skelton and Fleming's legal troubles. After securing a lawyer for Skelton at his upcoming court-martial, Newton met with Tasca on September 17. Newman also raised Skelton's case with Senator Hugh Scott (D-Pennsylvania). Skelton's statement to the tribunal acknowledged he had erred. Asked by Fleming to drive "somewhere," Skelton said he had "some idea" that they were about to do something illegal, but not what exactly or who was also involved. Skelton also confessed that he had been smuggling Fleming's letters out of Greece. "Although Skeleton appears to be a minor character in the alleged action," Schomer wrote to Newman on September 25, "it is entirely possible that under

⁷⁶ Margaret Papandreou to John Carey, January 14, 1971, Box 34, Greece—1970-1971, ILRM, NYPL; Niall McDermott to Frank Newman, February 11, 1971, Carton 2, Greece—International Commission of Jurists (ICJ), FN, BL, UCB

⁷⁷ Amalia Fleming to Frank Newman, October 6, 1972, Carton 2, Greece—Lady Amalia Fleming, FN, BL, UCB

⁷⁸ Frank Newman to George Koumantos, September 21, 1971, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman, "State Department Phone Conversations in Summary," c. September 1971, Carton 2, Greece—Miscellany, FN, BL, UCB; Helen/Alfred W. Skelton to Ambassador Henry J. Tasca, September 20, 1971, Carton 2, Greece—Ambassador Henry J. Tasca, FN, BL, UCB; Dr. Howard Schomer, "Letter from the United Church Board for World Ministries," September 20, 1971, Carton 2, Greece—Ambassador Henry J. Tasca, FN, BL, UCB

cross-examination his role will grow and the conspiracy picture may open out, his involvement deepening.⁷⁹

Convicted by the court-martial on September 27, Skelton was sentenced to seventeen months imprisonment. For reasons that may have had to do with his nationality and/or his contrition, Skelton was released a few days later. The *San Francisco Chronicle* reported Skelton arrived safely in Rome on September 29. The other defendants, including Fleming, received terms ranging from thirteen to sixteen months.⁸⁰

A bacteriologist like her famous husband, Sir Alexander Fleming, the discoverer of penicillin, Amalia Fleming fought with the Greek resistance during World War II. Among her duties was arranging for the escape of British and Greek officers and transcribing and distributing BBC broadcasts. Fleming was held in custody for a period of six months after altering the identification cards of Jews so that they could pass as Greek Orthodox. Because of her serious health problems, her punishment for her role in the Panaglouis case was reduced. Released after one month in prison, she was exiled on the condition that her Greek citizenship was revoked.⁸¹

Fleming took a risk for Panaglouis after learning how he had been tortured. In a letter translated into English by Fleming, Panaglouis described some of punishments he had received during his two years in Boyati Prison:

Whipping with wire and wire rope all over my body. Beating with clubs on the soles of my feet, with the result that my right heel was fractured. Beating with iron bars on the chest on the ribs, with the result that 2 or 3 ribs were broken. Burns with cigarettes on my hand and genitals. Insertion of a long metal needle (wire) into my urethra, and heating of the needle or wire with a cigarette lighter. With their hands, blocking my mouth and nostrils to the point of asphyxiation. Kickings. Punching the fists. Pulling my hair. Beating my hand against the wall and floor. Preventing me from sleeping.⁸²

Panaglouis told his mother in February 1972 that he was in a “lamentable condition.” The vice-commander of the prison had ordered him into a straitjacket twelve days earlier. He was then thrown on the floor and beaten by guards, the leader of whom yelled “make him black and blue.” “The tragedy of the Panagoulis family is something we must try to deal with,” Fleming wrote that October. “It seems that the reason of the beatings and the other terrible conditions in detention are due to the fact that in spite of all he is unbreakable, and this seems to engage the Military Police.” Panagoulis eventually gained his freedom in an August 1973 general amnesty to all political prisoners. He won a parliamentary seat in the 1974 elections.⁸³

⁷⁹ Frank Newman to Ambassador Henry J. Tasca, September 22, 1971, Carton 2, Greece—Ambassador Henry J. Tasca, FN, BL, UCB; Frank Newman to Senator Hugh Scott, September 22, 1971, Carton 2, Greece—Ambassador Henry J. Tasca, FN, BL, UCB; Howard Schomer to Frank Newman, September 25, 1971, Carton 2, Greece—Ambassador Henry J. Tasca, FN, BL, UCB

⁸⁰ “Convicted American Leaves Greece,” *San Francisco Chronicle*, September 30, 1971

⁸¹ AIUSA, “Visit by Lady Amalia Fleming,” c. October 1972,” Social Protest Collection Microfilm (SPC), Bancroft Library (BL), University of California, Berkeley (UCB)

⁸² “Letter from Alexandros Panaglouis, c. 1971-1972, Carton 2, Greece—Prisoners (2 of 3), FN, BL, UCB

⁸³ “Complaint of Athina, wife of S. Panaglouis,” c. 1972, Carton 2, Greece—Prisoners (2 of 3), FN, BL, UCB; Amalia Fleming to Frank Newman, June 1, 1972, Carton 2, Greece—Lady Amalia Fleming, FN, BL, UCB; Amalia

To raise awareness what the Greek Junta had done to its own citizens, Fleming went on an AIUSA-sponsored speaking tour of Northern California in October 1972. One of her hosts was AIUSA organizer Ginetta Sagan. Among the first POCs adopted by her Palo Alto-based Group 19 was Christos Sartzetakis—“Z.”⁸⁴ As Sagan became a full-time grassroots organizer for AIUSA, Newman promised to go after the Greek delegation “aggressively” at the UN Human Rights Commission. “In Berkeley, California, I feel helped indeed when I read your pleas and reports on Panagoulis,” Newman wrote to Fleming that September. “I do not know whether you are aware of how self centered so many officials in America become during the presidential election year—especially during the final months. McGovern will be a great friend if elected, but the campaign has only hardened the pro-colonel stance of the incumbent administration.”⁸⁵

Law professor Jean Siotis characterized the relationship between U.S. and Greece as “comparable” to that of the U.S. and Latin America. With the closest ties to the U.S. of all NATO members, a “general consensus” had emerged among Greek leaders that “no change, no reform—as well as no developments in the opposite direction—are possible without US blessings and/or encouragements.” State Department officials refused to openly criticize the Junta. “The Greek Government is aware of our concern over the question of civil liberties and respect for due process of law,” Rodger Davis, the Deputy Assistant Secretary for Near Eastern and South Asian Affairs, told Niall MacDermot in February 1971. “It is of course inappropriate to become involved in the purely internal affairs of another nation.” MacDermot argued that the Council of Europe’s condemnation of Greece showed that “this is not a purely international matter.” The NATO treaty even contained language which stated that “the maintenance of free institutions and the Rule of Law is the concern of every other member country.” However, all Davis did was assure MacDermot that American officials were also monitoring the treatment of political prisoners, including Sartzetakis: “I would not want you to think that our unwillingness to involve ourselves in the immediate resolution of a matter that is within the internal affairs of another country can in any way be constructed as a lack of concern for the situation of Mr. Sartzetakis and others arrested in Greece and held without having had specific charges filed against them.”⁸⁶

Tasca did not want to offend the Greeks. In testimony before the House Armed Services Committee in January 1972, he said, “Red Cross had free access and they found no evidence of systematic torture, but I don’t have any doubt, frankly, that the police got pretty rough on occasions, especially when those occasions where anybody was involved in violence against the regime.” Tasca believed that torture was the result of a few bad officers, not official policy as AI or the Council of Europe contended: “I rather suspect if they got rough, it was more in the early stages, during the arrest period when they picked these fellows up: there may well—I am sure there have been cases where the police were unnecessarily severe in the early days. But as far as

Fleming to Frank Newman, October 9, 1972, Carton 2, Greece—Lady Amalia Fleming, FN, BL, UCB; Panagoulis died in a car accident in 1976 at the age of 36.

⁸⁴ AIUSA, “Visit by Lady Amalia Fleming,” c. October 1972,” SPC, BL, UCB; for Sagan’s involvement with AIUSA, see the chapter on “Ginetta Sagan” in this dissertation.)

⁸⁵ Frank Newman to Amalia Fleming, September 29, 1972, Carton 2, Greece—Lady Amalia Fleming, FN, BL, UCB

⁸⁶ Jean Siotis, “The United States and Greece since the Coup d’Etat, c. April 1967,” Carton 2, Greece—Miscellany, FN, BL, UCB; H. Daniel Brewster to Frank Newman, October 18, 1967, Carton 2, Greece—Christos Sartzetakis, FN, BL, UCB; Frank Newman to Senator Claiborne Pell, December 20, 1967, Carton 2, Greece—Miscellany, FN, BL, UCB; Rodger P. Davis to Niall MacDermot, February 2, 1971, Carton 2, Greece—Christos Sartzetakis, FN, BL, UCB; Niall MacDermot to Rodger Davis, February 25, 1971, Carton 2, Greece—Christos Sartzetakis, FN, BL, UCB; Rodger Davies to Niall Macdermot, March 15, 1971, Carton 2, Greece—Christos Sartzetakis, FN, BL, UCB

the general proposition—torture policy of the Greek government: there is no evidence to support that.” Later that year, AI and the ICJ jointly published a statement signed by fifty-four political prisoners at Korydallos Prison affirming that they had either been tortured or witnessed the torture of others.⁸⁷

“I shall not give into pressure,” Papadopoulos declared in December 1970. “In the name of the Greek people, whom I represent, I shall not permit a return to normal political life until I judge it feasible.” Two congressional aides from U.S. Senate Foreign Relations Committee concluded after visiting Greece in February 1971 that “the policy of friendly persuasion has clearly failed”: “The regime had accepted the friendship, and the military assistance, but has ignored the persuasion. Indeed, the regime seems to have been able to exert more leverage on us with regard to military assistance that we have been willing to exert on the regime with regard to political reform.” Almost five years after the colonels assumed power, the answer to “whether there is any real progress in the direction of respect for human rights and fundamental freedoms,” according to an April 1972 Council of Europe report, was “no.”⁸⁸

A December 1971 letter from the Papandreous expressed their dismay with now little had changed: “It is inconceivable to us that this dictatorship has gone into its fifth year, that many Greeks remain, from the night of the coup, April 21, 1967, in dank jail cells, and in concentration camps.” Revealing of how much they distrusted Nixon, the Papandreous offered an “imagined conversation” between Vice-President Spiro Agnew and Prime Minister George Papadopoulos. “It would be good if Dick [Richard Nixon] had something going into the campaign—if you could mention the word ‘elections’ that would help,” Agnew was quoted as saying to Papadopoulos. Relations between the U.S. and Greece remained close after Nixon’s landslide reelection in November 1972. As George Churchill of the State Department wrote to Newman in January 1973, “The question of U.S. recognition of the present Government of Greece has not arisen because normal relations between the United States and Greece have continued uninterrupted.”⁸⁹

Meanwhile, the ILRM’s complaints against Greece at the UN were going nowhere. Its February 1971 complaint referred to a previous one that had been made in person to Greek UN delegate the previous year, a meeting at which the League brought up violations that had occurred in 1969-1970: the sentencing of editors and executives at the newspaper ETHNOS for advocating a return to democracy; the conviction of twenty professors, magistrates, lawyers and students for sedition; the exile of fourteen people accused of being royalists; and the continued imprisonment of political prisoners such as “the aged and ailing Elias Iliou.” Almost a year after first raising these issues, the ILRM reported that the “purges and torture of political prisoners and other forms of deprivation of the human rights of the Greek people continue to date.”⁹⁰

Given this record of futility, Newman could not have expected much. A recent rule change—Resolution 1235—permitted complaints to be “directly communicated” to the Human

⁸⁷ Henry J. Tasca, “Testimony by Ambassador Tasca before the House Armed Services Committee meeting in Greece, January 1972,” reproduced in Athens News, September 19, 1972, Carton 2, Greece—Ambassador Henry J. Tasca, FN, BL, UCB; Author Unknown, “The Role of International Non-Governmental Organizations in Post-1967 Greece,” c. April–December 1974, 14, Box 34, Greece—1974, ILRM, NYPL

⁸⁸ Council of Europe, Document 3114, “Report on the Situation in Greece,” April 24, 1972, 18, 24, 21, Carton 2, Greece—Council of Europe, FN, BL, UCB

⁸⁹ Andreas/Margaret Papandreou to Frank Newman, c. December 1971, Carton 2, Greece—Andreas G. Papandreou (1 of 3), FN, BL, UCB; George T. Churchill, Country Director for Greece to Frank Newman, January 3, 1973, Carton 2, Greece—Christos Sartzetakis, FN, BL, UCB

⁹⁰ ILRM to Secretary-General of the UN, February 1971, Box 34, Greece—1970-1971, ILRM, NYPL

Rights Commission. Previously all actions had to be initiated by a member-state, which was what stymied so many of the ILRM's complaints over the previous two decades. Greece and Nigeria persuaded the rest of the Human Rights Commission to not consider the "Greek Question" in February 1968 by convincing the rest of the delegations that an investigation would constitute interference in Greece's "internal affairs," a violation of the UN Charter. Nor did they want to have their human rights practices scrutinized as well.⁹¹

To make his case against Greece, Newman needed sworn statements attesting to "a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms." As he said March 1972, "Our communication must proclaim truth, demonstrable truth." The new rule permitted the following actors to "communicate directly" to the UN: (1) People who are victims of "a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in any country, including colonial and other dependent countries and peoples"; (2) People who have direct and reliable knowledge of those violations; (3) NGOs that were "acting good faith in accordance with recognized principles of human rights, not resorting to politically motivated stands contrary to the provisions of the UN Charter" that have direct and reliable knowledge of those violations; and/or (4) people whose knowledge is second-hand but who nonetheless present "clear evidence."⁹²

Repeatedly threatened with physical torture, including having her teeth pulled out, Amalia Fleming remembered prisoners were denied drinking water. "I freely admitted at my trial that I did indeed plan to help Mr. Panagoulis escape," Fleming wrote in her affidavit. "I explained that I did so because this young man was being mercilessly tortured for over three years now." She thus had "reliable, second hand knowledge" that Alexandros Panagoulis, a former soldier of the Greek Army, was subjected to torture while incarcerated in a cement tomb-like cell at Boyati Prison.⁹³

Newman gathered similar statements from Greek nationals who had been tortured. Lykourgos Flessas, an accounting student who had been a member of an anti-dictatorial student group called RIGAS FERRAIOS since 1969, was arrested by agents of the Athens General Security. He then received repeated electrical shocks. The Assistant Director of Security ordered that Flessas be subjected to *falanga*, a favorite tactic of Greek torturers: "They then twisted his hands behind his back and took him to the washhouse. Here they tied him to the bench, leaving the soles of his feet projected. [Officer] Smailis started to hit him on the soles of his feet with an iron pipe and someone else threw a jacket over his head so that his screams would sound muffled." The beatings continued for two more hours until Flessas was moved to a damp and dirty cell in the basement, where he was not given any food for the next three days. Torture, starvation, and lack of air may have left Flessas in bad shape, but the guards did not

⁹¹ For Newman's association with the ILRM and ICJ, respectively, see Roberta Cohen to Frank Newman, February 22, 1972, Box 34, Greece—1972-1973, ILRM, NYPL and Niall MacDermot to Frank Newman, April 10, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman, ROHO Interview, 276, BL, UCB; see Richard Lillich and Frank Newman, *International Human Rights: Problems of Law and Policy* (Boston: Little, Brown, 1979), Chapter VI on "The Greek Case and Resolution 1503; Jim Odle to Frank Newman, "Memo Re: Arguments Against Considering Greek Question in UN Commission on Human Rights, February 1968," November 15, 1971, Carton 2, Greece—Correspondence, FN, BL, UCB

⁹² Frank Newman to Maurice Goldberg, March 24, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman to Amalia Fleming, May 5, 1972, Carton 2, Greece—Lady Amalia Fleming, FN, BL, UCB

⁹³ Amalia Fleming, "Affidavit of Lady Amalia Fleming," c. 1972, 3-6, Carton 2, Greece—Lady Amalia Fleming, FN, BL, UCB

want him to die in custody, so they let him recover until he was healthy enough to be sent to Korydallos Prison.⁹⁴

Flessas's allegations were corroborated by Potis Provatas, another member of RIGAS FERRAIOS. In December 1970, five plainclothes men, without a warrant, searched his home and took him to Athens General Security. Provatas then spent twenty-two days in isolation before being transferred to a room in the fourth floor. His family unaware of his whereabouts for more than a month, Provatas was subjected to continual physical and emotional torture. Not only did his guards insult him, but they kept falsely telling him that his close relatives and friends had also been arrested. "In the office on the 4th floor they forcibly stripped me and threatened to rape me," read Provatas's affidavit:

They struck me in the face, on the back, in the stomach, on the head and over the backside. They struck and twisted my genitals. They took hold me by the hair and whirled me around for hours on end. They threw me on the floor, trampled me, kicked me and hit me with a stout wooden club; whilst someone covered my head with a plastic typewriter cover so that my cries should not be heard.⁹⁵

Andreas Frangias stated in his January 1971 deposition that he had been beaten by seven or eight guards in Security Police headquarters the previous October. "From the continuous blows it appears I quickly lost consciousness because, as I was later informed, I was rushed urgently, comatose, by ambulance of the Greek Red Cross to the Athens General Hospital." Frangias was beaten on the soles of his feet after a senior officer ordered that there be no visible signs of torture. As they hit him again and again, police demanded that Frangias tell them of his involvement in terrorist activities but he had nothing to tell them. "Naturally, it was impossible for me to answer in confirmation to this question because I had never committed such an act." Returned to the hospital following this latest beating, Frangias suffered from serious stomach damage, which was compounded by a stroke. Doctors refused to send him back to the police until he stopped vomiting blood. Frangias was now suffering from extensive inflammation of the stomach, an ailment that rendered him unable to digest solid food. Severe headaches, intense dizziness, and a partial loss of sight resulted from the bloodclots that had formed in his head. Frangias was finally moved to the Athens Polyclinic and to the psychiatric ward of the General Army Hospital, where he remained until April 1971. He was released only after signing a false confession—a statement Frangias had to dictate to his wife because he could not write it down.⁹⁶

A law student at the University of Athens who had been expelled for his political activities, John Kaounis was another victim. At the time of his affidavit in January 1972, Kaounis was serving a twelve-year prison sentence he received for joining RIGAS FERRAIOS. Following his arrest in October 1969, Kaounis was taken to the police station at Nea Kifissia. With his hands tied behind his back, he was laid down and his legs were squeezed together with the strap of a gun. "The men around, who numbered more than ten including the three I have already mentioned, started the falanga, using a long thick stick, at about midnight on the 16th of October and finished at dawn of the 17th when the stick broke."⁹⁷

⁹⁴ Lykourgos Flessas, "Affadavit," c. 1972, Carton 2, Greece—Prisoners (1 of 3), FN, BL, UCB

⁹⁵ Flessas, "Affadavit"

⁹⁶ Andreas Frangias, "Statement by Mr. Andreas Frangias to the Special Military Tribunal of Athens Re: Contents of My Statement/Deposition of January 29, 1971," Carton 2, Greece—Prisoners (1 of 3), FN, BL, UCB

⁹⁷ John Kaounis, "Statement of John Kaounis," Carton 2, Greece—Prisoners (1 of 3), FN, BL, UCB

Newman incorporated these statements into the complaint he filed against Greece in May 1972. Other human rights NGOs assisted Newman in understanding the process through which complaints were processed at the UN, particularly Niall MacDermot and John Salzberg of the ICJ as well as John Carey and Roberta Cohen of the ILRM. Amnesty International signed onto the complaint the next month.⁹⁸

The complaint was referred to the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. “Can you confirm that the ‘question of the violations of human rights in all countries’ will be on the Sub-Commission’s agenda?” Newman asked that July. “Whatever rules seem to suggest, does not elementary fairness require that somehow we be permitted to see the reply of the Greek Government?” The Working Group decided at the end of that month to forward the complaint—along with others against Iran and Portugal—to the Sub-Commission, but Newman argued that the Human Rights Commission already had the authority to take action against Greece. The secrecy of these proceedings meant that Newman did not find this out until September. Much to Newman’s frustration, the Sub-Commission did nothing except for agree to a postponement.⁹⁹

Newman never knew what actually became of this complaint. Greek officials had yet to respond to it. Their public statements were the same as they had been for the previous six years. Nor had the UN done anything to compel them to say anything differently. And this is what angered Newman most of all, as he wrote in April 1973, “THERE HAS BEEN NO SETTLEMENT OR ANY OTHER SOLUTION THAT EVEN MINIMALLY HONORS THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND RELATED HUMAN RIGHTS DOCUMENTS.”¹⁰⁰

The Greek Junta was thus under no pressure to acknowledge its international critics. In April 1973, an ICJ delegation travelled to Athens to seek information about the arrest and detention of six lawyers who had been held incommunicado for over a month, four of whom had defended student protestors. AI reported on March 26 the lawyers had suffered “unbearable torture.” Despite a request by the U.S. Embassy, Greek officials refuse to meet with the delegation. On the day of the delegation’s arrival, the government denounced the ICJ’s “interference in Greek internal affairs.” The report produced by the ICJ put the incident into perspective: “Three lawyers, arriving with open minds, armed only with questions and supported

⁹⁸ Salzberg would play a crucial role in organizing the pivotal Fraser Committee hearings the next year. After becoming Executive Director of the International League for Human Rights in the mid-1970s, Cohen became Deputy Assistant Secretary of State for Human Rights during the Carter administration. Frank Newman to Kurt Waldheim, May 19, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman, “To Several Friends of Greek Democracy,” May 22, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Sean MacBride and Zbynek Zeman to Kurt Waldheim, June 8, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; MacBride’s communication to Waldheim was forwarded to Newman through AIUSA.

⁹⁹ Frank Newman to John Salzberg and John Carey, July 6, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; John Salzberg to Frank Newman, July 12, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Newman cited ECOSOC Resolution 1503, which compelled the Working Group to provide him with any “relevant information” pertaining to his case. Frank Newman, “To Authors of the May 19th Communication to the UN re: Greece,” August 2, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman to UN Office of Secretary-General, August 14, 1972, Carton 2, Greece—Prisoners (1 of 3), FN, BL, UCB; Frank Newman to Hector Gros Espiell, August 18, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Schreiber, Director of the Division of Human Rights, to Frank Newman, August 27, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; “To Authors of the May 19th Communication to the UN re: Greece,” September 19, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; the exceptions to this rule were South Africa and Israel, both of which were routinely condemned at the UN.

¹⁰⁰ Frank Newman to Kurt Waldheim, April 30, 1973, Carton 2, Greece—Correspondence, FN, BL, UCB

only by an ideal (the Rule of Law), are, it seems, hardly a match for the power of the Greek State.”¹⁰¹

“Recent letters from Greece indicate that the students are being given falanga routine punishment,” Margaret Papandreou wrote to Newman in May 1973. She also enclosed a report by the Panhellenic Liberation Movement, “Six Years of Government by Torture,” which consisted of testimonies by former political prisoners who had been tortured, including Nicos Constantopoulos. “The ordeal which I underwent had convinced me that inhuman methods are systematically used not for the purpose of interrogation but in order to break down, physically and mentally, every opponent of April 21,” Constantopoulos said. “Moral, political, and penal responsibility lies jointly with the inspirers and the executors of this meticulously worked out system of corporal and psychological violence. Their punishment would not be an act of political persecution, but an act of justice.”¹⁰²

Greece’s blatant disregard of international human rights norms was vividly described by Pericles Korovessis in *The Method* (1970). In the midst of a brutal interrogation, Korovessis reminded his torturer: “There are limits... There are human rights. I would remind you of the Treaty of Rome, the U.N., the Red Cross...” But the officer was as remorseless as he was self-aggrandizing: “Nobody can touch us. And you know why? Because we are daring, we had the courage to act; we don’t care about what people think about the things we do. Those other people you mentioned only deal in half-measures. We are the darling of the West. We are the future of Western civilization. And they know everything that goes on here, everything, do you realize that?” The commander of ESA—the Special Interrogation Unit of the Greek Military Police—told prisoners that their lives had no significance: “Your life belongs to us. We can do whatever we like with you. What you suffered yesterday is nothing to what is in store for you. That is how we conduct an interrogation. We make our own laws and don’t have to answer to anyone. At the moment the Council of NATO is in session, but we don’t let that interfere with what we are doing.” Similarly, in a May 1974 speech to the ILRM, John Zighois said, “If, with a systematic legal study, you succeed in making the NATO members become aware of their responsibilities, then the problem of human rights violations in Greece would end very soon. I can say this, because the regime that opened Yaros exists only thanks to the support and toleration by the member states of NATO, and especially, the government of the United States.”¹⁰³

A failed attempt at liberalization by Papadopoulos culminated in a violent showdown with students at Athens Polytechnic University in November 1973, which led Brigadier General Dimitrios Ioannidis to remove Papadopoulos in a counter-coup. Ioannidis also pulled off a coup in Cypress that overthrew Archbishop Makarios III, to which Turkey responded by sending troops to the disputed island. After his army was thoroughly humiliated by the Turks, Ioannidis lost support among high-ranking military officers and the Junta rapidly dissolved. A new

¹⁰¹ Niall McDermot, “Memo: Greek Government Refuses to Meet International Commission of Inquiry In Spite of Request Made by U.S. Department of State,” April 16, 1973, Carton 2, Greece—ICJ, FN, BL, UCB; Author Unknown, “The Role of International Non-Governmental Organizations in Post-1967 Greece,” c. April–December 1974, 11, Box 34, Greece—1974, ILRM, NYPL

¹⁰² Margaret Papandreou to Frank Newman, May 6, 1973, Carton 2, Greece—Correspondence, FN, BL, UCB; see James Becket, “Torture as an Institution,” *New York Times*, August 4, 1972

¹⁰³ Excerpts from Pericles Korovessis, *The Method: A Personal Account Of The Tortures In Greece* (London: Allison Busaby, 1970) reproduced in AIUSA pamphlet for Campaign for the Abolition of Torture, c. 1973-1974, found in SPC, BL, UCB; John G. Zighois, “Address at the International League for the Rights of Man,” May 15, 1974, 3-6, Box 34, Greece—1974, ILRM, NYPL

government was organized under former Prime Minister Constantine Karamanlis, who had spent the previous decade in Paris. After his New Democracy Party won the elections held in November 1974, Karamanlis arrested Junta leaders in January 1975. Along with nineteen other co-conspirators, Papadopoulos stood trial and was convicted on charges of high treason in August. Additional trials convicted the military officers responsible for the deaths at Athens Polytechnic as well as over thirty ESA agents who were identified as torturers.¹⁰⁴

The Nixon administration's uncritical support of Greece led to growing resentment on Capitol Hill. In a preview of what was to follow over the next few years, Senator Henry "Scoop" Jackson (D-Washington) took to the floor of the U.S. Senate in June 1973 to denounce the Papadopoulos regime: "The suppression of individual liberty, the lack of a genuine popular base for the regime, and the fissures between the government and the military all make Greece a serious problem for the [NATO] Alliance." Jackson's statement prompted Nicholas Petris, a California State Senator of Greek ethnicity, to thank him for criticizing the White House: "Congratulations in your inspiring leadership role in trying to improve the policy of our government toward the military dictators in Greece which would cut off all military aid to Greece until she lives up to the NATO preamble and obligations. They stole the government from the people like thieves in the middle of the night by force of arms."¹⁰⁵

Such outspokenness in Congress and the fall of the Greek Junta were welcomed by ILRM, AI, and AIUSA activists, but the refusal of American officials to publicly criticize their allies convinced them that it was essential to have friends in Washington, D.C. if they wanted to advance their cause. Whether the problems were in Iran, Portugal, or Greece, these NGOs were limited in crucial ways by the Cold War. Anti-communism drove the U.S. to supply right-wing dictators—the Shah, Salazar, and the Greek colonels among them—with economic and military aid, while the all-encompassing ideological struggle between the Americans and Soviets turned the Human Rights Commission into a graveyard of broken promises for those who hoped that it might actually enforce its own international human rights standards.

¹⁰⁴ "GREECE: I am with You, Democracy is with You," *Time*, August 5, 1974; "GREECE: The Colonels on Trial," *Time*, August 11, 1975; "GREECE: Answering to History," *Time*, September 1, 1975;

¹⁰⁵ Senator Henry Jackson, "Remarks on the Senator Floor," June 13, 1973, Carton 2, Greece—Christos Sartzetakis, FN, BL, UCB; Nicholas Petris to Senator Henry Jackson, June 17, 1973, Carton 2, Greece—Christos Sartzetakis, FN, BL, UCB

Chapter 3

“Making a Nuisance of Ourselves”: Ivan Morris and the Survival of Amnesty International USA, 1966-1976

In November 1972, the *New York Times* published “Prisoners of Conscience,” an opinion piece written by Ivan Morris, a professor of East Asian Studies at Columbia University. With its title echoing Peter Benenson’s May 1961 appeal, “The Forgotten Prisoners,” Morris briefly described nine political prisoners held in countries—ranging from Cuba and Czechoslovakia to Spain and Turkey—who had been “detained for long periods of time without even a semblance of a fair trial or even any formal charges,” some even “subjected to revolting ill treatment, including torture” all because they had “refused to adopt their beliefs to the dictates of their governments.” Among those highlighted by Morris were Reverend Cosmas Desmond of South Africa who was placed under house arrest in 1971 for publishing an anti-Apartheid book, and Pramodya Ananta Tur, a leading Indonesian author, who was one of 10,000 political prisoners sent to desolate island of Buru. Morris used Desmond and Tur to show Americans the kind of individuals to whom Amnesty International (AI) dedicated itself. The most important leader within the Amnesty International USA (AIUSA) during its earliest years, Morris saw the need for an influential U.S.-based international human rights non-governmental organization (NGO) that could persuade American officials to stop sending economic and military aid to anti-communist dictatorships.¹

Morris exemplifies the “rooted cosmopolitan.” Formerly a correspondent with the British Broadcasting Corporation and a British Foreign Officer, Morris’s academic career took him to New York, where he founded an AIUSA local group in his Manhattan neighborhood. In communication with the International Secretariat in London from the mid-1960s, Morris undertook numerous missions to investigate the status of political prisoners and set up national sections. As AIUSA took shape in the early 1970s after nearing coming to the brink of financial ruin, Morris held executive positions within the organization until his death in 1976.

Morris’s role in sustaining AIUSA during its first decades offers a look into how a once-fledgling NGO came to prominence during the 1970s when human rights received unprecedented media coverage. AIUSA’s participation in the worldwide Campaign to Abolish Torture (1973-1975) marked its emergence in the U.S. Within the structure of AI, AIUSA was already making its presence felt in London over disagreements relating to torture allegations against Israeli soldiers and accepting money from major American philanthropic foundations. Unlike the Western Europeans who sat on AI’s International Executive Council, AIUSA executives had no qualms about using their country’s immense power to achieve their objectives. Meant as a complement to grassroots organizing, the Washington, D.C. Office opened doors to sympathetic State Department officers, congressmen, senators, and their staff members, all of whom were asked by AIUSA to place human rights at the forefront of U.S. foreign policy decisions.

“For Eight Years I Have Been Working for Amnesty International”

The product of a transatlantic marriage, Ivan Morris was born on November 25, 1925 in London. His American grandfather was an heir to the Swift meatpacking fortune—wealth that

¹ Ivan Morris, “Prisoners of Conscience,” *New York Times*, November 11, 1972

culminated in an ambassadorship to Sweden. It was in Stockholm that Ira Victor Morris, Ivan's father, met a Swede named Edit de Toll. Ira and Edit were writers who mostly lived in Paris, but Ivan was sent to the U.S. for schooling, completing his secondary education at the Phillips-Andover Academy and graduating from Harvard College in 1946 after serving as naval intelligence officer in World War II. Morris received a Ph.D. in Oriental Languages from the University of London in 1951. Following a brief stint with British Broadcasting Corporation, Morris spent the next three years in the British Foreign Office. He then moved to Japan in 1956, where he lived for the next four years.²

Morris translated Japanese literature during the late 1950s. In 1957, Knopf published Morris's translation of Shōhei Ōoka's *Fires on the Plain*, a novel set during World War II. Yukio Mishima's *The Temple of the Golden Pavilion* appeared in 1959, while Jirō Osaragi's *The Journey* was completed the following year. His next translation was of the seventeenth century classic by Saikaku Ihara, *Life of an Amorous Woman* (1963). Morris also edited a volume of Japanese literature that was part of an UNESCO book series on representative cultural works.³

Released just as he began teaching at Columbia, Morris's first two academic books were *Nationalism and the Right Wing in Japan: a Study of Postwar Trends* (1960) and *Japan, 1931-1945: Militarism, Fascism, Japanism* (1963). This scholarly interest in Japanese nationalism—with its similarity to Fascism and Nazism—served as a lesson in the importance of defending individual rights from the clutches of an all-powerful state. Morris's next book, *The World of the Shining Prince: Court Life in Ancient Japan*, won Great Britain's Duff Cooper literary award in 1965. His final work was *The Nobility of Failure: Tragic Heroes in the History of Japan* (1975). Complementing how Morris had immersed himself in Japanese culture, reviewer Christopher Lehmann-Haupt wrote in the *New York Times*, "I cannot imagine a better introduction to Japanese culture than the one 'The Nobility of Failure' provides."⁴

Morris's commitment to non-violent protest came forth in a July 1968 exchange with Dwight McDonald in the *New York Review of Books* over the protests that shut down Columbia the previous May. Though he was sympathetic to the students, Morris decried how the radical Students for a Democratic Society had taken over Hamilton Hall and President Grayson Kirk's office in Low Library. He was particularly troubled after reading the following newspaper account: "During one of the 'liberations' of Hamilton Hall the results of a decade of historical research (on the French Revolution, as it happens) by Professor Orest Ranum were deliberately destroyed by demonstrators who regarded him as antagonistic to their cause." Destroying property was not an acceptable means of expressing discontent, Morris argued, but that did not mean the students' concerns ought to be completely dismissed. "For eight years I have been working for Amnesty International, and our group has secured the release of political prisoners in many parts of the world; this again would put me on the side of people, like the SDS students at Columbia, who are asking for amnesty."⁵

² Albin Krebs, "Ivan Morris of Columbia is Dead; A Specialist in Oriental Culture," *New York Times*, July 21, 1976

³ See Shōhei Ōoka's *Fires on the Plain*, translated by Ivan Morris (New York: A. A. Knopf, 1957); Yukio Mishima, *The Temple of the Golden Pavilion*, translated by Ivan Morris (New York: A. A. Knopf, 1959); Jirō Osaragi's *The Journey*, translated by Ivan Morris (New York: A. A. Knopf, 1960); Ivan Morris, editor, *Modern Japanese Stories: An Anthology* (Rutland, Vermont: Charles E. Tuttle 1962); Saikaku Ihara, *Life of an Amorous Woman*, translated and edited by Ivan Morris (Norfolk, Connecticut: New Directions, 1963)

⁴ Krebs, "Ivan Morris of Columbia is Dead; A Specialist in Oriental Culture"

⁵ Ivan Morris, "An Exchange on Columbia," *New York Review of Books* (July 11, 1968); Morris's debate with McDonald continued through August 1968, see Ivan Morris, "An Exchange on Columbia, Part II," *New York*

Morris joined AI early in its existence. A January 1966 letter by Peter Benenson refers to Morris's membership during the previous year. At the May 1966 AIUSA Board of Directors meeting, Morris announced that formation of the Riverside Group, one of the first local groups in New York. Named for the boulevard that ran through their Upper West Side neighborhood, the group had twelve founding members. The fall 1966 issue of *Amnesty Action* contained an update from the so-called "Columbia University Group." Morris had divided the members into three subcommittees, each specializing in one of the assigned Prisoners of Conscience (POCs). The group had found that specialization worked very well. Presumably this was from the deeper emotional connection made by AI members if all of their efforts were directed towards a single individual. The Riverside Group reported that November that an East Germany POC had been released due to its efforts. By the end of the year, Morris was regularly attending AIUSA Board of Directors. Because AIUSA's Executive Director lived in Washington, D.C. at the time, Morris had little say over the decisions made in 1966-1967. Morris mostly wrote letters on behalf of POCs and occasionally organized protests such as the August 1968 picket line in front of the New York offices of Olympic Airlines.⁶

Morris criticized the *New York Times* in July for running a sixteen page supplement paid for by the Greek National Tourist Office. Wondering if he was the only person who thought it was callous, Morris called attention to AI's recent report on torture in Greece, excerpts of which had been reprinted local newspapers (but not the *Times*). Just as problematic to Morris was how the United States and United Kingdom were allowing the Greek Junta to get away with torture: "Now that America and England are officially supporting the Papadopoulos government, we cannot disclaim all responsibility for these atrocities, as we presumably could in the days of Auschwitz and Buchenwald. Nor can we claim to be ignorant." When the *New York Times* ran yet another supplement in March 1969 inviting tourists to visit Greece, the Riverside Group sent a letter denouncing its insensitivity. "While the Junta extols the beauty of Skiathos and Crete,

Review of Books (August 22, 1968). McDonald responded by accusing Morris of confusing violence with illegality. Morris said that he knew that the two were distinct, but that the Columbia students had engaged in a form of violence they could not justify. Did that mean Morris believe *all* violence was unjustifiable? No—even as "repugnant" as it could be. "If a person or group lives in a society where his or other people's fundamental rights are intolerably curtailed for a protracted period of time and in which the infliction of such violence is the only remaining method that may effectively remedy the situation, then the infliction of the least necessary amount of violence is, in my view, warranted," Morris contended. "But the insurgent students at Columbia, 'dull and mediocre' as Mr. Macdonald believes their existence to have been until this spring, were definitely not justified in using violence according to this or any other reasonable criterion." Although McDonald may hold the belief that an omelet could not be made without breaking a few eggs, Morris wrote, "I take it that the right to make omelettes [sic] in this fashion is restricted to people whose objectives Mr. Macdonald happens to support."

⁶ Peter Benenson to Frieda Zimmerman, January 4, 1966, Box 31, Amnesty International—1966, International League for the Rights of Man Papers (ILRM), New York Public Library (NYPL); "Dr. Ivan Morris, who has for so long been an active Amnesty member in the USA, returns to New York from London in mid-January," Benenson told Zimmerman. "He has offered to come into the office once or twice a week to help. I think he could be of great value since he knows a good deal about the way we work; he attended our last Assembly at Scheveningen and he has been in touch with us for the last month while he has been living in London."; AIUSA Board of Directors, May 17, 1966 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1966, AIUSA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); "Group Updates," *Amnesty Action*, Vol. 1, No. 1, Fall 1966; "Progress Report," November 9, 1966, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1966, AIUSA, CHRDR, CU; AIUSA Board of Directors, December 6, 1966 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1966, AIUSA, CHRDR, CU; Ivan Morris, "Demonstration at Olympic Airways," *Amnesty Action*, Vol. 2, No. 3 (August 1968)

we would like to tell tourists about the concentration camp islands of Youria, Aghios Efstratios, and Leros, where shoals of prisoners are held without charges or trial of any kind, merely on suspicion of being opposed to the military regime in power, and where the conditions are so appalling that many men and women have gone insane from suffering,” read the Riverside Group’s letter. “Would *The New York Times* have printed similar Sunday supplements in the late Thirties extolling the beauty of sunny Bavaria?”⁷

As befit someone who was familiar with multiple languages, Morris put these skills to use in fact-finding missions during 1969-1970 that took him to South Korea, Japan, and Mexico. In a December 1969 report that was sent to the International Secretariat, Morris was surprised that he had been allowed to see so many South Korean officials and imprisoned students. In conversations with officials from the Ministry of Justice, Morris was told repeatedly that there was no one who could be considered as a POC. They did admit, however, that there had been several such people in the past, especially after the May 1961 coup that placed Park Chung Hee as head of a military dictatorship.⁸

“The present government has succeeded in maintaining very tight control of the country with the least possible use of imprisonment,” Morris observed. Whereas former strongman Syngman Rhee simply threw all of his opponents into prison, Park passed laws that made dissent illegal: “The National Security Law and the Anti-Communist Law, in effect, enable the government to imprison, not only all Communists and people of left-wing persuasion, but anyone it regards as a potential threat to its own continued power.” The wording of this legislation was so vague that South Koreans could be arrested for saying anything that might be construed as an anti-government statement. “These threats are, as I say, enough to stop most people from even verbal opposition to the present government (thought in private conversations with a foreigner they are remarkably free in their criticisms of governmental corruption, injustice, etc.).” The Korean Central Intelligence Agency (KCIA) routinely interrogated dissenters in sessions that lasted two to three days at a time. KCIA agents enforced compliance among the media and the intelligentsia, whether cutting off paper to a newspaper critical of the government or forcing a university to terminate an outspoken professor.⁹

⁷ Ivan Morris, “Sunny Greece,” *New York Review of Books* (June 20, 1968); The Riverside Group, “The Coming Country,” *New York Review of Books* (May 22, 1969); The members of the Riverside Group who signed the letter were Ivan Morris, Demosthenes Kostas, Mauro Calamandrei, Janet McLaughlin, Anna Procyk, Peter Roux, Susan Roux, Walter Odajnyk, Judith Calamandrei, Marleigh Ryan, Stanley Feingold, Abby Greene, and Mott Greene. Morris considered it his duty to warn readers of the *New York Review of Books* to avoid visiting repressive governments. Seeking to undermine yet another tourism campaign, Morris wrote a brief account of how he and his Japanese wife had been discriminated against by South African government. South Africa was “not a nice place to visit,” Morris wrote in August 1969: “In case any of your readers should be tempted by the recent advertising campaign (in *The New York Times* and elsewhere) to visit South Africa, may I warn them that they will *not* be welcome in that country if they are married to someone of a different race.” Morris had applied for a tourist visa to go to South Africa with his wife, who was Japanese, and was refused in his request by the South African Consul General. “The blessings of Apartheid are not restricted to those with black skins.” See Ivan Morris, “Not a Nice Place to Visit,” *New York Review of Books* (August 21, 1969)

⁸ Albin Krebs, “Ivan Morris of Columbia is Dead; A Specialist in Oriental Culture,” *New York Times*, July 21, 1976; Ivan Morris, “Mission to South Korea, December 12, 1969,” Box 6, Missions—General, Ivan Morris Papers (IM), Butler Library (BtL), Columbia University (CU)

⁹ *Ibid.*, 2-3, 3-4, Box 6, Missions—General, IM, BtL, CU; Morris wanted to learn more about the fifteen South Koreans who had been accused and convicted of spying for North Korea, specifically Dr. Park Tong Su, who Amnesty International thought might be a POC candidate. After a number of discussions with Park’s father and his lawyer, Morris concluded that he was guilty. He did not think that Amnesty should get involved on behalf of Park,

Among Morris's recommendations to the International Secretariat was that it develop the contacts he had made in Seoul, including Dr. G. Breidenstein, a German teacher at Yonsei University. Morris explained to Breidenstein how Western activists needed up-to-date information from South Korea. All correspondence would be "in plain envelopes with no visible reference to Amnesty." Breidenstein was to deliver these letters to other South Korean sources. The KCIA posed a threat to all involved, so they had to be discreet. Morris also offered strategic advice. AI would benefit from pairing its criticisms of South Korea with those of the People's Republic of China and North Vietnam so that the Park regime could not accuse it of political bias.¹⁰

Morris spent the next month in Tokyo establishing a Japanese national section of AI. He organized a "meeting of promoters" (hokkininkai) on January 19, 1970 which was attended by about forty people. The first issue brought to Morris's attention by the Japanese audience was AI's requirement that all POCs had not engaged in violent activities. Some wondered what exactly constituted violence. When asked whether AI would adopt a student who had used violence against the police in self-defense, Morris answered that it depended on the circumstances: "Each case had to be considered on its own merits, doubtful cases would have to be decided in London, and that in any case no Japanese group would ever adopt a Japanese student." When another prospective member wanted to know if it was appropriate to campaign for a political asylum law that had the support of every major party except for the ruling Liberal Democrats, Morris cautioned them to remember "the non-political nature of Amnesty and the harm that could be done to Amnesty if it appeared to belong too clearly to one side of the political spectrum."¹¹

After learning that most of hokkininkai attendees were leftists, Morris feared that AI-Japan might be captured by the Beiheiran (Peace in Vietnam League), who were likely to use it to promote anti-Americanism. One Beiheiran member dismissed writing letters as a useless exercise. "I countered this by pointing out that letters had been remarkably effective during the past nine years and that hundreds of POCs all over the world owed their release precisely to such letters," Morris recalled. "I said that attacking governments was usually not the best way to get prisoners of conscience released, although in certain special cases when a government proved to be completely un-cooperative such open criticisms might be necessary." Morris was relieved by the selection of Kozo Inomata as chairman. Inomata—a "shrewd old chap"—would provide the leadership needed to keep AI out of Japanese politics.¹²

Morris's next mission took him to Mexico. In making a request to see President Luis Echeverría, who would assume power on December 1, 1970, Morris emphasized that he had not come to criticize Mexico's legal procedures or to interfere with its internal affairs. All he wished to do was "respectfully" ask Echeverría if he could pardon some of those were still imprisoned for their role in the 1968 student protests. To see how these prisoners were being treated, Morris spent five hours in Lecumberri Prison with Dr. Eli de Gortari, Jose Revueltas, Rodolfo Echeverría, Bernard Philip Ames, and Heberto Castillo, all of whom had been adopted as POCs. The prisoners were allowed to see visitors without a guard monitoring them. They had access to

saying, "If we try to interfere any further, we shall only be jeopardizing the possible good we can do for genuine POCs in the future," see Morris, "Mission to South Korea," 6.

¹⁰ Ibid., 7, 7-8, Box 6, Missions—General, IM, BtL, CU

¹¹ Ivan Morris, "Report on Formosian Situation and on Organization of Amnesty Section of Japan, January 21, 1970," Box 6, Missions—General, IM, BtL, CU

¹² Ibid.

reading materials and typewriters. Castillo regularly published articles critical of the long-ruling Partido Revolucionario Institucional. Morris was surprised at how little bitterness he found among these men.¹³

Morris was primarily concerned with de Gortari, a philosopher whose diabetes had grown worse under confinement. De Gortari's wife told Morris that they were prepared to leave Mexico, so Eli could resume his teaching and she could again work as a ballet instructor. When Morris brought up de Gortari with Mexican officials, he learned that they were not opposed to an exile. "Since returning to New York, I have discussed Dr. de Gortari's case with Professor Arthur Danto, a prominent member of the Philosophy Department at Columbia University," Morris wrote the International Secretariat, "and he has offered to arrange that tactfully worded appeals will be sent on behalf of Dr. de Gortari by the Philosophy Department and the American Philosophical Society." The other prisoners preferred to stay in Mexico if possible.¹⁴

An officer at the British Embassy had briefed Morris in how to approach Mexican authorities. Any criticism of how these cases were handled would immediately be taken as an affront to national pride, which would only make matters worse for the POCs. The best Morris could do was Echeverría's private secretary who promised him that AI's request would be forwarded to the incoming president.¹⁵

The head of AI's Mexican Section assured Morris a pardon would be forthcoming. Not wanting to make it seem as though AI was forcing Echeverría's hand, Morris warned against applying too much public pressure on Mexico, which might backfire if protests flared up again: "One thing that would almost certainly prevent an amnesty would be major student riots in the next few weeks; for the new government will definitely not grant an amnesty under over pressure (whether from inside or outside the country)." AI members thus needed to be exercise restraint in their communications to Mexico. All letters needed to be cautiously worded and in Spanish. Morris found that Mexican officials resented being addressed in English. It was also very important that AI avoid press coverage. "I myself was careful not to publicize the fact that I had delivered an appeal to the new President and for this reason I declined requests for interviews with newspapers and with the magazine *Siempre*," Morris wrote. Instead, he made a "private, direct appeal" to Echeverría through the president's lawyer, Pablo Casala.¹⁶

This low-key strategy was dependent upon Echeverría introducing the amnesty law before the end of the 1970 legislative session. If he decided not to do anything, then AI would have "little to lose by publicizing the injustice of the legal proceedings and in particular the outrageous severity of the prison sentences." The most effective means of embarrassing Echeverría, Morris believed, was to demonstrate outside of Mexican tourist offices in the U.S. since "the Government is much concerned with building up their tourist industry and with conserving the generally favourable impression that people abroad still have concerning the regime." Another option was publishing some of the 100 statements made by students-turned-prisoners. Such a volume had the potential to "badly damage the image of Mexico in the outside world and would be a great embarrassment to the authorities since they are both shocking and authentic."¹⁷

¹³ Ivan Morris, "Mission to Mexico," December 3, 1970, Box 6, Missions—General, IM, BtL, CU

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.; After receiving Morris's report on Mexico, the International Secretariat sent a circular to all groups on December 8, 1970 that summarized Morris's findings, including his advice to members on how to write on behalf of

Echeverría revealed quickly that he was not going to pardon the POCs at Lecumberri Prison unless forced to do so. No amnesty law was introduced in December 1970. In January 1971, AI released a statement condemning Mexican officials for not trying over 100 student protestors until November 1970 when sixty-eight were convicted for crimes ranging from inciting rebellion to homicide. To AI, this was “the climax of an attitude towards criticism and opposition based on the assumption that expression of that opposition itself constituted subversion.” There was more than enough evidence to prove that the students were guilty of no more than “their membership in or support for left-wing organizations which have opposed the policies of the regime.” Although Mexico repeatedly denied it had political prisoners, AI had found that there had been a continued pattern of repression against students, professors, journalists, and trade unionists.¹⁸

This more confrontational approach seems to have paid off. On January 27, 1971, Mexican authorities announced that Dr. Eli de Gortari, Armando Castillejos Ortiz, and fifteen other prisoners had been released conditionally. Perhaps looking to avoid more bad publicity for his country, Echeverría dispensed with the legal formalities. “Most of these releases appear to be haphazard and no law of amnesty has been presented to the [National] Assembly,” Morris wrote at the time.¹⁹

AIUSA Troubles: 1969-1972

AIUSA was in bad shape. Chosen as AIUSA first Executive Director in December 1966, Paul Lyons’s first goal was to make his organization financially viable. Direct mail did not bring in the donations he anticipated. Major philanthropies had not yet developed an interest in international human rights issues. Lyons acknowledged in August 1969 AIUSA had been “living beyond its means.” If nothing changed, AIUSA would have to “enter into some kind of holding operation” until more funding became available.²⁰

Not enough improvement had been made by March 1970 to avoid a major internal restructuring. In order for AIUSA to save money, Lyons was “terminated” as Executive Director. With less responsibility as “Program Director,” Lyons was rehired at \$5,000 per year, a third of his previous salary. AIUSA also closed its Dupont Circle headquarters in favor of renting a small office in New York. Even with these cost reductions, AIUSA was still \$14,000 in debt as of July 1970. A long profile of AI in *The New Yorker* brought some desperately needed publicity. Morris agreed with AIUSA board member Mark Benenson that “chances looked good that a few groups, perhaps as many as six, might be formed,” but AIUSA could not be anything more than a shoestring operation if it continued to receive only \$100 per week in donations.²¹

the protestors: “Professor Morris urges that between now and the end of December all groups with Mexican prisoners continue sending messages and petitions to the new President appealing for an amnesty, and he emphasizes again that these should be expressed as diplomatically and respectfully as possible,” see Amnesty International, “To All Groups with Mexican Prisoners,” December 8, 1970, Box 6, Missions—General, IM, BtL, CU

¹⁸ Amnesty International, “Mexico,” January 18, 1971, Box 6, Missions—General, IM, BtL, CU

¹⁹ Ivan Morris to Mark Benenson, February 6, 1971, Box 6, Missions—General, IM, BtL, CU

²⁰ AIUSA Board of Directors, August 12, 1969 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1969, AIUSA, CHRDR, CU

²¹ E. J. Kahn, “The Meddlers,” *New Yorker* (August 1970); AIUSA Board of Directors, September 22, 1970 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1970, AIUSA, CHRDR, CU; AIUSA Board of Directors, March 7, 1970 minutes, Record Group I, Series I.1, AIUSA National

Adding to these woes was the continued unwillingness of the Ford Foundation and Rockefeller Foundation to direct their money to AIUSA. That program officers had not yet identified AIUSA as worthy of their beneficence made it really difficult for raise money without a massive increase in the membership base. Roger Baldwin acknowledged in October 1970 that “there is little money for international civil rights.” AIUSA also had to fight off perceptions of fiscal irresponsibility. “We had been so deeply in debt that foundations were reluctant to give funds for us to pay off back debts,” AIUSA’s treasurer said.²²

With Lyons role greatly reduced, there was no one to manage the day-to-day operations. In April 1971, Dr. Amelia (“Amy”) Augustus was unanimously approved as Executive Director. Unfortunately, she did not have many resources at her disposal. The treasurer reported in May 1971 that AIUSA was “solvent,” but just barely. Agreeing that AIUSA “in dire need of funds,” the Board of Directors used their July 1971 meeting to formulate a two-pronged strategy. The first was to send out letters written by Mark Benenson asking for donations from past supporters. The other was to close the AIUSA office during the month of August, when Augustus would take a leave-of-absence for a month without pay, estimated to save AIUSA \$600 plus office expenses.²³

The plan worked. AIUSA generated enough revenue and made sufficient cuts at its New York office to keep afloat. By January 1972, AIUSA was in a “solid position financially.” The organization was aided by an article about it that appeared that summer in *Parade*, a syndicated magazine included in a large number of local newspapers. Augustus reported in September that there had been about 100 responses to it. New members were being added to AIUSA at a rate of thirty per month. More good news arrived in February 1973 when AIUSA received a \$12,000 grant from the Whitney Foundation that had been held up since 1970 over technicalities. In November 1973, philanthropist Stewart Mott gave AIUSA \$10,000 to develop its fundraising capabilities over the next two years, along with another \$2,500 from the Whitney Foundation. It was clear that AIUSA—and other human rights NGOs—could now depend upon some assistance from the foundations.²⁴

Even with these financial difficulties at the AIUSA National Office, local groups continued their grassroots activities, eager to claim credit for releases and sentence reductions. An October 1968 update discussed POCs all over the world. Wole Soyinka, the imprisoned Nigerian writer who later won the Nobel Prize in Literature, was said to be “in good health.”

Office—Board of Directors—Meetings—1970, AIUSA, CHRDR, CU; Arne Haaland, “A Report to the IEC on the Meeting of the Board of Directors of AIUSA,” July 20, 1970, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1970, AIUSA, CHRDR, CU

²² AIUSA Board of Directors, October 26, 1970 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1970, AIUSA, CHRDR, CU

²³ AIUSA Board of Directors, April 3, 1971 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1971, AIUSA, CHRDR, CU; AIUSA Board of Directors Meeting, May 20, 1971 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1971, AIUSA, CHRDR, CU; AIUSA Board of Directors, July 1, 1971 meeting, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1971, AIUSA, CHRDR, CU

²⁴ AIUSA Board of Directors, September 13, 1972 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1972, AIUSA, CHRDR, CU; AIUSA Board of Directors, January 22, 1972 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1972, AIUSA, CHRDR, CU; AIUSA Board of Directors, February 7, 1973 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1973, AIUSA, CHRDR, CU; AIUSA Board of Directors, November 29, 1973 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1973, AIUSA, CHRDR, CU

Nina Karsow, a Soviet POC, had been released and was waiting for an exit visa to Israel. Mihalo Mijhalov, the Yugoslavian dissident, was most likely going to be released as a result of the Soviet invasion of Czechoslovakia. AI's sources believed that Mijhalov's impending release was intended as a "rebuke" to the Soviets. At the April 1971 AIUSA Board of Directors meeting, Benenson and Augustus talked about some of the organization's recent successes. A Brazilian prisoner named Marcos Arruda, who had been adopted by a Philadelphia group, had been released. Another group in Kansas had made arrangements for a formerly imprisoned black Rhodesian student, Tobias Manyonga, to study at Hesston College on a full scholarship beginning that fall.²⁵

Throughout this entire time, as we have seen in Chapters 1 and 2, AIUSA worked with the International League for the Rights of Man and Greek-American ethnic organizations on behalf of those who had been imprisoned by the Greek colonels. Besides demonstrations and filing complaints at the UN, another way AIUSA strived to help Greek political prisoners was to give financial assistance to their families. In May 1972, Morris proposed AIUSA expand this type of activity from Greece into Indonesia, Brazil, Paraguay, Argentina, U.S.S.R., and South Africa. A committee would collect funds for prisoners in these countries, handing over the money to the International Secretariat for distribution. Morris hoped to replicate the small successes that AIUSA in using Anthony Marreco via "contacts in Geneva" to get money into Greece.²⁶

AIUSA also made a concerted effort to publicize AI's report on torture in Brazil. Augustus and Reverend William Whipple of the National Council of Churches presented it to the UN Human Rights Commission. Copies were distributed to the U.S. Congress. Remarking in February 1973 that AIUSA were clamoring for more action against Brazil, Morris wished that they could do more to "dramatize the situation in that country." Some New York local groups wanted to pursue an economic boycott. Group 17's chairman, Arthur Michaelson, asked London to give him permission to release the names of Brazilian torturers to the American public. Not in a position to conduct a large scale campaign in the U.S. to bring public attention to allegations of torture in Brazil as it would do with Uruguay three years later, there was widespread agreement within AIUSA that such heinous acts needed to be exposed.²⁷

The Campaign for the Abolition of Torture, 1973-1975

AI initiated the Campaign for the Abolition of Torture (CAT) in April 1973. While it was still dedicated to writing letters on behalf of political prisoners, AI vowed to make "torture as unthinkable as slavery." The way in which it would achieve this goal would be through shame—that is, expose the regimes tortured and mobilize international public opinion against them. AIUSA began to think of how it could make Americans aware of the campaign. AIUSA

²⁵ AIUSA Board of Directors, October 4, 1968 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1968, AIUSA, CHRDR, CU; AIUSA Board of Directors, April 3, 1971 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1971, AIUSA, CHRDR, CU

²⁶ AIUSA Board of Directors, May 24, 1972 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1970, AIUSA, CHRDR, CU

²⁷ AIUSA Board of Directors, September 13, 1972 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1972, AIUSA, CHRDR, CU; AIUSA Board of Directors, February 7, 1973 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1973, AIUSA, CHRDR, CU

executives wrote schools, lay, and professional groups about CAT. An anti-torture petition was circulated. Fact sheets on torture were newspapers for background information while radio and television stations were contacted for interviews. AIUSA used torture during the mid-1970s to gain media coverage across the U.S., showing Americans that they too could join an organization dedicated to defending human rights in all parts of the world.²⁸

AIUSA board members Ivan Morris and Rose Styron were interviewed in April 1973 by the *News-Times* of Danbury, Connecticut. “Political torture is on the upswing all around the world,” Morris said. “It’s greater than ever before.” Styron explained how AI had repeatedly uncovered torture in its many missions. The rationale behind CAT was to show these leaders that the public cared how they treated their prisoners. “When a government realizes that people, often influential people, know the circumstances under which a victim has been imprisoned, he is quite often freed,” Styron added. “Bad publicity can be an effective weapon.” Co-founder of a local group in Roxbury, Styron was one of a few influential residents who had become involved in the organization. Reverend William Sloane Coffin of Yale University pledged money and said he would organize a chapter of his own. Writer Philip Roth and Barbara Sproul, a professor of religion, who both lived in the neighboring town of Warren, had also “expressed interest” in joining AIUSA as well.²⁹

Time wrote a story on CAT in July 1973 just as AI was finishing its *Report on Torture*. James Becket, the American lawyer who had authored *Barbarism in Greece* (1969), spoke about how torture was ultimately a political question: “Rulers of the past often openly institutionalized torture to better defend their power and privilege. Their counterparts today solemnly deny it publicly while they are busily refining the technology of torture and the theory of order without law.” This widespread use of torture was nothing less than a “worldwide epidemic.” The Soviet Union’s practice of placing dissidents into mental institutions was now being replicated in Argentina. The Greeks relied upon *falanga*, whereby the bottoms of a prisoner’s feet were beaten with wooden sticks. South Vietnam was accused of using a technique in which “soapy water is pumped into a victim’s stomach and then forced out through the nostrils.”³⁰

In addition to major national newsmagazine like *Time*, AIUSA also relied upon New York’s alternative press such as the *Village Voice*. Writer Nat Hentoff focused on Brazilian POC Manuel de Conceição, a peasant who led a resistance movement against wealthy landowners and was shot in the leg by police in 1968. Due to inadequate health care in prison, Conceição lost the leg to gangrene. “In prison he has been tortured and might well be dead now had it not been for the work of such organizations as Amnesty International in developing international protest against what has been happening to Conceicao,” Hentoff wrote. In a November 1972 letter that was smuggled out of Brazil, Conceição described in lurid detail what he had endured:

For four months I was heavily tortured by the Army in Rio de Janeiro, and then in the Naval Information Center....Near death, I was taken to the hospital for the sixth time. The beatings had been so severe that my body was one big bruise. The blood clotted under my skin and all the hair on my body fell out. They pulled out all my fingernails. They poked needles through my sexual organs and used a

²⁸ AIUSA Board of Directors, May 17, 1973 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1973, AIUSA, CHRDR, CU

²⁹ Julie Lewin, “Amnesty International: Group Fights Political Torture,” (Danbury, Connecticut) *News-Times*, April 19, 1973

³⁰ “PRISONERS: Amnesty for the Defense,” *Time* (July 9, 1973)

rope to drag me across the floor by my testicles. Right afterwards they hung me upside down. They hung me handcuffed from a grating, removed my artificial leg, and tied my penis so I could not urinate. They forced me to stand on my one leg for three days without food or drink. They gave me so many drugs that my eardrums burst and I am impotent. They nailed my penis to a table for 24 hours. They tied me up like a pig and threw me into a pool so that I nearly drowned. They put me in a completely dark cell where I remained for 30 days urinating and defecating in the same place where I had to sleep. They fed me only bread soaked in water. They put me in a rubber box and turned on a siren. For three days I neither ate nor slept, and I nearly went mad.³¹

If readers were horrified at what they read, Hentoff instructed them to write the Brazilian Embassy. This notion of how “you” could stop this injustice was found throughout Hentoff’s story. Situating Conceição’s torture within the context of the U.S.’s support of Brazil’s military dictatorship, Hentoff quoted a July 1973 speech by Senator Edward Kennedy (D-Massachusetts) requesting that its aid be cut off: “In fiscal year 1973 we transferred some \$70.4 million to Brazil in a variety of programs ranging from military credit sales to technical assistance in educational curriculum development... When the United States is providing this kind of assistance against political opponents, there is a serious question in my mind whether we can divorce ourselves from those actions.”³²

The September 1973 military coup in Chile gave CAT an added sense of urgency. A group of Chicagoans including the father of the murdered Frank Teruggi visited Santiago in February 1974. Their report was republished by *New York Review of Books* as “Terror in Chile,” which concluded that “the campaign of terror developed by the Junta seems to have assumed a systematic and organized character.” According to written depositions from eyewitnesses and the testimony of prisoners and their relatives, torture had become a part of life in Chile. AI’s findings were published in the same issue. Citing the numerous reports of torture that had been sent to London, Rose Styron’s “Terror in Chile, Part II” offered detailed descriptions of what Chileans had experienced in the National Stadium, which had been converted into a massive prison. “Several witnesses to the death of folksinger Victor Jara have testified to what happened to him in the same stadium: his captors gave him a guitar and commanded him to play while they broke, then cut off, his fingers; when he began to sing, they beat and then shot him.” The *New York Review of Books* was read by the liberal, upper-middle class New Yorkers who were so crucial to AIUSA. Its publisher, A. Whitney Ellsworth, was active member of the AIUSA Board of Directors.³³

Columnists in the *New York Times* and *Washington Post* wrote about AI in May 1974. Anthony Lewis focused on Chile. “Evidence of torture has been published by, among many others, Amnesty International, the highly-respected group that favors no ideology except humanity,” Lewis wrote. At the ironically-named Casa de Mujeres el Buen Pastor, pregnant

³¹ Nat Hentoff, “And the Beat Goes On,” *Village Voice*, September 20, 1973

³² Hentoff, “And the Beat Goes On”

³³ The Chicago Commission of Inquiry Into the Status of Human Rights in Chile, “Terror in Chile, Part I: The Chicago Commission Report,” *New York Review of Books* (May 30, 1974); Rose Styron, “Terror in Chile, Part II: The Amnesty Report,” *New York Review of Books* (May 30, 1974); for more on Ellsworth ownership of the *New York Review of Books*, see Philip Nobile, *Intellectual Skywriting: Literary Politics and the New York Review of Books* (New York: Charterhouse, 1974)

women were sent home “with their hair pulled out and their nipples and genitals badly burned.” Lewis blamed the Nixon administration for making Americans complicit in such brutality: “Henry Kissinger and his President were silent for months while their allies in Pakistan slaughtered the Bengalis. Washington has nothing to say about a Greek Government that rules by terror. Or about the Government of South Korea, whose kidnappings and brutalities make Communist regimes look almost decorous by comparison.”³⁴

Colman McCarthy described how political repression was practiced on both sides of the Cold War ideological divide. “The Communist world is not free, for sure, but jails in ‘the free world’ can be just as brutal,” McCarthy wrote. “Freedom to dissent—to think as one chooses—exists only in a few countries; when human rights collide with entrenched power, power seldom loses.” Like Lewis, McCarthy criticized the U.S. for its inaction on human rights:

Unfortunately, the prevailing attitude has the U.S. embracing governments which practice torture and unabashedly violate almost every human rights guarantee pronounced by the world community. Through foreign aid and occasional intervention—both cover and overt—the U.S. supports those governments. Our relations with the present governments of South Vietnam, Spain, Portugal, the Soviet Union, Brazil, Indonesia, Greece, the Philippines, and Chile exemplify how we have disregarded human rights for the sake of other assumed interests.³⁵

When AIUSA held its national conference in June 1974 at the McAlpin Hotel on West Thirty-Fourth Street, *New York Times* reporter John Corry described a rapidly growing organization: “The first Amnesty group in the United States was founded in 1966 on Riverside Drive. Mostly, it was made up of Columbia academics. Now there are 93 American groups, and they are all more disparate than that.” When someone Americans for Democratic Action repeatedly mentioned “Communist Russia,” he was met with groans from the other delegates. “Whatever else they are, the delegates are not particularly ideological,” Corry observed. The regional composition of AIUSA was just as evident. Delegates from New York were described as “mostly academic and other Establishment types,” while those from California tended to be “students and housewives.”³⁶

A contributor to the *Report on Torture*, Jean-Pierre Clavel summarized its findings in the *New York Times*. AI had found evidence of torture in sixty-four countries during the previous decade: twenty-two countries in Latin America, fourteen in Africa, ten in Europe, eight in the Middle East, and seven in Asia. “It is apparent today that much of state torture is carried out by the military forces, usually elite or special units, who displace the civil police in matters of political security,” an excerpt from the report stated. “Their military training and their exposure to post-World War II theories about ‘unconventional war’ make them particularly apt for the practice and enable them to apply the concept of ‘war’ to any situation of civil conflict no matter how mild.” This was true in South America. Niall MacDermott of the International Commission of Jurists reported in June 1974 that 3,500 to 4,000 Uruguayans had been interrogated in the government’s war against the Tupamaros, half of whom were believed to have been tortured. In Brazil, a group of senior military officers and police officials created an

³⁴ Anthony Lewis, “The Meaning of Torture,” *New York Times*, May 30, 1974

³⁵ Colman McCarthy, “Aiding Political Prisoners,” *Washington Post*, May 17, 1974

³⁶ John Corry, “About New York: Amnesty Workers Feast Off Hope,” *New York Times*, June 3, 1974

autonomous network of death squads kill off leftists. Prisoners were routinely used as experiments upon which various techniques of torture were perfected in live demonstrations. Trained Brazilian torturers would then travel to military academies in neighboring countries to teach courses on interrogation. Technological advances had made it possible for torturers to intensify pain while avoiding death. In Northern Ireland, suspected members of the Irish Republican Army were subjected to “sensory deprivation,” which involved the use of white noise, tactile obliteration, fatigue, and starvation to force nervous prisoners to “torture themselves.” AI’s whole rationale, according to Clavel, was to give a voice to those who had been deprived of their most basic rights:

It spoke for countless victims sent to labor camps in the barren regions of the Soviet Union, for the fate of the 55,000 political detainees still held without charge or trial in the camps of Indonesia, for defendants sent to the torture cells beneath the courtrooms in central Lisbon, for the crippled Vietnamese inmates of the Tiger Cages of Con Son and their dead countrymen thrown from United States helicopters during the years of overt American military involvement in Indochina, for the unknown individuals who faced certain of the Red Guard factions in the violent street trials of the Cultural Revolution, and for the personal victims of South Africa’s Brigadier Swanepoel, Brazil’s Sergio Fluery, and Greece’s Colonel Theophyloannakos.³⁷

CAT enabled AIUSA to gain exposure in American cities that did not have an established international human rights activist community. In August 1975, Ken Fireman of the *Detroit Free Press* wrote a column on Vera Silva Margalhaes, a Brazilian student who was arrested in 1970 for distributing leaflets. Beaten, whipped, given electric shocks, and suspended helpless for seven-hour intervals while in confinement, she was brought to trial after three months of torture. The judge ordered her to be released, but Margalhaes was already paralyzed below the waist by then. Restating the basic premise of CAT, Fireman reminded his readers that there were many more victims like Margalhaes: “Even worse, observers report, the systematic use of torture against political prisoners has become a global epidemic. All over the world, governments are resorting to the most barbaric methods to extract information from—and still terror in—people who in some way threaten the powerful.” An updated edition of the *Report on Torture* gave the *Christian Science Monitor* an opportunity to denounce U.S. support of torturers, which the editors did by quoting directly from AI’s findings: “In financing and equipping the police and armies of governments that have used torture, it can be argued that the U.S.A. bears a contributory responsibility for the methods used by those governments.”³⁸

AI estimated in May 1976 that there were perhaps up 500,000 political prisoners in seventy countries. While AI claimed that 8,500 POCs had been released in its fifteen years of existence, the sheer volume of the world’s human rights abuses made it seem as though there was always more that could be done. In an interview with the *Philadelphia Evening Bulletin* weeks before his death, Morris asked readers to consider AI’s achievements in relative terms.

³⁷ Jean-Pierre Clavel, “Torture, an Official Way of Life in 30 Nations,” *New York Times*, August 4, 1974; see Amnesty International, *Report on Torture* (London: Duckworth, 1973)

³⁸ Ken Fireman, “The Nightmare World of Political Detention and Torture,” *Detroit Free Press*, August 16, 1975; “The Shocking Rise in Torture,” *Christian Science Monitor*, August 6, 1975

“Of course a lot of what we do is symbolic,” Morris conceded. “We’re a very small organization but, considering our size, we’ve been very successful.” Morris had once been skeptical about AI before seeing how effective it could be:

I was always a bit doubtful it would work. Such a group would have no power to influence governments. Why would they listen? But [Peter] Benenson was a very idealistic, religious, and optimistic man, and he turned out to be quite right. I had underestimated the value of publicity. I had underestimated the degree to which governments do care about outside opinion, about whether the rest of the world thinks of them as ‘monster regimes.’

When asked about AIUSA’s influence on the U.S. government—“one area where Amnesty has lacked any notable success”—Morris displayed a noticeable scowl, “The U.S. supports with economic and military aid, many of the regimes that go in for this sort of thing. There are limits to what we can expect them to do. All we can do is give the information we have to legislators—as well as businesses which invest in these countries—and hope they decide they should tell other governments to let up. They’re in the position; they hold the purse strings.” AI had to influence Congress while remembering that it existed for the powerless. “The worst thing is for these prisoners to get the idea they’ve been forgotten, that they’ve been thrown in a dungeon, that the gates have been closed on them and they’ve disappeared from the world,” Morris said. “But the minute they hear they’ve been adopted by Amnesty—and that information usually gets to them—their morale is lifted. They know that year after year we’ll go on pestering their governments and making a nuisance of ourselves.”³⁹

Disagreements with the International Secretariat

AIUSA’s emergence during the 1970s invariably led to conflicts with the International Secretariat in London. By becoming the largest national section, an increasingly assertive AIUSA tested the extent to which AI could deal with the diverging views of its national sections. Reflective of the close alliance between the United States and Israel, AIUSA condemned the April 1970 release of an AI report alleging torture by the Israelis during the 1967 Six Days War, a dispute that was revisited following the 1973 Yom Kippur War. Another disagreement between AIUSA and the International Secretariat arose over receiving funding from the Ford Foundation. The Western Europeans on the International Executive Committees did not want to be perceived as too beholden to American interests. AIUSA did not care about all that. It just wanted the money.

Israel

On April 1, 1970, Amnesty International released a report that alleged torture of Arabs by the Israeli Army during the June 1967 Six Days War. At a press conference in London, it told reporters that it had held off on issuing the report for almost a year while trying to convince the Israeli government to accept an investigation. When it became obvious that this was not going to

³⁹ Kathy Hacker, “‘Amnesty’ Aids the ‘Prisoners of Conscience,’” *The Evening Bulletin* (Philadelphia), May 4, 1976, found in Box 7, Morris, Ivan—Amnesty International—Printed—Clippings, IM, BtL, CU

happen, AI decided to go public with the accusations. “At the present point in time, Amnesty restricts itself to claiming that the serious nature of these allegations warrants immediate inquiry so that their truth can be tested and the practice of torture, if it exists, can be brought immediately to an end,” the report said in reference to four unnamed Arab victims. A man from Gaza was interrogated for two months, during which time he was beaten by a group of soldiers, strapped to a table, flogged, slashed on the chest with a knife, and burned with lit cigarettes. A taxi driver from Nablus, Jordan claimed to have been subjected to electric shocks, forced to drink a glass of urine, suspended by the wrists, and whipped by Israeli soldiers. Another victim told AI that metal clips had been attached to his ears and genitals while an electrical current was passed through them. The fourth case involved an eighteen-year-old girl who was thrown on the floor, beaten with a metal rod, kicked and punched. None of these prisoners had been charged with any crimes. “If these allegations are true, then extremely brutal torture is used on a not inconsiderable number of those detained,” AI concluded. Even if there was a need for “strict security measures” in Israel, AI could not ignore the “apparent existence of practices which are abhorrent to the conscience of mankind.” The Israelis responded quickly to AI. In a statement issued from Jerusalem, Israel charged AI with having become a “vehicle for spreading unfounded and unchecked allegations” as part of larger propaganda campaign instigated by its Arab rivals.⁴⁰

The International Secretariat did not back down. The decision to publish the report had been made after a unanimous vote at the March 1970 meeting of the International Executive Committee, but that did not matter to AIUSA’s Mark Benenson who stated that the Americans would be disassociating themselves from the report. In an April 17, 1970 letter to the *Times of London* co-authored with Nelson Bengston, Benenson accused AI of singling out Israel. In the original report given to the Israelis in May 1969, there were two groups of cases in which Arabs had said they were tortured, one contained names and the other did not. The Israelis investigated the first group, concluding in August that its complaints were not justified. They were unable to investigate the second group. When AI went public on April 1, it included two cases from this second group plus two more victims. “None was among the cases where Israel had given a detailed reply the charges,” Bengston and Benenson wrote. “The Amnesty report reveals the zeal of the prosecutor, convinced of the defendant’s guilt, who perhaps without conscience malice omits from his brief material which would help the defence.” And it was not even known if the victims had non-violent backgrounds, so how could AI take up their case if they were not POCs to begin with? AIUSA had been unhappy with some of the decisions made in London, according to Bengston and Benenson. The AIUSA Board of Directors was quite vocal in its opposition to the report. Rank-and-file members asked to be removed off the organization’s mailing list because of what they perceived to be AI’s “anti-Israel bias.” In July 1970, the International Secretariat sent Arne Haaland to New York on a peace mission. AI never claimed that the victims were POCs, Haaland told the AIUSA Board of Directors, but, even so, the case was well within the organization’s goal of ending torture. Haaland asked AIUSA to “carefully consider whether it can accept the aims of the organization or not.”⁴¹

⁴⁰ “Torture Inquiry in Israel Sought,” *New York Times*, April 2, 1970

⁴¹ John M. Lee, “Charge of Israeli Torture Splits Amnesty’s British, U.S. Units,” *New York Times*, April 4, 1970; Mark K. Benenson and Nelson Bengston, “Amnesty Report on Israel: American Reservations,” *Times of London*, April 17, 1970; AIUSA Board of Directors, May 4, 1970 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1970, AIUSA, CHRDR, CU; Arne Haaland, “A Report to the IEC on the

Israel returned as a contentious issue between the International Secretariat and AIUSA following the 1973 Yom Kippur War. Israeli and Syrian soldiers hurled accusations of torture at each other. AIUSA passed a resolution in February 1974 urging the International Secretariat to “actively and without delay investigate allegations that [Israeli] prisoners in Syria have been and are being tortured, [and] to prepare, publish, and publicize as quickly as possible a report on the findings.” AI sent a mission to Israel and Syria in October.⁴²

When the final report was released in April 1975, AIUSA board members were not pleased with what they read. Ivan Morris noticed that it had “generated a great deal of unfavorable criticism both the East and the West coasts.” Receiving a number of “distressing calls” from friends, relatives, and neighbors, AIUSA’s Hanna Grunwald described the report as having stretched the truth so far as to “make it a mockery.” She questioned AI’s decision to not include any reference to a separate report by the International Red Cross that found Syrian POWs in good condition. Thomas Jones felt that comparing two different situations that of Israel and Syria in the same report was poor methodology. Comparing Israel and Syria side-by-side risked drawing false equivalencies that may have not actually existed. Besides the politics, of which AIUSA was clearly aligned with Israel, there was also what the report meant for the organization’s future. Steve Fenichell warned that extending the CAT to cover war situations would be “impossible,” a notion that was seconded by AIUSA Executive Director David Hawk. “The concern of war is the destruction of human life,” Hawk said, “and this is not the concern of Amnesty.”⁴³

As the only American on the International Executive Council (IEC), it fell to Andrew Blane to explain why AI had issued the dual report on Israel and Syria. The mission was sent in response to persistent demands that Amnesty “do something” about the torture allegations. Research was “complicated” by the refusal of both countries to allow AI to interview civilians, which made it difficult to establish “hard evidence.” General-Secretary Martin Ennals also responded to AIUSA’s criticisms of the report in a lengthy May 1975 letter to Morris. CAT obligated AI to stop torture wherever it occurred, even if the victims had previously used violence. Israel and Syria had used torture “as part of a propaganda war,” so it was all the more imperative for AI to “create a useful precedent” and “establish the facts and realities in a highly-charged emotional environment.” The larger problem was that AI would never satisfy the critics on either side. In the introduction of the report, Ennals had done his best to disavow the false equivalency of which AIUSA had accused him: “We did feel however that I should express the view in my Introduction not only that abuses had been committed on both sides but also take sides in stating that those abuses perpetrated against the former Israeli prisoners of war held in Syria generally to have been of a more severe nature.” This distinction went unnoticed to AIUSA, which was not all that surprising to Ennals. “In my experience, any criticism of Israel

Meeting of the Board of Directors of AIUSA,” July 20, 1970, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1970, AIUSA, CHRDR, CU

⁴² AIUSA Board of Directors, February 7, 1974 minutes, Box 3, Israel-Syria [Opinions on 1975 Mission Report On]—1973-1977, Record Group II: Executive Director, Series II.1: David Hawk Files, 1972-1978 (DH), AIUSA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU)

⁴³ AIUSA Board of Directors, May 7, 1975 minutes, Box 3, Israel-Syria [Opinions on 1975 Mission Report On]—1973-1977, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

attracts an immediate response from amongst our friends as well as from amongst those who are not normally interested in our work.”⁴⁴

“All Money Is Dirty”

In October 1975, the *San Francisco Chronicle* described how international human rights NGOs had made such a name for themselves that the Ford Foundation reportedly was “sniffing around” for how it could be of assistance to AI. But Martin Ennals was insistent that AI would not be accepting any money from one of the largest philanthropic foundations in the U.S. “The issue isn’t whether the money is dirty or clean,” Ennals said. “All money is dirty. The question is whether it will appear to be dirty.” Ennals’s comments became a major point of contention between the International Secretariat and AIUSA. Whereas London was suspicious of American power—even if in the form of philanthropy—AIUSA saw the Ford Foundation as a potential source of income.⁴⁵

A few months before, the International Secretariat received a visit from David Heaps, a program officer with the Ford Foundation. Having already met with Ennals a few months earlier, Heaps was there in April 1975 to see Stephanie Grant. With the intervening months spent by Heaps learning as much as possible about AI, Heaps told Grant that his foundation would not be making any “structural contributions towards the normal administrative costs of the Secretariat.” Grant gave Heaps three proposals as to how AI might use a Ford Foundation grant: a documentation center, where case information could be stored and retrieved; a research program that would produce a comprehensive report on political imprisonment and allow AI researchers to take sabbaticals so they could immerse themselves in their areas of expertise; and more funding for CAT. Heaps rejected the third idea, but seemed favorably disposed towards first two. In recommending that the Ford Foundation direct funding to AI, Heaps was very clear that it would be given to London, not New York. However, towards the end of their meeting, Grant reiterated the IEC’s hesitance: “I explained that we were in no position to make an application, since there existed considerable reluctance within the organization to the idea of receiving American foundation money. He seemed to understand this very well. I did not mention that I would support this reluctance myself.”⁴⁶

Ennals knew that Heaps was also in discussions with AIUSA, which wanted the Ford Foundation to help pay the salary of its National Coordinator position. Even though the Ford Foundation was making cuts to most of its programs in 1975, it had every intention of moving into the field of international human rights. And while he expected the grant to be “sizable,” Ennals was weary of becoming too closely involved with a powerful American institution: “On every occasion we have explained to Mr. Heaps that we were anxious to avoid a situation where Amnesty International became dependent on a source of funds for its regular program.” The International Commission of Jurists was decimated when the Ford Foundation removed its support in 1967. This meant that AI, if it was to have any relationship with Ford officers, needed

⁴⁴ Martin Ennals to Ivan Morris, May 11, 1975, Box 3, Israel-Syria [Opinions on 1975 Mission Report On]—1973-1977, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU; AIUSA Board of Directors, May 7, 1975 minutes

⁴⁵ Transcribed article from the *San Francisco Chronicle*, October 19, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

⁴⁶ Stephanie Grant to Martin Ennals, April 14, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

to maintain its independence, not to mention the “strong feeling in some quarters that we should not accept funds from Ford for political reasons.”⁴⁷

Blane told AIUSA in September 1975 that the IEC decided against accepting any money from the Ford Foundation. Lengthy internal discussions had revealed that the IEC did not want to deal with criticism from Western Europeans who were highly suspicious of multinational corporations. National sections, including AIUSA, were ordered not to accept such funds either. AIUSA members were, by turns, confused and angry at the IEC. “I was puzzled, worried, and pessimistic about AIUSA’s future, and upset when I learned that the IEC voted that we could not accept funds from the Ford and/or Rockefeller Foundations,” Sally Lilienthal complained. “However, I was even more so yesterday when I learned that you are one of the members of that body who is against our taking this money.” Feeling betrayed by Blane’s continued support of the IEC, she thought it was damaging her relationship with other foundations: “I must say that I can’t conceive of how I could explain away this decision to a foundation or donor. Ford and Rockefeller are considered villainous—or at least their actions and motives are in question—but you, Mr. Carnegie, Mr. Whitney, or Mr. Johnson and Johnson are alright.” Non-Ford and Rockefeller grants accounted for an estimated \$45,000 of AIUSA’s annual budget. Lilienthal could not understand how the IEC had no problem with Western European governments directly funding their national sections: “Somehow I can’t work out the ethical equity here even if the committee believes the three governments [Sweden, Denmark, and West Germany] to be on the side of the angels, with the foundations on the other side with horns.” Ginetta Sagan followed up with another letter to Blane defending the Ford Foundation after having talked to some professors, one of whom she quoted as saying “the best way to untaint money is to use it for worthwhile purposes.”⁴⁸

Other AIUSA members wrote IEC Chairman Dirk Borner. “It’s folly to ignore potential contributions from Ford and Rockefeller,” Rose Styron warned. “Whatever bad name it may have in certain sections abroad, it has none here. We have doubtless already offended them by remarks re [sic] ‘dirty money’ picked up by the press recently.” Mark Benenson believed the IEC did not fully understand that these foundations were independent: “To think of either of these foundations as being controlled by ‘international corporations’ is simply absolute nonsense, and whatever the feelings of the Third World about the nefarious Americans, there is no stain or opprobrium whatever attached to accepting funds from Ford and Rockefeller in the United States.” Only recently becoming a “permanent and responsible organization,” AIUSA would be damaged if it adhered by the standards of the IEC. “They would not only severely handicap us in the development of the Section from the material point of view, but if we told our supporters about them, and particularly our supporters in the Congress, their reaction would be that London is crazy.”⁴⁹

⁴⁷ Martin Ennals to IEC Members, June 17, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

⁴⁸ AIUSA Executive Committee, September 17, 1975 minutes, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU; Sally Lilienthal to Andrew Blane, October 22, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU; Ginetta Sagan to Andrew Blane, October 29, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

⁴⁹ Rose Styron to Dirk Borner, October 28, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU; Mark K. Benenson to Dirk Borner, October 23, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU; Arnold Price to Dirk Borner, October 29, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

AIUSA might have been in a far healthier financial situation than it had been in the early 1970s, but was still worried about finding reliable income. Maintaining ties with any and every foundation was crucial to AIUSA's continued growth. How could it be a good idea to reject the "most liberal" and "socially involved" of the major American foundations? "If the word goes around the foundation community that AI-AIUSA thinks that Ford and Rockefeller money is unacceptably dirty, then we can just forget about approaching foundations less well-known abroad but considerably timid and 'conservative' in grant-making than either Ford or Rockefeller."⁵⁰

In a December 1975 letter to Hawk, Ennals pointedly referred to the "deep suspicion" felt within AI regarding the Ford Foundation and the Rockefeller Foundation, which had very little to do with all the good their philanthropy did: "What is important for us is the impression which receipt of such funds could give in the areas where we are already suspect and unique in that we are the only large self-supporting human rights organization." Ennals repeated this point to Heaps in January 1976. It was of the utmost importance that AI was perceived to be "transparently independent of American trust funds." Whether or not it was justified, the Ford Foundation had "acquired a certain symbolism" of being an instrument of U.S. imperialism.⁵¹

The head of the AIUSA's Fundraising Committee, Barbara Sproul, accused the IEC of making AIUSA appear unprofessional. "In the first place, the American section is made to look idiotic when it is revealed that we don't know what our own secretariat is doing," she fumed to Ennals and Grant. "Secondly, I presume you recognize the foundation officers speak regularly with each other, and that our refusal of Ford money (and the manner in which it was done) are facts now known throughout the world. Third, we hadn't even asked Ford for money; how can we refuse gifts which have neither been solicited nor offered." Grant responded by pointing out that Heaps had never indicated that the Ford Foundation had any interest in supporting AIUSA.⁵²

The Ford Foundation followed through on its commitment to international human rights. In March 1976, Morris and Heaps discussed a Ford Foundation grant that would be used to train legal interns who when would work for the International Commission of Jurists, the International League for the Rights of Man, and AIUSA. The program was to be administered by Ann Blyberg and David Weissbrodt, two law professors at the University of Minnesota who were heavily involved in AIUSA. Heaps promised Grant that the Ford Foundation planned to spend \$500,000 on the internships during the next year.⁵³

⁵⁰ David Hawk and Ivan Morris, October 29, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

⁵¹ Martin Ennals to David Hawk, November 10, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU; Martin Ennals to David Heaps, December 8, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

⁵² Barbara Sproul to Martin Ennals and Stephanie Grant, January 8, 1976, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU; Stephanie Grant to Barbara Sproul, February 17, 1976, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

⁵³ Because contributions from one source could not account for more than five percent of a national section's budget, Morris and Heaps got around AI's own rules to set up an independent committee that would disperse the funds to law school students. Ivan Morris to Barbara Sproul, March 2, 1976, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU; Another proposal was to give law school academics practical experience by enabling them to work with organizations who could not otherwise afford their salaries. Heaps also mentioned that he had been talking with Berkeley law professor Frank Newman among others about the creation of courses of multi-disciplinary human rights studies within universities, see Stephanie Grant, "Ford Foundation: David Heaps," March 10, 1976, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

Discord between London and New York revealed the limits of AI's internationalism. The IEC's decision to not accept any grants from the Ford Foundation was an acknowledgement of the suspicion felt by many non-Americans of U.S. power. AIUSA, in contrast, did not understand why it should suffer for London's desire to project an image of incorruptibility. Many of AIUSA's leaders believed their own effectiveness depended upon developing and maintaining relationships with powerful institutions—political, economic, or cultural. Instead of seeing power and moral principles as mutually exclusive, they wanted to influence events from the inside.

The Washington, D.C. Office

Congress and the State Department had taken substantive steps during the mid-1970s towards recognizing the importance of human rights in the making of U.S. foreign policy. A series of hearings held by Representative Donald Fraser's (D-Minnesota) Subcommittee on International Organizations gave unprecedented attention to human rights questions. One of committee's recommendations resulted in the creation of the Office of Humanitarian Affairs (known as the Human Rights Bureau) in the State Department. Human rights NGOs were poised to take advantage of a suddenly favorable situation. AIUSA put some of its resources into a political investment—an office in Washington, D.C..

By May 1975, AIUSA had drafted a grant proposal for a two-person "Washington, D.C. liaison." The person responsible for the State Department was to work with the Human Rights Bureau. "[A] tie directly between the research department at the Secretariat and the State Department," this person was to "exchange information, make available expert advice and non-partisan written analyses relative to prisoner cases where appropriate and country situations where appropriate." Another important task would be "to encourage the human rights officers to raise questions about prisoner situations with relevant embassies abroad and other American diplomatic personnel in their respective countries." Essentially a lobbyist who represented POCs, the congressional liaison was to continue the work of local groups: "Assist and follow up local groups who request that their congressmen or senators make enquiries in regard to their adopted prisoner and to work on behalf of the national section in asking congressmen to intervene on individual prisoner cases." This also meant visiting congressional offices to "ascertain which elected officials and their key staff are sympathetic and willing to personally intervene individual prisoner matters and country human rights situations."⁵⁴

Through its Western Regional Office, AIUSA already had a functional—if informal—presence on Capitol Hill: Wendy Turnbull had been hired by Sally Lilienthal's Group 44 to lobby on behalf of the Chilean Parole Program. Hawk announced to the AIUSA Executive Committee in March 1975 that Turnbull would be retrained for two months as a liaison, so she could "meet with the necessary officials to obtain visas for those Chilean prisoners whose freedom is dependent upon their being invited out of Chile." A job description written by Turnbull in April 1976 reveals the many different tasks she performed for AIUSA. She had done interviews on television, radio, and newspapers; debriefed refugees, journalists, and students who had been abroad; and coordinated with Chilean refugee groups, the State Department, Congress, local politicians, and solidarity groups. Turnbull kept working for AIUSA even after

⁵⁴ "Draft Outline of Proposed AIUSA Washington, D.C. Liaison," May 6, 1975, Box 4, Morris, Ivan—Amnesty International—General, IM, BtL, CU

the money allocated to her from Group 44 had run out. But Hawk wanted his own person as the new Washington, D.C. liaison, as he told AIUSA board members in June 1975 that Turnbull was not “Amnesty’s official representative in Washington, nor was approval of the outline for a proposed AIUSA Washington, D.C., liaison intended to imply that Ms. Turnbull would be hired for this job.”⁵⁵

An active member of AIUSA Group 34, David Weissbrodt was asked to produce a legal memorandum regarding what kind of activities AIUSA could undertake in Washington, D.C. while still retaining its tax exempt status from the Internal Revenue Service. Weissbrodt’s forty-six page legal memorandum had three major conclusions: (1) no restrictions were placed on the contacting of State Department officials; (2) AIUSA was restricted from grassroots lobbying (AI members were not permitted to write their representatives urging passage of specific legislation); and (3) there was no regulatory material pertaining to the contacting of representatives in order to request intervention on behalf of a prisoner. AIUSA was working within a gray area, Weissbrodt admitted, as there were “no clear-cut ‘do’s and don’ts’” regarding lobbying. At the very least, AIUSA had become a source of information for congressional aides. The New York and San Francisco offices as well as AIUSA volunteers in Washington, D.C. occasionally received phone calls from members of Congress and the State Department regarding specific prisoners and situations. While it was difficult for Weissbrodt to estimate how often this occurred, the phone calls from Congress averaged no more than six times a month. The contact was always initiated by congressional staffs. Most often, an aide requested a publication or some information that AIUSA received from London.⁵⁶

A fundraising booklet produced by AIUSA in November 1975 shows the extent to which the Washington, D.C. Office was one of the organization’s major goals. “By providing information from the IS in London and non-governmental sources to appropriate American government personnel, AIUSA can have a profound effect upon United States government concerns and actions,” the booklet read. “AIUSA has found an ever-increasing number of members of Congress and officers in the State Department who are very willing to raise questions about human rights violations when they have appropriate facts and evidence.” AIUSA had run a “skeletal program” for three months in 1975 that had yielded “strong results.” Before President Gerald Ford’s tour through East Asia in November 1975, AIUSA had provided “substantial documentation” of human rights violations in South Korea to journalists accompanying the president. Just before a delegation of senators was to go to Moscow, AIUSA’s Washington, D.C. liaison briefed them on the current human rights situation in the Soviet Union. They were told of several critical cases in which their diplomatic interventions would be most helpful and asked to establish contacts with Soviet dissidents. As we will see in the next chapter, AIUSA’s most striking success was the Chile Parole Program. AIUSA had

⁵⁵ AIUSA Executive Committee, March 14, 1975 minutes, Box 4, Morris, Ivan—Amnesty International—Executive Committee—Minutes, IM, BtL, CU; Wendy Turnbull, “Job Description,” April 1976, Box 5, Morris, Ivan—Amnesty International—Staff, IM, BtL, CU; AIUSA Executive Committee, June 11, 1975 minutes, Box 4, Morris, Ivan—Amnesty International—Executive Committee—Minutes, IM, BtL, CU

⁵⁶ AIUSA Executive Committee, March 14, 1975 minutes, Box 4, Morris, Ivan—Amnesty International—Executive Committee—Minutes, IM, BtL, CU; AIUSA Executive Committee, May 7, 1975 minutes, Box 4, Morris, Ivan—Amnesty International—Executive Committee—Minutes, IM, BtL, CU; David Weissbrodt to Mark Benenson and Arthur Michaelson, May 7, 1975, 18, Box 5, Morris, Ivan—Amnesty International—Lobbying, IM, BtL, CU

worked with the State Department, the Department of Justice, and Congress to allow 400 Chilean political prisoners and their families to immigrate to the U.S.⁵⁷

Hawk was very much aware how AIUSA had benefitted from the increasing attention given to human rights in Washington, D.C.:

There is here coming together—at the board, grassroots, (particularly germane here) the staff level—a human rights organization about which it is quite possible to be hopeful and optimistic. In the States awareness and concern human rights is general and AI in particular in about to ‘open up’. (It will probably peak in the next two years.) As weird and often pernicious as America is, when there is something substantive and meaningful happening (as human rights just might) it can be an exciting and fun place to be.⁵⁸

Stephanie Grant had come to a similar conclusion in London. Outlining a strategy through which AI might influence American policymakers, she saw how the International Secretariat and AIUSA could work together. “All contact with the Executive and Legislative branches of the American government should be the responsibility of the American Section,” but the International Secretariat would continue its “direct contact” with Congress until a Washington, D.C. office was formally established. AIUSA would then be used to distribute AI’s latest research to Congress. “Amnesty reports will increasingly be used within Congress and by journalists as the yardstick by which to measure the accuracy of the official position,” Grant predicted. AI was more likely to find a receptive audience among congressmen than State Department bureaucrats, as those who cared most about human rights had little say over policy at Foggy Bottom: “While Charles Runyon is obviously a key person in the State Department in terms of his own sympathies, it is clear from what Ronald Palmer said that his influence in policy making is fairly slight. It is of much greater importance to provide solid material on which the Legislature can work, and reports which American embassies are obliged to use when compiling their surveys of human rights observance in their host countries.”⁵⁹

Even if Grant was skeptical of the influence wielded by the Office of Humanitarian Affairs (HA), she took any opportunity she could to meet with its officers. In March 1976, HA’s Deputy Coordinator for Human Rights, Ronald Palmer, visited the International Secretariat at his own initiative. Appointed to the position in July 1975, Palmer had previously been posted at the U.S. Embassy in Manila. Palmer provided Grant insight into how the State Department’s immense bureaucracy functioned. Only recently had the department carved out an institutional space for human rights. The initial arrangement in 1974 lodged formal responsibility for human rights with officers in each of the regional bureaus, as no specific posts had been specifically

⁵⁷ “AIUSA Fundraising—November 1975,” Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

⁵⁸ David Hawk to Stephanie Grant, February 27, 1976, Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU; Hawk also promised Grant he would hire a staff-level colleague who would help acquaint Grant with DC, someone “who is experienced and has many and good contacts on Capitol Hill.” In fact, Hawk had a potential candidate in mind—David Weissbrodt—who he described as “a fellow who has spent several years on the Hill and who has a background in International Law, coincidentally a former student of Frank Newman’s, who could do a superb job of introducing you to and easing your way into the ways of Washington.” Weissbrodt went onto pursue an academic career teaching human rights law at the University of Minnesota.

⁵⁹ Stephanie Grant, “Draft Note on IS/Washington Relations,” n. d., Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU

devoted to the topic. Because the regional bureaus did not have a “decisive voice” in policymaking, human rights remained peripheral to the department’s concerns. Congress then passed a nonbinding resolution directing that foreign aid be tied to the level of “respect” for human rights in recipient countries, but the law itself contained a loophole whereby the State Department still determined whether or not a country had committed gross violations of human rights. “The State Department ignored the directive with Kissinger’s encouragement,” Palmer recalled. Congress transformed this resolution into law the next year by giving itself final say over foreign assistance and requiring the State Department to report on human rights practices in countries receiving U.S. aid.⁶⁰

As the State Department struggled to handle the demands placed upon it by Congress, the Office of Humanitarian Affairs was created under Assistant Secretary of State James Wilson, formerly in charge of East Asian and Pacific Affairs. Wilson and Palmer bore the responsibility of handling the department’s response to increased congressional oversight, but lacked the resources to do so adequately. Palmer confessed that many of his colleagues disagreed with the idea of linking foreign aid to human rights performance, but the continued interest of Democratic lawmakers meant that the State Department had to show “it is taking positive steps.” Indeed, Palmer was encouraged that “a few repressive countries are taking to heart the Chile model in which US assistance was withdrawn in the face of gross human rights violation, and are thinking of taking action to avoid similar repercussions on themselves.” For AI to be more effective in Washington, D.C., Palmer suggested that it rely upon Congress to request human rights information from the State Department, which had to respond to a representative’s inquiries within two days. Questions about the “human rights attitude” of U.S. ambassadors should be asked during their nomination hearings. AI might also consider diversifying its contacts in Congress beyond Fraser to include “many other members of both Houses who are active in human rights issues.”⁶¹

At the invitation of William Luers, the Deputy Assistant Secretary of State for Latin America, Wendy Turnbull attended a May 1976 meeting that also included the likes of Ron Palmer, George Lister, the U.S. Ambassador to Chile, David Popper, Fraser’s aide John Salzberg, and Mark Schneider, a legislative aide to Senator Kennedy. Although Luers requested that the meeting be off-the-record and confidential, AIUSA’s Tom Jones sent a detailed report back to London. “Both Salzberg and Schneider said that State would be expected to consider evaluations made by A.I. and other NGO’s,” Jones noted. “Luers revealed that State had been secretly preparing such evaluations for a year or so as a kind of ‘trial run’ in anticipation of the new human rights provisions, and that A.I.’s reports are ‘regularly cited’ in internal State Department memoranda.” While hopeful that activists would get to know the desk officers, Luers urged AI to “make its reports more credible, more accurate, and more professional,” describing how he was critical of what had been written about Latin America in the most recent

⁶⁰ Stephanie Grant, “Ronald Palmer,” March 17, 1976, Box 4, Morris, Ivan—Amnesty International—General, IM, BtL, CU; He began as a political officer in Jakarta between 1960 and 1962 and Kuala Lumpur in 1963, which led to an appointment to a cultural officer in Copenhagen. He then served as a lecturer in political science at West Point between 1968 and 1972, a period in which he also served in Saigon.

⁶¹ Stephanie Grant, “Ronald Palmer,” March 17, 1976

annual report: “I was not impressed with the care with which the section on Haiti was drafted; there is an emotional quality to the writing which has no place there.”⁶²

AI and AIUSA representatives pushed back against Luers’s remarks. Ideally, AI would be able to go into a country, identify problems that may have been overlooked by the ruling government, and quietly discuss them so that they could be solved. But not all countries were prepared to go along with AI. Even so, AI’s accuracy and objectivity was far superior to the State Department, as Jones responded:

I said that our one power is that we have established a reputation for non-political accuracy, citing our reports and campaigns on Greece, Portugal, South Vietnam, and the Soviet Union. I pointed out that our information on the first three had been proven to be not only more accurate than the State Department’s public position, but even an understatement of the gravity of human rights violations in each of those countries.⁶³

There were moments when AI became frustrated with how the State Department treated its requests. In March 1976, Edy Kaufman, the Latin American researcher in London, wanted AIUSA to publicly criticize the State Department for not following through with its promise to help Zelmar Michelini, Hector Gutierrez Ruiz, and Wilson Ferreira Aldunate flee Argentina. These former leftist members of the Uruguayan Parliament had been targeted by Operation Condor. While Ferreira managed to escape, Michelini and Gutierrez were kidnapped and later found dead. “The ‘quiet diplomacy’ of George Lister did not produce any results and it even shameful to consider that smaller and less influential countries, such as Austria and Portugal, were ready to grant asylum to the survivor, Wilson Ferreira Aldunate, while the US Embassy was unable to offer any such humanitarian gesture,” Kaufman angrily protested to Rose Styron. Sadly, this was not much of a surprise to Kaufman, for the U.S. had supported the military government in its war against the Tupamaros: “After being instrumental in combating the Tupamaros and encouraging the military autogolpe in Uruguay, whatever may be said today about US pressure for re-establishment of democracy in Uruguay (even in a restricted form) is a basically no more than lip service paid to internal dissatisfaction in the US amongst liberal circles, in Congress, and organizations such as ours.” Maybe, Kaufman continued, AI ought to consider reevaluating its relationship with American officials. “I therefore believe that relations between AI and the US State Department have to be reassessed, weighing on one hand the legitimation that the US Government gains as an administration concerned about human rights, while, on the other hand, no response whatsoever is given to an urgent appeal from AI for a few threatened individuals.”⁶⁴

Jones urged Kaufman to have a little more patience. Far from the monolith Kaufman imagined it to be, the State Department was more accurately described as “a huge bureaucracy of often competing and conflicting and overlapping and hesitant individuals, bureaus, lines of authority, and areas of responsibility.” Regarding the Uruguayans, AIUSA had not approached

⁶² Wendy Turnbull to Thomas C. Jones, June 8, 1976, Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU; Thomas C. Jones to Martin Ennals, May 5, 1976, Box 5, Morris, Ivan—Amnesty International—Impartiality, IM, BtL, CU

⁶³ Ibid.

⁶⁴ Edy Kaufman to Rose Styron, May 24, 1976, Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU

anyone “with genuine access to decision-making authority” until it was too late. To Jones, this was attributable to AIUSA’s heavy reliance upon George Lister, a mid-level bureaucrat who was its closest ally, as we will see in Chapter 11. Lister sent cables to embassies in Buenos Aires and Montevideo requesting information on the three exiles, but had done so in his own name instead of his superior, a crucial decision which all but “guaranteed low-priority treatment.” Not taking any chances with Ferreira, Turnbull obtained a promise from the Venezuelan Embassy that he would have somewhere to go.⁶⁵

Like Edy Kaufman, his fellow researcher on Latin America, Pat Stocker worried that American officials were appropriating AI’s image so as to give the appearance that they were serious about human rights. Jones reassured Stocker that he never had any illusions about how the State Department would act: “(a) that the U.S. Government would ever take any action on behalf of A.I. that did not coincide with its own interests; (b) that A.I. pursue its own objectives and interests independent totally of the U.S. Government, and (c) that there would be occasions when our interests and objectives are so opposed that we would have to openly criticize.” No one in AIUSA was flattered by “people who exercise real power,” as there was no one “less impressed by ambassadors or presidents or generals or secretaries of defense” than Jones himself. However, it would be “a profound mistake if the I.S. continues to pursue a line which translates an understandable mistrust of the U.S. Government Yankee Imperialist War-mongering Capitalists into a foolish mistrust of AIUSA,” whose members had “spent a number of years in open opposition to U.S. policies in Vietnam, South Africa, [and] Latin America.”⁶⁶

AIUSA was most successful where American power was hegemonic. It did nothing as the Khmer Rouge killed an estimated 1.5 million Cambodians from 1975-1979. In a May 1976 letter to Philip Habib, Assistant Secretary of State for East Asian and Pacific Affairs, Jones acknowledged how AI was dependent upon the openness of the regimes it publicly criticized. Numerous efforts had been made to contact the Khmer Rouge, but AI had yet to receive any official response, making it nearly impossible to obtain “reliable information” since most press reports about the ongoing atrocities relied on second or third-hand accounts. AI was also constrained by its relative lack of resources: “Our budget is a real limitation, requiring us to direct our work toward those situations where we can be most effective within the framework of our fundamental principle of balance between East, West, and Third World, maintaining strict political independence and neutrality.”⁶⁷

What could not be doubted was that AI had made a name for itself among lawmakers and bureaucrats. Sensing that this was a defining moment for his organization, AIUSA Executive Director David Hawk set his sights on Washington, D.C., a goal he described in March 1976 as “sensitive, critical and urgent in terms of the rapidly developing potential for human rights

⁶⁵ Thomas C. Jones, Jr., to Edy Kaufman, May 28, 1976, Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU; Wendy Turnbull to Thomas C. Jones, June 8, 1976, Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU

⁶⁶ Thomas C. Jones to Pat Stocker, June 4, 1976, Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU

⁶⁷ The estimate of 1.5 million victims comes from Eric Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton, New Jersey: Princeton University Press, 2003), 144-145; Hoping that Habib had anything to share with his organization, Jones wondered if the “State Department had information of a non-public nature of Cambodia,” specifically, testimony with precise names and dates.” Jones promised that AI would not reveal where it had received this information. But Jones was expecting too much from Habib. With no influence over the Khmer Rouge and scarred by the Vietnam experience, the U.S. did nothing to intervene in Cambodia. Thomas C. Jones to Philip C. Habib, May 12, 1976, Box 5, Morris, Ivan—Amnesty International—Impartiality, IM, BtL, CU

concerns in the United States.” The office was part of a two-pronged strategy that also included grassroots activism. At the “high level,” there were “elements of ‘official’ Washington which it serves our purposes to approach from a Board level.” As a “grass roots movement of concerned and committed people for human rights,” Hawk thought AI’s influence in the nation’s capital was “dependent on projecting the constituency and membership around the country.” With a combined membership of over 200 in the greater Washington, D.C. area, spinoff groups had spread into the Maryland suburbs. Implementing Hawk’s vision fell to a versatile staff that would be able to provide information and make appeals to Congress and the State Department, develop contacts within the national press corps, and use its experience in Washington, D.C. to “help think through policies.”⁶⁸

Anticipating that congressional human rights legislation would “increase Amnesty’s effectiveness and influence,” Hawk knew that the office’s key function would be “the provision and coordination of information,” which was a task requiring “a more professional and coordinated approach than is sometimes achieved.” At a cost of between \$35,000 and \$50,000, the Washington, D.C. Office opened in summer 1976. By July, AIUSA had obtained the services of Rick Wright, a lawyer, to “organize and direct” the new office. Wright hired Ginger McRae and Rick Sloan.⁶⁹

McRae and Sloan found themselves having to learn how to navigate the corridors of political power. In October 1976, McRae was given an introduction to the State Department by lawyer Charles Runyon, who sketched an organizational chart at McRae’s request of “anything to do with human rights.” Runyon struck McRae as “very modest about his own abilities,” as he said that he mostly dealt with “abstruse legal problems.” After suggesting a couple of names who might be of use in hearing AI’s findings on human rights violations in the Philippines, Runyon told McRae that the her most important friend would be George Lister:

Interestingly, he [Runyon] made a point of saying, and not in response to any comment of mine, that he thought we should always strengthen the position of George Lister in any way possible and always avoid anything that might get him into trouble. He said that George is the only one in the geographical bureaus who is a full-time human rights officer, and that George’s heart is genuinely in his work.⁷⁰

The most immediate task facing AIUSA was formulating its response to State Department’s annual human rights reports. “Section 502B has the potential of forcing within the legislative and executive branches a consensus that human rights shall be an integral part of U.S. foreign policy,” Sloan wrote in October 1976. “Such a consensus will not only enhance America’s image abroad but will facilitate AI’s activities on behalf of adoptees.” If offenders saw that their military aid might be revoked, they might be more susceptible to international pressure. Because the State Department was required to consider the “relevant findings of

⁶⁸ David Hawk to AIUSA Board of Directors, March 1976, Box 4, Morris, Ivan—Amnesty International—Executive Director, IM, BtL, CU

⁶⁹ David Hawk to AIUSA Staff, May 16, 1976, Box 4, Morris, Ivan—Amnesty International—Executive Director, IM, BtL, CU; Ivan Morris to Richard Wright, July 2, 1976, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU

⁷⁰ Ginger McRae to Rick Wright, October 6, 1976, Box 5, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

appropriate international organizations,” it was crucial that any information given to officials “be solid, precise, and indisputable,” lest AI wanted to give its political opponents “an opportunity to assail our credibility.”⁷¹

An AIUSA review of the initial 502B process co-authored with Bruce Cameron, the foreign policy lobbyist from Americans for Democratic Action (ADA), mentioned how the State Department was pushed by human rights NGOs and congressional aides to complete the reports on time. On July 26, 1976, Cameron held a meeting with Salzberg, John Issacs, a legislative aide to Representative Steven Solarz (D-New York), and Senator Alan Cranston’s legislative aide, Bill Jackson. They all agreed that the 502-B reports must be completed before the close of the 94th Congress. They differed as to their priorities. While they all wanted to see a report on South Korea, Issacs wanted the focus to be on a small number of countries balanced between American and Soviet allies. Cameron was most interested in Argentina and Indonesia.⁷²

On August 3, Cameron met with Louise Popkin, a professor of Latin American literature at Boston University who had become an advocate for Uruguayan political refugees. Popkin convinced Cameron that military aid to Uruguay could be eliminated if there was “concerned pressure,” but at an August 20 meeting of the Human Rights Working Group (HRWG), Cameron said that a Uruguay-specific campaign would have to wait. Instead, the HRWG would go after a few of the worst offenders, both right-wing and left-wing regimes, in the hope of expanding their allies beyond liberal Democrats. The eight countries HWRG decided to target were Peru, Ethiopia, Philippines, Uruguay, Indonesia, Haiti, South Korea and Argentina.⁷³

Their plan was to get Senator Hubert Humphrey (D-Minnesota) to formally request that the State Department finish the reports. These efforts paid off on September 3 when Humphrey sent a letter to Kissinger requesting information on seventeen countries. Ten days later, Fraser sent a letter to Chairman of the House Foreign Affairs Committee, Representative Thomas E. Morgan (D-Pennsylvania), asking Morgan to release the reports on Argentina, Haiti, and Peru. Morgan forwarded Fraser’s letter to the State Department on September 20. On October 1, largely due to Cameron’s persistence, Representative Helen Meyner (D-New Jersey) asked for reports on Indonesia and Iran. Citing AI’s report accusing dictator Ferdinand Marcos of many human rights violations, Representative Stephen Solarz (D-New York) and Fraser then sent a joint letter on October 4 asking for the report on the Philippines. The State Department completed the reports on October 28, but designated them as classified documents.⁷⁴

McRae asked Ken Hill of East Asia Bureau on October 28 if the reports were going to be released. Hill explained how the department wanted to avoid the reports becoming politicized: “The House tends to think of using the reports to expose human rights violations and to hold the violators up to public calumny, while the Senate would like to use the reports as a basis for future legislation.” Maintaining there was “sensitive material” in the reports, the State Department declared that the public would be able to read edited summaries. Hill assured McRae that the reports contained “nothing new to AI” because interviewees were “not always very candid because the U.S. government was so often believed to be in league with the government on whom a report was made.” Advising AI and AIUSA not to push too hard against

⁷¹ Rick Sloan to Rick Wright, October 7, 1976, Box 5, Washington, D.C. Office [2 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

⁷² Washington, D.C. Office to AIUSA Executive Board, November 18, 1976, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

⁷³ Ibid.

⁷⁴ Washington, D.C. Office to AIUSA Executive Board, November 18, 1976

the State Department for its lack of transparency, McRae did not see the benefit of damaging relationships at Foggy Bottom over information that was already known.⁷⁵

By May 1977, as McRae told the AIUSA Board of Directors, the responsibilities of the Washington, D.C. Office had become too numerous for just two staff members. It was crucial that AIUSA do its best to keep office well-staffed, if only because of the increasing amount of time devoted to “routine matters of correspondence” that had little to do with the more important work McRae preferred to do. “Continued failure to engage in a fairly aggressive cultivation of friends, acquaintances, consumers of information, and sources of information in government, and occasionally outside it, in the long run will drastically impair the effectiveness of the Washington office, and will cause A.I. to lose the primacy it presently enjoys among NGOs in Washington,” McRae warned. Lacking the resources to fulfill its growing stature, the office had become “totally dependent” on the Coalition for a New Foreign Policy, an umbrella organization of religious, labor, and human rights groups that had grown out of the antiwar movement. If AIUSA did not cultivate relationships on its own, its influence on Capitol Hill would eventually wane: “We will gradually lose the ability to ask for favors, such as holding of hearings, providing A.I. witnesses at hearings, submitting pointed questions by Congressmen, through staff aides, to Administration witnesses at hearings, instigating ‘Dear Colleagues’ letters, and having material inserted in the Congressional Record.”⁷⁶

McRae had been joined by two other women by this time, Helen Ellsworth and Francesca Jessup. McRae, Ellsworth, and Jessup wrote weekly reports of their activities through the end of 1977, thereby documenting how they helped expand AIUSA’s influence in Washington, D.C. During the week of May 30 to June 3, for example, McRae gave background information to *Newsweek* reporter for an article he was planning to do on the “10 Worst Countries” in terms of human rights violations. Jessup met with Cynthia Arnson, who was then serving as foreign policy advisor to Representatives Tom Harkin (D-Iowa), Toby Moffett (D-Connecticut), and Philip Burton (D-California), to go over an open letter critical of Pinochet that was to be sent to Congress. In July 1977, McRae and Jessup talked with Larry Pezzullo, the newly appointed U.S. Ambassador to Uruguay, and Richard Graham, State Department desk officer for Uruguay.⁷⁷

Most of the office’s activities were directed towards Latin America. As McRae said to the AIUSA Board of Directors in August 1977, “Latin America continues to consume an amount of our time fully commensurate with the egregiousness of human rights violations occurring throughout the continent,” nowhere more so than in Argentina. AIUSA made its concerns regarding the “Dirty War” known to the State Department. One of their goals was to institute a parole program—modeled on that for exiled Chileans—which would permit some political prisoners to enter the U.S. AIUSA staff actively took an interest in those fortunate few who fled Argentina. More than twenty letters were sent in search of employment for former POC Juan Mendez, an Argentine human rights lawyer who had been thrown in prison for defending the government’s political opponents. The U.S. Immigration and Naturalization Service would not

⁷⁵ Ginger McRae to Rick Wright, October 30, 1976, Box 5, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

⁷⁶ Ginger McRae to AIUSA Executive Committee, May 24, 1977, Box 5, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

⁷⁷ Ginger McRae, Helen Ellsworth, and Francesca Jessup Update, May 30-June 3, 1977, Box 5, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU (DH); Washington, D.C. Office to AIUSA Executive Committee, August 1, 1977, Box 5, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

allow Mendez to remain in the country without employment. Fortunately, he soon received a guest lectureship at Haverford College. McRae was pleased to note how AIUSA had driven news coverage on Argentina. Upon returning from Buenos Aires, *Washington Post* reporter Joanne Omang visited the office. “I would not be surprised to learn that the article she is now writing about A.I. was inspired by an interest she developed as a result of her talk with us,” McRae speculated.⁷⁸

The Washington, D.C. office advocated for the release of POCs. In August 1977, Jessup drafted a letter to the Assistant Secretary of State for Latin America, Terrence Todman, regarding Alcira Patricia Camusso de Rodriguez from Argentina. She also made appointments to see many of AI’s allies in Congress—Representatives Patricia Schroeder (D-Colorado), Edward Koch (D-New York), Gerry Studds (D-Massachusetts), Edward Roybal (D-California), Robert Drinan (D-Massachusetts), Pete McCloskey (R-California), Millicent Fenwick (R-New Jersey), and Mary Rose Oakar (D-Ohio)—to request that they make inquiries into Camusso de Rodriguez’s status. Having yet to be able to have seen the newly appointed U.S. Ambassador to Argentina, McRae decided to take “indirect advantage” of McCloskey’s upcoming visit with him in the fall by having Wendy Turnbull brief him. McRae then hoped that McCloskey would bring up these facts in his face-to-face meeting with the ambassador.⁷⁹

On the first anniversary of the Washington, D.C. office, McRae wrote, “I do not think it can be seriously questioned that our office can take a large part of the credit for a heightened awareness in the U.S. government of human rights violations. But so much more remains to be done.” McRae’s statement spoke to how much AIUSA had changed in the decade since Ivan Morris formed the Riverside Group. AIUSA had gone from relative obscurity and the brink of financial ruin to an NGO whose influence among elites paralleled its growth at the grassroots level. Becoming a factor in U.S. foreign policy, AIUSA—and AI, by extension—now had access to American officials in a way that their predecessors never did. The emergence of human rights as a relevant issue during the mid-1970s meant that there was a constituency for political prisoners in far-off countries. Even if international human rights activists in the U.S. were engaged in a quixotic pursuit for global justice where accomplishment necessarily had to be measure one prisoner at a time, that there was anyone at all organizing for distant strangers was a significant development in its own right. No one in AIUSA’s early leadership—not even Morris—would have guessed that their organization would become like other interest groups in Washington, D.C., one leg of a classic “Iron Triangle,” albeit still in its nascent form: an issue-oriented alliance between AIUSA, the State Department, and Congress.⁸⁰

Though they did not see human rights as mere politics, AIUSA leaders decided that they had to take advantage of a rapidly-changing situation in which their arguments gained a receptive hearing in Washington, D.C., making a conscientious effort to build coalitions to get the policy outcomes they desired, a strategy no different from the National Rifle Association, American Association of Retired Persons, or Lockheed-Martin. With human rights subject to political

⁷⁸ Ginger McRae to AIUSA Executive Committee, August 22, 1977, Box 5, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU; Ginger McRae to AIUSA Executive Committee, August 22, 1977, Box 5, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

⁷⁹ AIUSA Washington, D.C. Office to AIUSA Executive Committee, August 10, 1977, Box 5, Washington, D.C. Office [1 of 3]—1975-1980, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

⁸⁰ *Ibid.*

pressure as gun rights, Social Security benefits, or lucrative defense contracts, AIUSA and AI members would face increasing criticism for their perceived political biases. Such grievances were nothing new to them, of course, but they would only grow more pronounced as their NGOs became more deeply entrenched in foreign policy debates.

Chapter 4

The Matchbox: Ginetta Sagan, Amnesty International USA's Western Regional Office, and the Emergence of International Human Rights Activism in the San Francisco Bay Area, 1971-1976

Ginetta Sagan told anyone who would listen about her experiences during World War II. With her parents taken by the Nazis, Sagan joined the Italian Resistance. Known as “Topolino (Little Mouse),” she was arrested in February 1945. One night, as she lay in her cell awaiting yet another interrogation at which she was certain to be tortured, a guard threw her a small loaf of bread. Starving but afraid that it might be poisoned, Sagan broke it open. Her fingers grasped the edge of a matchbox that had been slipped inside the bread. Upon striking a match, she saw that there was a small piece of paper scribbled with “Corragio!”—“Courage!”—a reminder that she was not alone.¹

Sagan used this story to explain why she became an international human rights activist. Inspired by those who ultimately helped her escape, she joined Amnesty International USA (AIUSA) in the early 1970s. With her energy, ambition, and instinctive media savvy, Sagan organized AIUSA local groups across the United States. Her work at the grassroots was so successful that she established AIUSA's Western Regional Office (WRO) in San Francisco. Under Sagan's leadership, the WRO developed the blueprint for AIUSA's dramatic growth during the 1970s and 1980s. Sagan used her friendship with folk singer Joan Baez to give AIUSA the visibility it previously lacked. As the public face of the Campaign for the Abolition of Torture (CAT), Sagan used her media contacts to promote AIUSA as much as she could. A direct mail fundraising strategy developed by the WRO took advantage of AIUSA's newfound relevance. A prodigious fundraiser herself, Sagan cultivated large donors to complement this growing membership base.

The WRO also pioneered the use of information technology with its work on Prisoners of Conscience (POCs). The personal computer gave the WRO a crucial role in the formation of the Urgent Action Network, which alerted local groups to send telegrams, telexes, and overnight letters at a moment's notice when a prisoner's life was in danger. In response to the September 1973 military coup in Chile, the WRO engaged a public campaign against the Pinochet regime and employed a lobbyist in Washington, D.C. to convince Congress and the State Department to approve a program that eventually allowed hundreds of Chilean refugees to enter the U.S. More than any other person associated with AIUSA, Sagan was responsible for bringing international human rights activism to the West Coast.

“Topolino”

Born in Milan on June 1, 1925, Ginetta Sagan was the love child of two doctors: her mother, a French Jew, and her father, a married Italian Catholic. To avoid scandal, she was given the identity of her wet nurse's baby who had died two years before. Because her mother was not correctly identified on the birth certificate, Sagan avoided persecution as a Jew. “Unjust

¹ Mary Peace Finley (writer) and Shawn Berlute-Shea (illustrator), *The Matchbox* (Auckland, New Zealand: Shortland Publications Limited, 1995), 14-16, 24, 27; *The Matchbox* was a children's book that Finley based upon an interview with Sagan

treatment of human beings by the Fascist regime was known to me and my family, friends, in our circle, even before World War II started,” Sagan remembered. Both parents died in Nazi concentration camps. Her father joined the Italian Resistance, but was executed at Buchenwald in September 1943. Her mother died at Auschwitz.²

Giustizia e Liberta was an underground organization of partisans affiliated with the Italian Resistance that Sagan joined as a teenager. “I grew up in a country where I saw, yes, there were Fascists, but yes, there were people who helped the anti-Fascist movement,” Sagan said. “Yes, there were Nazis, but there were people who helped the victims. Therefore I grew up in a country which cared deeply about the victims of a totalitarian regime. And when the Jewish people began escaping from Italy, the Resistance was magnificent, and the Catholic Church was magnificent.” Known as “Topolino” (or “Little Mouse”) because of her diminutive size—less than five feet tall—Sagan helped the resistance in big and small ways. While working as a maid for a prominent Fascist officer, Sagan eavesdropped on his phone conversations and searched for the house for documents that might of use to the resistance. As a clerk for the City of Milan, she retrieved clothing and food ration coupons for Jews in hiding. In addition to passing intelligence to Allied forces, she distributed Anti-Fascist propaganda across Northern Italy. On one occasion, she helped nearly 300 anti-Fascists, Jews and draft evaders escape to Switzerland.³

Betrayed by an informant, Sagan was captured by the Fascist Black Brigade in February 1945. Raped, beaten, burned, and electrocuted for the six weeks in which she was detained, Sagan never gave in to her torturers: “My greatest fear, greater even than the fear of death which seemed almost a certainty, was that I would betray my comrades to the Black Brigade. But to all the torturers' questions I had managed to answer, 'I don't know, I don't know,' even after the Black Brigade 'nurse' injected me with Sodium Pentothal.” One night, a guard threw a loaf of bread into Ginetta’s dark cell, calling her a “whore and all sorts of names.” Hidden inside was the matchbox which she used so many times to describe her reason for joining Amnesty International. “That message stayed in her mind ever after, whenever she heard of other prisoners who had come to believe that no one knew where they were, and no one would ever know,” wrote Nat Hentoff, her longtime friend. One of those who had been imprisoned with Sagan was Tiberio Panzini, a twenty-seven-year old doctor who was tortured to death. Panzini’s death affected Sagan for the rest of her life, as a reporter described in a 1988 interview with her: “I don’t want to talk about it. It just...too much,” Sagan said as she walked around her kitchen, dabbing at eyes that had filled with tears. ‘I’m sorry,’ she tried again. ‘I still...I’m sorry.’”⁴

Sagan was spared Panzini’s fate in a dramatic rescue undertaken on April 23, 1945. Disguised as Nazi soldiers, two partisans stormed into the prison where Sagan was held, bullied the Italian Fascist guards to release her for further interrogation, and then put her in a car where they drove her to convent hospital. As she recuperated with the help of nuns, a priest brought her

² Stephen Most, “The Power of a Nobody,” *San Francisco Chronicle*, September 13, 2000, reproduced at <http://www.commondreams.org/views/091300-105.htm>; Nanette Asimov, “Rock n’ Roll n’ Amnesty,” *San Francisco Chronicle*, September 21, 1988

³ Asimov, “Rock n’ Roll n’ Amnesty”; Most, “The Power of a Nobody”; Colman McCarthy, “Amnesty International’s 70 Year-Old Angel,” *Los Angeles Times*, May 5, 1996; Sam Whiting, “Ginetta Sagan: A Meddler in the Business of Human Rights,” *San Francisco Chronicle*, August 4, 1996; Most, “The Power of a Nobody”; Lawrence Joffe, “Ginetta Sagan: A Torture Victim, She Fought Back,” *The Observer*, September 14, 2000

⁴ McCarthy, “Amnesty International’s 70 Year-Old Angel”; Most, “The Power of a Nobody”; Hentoff, “The Passion of Ginetta Sagan”; Asimov, “Rock ‘n’ Roll ‘n’ Amnesty”

a letter from Panzini. “I must be mad to talk of hope in this hell,” Panzini wrote. “They will end up drinking Chianti while I will rot in my grave. Make sure that they will never be allowed to do what they did to us, or to other people. Never again.”⁵

Taken in by her godfather, Sagan spent the next two years in France recovering from torture. Part of her rehabilitation consisted of interviewing Holocaust survivors and former resistance members. In 1949, Sagan began studying at the Sorbonne’s Institute of Psychology. Two years later, Sagan enrolled at the University of Illinois, Chicago, to study child development and electroencephalography (EEG). It was in Chicago that Ginetta met her husband, Leonard, a San Francisco native who was studying to become a medical doctor. They married the next year. From 1952 until 1954, Sagan worked at the Psychiatric Institute of the City Court of Chicago as an EEG specialist for juvenile offenders. The Sagan family added three sons over the next few years: Russell (Loring) in 1953, Duncan in 1956, and Stuart Ross (Pico) in 1957.⁶

Leonard’s research into the long-term effects of exposure to atomic radiation took the family to Japan. Although she was a foreigner, Ginetta volunteered at a local orphanage, which soon expanded into a larger effort to help orphans in Nagasaki. Working with the Usagikai organization, she led a campaign that donated food and medical care to six orphanages nearby. After a year in a Boston, the Sagans moved to Washington, D.C. Leonard continued his research, and Ginetta taught cooking classes to the wives of congressmen.⁷

In 1967, a friend introduced Ginetta to a Greek woman who described how the military junta had tortured her and other political prisoners, joining an AIUSA local group shortly thereafter. With contacts in Paris from her time at the Sorbonne, she had access to Greek exiles who gave her information on prisoners and their whereabouts. Always travelling in disguise under an assumed name, Sagan made several trips to Greece during the late 1960s and early 1970s. “She’s irresistible, or was in those days particularly,” former AIUSA member Sally Lilienthal recalled in 1987. Sagan kept close ties with her acquaintances in Europe. “She worked on an international basis,” Lilienthal said. “By the time I knew her, she had been working with Amnesty and with other human rights groups there—just as an individual, working on human rights for years.”⁸

Sagan brought Amnesty International to Northern California. “We moved here in 1968,” she later remembered. “And the chair of the board of Amnesty, which was small, said, ‘Could you possibly use the organizational skills you were taught in the resistance movement to help in California?’” Her first group consisted of over fifty members scattered throughout the West, many of whom were associated with local universities: “We were very fortunate because we had extraordinary people in San Francisco, at Stanford, in Berkeley who understood the concept of

⁵ David Perlman, “Ginetta Sagan—Longtime Human Rights Activist,” *San Francisco Chronicle*, August 25, 2000; Elise Baldacci, “Ginetta Sagan,” *San Jose Mercury-News*, August 30, 2000; Asimov, “Rock ‘n’ Roll ‘n’ Amnesty”

⁶ While in Paris, Sagan developed a friendship with Rene Cassin, the French jurist who influenced the Universal Declaration of Human Rights. Sagan later said she was immediately struck by declaration’s importance: “And I thought at that time, hooray, hooray, hooray! There will never be any more concentration camps; there will be no more torture; no more treason. Of course, I was dumb. And idealistic.” “Chronology of Ginetta Sagan,” *Amnesty International USA: The Ginetta Sagan Fund*, <http://www.amnestyusa.org/our-mission-and-the-movement/the-ginetta-sagan-fund/chronology-of-ginetta-sagan/page.do?id=1104600>; Joffe, “Ginetta Sagan: A Torture Victim, She Fought Back,”; Whiting, “Ginetta Sagan: A Meddler in the Business of Human Rights”

⁷ Myrna Oliver, “Ginetta Sagan Dies,” *Los Angeles Times*, August 30, 2000

⁸ Most, “The Power of a Nobody”; “Ginetta Sagan,” *Amnesty International Group 19*, <http://www.amnesty-volunteer.org/usa/group19/sagan.htm>; Sally Lilienthal, *Funding the Prevention of Nuclear War* (1987), Regional Oral History Office Interview (ROHO), Bancroft Library (BL), University of California—Berkeley (UCB), 81, 82

what Amnesty International was trying to do.” One of Sagan’s first events for AI was an October 1971 concert at the Greek Theater in Berkeley. “I brought together Melina Mercouri and Joan Baez in Paris and I said, ‘If you both come to Berkeley, let’s have a concert.’ Wanting everything to go as smoothly as possible, her anxiety dissipated as soon as she saw the crowd: “It was 10,000 people, packed, chanting, ‘Free Greece, free Greece.’ It was an incredible experience. Everybody joined Amnesty International.”⁹

Crucial to Sagan’s organizing efforts was her friendship with Joan Baez, a popular folk singer-songwriter who was deeply involved in liberal causes. “Ginetta was born with the gifts of an active mind, a love of life, an unquashable [sic] spirit, and a faith in people very much like that of Anne Frank,” Baez wrote in her autobiography. “Her favorite expression, ‘There are so many beautiful people in the world!’ reminds me so much of ‘I still believe that people are good at heart.’ I think she is speaking of herself.” Sagan convinced her to join AIUSA in 1972, as according to Baez, “Under her arm—or rather, in her lap, because as I remember, she was sitting on a huge stone near the garden—she held a big messy bundle of documents. I remember very little of that meeting, except her heavy Italian accent, and grisly pictures of tortured prisoners from places like Turkey, Greece, South Africa, and Cuba.” Baez found international human rights activism to be more rewarding than working towards eventual nuclear disarmament. “I do not need retrospective wisdom to know why I was so attracted to Amnesty: I needed to do some kind of work that produced tangible results,” Baez admitted. “The things I had worked for all my life, and would go on working for, were things I would never see, like fewer nation-states and an end of the arms race.” Sagan realized that Baez’s fame would bring in new members. “You’ve got to have a voice who [sic] can be heard,” Sagan said. “And I am very happy with what I am, but I am essentially a wife, a mother, now a grandmother. But you needed a voice and Joanie was the first one to join me and many other did after that.”¹⁰

Returning to Italy in 1968—the “scene of the crime”—so she could “finally feel liberated and unafraid,” Sagan resolved that she would do more than the average AI member: “I could help organize AI rather than just play a quiet role writing letters. I had been lucky. If friends were not around to help immediately, I might not have survived psychologically. I want to give others a chance, to give my survival meaning.” Sagan formally established AIUSA Group 19 in June 1972. A flyer announcing the initial meeting made clear that AI was concerned with individuals who had been mistreated “by reason of their political religious or other conscientiously held belief, by reason of ethnic origin, color or language—provided they have not used or advocated violence.”¹¹

Sagan knew how difficult it would be building a movement from scratch. “Organizing for human rights was rough six years ago when a handful of Bay Area residents met in my garden to form Amnesty’s first West Coast group,” Sagan said in 1978. “We were so few to deal with constant emergencies. There was no real organization. We were always trying to raise money.” This was all the more difficult because of persistent misunderstandings about what AIUSA stood for. While AIUSA benefitted from the inclusion of former antiwar protestors,

⁹ Asimov, “Rock ‘n’ Roll ‘n’ Amnesty,”

¹⁰ Joan Baez, *And a Voice to Sing With: A Memoir* (New York: Summit Books, 1987), 179-180; Asimov, “Rock ‘n’ Roll ‘n’ Amnesty”

¹¹ Rozanne Weissman, “Ginetta Sagan: The ‘Little Mouse’ That Roars,” *Air California Magazine* (September 1978), 38-39 found in Box 9, Human Rights Legislation, Ginetta Sagan Papers (GS), Hoover Institute Archives (HI), Stanford University (SU); “Amnesty International Chapter to be Formed,” Box 21, Group 19 Historical, GS, HI, SU; Ginetta Sagan, January 25, 1975, Armijo, Dr. Roland—Re: Paul Bonnefoi, Box 37, GS, HI, SU

Sagan's more immediate concern was that the organization was perceived to be anti-American: "The Vietnam War was paramount, and AI was considered unpatriotic because we were working for Vietnamese prisoners of conscience."¹²

Sagan first had to instruct Group 19 members how to write letters, as she did in an October 1972 guide: "Please write in English: Short, polite, thoughtful letters expressing our concern not only for those two prisoners in their countries but for ALL political PRISONERS of CONSCIENCE EVERYWHERE." One of the first cases assigned to Group 19 was Christos Sartzetakis, the Greek judge who was imprisoned by the junta for having investigated a political assassination. With the case popularized by the 1969 film *Z*, Group 19 was just one of many AI groups in the United States and Western Europe who wrote Greek officials on his behalf. Though there is no way of knowing what impact all of these letters had on his captors, Sartzetakis survived his many years in confinement. Upon returning to Greece in June 1975, Sagan was struck by the gratitude that former prisoners expressed to her. "It was nice to spend my first morning in Athens with Spyro Cavounidis," Sagan wrote to Lilienthal. "He sends you and all his friends who helped him his love—and thanks. It is always a little embarrassing to see how grateful our former p.o.c. [prisoners of conscience] are. But it also such a joy to see them personally—a year ago today his whole family was in such a frantic state." Through Fleming, Sagan was able to communicate with Sartzetakis who wrote her after his release.¹³

A philanthropist from a prominent San Francisco family, Sally Lilienthal joined AIUSA in 1971-1972 after reading an article about the organization, later saying how embarrassed she had been at not knowing that "there were people in prison that nobody had heard of for years, the fact that there were people who were tortured." Her interest in this new kind of activism came from her passion for art. Recalling that an international art contest was held in London after World War II for a sculpture dedicated to unknown political prisoners everywhere, she thought it was awful that someone could literally disappear without a trace.¹⁴

Following Group 19 in Palo Alto, Lilienthal established Group 44 in San Francisco. "Without Sally Lilienthal, Janet Johnstone, Scott Harrison, and the many volunteers AIUSA would not have become as well known in the USA as it is today," Sagan wrote to AIUSA Chairman Ivan Morris in 1976. "AI is a highly personalized organization which needs both structure and flexibility to involve people in their community who can initiate projects and sustain them." Other groups soon sprang up in San Francisco. Lilienthal described that ran by AIUSA member Kay Boyle as "extraordinary." Group leaders like Sagan, Lilienthal, or Boyle had keep up group morale. "It really takes devotion, a tremendous amount of devotion, to do these things, to do them right," Lilienthal said. "You can imagine when you don't hear from them, when there's no sign of anybody."¹⁵

¹² Rozanne Weissman, "Ginetta Sagan: The 'Little Mouse' That Roars," 38

¹³ Ginetta Sagan to Ivan Morris, "Report of Activities of SF AI Office," c. 1976, Box 69, Report of Activities of SF AI Office, GS, HI, SU; Ginetta Sagan to Group 19, October 10, 1972, Box 21, Group 19 Historical, GS, HI, SU; Ginetta Sagan to Sally Lilienthal, June 2, 1975, Box 36, Sally Lilienthal, GS, HI, SU

¹⁴ Sally Lilienthal, *Funding the Prevention of Nuclear War*, 71, ROHO, BL, UCB

¹⁵ "History of Group 19," *Amnesty International USA Group 19, Palo Alto, CA*, <http://www.amnesty-volunteer.org/usa/group19/history.htm>; Ginetta Sagan to Ivan Morris, "Report of Activities of San Francisco AI Office," c. 1976, Box 69, Report of Activities of SF AI Office, GS, HI, SU; also see a member of Group 19's reflections on Sagan after her death in 2000, Lee Boucher, "Letters to the Editor," *Palo Alto Almanac*, September 13, 2000, http://www.almanacnews.com/morgue/2000/2000_09_13.letter13.html; Lilienthal, *Funding the Prevention of Nuclear War*, 76, ROHO, BL, UCB

Sagan and Lilienthal raised the profile of AIUSA in the Bay Area by linking it to the antiwar movement. In February 1973, on their way to Greece, where they had planned on helping political prisoners escape, they visited with Sean MacBride at Amnesty International headquarters in London. MacBride mentioned two Frenchmen who had been held by the South Vietnamese in “tiger cages”—prison cells constructed out of bamboo that were partly submerged in water. “By the time Ginetta and I arrived in London the two young men had come back to Europe, and were living in France,” Lilienthal said. “And wouldn’t it be wonderful for political prisoners in those tiger cages if one could introduce to Americans former prisoners who had actually been there?”¹⁶

The names of the prisoners were Jean Pierre Debris and André Manras. On July 25, 1970, they climbed on a statue in front of the Parliament’s Lower House building in Saigon and attempted to hang up a National Liberation Front flag. The teachers were dragged down and beaten by a crowd. “As one of the two fell fifteen feet onto the ground, the other descended from the monument with hands up. Blood was visible on both men’s faces.” In possession of “100 anti-government pamphlets,” Debris and Manras were convicted by a military tribunal. As the Vietnam Council on Foreign Relations wrote on July 30, “In the eyes of the common people here, the Viet Cong do not represent a peace force from which a negotiated solution of the conflict may be expected. The flying of enemy colors, thus, is something hardly tolerable by the common people who are no longer misled by Communist phraseology.”¹⁷

Hearing of Debris and Manras altered Sagan and Lilienthal’s plans. “Because of those French former prisoners, we didn’t go to Greece,” Lilienthal said. “We went to Paris to meet them. Ginetta had loads of French friends, and I sat alone in the hotel in Paris waiting for what my orders were to be.” They received good news about the Greek prisoners they were supposed to have led to freedom: “And the Greek people, in the meantime, were freed by somebody else, and they arrived three o’clock at somebody’s apartment in Paris.” To Lilienthal, this was all quite amazing, but it was “the story of Ginetta’s life.”¹⁸

Lilienthal arranged and paid for the speaking tour. Sagan accompanied Debris and Manras as they visited college campuses and antiwar groups. Although neither Frenchman spoke English, Sagan knew French and translated for them. Lilienthal believed this forum brought out the very best in Sagan. “She is absolutely irresistible, this woman,” Lilienthal remembered. “Yay high, very round, rosy cheeks, passionate speaker. I mean, she makes Helen Caldicott look like nothing.” AIUSA’s National Office did not have the money to support what

¹⁶ Ibid., 83

¹⁷ “Two French Nationals to be Prosecuted,” *Vietnam Bulletin*, July 27, 1970, Vietnam Center and Archive: Virtual Vietnam Archive (VCA), Texas Tech University (TT), <http://www.vietnam.ttu.edu>; “The Flag Incident,” July 30, 1970, VCA, TTU; Debris and Manras were also discussed in New York. Dr. Amelia Augustus, who was then AIUSA Executive Director, received a telephone call from Peter Harris, an AI researcher in London, requesting that the American section sponsor a speaking tour on their behalf. The purpose of which, Harris explained, would be “to dramatize the grotesque situation of the political prisoners.” Augustus told Harris that it was “doubtful” AIUSA had the money to for such an undertaking. At the February 7, 1973 AIUSA Board of Directors meeting, Professor Harrison suggested that this could be done if a local group cooperated with the national office. “Ginetta Sagan, West Coast Coordinator and Group 19 member, said that she would be speaking with these men in the next few days in Paris,” Harrison mentioned to the other board members, see AIUSA Board of Directors, February 7, 1973 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1973, AIUSA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU)

¹⁸ Lilienthal, *Funding the Prevention of Nuclear War*, 84, ROHO, BL, UCB

Sagan and Lilienthal were doing. “There weren’t Amnesty people,” Lilienthal said. “That was the point.” Lilienthal saw the Debris and Manras tour as a turning point for AIUSA: “This is one of the ways Amnesty International began to spread in the United States, when you see what some people have been through.” Sagan arrived at the same conclusion, as she wrote in November 1976, “There was nothing before Sally and my husband financed the trip of Jean Pierre Debris and Andre Manras across the country.”¹⁹

Grassroots Organizing

Ginetta Sagan predicted to her family in 1971 that it would take three years for her to reach her goal, which she defined as “the American public would respond and provide enough funds for a capable staff so I could return to a more normal home life and not be on call 24 hours a day.” She felt guilty that her work schedule came at the expense of her family. “We call her the ‘Little Spy’ in the family,” her son Pico told a reporter. “Sometimes we resented her preoccupation and long hours, but we knew she had to do it.” Another son, Duncan, was forced to move within the house when his bedroom became the AIUSA Western Regional Office headquarters. Duncan’s room figured prominently in Baez’s earliest recollections of her work with AIUSA: “Oh how we would laugh! I sat in Ginetta’s guest room which we had made into an office, surrounded with documents and leaflets and pamphlets and indexes and files and literature on political prisoners.” The operation was so small that Baez herself took phone calls: “One day I answered the phone ‘Amnesty International’ and when Ginetta came on the line, the caller said, ‘Who’s your secretary? She has such a pleasant speaking voice!’”²⁰

Sagan made her career as an activist between 1971 and 1976. It was in those years that Sagan established AIUSA on the West Coast, beginning in the San Francisco Bay Area and greater Los Angeles and moving eastward. Sagan’s tireless effort to promote AIUSA allowed it to expand beyond its bicoastal strongholds in New York and San Francisco. To many fellow activists, Sagan *was* the face of human rights in the U.S. The desire to overcome the torture—her life story—defined the very essence of AI. Sagan later described this period of her life as “just extraordinary.” Starting in cities like Santa Barbara and Fresno, Sagan eventually made it to Chicago and Boston. “In each place, our purpose was to organize and establish a group of people who then could do their work. A little bit of what we did in the resistance movement in World War II: organize and then get people very solid, very capable, and then they do the work.” Reporter Rozanne Weissman captured the frenetic pace of Sagan’s activity. For five years, Sagan’s workdays consisted of “obtaining depositions, fundraising, speaking engagements, organizing AI in California, Texas, Chicago, Detroit, and elsewhere, secret escapades, campaigns for prisoners, resettling released prisoners, contact with embassies, State Department, government officials, media, universities, churches, interest groups and their families.”²¹

“Even before there was an office of AI in the Western Region, I contacted several other people in Northern and Southern California who subsequently formed groups,” Sagan wrote in 1976. These early organizing efforts in California attracted the attention of the National Office in New York. AIUSA Executive Director Dr. Amelia Augustus named Sagan the West Coast

¹⁹ Lilienthal, *Funding the Prevention of Nuclear War*, 83-84; Ginetta Sagan to A. Whitney Ellsworth, November 23, 1976, Box 52, AI—Development, GS, HI, SU

²⁰ Weissman, “Ginetta Sagan: The ‘Little Mouse’ That Roars,” 39; Baez, *And a Voice to Sing With*, 180

²¹ Nanette Asimov, “Rock ‘n’ Roll ‘n’ Amnesty,”; Weissman 39

Coordinator in December 1972. Augustus praised what Sagan had achieved in only a few months: “In the seven months of its existence your group has accomplished a great deal in increasing membership, raising funds, publicity, work on prisoner cases, and now a West Coast office”—Duncan’s room. In January 1973, Sagan told a prospective donor that AIUSA was already in the process of “establishing a self-sustaining organization on the West Coast” such as the two groups in Los Angeles consisting of “over two hundred and fifty people, with strong participation by doctors and lawyers.”²²

Sagan had big plans for AIUSA in California. “Since the time seems so opportune NOW in the United States to organize a chapter of Amnesty, we have formed an informal committee to discuss ways and means how we can in California expand the membership and groups,” Sagan reported to Augustus in May 1973. The committee consisted of Sally Lilienthal and Joan Baez, publicity; Kit Bricca, organizer; and Donald Eldridge, fundraiser. Less than a year after Group 19’s founding, Sagan had already designed a local publicity campaign: “We have started a series of newspaper interviews, radio, TV, and free speech messages inserted in the San Francisco TV and radio program.” This outreach had the desired effect, with each article and TV appearance resulting in more media requests that would be useful in building a regional membership base. “We are systematically covering areas around San Francisco, San Jose, Santa Clara, Berkeley and Oakland,” Sagan wrote. With Joan Baez’s mother was organizing groups in Carmel and Monterey, it was obvious that AIUSA owed “a great deal” to the folksinger: “She is actively engaged in organizational work and takes a great interest in all our activities.” Of this initial organizing, Baez remembered, “We tore up and down the coast fundraising, meeting with editorial boards, going to private homes and giving talks on how to form an Amnesty group.” Sagan wanted Augustus to understand that this was not possible without Baez’s dedication, as she asked, “Is the Board of Amnesty aware that you can’t build an organization without full time professional organizers in each section of the country, preferably in each state?”—a criticism of the lack of guidance and direction from the National Office.²³

The feverish organizing continued through 1973. “Although we have a full time organizer, Kit Bricca, and several part time volunteers including Joan Baez and her mother, we cannot keep up with what needs to be done to make our organization more effective,” Sagan noted that June. “We all work 12 hours a day but somehow we are far behind.” Bricca followed up a week later with a more positive assessment of the situation: “Things are really popping out there—we’ve begun the house meeting campaign, which will be our main tool to organize new groups in California. All the evenings for the next two weeks are filled, and so membership and support should build steadily.” Sagan had more good news for Augustus later in the summer. “Had another great house meeting last night,” Sagan wrote in August. “Straight middle class home, housewives mostly, people who look forward to receiving their prisoners and are already

²² Ginetta Sagan to Ivan Morris, “Report of San Francisco AI’s Office Activities,” c. 1976, Box 69, Report of Activities of SF AI Office, GS, HI, SU; Weissman, “Ginetta Sagan: The ‘Little Mouse’ That Roars,” 39; Although there were established groups in San Francisco, Palo Alto, Santa Barbara, and Los Angeles, the overall operation in California was marked by a “lack of structure, assertiveness by groups, [and] difficulty with [the] board,” see Ginetta Sagan, “Board Retreat DC—1983,” Box 20, AIUSA Board, 1983-1984, GS, HI, SU; Dr. Amelia Augustus to Ginetta Sagan, December 22, 1972, Box 37, AI New York Office, GS, HI, SU; Ginetta Sagan to Dr. Amelia Augustus, January 7, 1973, Box 37, AI New York Office, GS, HI, SU; Ginetta Sagan to Dr. Anthony J. Aguilar, January 3, 1973, Box 41, Correspondence, GS, HI, SU

²³ Ginetta Sagan to Dr. Amelia Augustus, May 15, 1973, Augustus, Box 44, GS, HI, SU; Baez, *And a Voice to Sing With*, 180; Ginetta Sagan to Dr. Amelia Augustus, May 15, 1973 (a second letter from Sagan on this date), Box 44, Augustus, GS, HI, SU

talking to their friends about Amnesty, encouraging them to become members.” Sagan saw no need to deviate from this strategy, explaining, “The house meeting continues to be the most reliable and efficient way of catalyzing new groups.” Such an approach worked very well in the Bay Area, where Sagan’s informal committee could build upon initial contacts with repeated in-home visits. “The growth of AIUSA groups is most encouraging thanks to the help of the West Coast and a \$500 grant to be matched by Prof. Morris and \$500 to be matched by someone else,” Sagan said to the AIUSA Board of Directors in September 1973. These additional funds were used to send Sagan and Bricca to Texas, where twelve groups had been formed, making a total of fifty-two AIUSA groups, which, as Augustus remarked, was “quite a contrast from last year at this time when there only 22.”²⁴

By the end of 1973, Sagan claimed more than 2,508 AIUSA members (a total of 4,094 on the mailing list) in the Western Region. She relied upon her small staff to bring in new members. At the end of October, to cite one of numerous examples, Theo Brown organized a group in Fresno. He met with local AI members, spoke at a Unitarian Church, and did two TV interviews. At the beginning of November, Sagan and Baez went to Houston to launch what they called “the Texas office.” Sagan believed 500 to 600 people attended the opening reception, raising \$3,500 with the promise of more donations to follow. Following two concerts by Baez in Eugene and Portland, WRO volunteers solicited 300 requests for information. This trip extended to Seattle to assist already-functioning AIUSA groups: “There had been no staff person in Washington since the work was organized last spring; there was good response from all of the group leaders and big steps were made towards organizing the Washington district.” The WRO soon outgrew Sagan’s Atherton home, moving into a building located on Union Street in San Francisco. After returning from Texas with Sagan in April, Bricca made another trip to Oregon and Washington, which yielded nine new groups and at least 150 new members.²⁵

From June 1973 to October 1974, AIUSA experienced what publicity officer Grace Harwood described as “astounding growth,” having grown to 3,700 members in the Western Region. Harwood credited “personal contact” as having created “something of an organizing miracle in Northern California,” which reflected the “high degree of personal involvement” of Baez, Bricca, and Sagan. Lorrin Rosenbaum of AIUSA’s National Office echoed Harwood’s sentiments, writing to Sagan in September 1974, “Congratulations on the wonderful things you have accomplished by your incredible energy and enthusiasm which are contagious!!!” AIUSA needed to continue this momentum. “And right now, the organizers in Texas, Southern California, Chicago-Midwest, and the Bay Area are expressing a need to prove the Amnesty ‘point’ with such publications and radio/TV backup,” Harwood wrote the next month. “Without a well-organized, effective publications program behind them to back them up with materials, these efforts to form regional offices will be seriously hampered.” As AIUSA volunteer Scott Harrison wrote in his 1981 master’s thesis, the development of regional offices was a crucial part of AIUSA’s continued growth during the 1970s: “In 1974, an office opened in San Francisco,

²⁴ Ginetta Sagan to Dr. Amelia Augustus, June 11, 1973, Box 44, Augustus, GS, HI, SU; Kit Bricca to Dr. Amelia Augustus, June 20, 1973, Box 44, Augustus, GS, HI, SU; Ginetta Sagan to Dr. Amelia Augustus, August 21, 1973, Box 44, Augustus, GS, HI, SU; AIUSA Board of Directors, September 26, 1973 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1973, AIUSA, CHRDR, CU

²⁵ Ginetta Sagan, “November Board Report,” November 1973, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1973, AIUSA, CHRDR, CU; AIUSA Western Regional Office, “Western Region Activity Report,” May 30, 1974, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1973, AIUSA, CHRDR, CU

and within the next few years offices also opened in Los Angeles, Washington, D.C., Boston, Chicago, and New Orleans, with the national headquarters still based in New York City.”²⁶

Sagan’s success raised some eyebrows in the National Office. With the San Francisco-based WRO rapidly gaining in importance, the AIUSA Board of Directors felt like it had to assert its authority. More than a few board members at the January 1974 meeting emphasized the need for only one national headquarters. In her defense, Sagan described WRO as merely responding to the “unexpected explosion of activity in California and Texas,” for it had seized upon “the potential for group activity on the West Coast and the necessity of having not only someone to coordinate this activity, but also a center for the dissemination of information.” Augustus wanted it to be known that all procedures relating to the WRO be “made absolutely clear,” a motion seconded by Roger Baldwin who urged that “everyone agree that there is only one American section and one national office and that all matters must pass through this office.” Augustus’s clashes with Sagan and Lilienthal were one reason why she left AIUSA a few months later.²⁷

Fundraising: “A Wonderful ‘Seed Crop’”

Ginetta Sagan and Sally Lilienthal realized that a growing membership meant more opportunities for AIUSA to raise the funds it needed for further expansion. Under their leadership, the WRO developed the fundraising strategy that would prove to be of great significance to AIUSA as a whole. Sending carefully crafted letters to individuals found on lists sent to Sierra Club and ACLU members proved to be quite lucrative for AIUSA. Because human rights questions were at the forefront of post-Vietnam War discussions of U.S. foreign policy, philanthropic foundations were increasingly willing to give to NGOs. To their credit and AIUSA’s benefit, Lilienthal and Sagan successfully identified and cultivated these sources to a much greater extent than their colleagues in New York.

AIUSA’s membership growth could only be sustained within a sufficient organizational structure. A grant proposal written by Sagan in October 1974 showed the importance of fundraising to grassroots activism. Requesting funds to support two field organizers who would “create and educate a network of Amnesty International groups,” which she characterized as the “backbone of Amnesty International,” Sagan described how they functioned as a community: “The work of such ‘Groups’ is effective not only in securing freedom, or, at least, better treatment, and, sometimes saving the lives of their prisoners, but the ‘Group’ becomes the energizing core of an ever expanding circle of people awakened to the living issue of Human Rights.” Developing these groups was Sagan’s top priority. Baez’s concerts brought in some new members: “At my concerts I arranged to have leaflets handed out containing the names of three prisoners, or the name of one special Urgent Action prisoner, with instructions as to whom and where to write demanding his or her release.” “We gather crowds from the concerts that Joan Baez has given as benefits for us and where she talks about our mission,” Sagan mentioned in the proposal. “From those interested, the field organizer [Kit Bricca] puts together house

²⁶ Lorrin P. Rosenbaum to Ginetta Sagan, September 13, 1974, Box 36, Rosenbaum, Lorrin P., GS, HI, SU; Grace Harwood to AI West Coast Regional Board, October 22, 1974, Box 23, Matchbox—Grace Harwood, GS, HI, SU; Scott Harrison, “Amnesty International USA: A Membership Participation Organization in a Process of Change,” 9, Box 33, Scott Harrison’s Thesis, GS, HI, SU

²⁷ AIUSA Board of Directors, January 12, 1974 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1974, AIUSA, CHRDR, CU

meetings where he gets down to telling about the techniques of group work. He discourages group membership for all but the truly committed because of the serious responsibility of ‘adopting’ three prisoners and the work done to secure their freedom and, sometimes, to save their lives.” Past experience dictated that it usually took three visits to make an effective group. Formerly an organizer with the United Farm Workers before Sagan hired him, Bricca had “traveled uninterruptedly with little regard for hours of the day or week,” but could not “begin to cover the areas from which we have had inquiries.” If AIUSA could not support its grassroots organizers, then it risked “losing prospective members.”²⁸

AIUSA had a reputation for difficulty within philanthropic circles, mostly because of the strained relations between the National Office and the Western Regional Office. Augustus, according to Sagan, told a number of potential donors that the AIUSA Board of Directors was “totally incoherent,” and she alone—Augustus, that is—was responsible for the organization’s continued success. Citing Sagan’s “irresponsibility,” Augustus said the Western Regional Office was “wrecking the organization.” This apparently made foundations weary “about ‘investing’ their funds if she [Augustus] was the administrator and sole person doing anything.” In making this point to Rose Styron, Sagan quoted a program officer at a large unnamed foundation: “Dr. Augustus was a distinct liability to AIUSA. She was arrogant and made people feel as if we owed her everything she asked for. That attitude is not conducive to the development of mutual trust between the donor and the recipient of our funds—which is part of our evaluation process in allocating resources.” It fell to Sagan and Lilienthal to repair these frayed relationships after Augustus resigned in July 1974.²⁹

The most important component of Sagan’s fundraising strategy was to implement a successful direct mail operation. “For some reason, Ginetta knew some young men in Santa Barbara, who were starting a direct mail outfit,” Lilienthal said. “And they asked Ginetta if Amnesty International wouldn’t be interested.” Sagan brought this idea to AIUSA board member A. Whitney Ellsworth, publisher of the *New York Review of Books*. Ellsworth was already using direct mail to find potential subscribers. Years later Lilienthal was still struck by their success: “We started this direct-mail project, and it brought in so much money. They never had to call the foundations or really work very hard on raising individual funds after that.”³⁰

To do this, the Western Regional Office relied upon Anacapa, a Santa Barbara-based firm co-founded by Richard Parker, a fellow at the Center for the Study of Democratic Institutions. Lilienthal was ambivalent towards direct mail. It worked because it was so immediate and visceral: “I don’t know if you’ve ever got any direct mail from Amnesty, but it’s unforgettable. It really is unforgettable stuff. You can imagine how personalized you can make it. After all, you can give \$5 and keep that person—you can save that person from having his hand cut off.” But she also thought these appeals could be emotionally manipulative. Direct mail also required a substantial investment before reaching profitability. “One time, Amnesty was kept off the Better Business Bureau listing of nonprofits for spending too much money on its fundraising,”

²⁸ Ginetta Sagan, “Grant Proposal,” October 20, 1974, Finance/Fundraising [Grant Proposals]—1974, Box 2, Record Group II: Executive Director, Series II.1: David Hawk Files, 1972-1978 (DH), AIUSA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Baez, *And a Voice to Sing With*, 183

²⁹ Ginetta Sagan to Rose Styron, October 13, 1974, Box 49, Rose Styron, GS, HI, SU; By October 1974, Sagan believed she and Lilienthal had “cleaned up” AIUSA’s image, see Ginetta Sagan to Rose Styron, October 16, 1974, Box 49, Rose Styron, GS, HI, SU

³⁰ Sally Lilienthal, *Funding the Prevention of Nuclear War*, 88, ROHO, BL, UCB

Lilienthal said. “And the bureau was actually right, because I am not sure of the figure, but I believe the figure was—if you can believe it—that if you spent more than—guess what percent—50 percent.”³¹

Using a list compiled by the Forum for Contemporary History, Anacapa undertook its first test mailing for AIUSA in December 1973. “We had a full discussion on the results of the mailings to date which are very satisfying in that virtually every list tested as at least brought back the money expended, which bodes well for rapidly building a membership/contributor list through direct mail,” Ellsworth said after a July 1974 meeting with Anacapa. “The dollar results of the first three mailings show a surplus of revenue over expenses of \$32,500 as of June 17, 1974.” With these encouraging results, AIUSA agreed to conduct more mailings through August, each consisting of over 100,000 pieces.³²

Anacapa impressed upon Ellsworth the possibilities that direct mail opened up for AIUSA by specifically targeting those who were most likely to donate. To reducing costs and gain access to more names, similarly-minded organizations often exchanged their lists with one another through Anacapa. AIUSA’s June 1974 mailing included lists compiled from subscribers to *Washington Monthly* and *Ramparts*, McGovern contributors, the American Committee on Africa, and Common Cause. At Anacapa’s suggestion, AIUSA also began to personalize its letters so that “a Spanish-American name on a direct mail list would receive a letter mentioning the case of a prisoner with a Spanish name.”³³

The letters could be quite emotional, as Lilienthal attested. A 1975 letter signed by Sagan included a quotation from her fellow World War II prisoner Tiberio Panzini:

I know that I shall never see another sunset. In a sense, I am glad. The burns on my feet are all infected and the pliers used on me have left some nasty gashes. I have been the object of such sadistic display that I am kept constantly awake because of the pain. It is a strange feeling to be a hostage. You are caught, beaten tortured, but you remain hopeful. It is your strength against theirs. It is your faith in a high cause, namely the defeat of an inhuman enemy who has forgotten all feelings for kindness, understanding, and compassion. I must be mad to talk of hope in this hell.

Readers were informed that Panzini died soon after saying these words. They also learned that it was because of him and her own experience as a torture victim that Sagan joined Amnesty International. Sagan then went for the appeal: “Yes, frightening as it may seem, thousands and thousands of men, women and young people in all parts of the world are being tortured today, even as you read this letter.” Obvious in the letter was that even the smallest contribution could make a difference. The release of a prisoner was a tangible success. “It is difficult for people to believe that one individual can make a difference in the struggle against tyranny and inhumanity in the world these days, but I think this is exactly what you have done!” Sagan wrote. “Perhaps your contribution made possible a vast mailing and sermons and fifty

³¹ Lilienthal, *Funding the Prevention of Nuclear War*, 90-92; Biographical information on Richard Parker found in his C.V. at Harvard University’s Kennedy School of Government, see <http://ksgfaculty.harvard.edu/faculty/cv/RichardParker.pdf>

³² A. Whitney Ellsworth to AIUSA Board of Directors, July 2, 1974, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1974 (2), AIUSA, CHRDR, CU

³³ Ellsworth to AIUSA Board of Directors, July 2, 1974

pulpits on behalf of the imprisoned Bishop Chi of Korea. In February, Chi and 180 other prisoners of conscience were released. Or perhaps you helped Clodmiro Almeyda and Carmen Castillo get out of Chile. Though in exile, they are at least no longer being tortured in endless interrogation by the DINA or the military.”³⁴

AIUSA was pleased with the initial results. Ellsworth told the AIUSA Board of Directors in January 1975 that the 700,000 piece direct mail campaign was “producing results as expected,” bringing in almost \$32,000 in donations. The WRO met with Anacapa again in June. “Gene Zannon estimated that there would be approximately 50,000 new contributions established by the end of this year through the ‘cold mail’ campaign,” the WRO learned. Donors were to receive an appeal every three months if they responded to a membership renewal. If not, their names would be removed from the computer. Zannon believed the tests were going well, but they were not quite up to his expectations for a number of reasons: obsolete donor information, a lack of coordination between the National Office and the WRO, and the packaging of the fundraising letters—he had found a “30% improvement in response and amount donated when first class postage stamps were affixed to the mail rather than the bulk mail stamp.”³⁵

Anacapa used the membership lists of the Southern Poverty Law Center, United Farm Workers, Planned Parenthood, Friends of the Earth, ACLU, Nader’s Raiders, McGovern campaign contributors, and subscribers to the *Bulletin of Atomic Scientist*, the *New Republic*, *Ramparts*, and *Progressive*, which brought AIUSA’s much needed contributions through the next year. “The results achieved by Anacapa have held up remarkably well,” Ellsworth wrote in March 1976. In 1975, 1.5 million pieces of mail were sent out, yielding a total of \$230,000 for AIUSA, which received donations from 13,000 individuals. Ellsworth expanded this program in 1976: 3.5 million pieces, a goal of \$525,000, and an increase in the donation list to 30,000. Donors were to receive three to four mailings. The first was to be timed with the Campaign for the Abolition of Torture; another in July; the third in November; and the possibility of a fourth that would be scheduled as an “emergency appeal” to coincide with another campaign.³⁶

Due to the ten-fold increase in donors from 2,000 to 20,000 from 1973 to 1975 as well as the continued lack of support from the National Office, Sagan formed a San Francisco-based fundraising committee in March 1975 to assist her in finding wealthy donors. A major contributor to the McGovern presidential campaign, Max Palevsky was one of the first major donors Sagan lured to AIUSA. “I will match up to the sum of \$25,000.00 the amount

³⁴ Ginetta Sagan, “Fundraising Letter,” c. 1975, Box 22, Historical, GS, HI, SU; Ginetta Sagan, “Fundraising Letter,” May 12, 1975, Box 2, Fundraising—Anacapa Fund [Donor Mailings]—1975-1976, DH, AIUSA, CHRDR, CU

³⁵ A. Whitney Ellsworth to AIUSA Board of Directors, January 9, 1975, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1975, AIUSA, CHRDR, CU; AI-WRO, “Meeting with Gene Zannon,” June 18, 1975, Box 2, Fundraising—Anacapa Fund [Donor Mailings]—1975-1976, DH, AIUSA, CHRDR, CU

³⁶ The first mailing to “pre-Nov. ‘74 donors” sent in May 1975, had a response rate of 11.65% that brought in \$28,384.85. The second to “Nov. ‘74 donors” in September 1975 had a 10.36% rate, grossing \$21,518.70. And the most recent contributors, those classified as “Nov. ‘74-Apr. ‘75,” responded at a higher rate to an August 1975 mailing with 16.49% bringing in another \$30,056.36 to AIUSA. Eugene Zannon to Whitney Ellsworth, December 30, 1975, Box 2, Fundraising—Anacapa Fund [Donor Mailings]—1975-1976, DH, AIUSA, CHRDR, CU; A. Whitney Ellsworth to AIUSA Board of Directors, “Direct Mail and Donor Renewal Results and Plans,” March 10, 1976, Box 4, Morris, Ivan—Amnesty International—Board of Directors, Ivan Morris Papers (IM), Butler Library (BtL), Columbia University (CU)

contributed by either one of two individuals, neither of whom have been contributors of Amnesty up till now, and who I can talk to and get some idea that they are willing, if things work out, to continue in some form as contributors,” Palevsky instructed her in August 1973. A challenge grant assured Palevsky that the Western Regional Office would not be totally dependent upon him. Sagan, Baez, and Lilienthal credited this donation with enabling them to take AIUSA groups into new areas: “As we approach the end of 1974 we want you to know that your gift to Amnesty International was truly a wonderful ‘seed crop.’ You have helped its growth, and we have no reach the time when the opportunity for growth in the Northwest and other areas of the West are as great as the areas we have developed in the past year.” Palevsky’s money also helped Sagan make inroads into Texas. “I am also terribly pleased to let you know that Bernie Rappoport is now actively helping Pat Stone, our lonely but dynamic worker in Texas, and so far they have raised enough funds to cover the initial expenses for the development of that area,” Sagan wrote him in January 1975. “You and Linda [his wife] can be proud of having put the sparkplug into the development of that area too.”³⁷

In a February 1975 letter to Sue Pritzker, Sagan thanked the hotel heiress for giving AIUSA “the means to begin organizing in an efficient way.” In a similar appeal to Merla Zellerbach, the paper heiress, Sagan explained why their donations were so important:

Alas, families and prisoners have discovered our existence and we have been flooded with requests for help. We are glad that the prisoners know about us and that our help has, indeed, been instrumental in obtaining the release of prisoners, ameliorating the condition of others and, for the first time, in prodding the U.N. Commission on Human Rights to take a stronger stand against these violations when confronted with the massive documentation that we have supplied.³⁸

AIUSA’s fundraising pitch was simple. “Frankly, our effectiveness is only hampered by lack of funds,” Lilienthal wrote to a prospective donor in October 1975. “We need a representative in Washington. We need offices in the Middle West, in Texas, and in Philadelphia. We must have an effective national public information and press operation.” As Sagan reminded Ellsworth in November 1976, “Funds will come with development and when we demonstrate to the public that THEY can truly make a contribution to the advancement of the cause of Human Rights.” A partial list of Sagan’s contacts from January 1975 shows how she and Lilienthal had brought in a number of large donors into AIUSA: Major J. R. Parten Jr., Houston, Texas, \$2000; Bernard Rappoport, American Income Life Insurance, Waco, Texas, \$1000; Warren and Miriam Weber, Berkeley, California, \$5000; Christiane Schlumberger, \$5000; Dominique de Menil, Houston, Texas, \$5000 worth of shares. As Sagan wrote to

³⁷ Max Palevsky to Joan Baez, August 16, 1973, Box 51, Palevsky, Max and Lynda, GS, HI, SU; see also Ginetta Sagan to Dr. Amelia Augustus, August 21, 1973, Box 44, Augustus, GS, HI, SU; Ginetta Sagan, Joan Baez, and Sally Lilienthal to Max Palevsky, December 18, 1974, Box 51, Palevsky, Max and Lynda, GS, HI, SU; Ginetta Sagan to Max Palevsky, January 13, 1975, Box 51, Palevsky, Max and Lynda, GS, HI, SU

³⁸ Ginetta Sagan to Max Palevsky, March 19, 1975, Box 51, Palevsky, Max and Lynda, GS, HI, SU; Ginetta Sagan to Sue Pritzker, February 26, 1975, Box 51, Sue Pritzker, GS, HI, SU; Sagan also mentioned to Pritzker the difficulties of raising money during a recession. “While the requests for help have been increased and the effectiveness is beginning to be quite evident, the economic situation has made it very difficult for us to raise funds.”; Ginetta Sagan to Merla Zellerbach, July 18, 1975, Box 36, Media—Correspondence, GS, HI, SU

Barbara Sproul, “We have an excellent core of \$50 to \$250 up donors who should be handled with special care and kept informed about our activities in a much more personal way.”³⁹

A look at the 1975/1976 budget shows how grants, large donors, and direct mail gave the WRO an important role within AIUSA:

AIUSA 1975/1976 Budget		
Revenues	WRO	NO
Grants	\$14,700.00	\$10,911.00
Contributions	\$113,892.49	\$54,223.25
Membership Dues	\$6,991.00	\$21,940.00
Total Revenues	\$136,666.75	\$87,952.82
Balance as of March 31, 1974	\$64,207.43	\$47,691.95 ⁴⁰

The WRO’s fundraising was emulated by the rest of the organization. “They had the most successful direct mail, mass-mailing plan that at the time had ever been heard of,” Lilienthal remembered. “That began maybe two years after I began with Amnesty, but by that time it was a national institution. Before that it was an institution of wonderful egos like Roger Baldwin, but they really weren’t trying to run this thing as a business and make it grow. They were worrying desperately about what was happening to individuals who were being tortured and killed around the world, but they weren’t trying to build a national institution.”⁴¹

Publicity: “You Are the News”

In a pamphlet to guide AIUSA members in their dealings with the media, the leader of Group 96, Pat Breslin, advised that they make themselves into the story. “In the case of an Amnesty group there is little or no local interest in the plight of someone languishing in prison 6,000 miles away,” Breslin wrote. “But that eight local people think its news enough to meet monthly to write letters, meddle in foreign government’s affairs to get fair treatment for a prisoner is news. In other words, you are the news, not the prisoner, not Amnesty International.” AIUSA members thus had to take an active role in contacting newspapers.⁴²

To coordinate AIUSA’s public relations strategy in California, Breslin compiled a list of newspaper editors who needed to be contacted: “If it hasn’t been done already, material on Amnesty should be mailed to the attention of these people. Also, news stories appearing in

³⁹ Sally Lilienthal to Dr. and Mrs. Weinstein, October 14, 1975, Box 41, Ennals, Martin, GS, HI, SU; Ginetta Sagan to A. Whitney Ellsworth, November 23, 1976, Box 52, AI—Development, GS, HI, SU; Ginetta Sagan to Barbara Sproul, “List of People to whom Ginetta Sagan HAS ALREADY WRITTEN FOR FUNDS,” c. 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

⁴⁰ AIUSA Budget 1975-1976, Box 2, Finance—1975-1976, DH, AIUSA, CHRDR, CU

⁴¹ Ibid., 96

⁴² Pat Breslin, “The Don’t Be Afraid of Editors, They Won’t Bite You Manual,” c. mid-1970s, Box 36, Media Publicity, GS, HI, SU

something like the *New York Times*, or other well-known papers, should be called to their attention. Perhaps someone prominent on the board of directors of Amnesty might mail a note and some information to these people.” One way to gain Amnesty International some much needed exposure would do to have its most famous personalities—Sagan, Baez, and former Attorney General Ramsey Clark—do interviews with wire services such as the Associated Press and United Press International.⁴³

Lacking a full-time public relations officer, Sagan personally contacted newspaper editors, editorial writers, and reporters. After the *Washington Post* published an editorial in April 1974 that brought attention to political prisoners in North Vietnam and South Vietnam, Sagan congratulated Philip Geyelin with raising awareness about abuses in both countries: “I wanted to thank you particularly because it was after reading your beautiful editorial about the prisoners of both sides in Vietnam that I telephoned you and expressed my admiration to you for considering the prisoners of all sides—a rare thing in this day and age where so many newsmen write about their ‘favorite’ prisoners but forget the others.” After a January 1975 column describing the inability of doctors to treat torture victims in Chile, Anthony Lewis of the *New York Times* received a letter from Sagan. Informing Lewis that the Chileans had placed the Western Regional Office on its enemies list, Sagan thanked him for writing about “such tragedies.” The next month, Sagan congratulated Abe Mellinkoff, a columnist with the *San Francisco Chronicle*, for reporting on the arrest of AI members in the Soviet Union. In July, Sagan wrote the *San Francisco Chronicle* to express her gratitude for an editorial that criticized Chile for expelling the UN Commission on Human Rights. The purpose of all these letters was to direct newspaper coverage towards AIUSA. As she explained in July 1975, Sagan had developed a successful tactic of personalizing her work. She sent an ex-prisoner or relative of a prisoner to her contacts in the news media in San Francisco and Los Angeles. The result was a series of articles in the *Los Angeles Times* and *San Francisco Chronicle* about Chile.⁴⁴

Sagan also used her personal story to help reporters write about human rights issues. She depicted her activism as a continuation of her lifelong struggle against political oppression. Written by Robert Karen, a profile of Sagan in the November 1974 issue of *The Nation* used her experiences during World War II to describe how Amnesty International worked. Having met with him in New York the previous August, Sagan provided much of the Karen’s content. Ken Fireman of the *Detroit Free Press* credited Sagan in August 1975 with giving him the background information he needed to complete a column on political prisoners.⁴⁵

The Western Regional Office’s media outreach involved more than just newspapers. As the most famous celebrity to endorse AIUSA, Joan Baez voiced radio advertisements that asked listeners to imagine themselves as a prisoner: “In many countries, if the government doesn’t like your religion or your race or your political beliefs, it can lock you up—for as long as they want. Today there are more than half a million political prisoners in the jails and mental hospitals and torture chambers of the world. They sit in cells like this and wait for a sign of hope from the

⁴³ Pat Breslin to Ginetta Sagan, September 22, 1974, Box 36, Media Publicity, GS, HI, SU

⁴⁴ Ginetta Sagan to Philip Geyelin, April 24, 1974, Box 36, Media Publicity, GS, HI, SU; Ginetta Sagan to Abe Mellinkoff, February 4, 1975, Box 36, Media—Correspondence, GS, HI, SU; Ginetta Sagan to Anthony Lewis, January 31, 1975, Box 36, Media—Correspondence, GS, HI, SU; Ginetta Sagan to Templeton Peck, July 17, 1975, Box 36, Media—Correspondence, GS, HI, SU; Ginetta Sagan to Mike Malloy, July 18, 1975, Box 36, Media—Correspondence, GS, HI, SU

⁴⁵ Ginetta Sagan to Robert Karen, August 22, 1974, Box 36, Media Publicity, GS, HI, SU; Ken Fireman to Ginetta Sagan, August 18, 1975, Box 36, Media—Correspondence, GS, HI, SU

outside.” Another spot asked listeners to think about some of history’s more famous Prisoners of Conscience: “Throughout the world individuals are held in prisons even though they are not criminals. Like Jesus and Gandhi, like Socrates and Galileo, there are thousands who are in prisons, degraded, tortured, and even killed for the crime of speaking their conscience.”⁴⁶

An image-conscious AIUSA promoted itself through a wide variety of media in following years: newspapers, radio, television, and recorded music. Without question, AIUSA benefited greatly from the unprecedented attention given to human rights during the 1970s. But it was equally as true that Sagan was among those in AIUSA who helped make their organization media friendly. Baez noted how quickly this strategy yielded results. “I decided to work directly with Amnesty until the day when any newspaper or radio talk show I approached would know what Amnesty International was, and when the facts coming from London were no longer disputed,” she wrote. “It took only a year.”⁴⁷

Urgent Action Network

Along with Joan Baez, Ginetta Sagan attended the December 1973 conference in Paris at which Amnesty International vowed to make “torture as unthinkable as slavery.” As soon as she returned to California, Sagan wrote two of AIUSA’s biggest supporters in Los Angeles about how touched she had been to be around others who wanted to end torture: “For me personally it was a moving experience. Instead of running in all directions to meet people to work for prisoners of conscience, to find a hall full of other people who share our concern and who are determined to take action to eradicate such atrocities was a heartwarming experience.”⁴⁸

Partly responsible for her joining an Amnesty International group in 1967, Greece held particular importance to Sagan. “My former professor at the Sorbonne had numerous personal friends arrested, detained, and tortured under the military junta,” Sagan wrote to AI’s Martin Ennals in March 1975. “Since they share our philosophy of non-violent evolution, these friends were usually adopted by Amnesty International, among them Christos Sarzetakis, Grigoris Farakos, Virginia Tsouderous as well as Spiro Cavounidis—a former student at Stanford who helped us develop Amnesty International on the West Coast.”⁴⁹

The Western Regional Office used information technology to improve how AIUSA activists could respond to new allegations of torture in countries such as Greece. “Kit Bricca and I struck upon the idea of a telegram tree to assist Greek prisoners of conscience,” Sagan later remembered. “As more and more people began to participate (1200 people generated by the SF office and the LA office reports they can generate 20-40), it became apparent that the ‘tree’ was becoming too unwieldy and responsibility for managing the program quickly and efficiently was given to a SF staff member so as to have better control over and knowledge of the telegrams actually sent.” Sagan eventually handed responsibility of the telegram tree to Scott Harrison, a WRO volunteer. At the 1976 Campaign for the Abolition of Torture Conference in London, Sagan learned that AIUSA had generated “more telegrams than any other section.”⁵⁰

⁴⁶ Joan Baez, “R-3: They Can Lock You Up in 60 Seconds,” Box 36, Media Publicity, GS, HI, SU; Amnesty International, “Free Speech Message,” Box 51, Public Media Center—Frank Greer, GS, HI, SU

⁴⁷ Joan Baez, *And a Voice to Sing With*, 183

⁴⁸ Ginetta Sagan to Aris and Carolyn Anagnos, December 19, 1973, Box 41, Correspondence, GS, HI, SU

⁴⁹ Ginetta Sagan to Martin Ennals, March 25, 1975, Box 43, AI—London Office, GS, HI, SU

⁵⁰ Ginetta Sagan to Ivan Morris, “Report of San Francisco AI’s Office Activities,” c. 1976, Box 69, Report of Activities of SF AI Office, GS, HI, SU

Emphasizing quick responses and around the clock vigilance, the Urgent Action Network was formed in 1974. Building the network first consisted of finding AI members who agreed to be “on call” for a period of time. Upon learning that a prisoner was being tortured, they were to send telegrams and airmail letters to the offending government. Streamlined administrative procedures meant that these cases would be granted priority status by the International Secretariat. As the Urgent Action Network gained more participants, its caseload increased dramatically during the latter half of the 1970s: twelve case sheets issued in the last three months of 1974 to 250 in 1979, a five year period that included 930 different campaigns and 2000 prisoners, with cases including capital punishment, extra-judicial executions, disappearances, health problems, and hunger strikes. “In the US section alone we regularly distribute UA cases to more than 4,000 individuals, 420 congregations (the Interreligious Urgent Action Network), and 65 university groups (the Campus Network), all committed to responding immediately when sent Urgent Actions,” Harrison wrote in 1980.⁵¹

By May 1981, Harrison had become the AIUSA’s Urgent Action Coordinator. A job description he wrote five years earlier mentions all that he did as a “Telegram Tree operator”: making copies of case details, updating prisoner lists, and activating members when appeals arrived from London. Although his hours varied greatly depending upon the number of cases, Harrison had to spend one hour each day just to keep up with Urgent Action Network’s growth.⁵²

One AIUSA local group vowed to work on every single Urgent Action. The Our Lady of the Redwoods Monastery in Whitethorn, California, joined AIUSA in 1973. Sister Miriam Dardenne first heard of Amnesty International from Ginetta Sagan, and Kit Bricca visited the monastery soon to organize a group. Two years later, the sisters became an Action Group, which meant that their primary task was to write and telegraph appeals for the Urgent Action Network. At that time, they were receiving fifteen cases per month; by 1981, that number was ten cases per week. “For me working for AI has been a seed that I water so that God’s kingdom may become more in me and in our universe,” Sister Veronique Geeroms wrote to a friend. “The essence of why someone comes to a monastery is to respond radically to what Jesus lived and taught,” Sister Gail Priestly added. “Certainly within that framework is the fact that you’re responsible for your neighbor, and today in a world where communications shrink the globe, and our foreign policy is so intertwined with every other country on the planet, my neighbor is whoever in the world happens to be in need.” After receiving a case from Harrison, Geeroms usually assigned it to another member. Sister Godlieve Theys would then call it into Western Union. “We have a lot of concerns, environmental, nuclear arms, but my main one is human rights,” Geeroms said. “Amnesty first, because you cannot do everything. Everyone has limits.”⁵³

A personal computer helped Harrison keep track of this increasing caseload. When Western Union quit sending Urgent Action Network telegrams in October 1981, which it had for the previous six years, Harrison had to do it himself. “The daily sending of telegrams and billing of UA participants is extremely time-consuming,” Harrison explained to Sagan. “This computer, hooked up to an electronic telex terminal will allow me to accomplish this essential part of UA Coordination in approximately one tenth the time it takes now.”⁵⁴

⁵¹ Scott Harrison, “Inside the Urgent Action Network,” *Matchbox* (February 1980)

⁵² Scott Harrison, “Job Description,” April 7, 1976, Box 5, Morris, Ivan—Amnesty International—Staff, IM, BtL, CU; Ellen Moore Harrison, “Answering a Call to Action,” *Matchbox* (May 1981)

⁵³ Ellen Moore Harrison, “Answering a Call to Action,” *Matchbox* (May 1981)

⁵⁴ Scott Harrison to Ginetta Sagan, January 13, 1982, Box 20, AI—Computer Project UA, GS, HI, SU

The old system of notebooks was no longer satisfactory, while a computer would help him manage contacts, revise case documentation, and store more information. “Every day, many times over the phone, I receive requests to find and provide an update on some past UA subject(s); there are now several thousands of such prisoners,” Harrison observed in November 1981. “The job of accessing this cross-reference, done with a loose-leaf notebook, is becoming extremely time-consuming. Only the names of the prisoners, the countries, UA index numbers, and page numbers of follow-up information would be recorded. In this way, any prisoner’s name could be recalled instantly, giving the user the exact location of the original UA appeal and any subsequent follow up information.” Two AIUSA volunteers had assisted Harrison in computerizing the Urgent Action Network. Henry Dakin, an electrical engineer who built and maintained three separate computer systems at his work office, allowed Harrison to make use of an IBM typesetter that made it easier to reproduce case sheets. An AIUSA volunteer who began a chapter at the high school where he taught science and mathematics, Craig McGarvey was “extremely helpful and patient.”⁵⁵

Sagan helped Harrison find what he needed. In February 1982, Sagan received a \$5000 donation from Mrs. Marion Weber that partly financed the cost of the new computer. By the end of that month, she had raised the necessary \$12,500 after Marvin Morris of Investment Management in Menlo Park, California, pledged \$4,500. “Ginetta is the reason I was able to get the computer three months ago and not three months from now,” Harrison told the AIUSA Board of Directors. “Ginetta has always been and continues to be my inspiration.” Understandably, Harrison was very excited to describe what he had purchased with all of that money: “The computer itself is a Compupro model with 2 Qume 8-inch floppy disk drives; the terminal is a Zenith Z-19 (donated by Henry Dakin); and the printer is a Diablo 630, daisy-wheel model. We also purchased an automated Telex terminal from Chat Communications.” Messages were edited on computer, saved on the floppy disks, and then sent through the Telex terminal. With one of AIUSA’s first computers, Harrison hosted interested onlookers such as Jamie Radner of the National Office and the International Secretariat’s Urgent Action Coordinator. Radner subsequently purchased four computers after returning to New York.⁵⁶

“This system will bring the power of information technology to an organization whose life blood is information,” Jamie Radner wrote in March 1982. The computer was an “ideal tool” for mailings and monitoring how members responded to them. Its widespread use would enable AIUSA to do this task with greater effectiveness: “(1) Produce selective, carefully targeted mailings to governmental officials, trade unions, private organizations, and the press; (2) Monitor our contacts with major donors and organize our pledge lists.” Not only was information technology crucial to the survival of prisoners who were adopted by the Urgent Action Network, but it had the potential to be just as important to AIUSA’s financial survival.⁵⁷

⁵⁵ Scott Harrison to AIUSA Executive Committee, November 25, 1981, Box 20, AI—Computer Project UA, GS, HI, SU

⁵⁶ Ginetta Sagan to Mrs. Marion Weber, February 9, 1982, Box 20, AI—Computer Project UA, GS, HI, SU; Ginetta Sagan and Jack Healey to Marvin Morris, February 18, 1982, Box 20, AI—Computer Project UA, GS, HI, SU; Marvin Morris to Ginetta Sagan, February 17, 1982, Box 20, AI—Computer Project UA, GS, HI, SU; Scott Harrison, “Report on the Progress of the Computerization of the Urgent Action Program,” c. 1982, Box 20, AI—Computer Project UA, GS, HI, SU

⁵⁷ Jamie Radner memorandum attached by John Healey to AIUSA Board of Directors, March 9, 1982, Box 20, AI—Computer Project UA, GS, HI, SU

Harrison continued to run the Urgent Action Network for AIUSA after moving to Colorado in the early 1980s. With a Telex message terminal and personal computer installed in his home office, Harrison received electronic Urgent Action alerts from London. “Torture happens very quickly,” he said. “It may be during just the first couple days of imprisonment. So if we’re to be effective, we have to act right away sending out appeals.”⁵⁸

The Chilean Parole Program

As Western Regional Office volunteers in San Francisco learned of widespread human rights violations by the Pinochet regime against its political opponents, they worked with Congress and the State Department to bring former Allende supporters and other leftists to the United States. One of those volunteers was Grace Harwood, editor of AIUSA’s magazine *Matchbox*. Angered by what had transpired in Chile, Harwood wrote a poem, “California Steamin’ on a Mental Day” a dystopian version of the The Mamas and Papas song, “California Dreamin’”:

and we all listen
to the lady singing in spanish
the songs of those who died in the prisons in spanish
in chile
in the stadium
in the national soccer stadium
estadio nacional
in the new sport
in the new round em and kill em off sport
in the new bread and circuses sport
and i tell you
and martie
about the dreams i have in russian
after reading Gulag Archipelago
about dying in a russian prison
for having new courage
for having the new courage we only have in dreams

Internalizing the principle of impartiality that was so important to Amnesty International, Harwood linked Chile’s use of the National Stadium as a torture chamber to the Soviet gulag through her reference to Aleksandr Solzhenitsyn—*Gulag Archipelago* had only recently been translated into English. By using the word “courage” twice at the end of her poem, she may have been referring to Sagan’s experiences during World War II. Deeply empathetic to the prisoners she had read about in Chile and the Soviet Union, her dreams about them enabled her to understand their courage.⁵⁹

⁵⁸ Thad Keyes, “Amnesty Group Opens Nerve Center,” *Boulder Daily Camera*, July 20, 1983, found in Box 23, AI News Articles/Secret Policemen’s Other Ball, GS, HI, SU; Peter Blake, “Amnesty Sets Up an Urgent Action Office in Colorado,” *Rocky Mountain News*, July 21, 1983, found in Box 23, AI News Articles/Secret Policemen’s Other Ball, GS, HI, SU

⁵⁹ Grace Harwood, “California Steamin’,” c. 1974, Box 23, Marchbox—Grace Harwood, GS, HI, SU

As the initial reports of arrests, torture, and murder emerged out of Chile in fall 1973, Sagan wrote a letter to local AIUSA members that November describing how “a crisis of major proportions” had unfolded after the September 11 military coup: “In the first three days alone close to 3,000 people were executed, and by the end of the week, the toll had mounted to 5,000.” The Western Regional Office immediately established a Chile Research Section to gain information on the identity and whereabouts of prisoners and a Chile Emergency Fund to provide financial assistances to Pinochet’s many victims. “One of the most frightening aspects of this crisis is the threat to the 12,000 dissidents from Brazil, Guatemala, Paraguay, Uruguay, and other Latin American countries who had found refuge in Chile under Allende’s government,” Sagan warned. “These refugees, who represent the intellectual elite of Latin America, are being systematically rounded up; some are being returned to their countries of origin, where they face interrogation in depth and possible execution.” What Sagan needed was information: who was in jail, what they were arrested for, if they had been tortured, who had been put on trial, and who was going to be executed.⁶⁰

Joan Baez saw firsthand how these events motivated activists in the San Francisco Bay Area as nothing had before: “We concentrated on Chile as I devoted myself full-time to Amnesty, giving benefit concerts, accelerating the fund-raising.” The WRO raised \$2000 to send a doctor and lawyer to investigate rumors of torture and murder. “Ginetta plowed through her Rolodex and out popped a card, like Cinderella’s fairy godmother making a glass slipper appear with her magic wand,” Baez wrote as she remembered visiting the home of a “distinguished, liberal, millionaire Italian” who lived ten minutes away from her: “I grabbed the address, jumped in the car and tore off without any shoes. Oh well, I thought halfway there, maybe he won’t be stuffy. He was kind, elegant, served me tea, and pretended not to notice my bare feet. I left forty-five minutes after I’d arrived, with a personal check for one thousand dollars in my hand. I learned what my limits as a fund-raiser were. I didn’t have any.”⁶¹

Chile also prompted AIUSA activists to work with liberal Democrats in Congress. AIUSA’s Tom C. Jones attended an information meeting in November 1973 organized by the staff of Senator Harold Hughes (D-Iowa) at which there were fifteen congressional aides, including Mark Schneider, a former Peace Corps volunteer who specialized in Latin American affairs under Senator Edward Kennedy (D-Massachusetts). “It was decided that the human rights issue should receive substantial treatment, and John Salzburg, of Congressman Fraser’s office suggested that Frank Newman and other Amnesty representatives might be invited as witnesses,” read Jones’s notes. Salzburg’s request offered an “excellent opportunity to reinforce Amnesty’s reputation with Congress, the general public, and, to a certain extent, with the juntas and tyrants around the world.”⁶²

Seeking greater influence in Washington, D.C., the WRO hired Wendy Turnbull, who was to be the organization’s liaison to Congress. Turnbull’s expenses were covered by Group 44. Besides forging relationships with congressmen and State Department officers, she managed the “flow of information” to London, which included the names of prisoners who had been

⁶⁰ Ginetta Sagan, “Chile Letter,” November 2, 1973, Box 24, AI West—Historical Material, GS, HI, SU

⁶¹ Joan Baez, *And a Voice to Sing With*, 181

⁶² Tom C. Jones to Dr. Amelia Augustus, November 21, 1973, Box 44, Augustus, GS, HI, SU; a crucial ally for human rights NGOs during the 1970s, Schneider served in the Peace Corps in El Salvador between 1966-1968 after graduating from University of California, Berkeley, and was appointed Director of the Peace Corps by President Bill Clinton in 1999, see “Mark L. Schneider,” *Past Directors—Peace Corps*, <http://www.peacecorps.gov/index.cfm?shell=about.history.pastdir>

released, updating the status of refugees, and taking deposition from torture victims who had fled to the U.S.⁶³

Turnbull met with the State Department officers Charles Runyon and George Lister in July 1974 to discuss how the WRO could help Chilean political refugees. They told her that it seemed likely that the Pinochet regime would release some of these prisoners if they were assured entry into the U.S. There were approximately 10,000 to 15,000 exiles in Chile from the neighboring countries of Argentina, Brazil, and Uruguay who had been granted asylum by Allende. With the Nixon administration firmly supporting Pinochet, the first effort at aiding them was undertaken by the UN High Commission for Refugees (UNHCR), the International Red Cross, and the Intergovernmental Commission for European Migration (ICEM). The UNHCR received permission to set up an office in Santiago. Looking to rid itself of many influential leftists, regardless of their nationality, the Government of Chile asked the UNHCR and ICEM to relocate these individuals to other countries. Initially, the U.S. had refused to intervene at all, and then only admitted twenty-six out of the 150 who had applied for visas after Pinochet declared in February 1974 that all remaining foreign nationals had to leave Chile. The UNHCR requested six months later that the U.S. grant asylum to 4,000 exiles that had been temporarily allowed into Peru if they eventually went elsewhere, a proposal that was shot down by Senator James O. Eastland (D-Mississippi), Chairman of the Senate Judiciary Committee. When Chile announced in September that it would release most of these prisoners if they were granted asylum by another government, the State Department's Office of Refugee and Migration Affairs asked that more be done on their behalf.⁶⁴

Speaking for them was Father Renato Poblete, the political advisor to Cardinal Silva, the highest-ranking Catholic official in Chile. Poblete asked the Office of Refugee and Migration Affairs in January 1975 to "open its doors." Seeking to reassure U.S. officials that they did not pose a national security threat, he estimated that ninety-five percent of those wanting asylum did "not pose security problems and would come from liberal groups in Chile." And, he continued, if given a choice, most Marxists would probably go to Western Europe anyway. Not only would assisting the refugees help the U.S. to repair its image in Latin America, but it might help improve the human rights situation in Chile: "It will help disabuse the Chilean government of the impression that all persons who were picked up in the months following the coup or who currently oppose certain policies are the government are communists."⁶⁵

Receiving no help from Ford administration, the State Department consulted with Congress before formally submitting a plan to the Immigration and Naturalization Service in April 1975 to allow 400 Chilean families to be "paroled" into the U.S. In comparison to Great Britain, France, West Germany, or Sweden, the U.S. had strict guidelines over those would be approved—current detainees who had never belonged to the Communist Party, leftist revolutionary movements, or "any other terrorist groups." By the time the Chilean Parole Program was functioning in July, however, most of the refugees had already applied to go to

⁶³ Ginetta Sagan to Ivan Morris, "Report of Activities of San Francisco AI Office," c. 1976, Box 69, Report of Activities of SF AI Office, GS, HI, SU

⁶⁴ Sally Lilienthal to Ginetta Sagan, July 4, 1974, Box 36, Sally Lilienthal, GS, HI, SU; Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and American's Half Open Door, 1945 to the Present* (New York: Free Press, 1986), 95-98

⁶⁵ Memorandum of Conversation, "Chilean Refugees," January 22, 1975, State Chile Declassification Project Tranche I (1973-1978) (Chile I), accessible through FOIA Electronic Reading Room: <http://foia.state.gov/documents/Pinochet/8c1c.pdf>

other countries. “The explanation for the ‘slow development’ of the program,” read a September 1975 cable from the embassy in Santiago, “is that we entered the program at a late date and since third countries appear to have less stringent security requirements, they are able to process applicants quicker thus reducing the numbers from the pool of detainees available from ICEM.” This remained a problem through January 1976 when U.S. Ambassador David Popper responded to concerns that the program was moving too slowly. The self-imposed 400 limit was reached later that July. Requesting that the State Department accommodate the remaining Chileans, including those at risk in Argentina after the March 24 coup, a memorandum co-authored by the ARA’s Harry Schlaudeman and Office of Humanitarian Affairs’ Jim Wilson referred to the “sentiment in substantial segments of the public, press, and Congress to permit a limited number of additional persons in Chile to come here under the parole program.” Among the program’s biggest supporters were Senator Edward Kennedy and Representative Don Fraser. In what turned out to be another step towards the 1980 Refugee Act, the State Department started another parole program for Argentine political refugees.⁶⁶

Sagan remained busy taking on individual cases such as two Chilean brothers, Paul and Michel Bonnefoi. A Chilean who taught at UCLA Medical School, Dr. Rolando Armijo updated Dr. Leonard Sagan in January 1975 on what had happened to his two sons. Along with two others, Paul and Michel were arrested at their apartment the morning of December 13, 1974. The fourth person staying with them in the apartment, an acquaintance known by his last name of Valenzuela, belonged to the MIR (Leftist Revolutionary Movement). Valenzuela killed a soldier in the ensuing firefight with the military police, which Armijo believed had “complicated prospects for the other boys.”⁶⁷

The three remaining boys were taken to Villa Grimaldi, a secret prison where they were kept for nine days. There they endured physical abuse and torture, including the electric shocks to the most sensitive parts of the body while blindfolded and tied to a metal mattress known as “la parrilla” (“the grill”). Paul’s nose was broken in three separate places after he was kicked in the face. Michel received a broken rib following similar rough treatment. Armijo credited Amnesty International for helping his sons regain their freedom: “It has been thanks to the international pressure that they were transferred to the jail, where they were left incommunicado for eleven more days, until they were released.” Armijo was particularly grateful to the Sagans. Ginetta had instructed Air France’s Santiago office to deliver a one way ticket for Paul at the French Embassy.⁶⁸

In a March 1975 letter to Sherman Carroll of the International Secretariat, Sagan described herself as having become an “unofficial psychiatrist” for Chilean refugees in California. “I am not qualified,” Sagan admitted, “but, if patient listening can be therapeutic, I can assure you that I have done a lot of therapy.” Michel described how he and his brother still heard the screams of prisoners who had been electrocuted. Although he suspected that a doctor

⁶⁶ Loesher and Scanlan, *Calculated Kindness*, 98-99; U.S. Embassy in Santiago to Secretary of State, “Chilean Parole Program,” September 26, 1975, Chile I, <http://foia.state.gov/documents/Pinochet/8dc7.pdf>; U.S. Ambassador David H. Popper to Assistant Secretary of State William Rogers, “Parole Program Problems,” January, 12, 1976, Chile I, <http://foia.state.gov/documents/Pinochet/9123.pdf>; Harry W. Schlaudeman, J. M. Wilson, Leonard F. Walentynowicz to Secretary of State, “Expanded Parole Authority for Chilean and Other Refugees,” July 17, 1976, Chile I, <http://foia.state.gov/documents/Pinochet/995e.pdf>

⁶⁷ Rolando Armijo to Leonard Sagan, January 29, 1975, Box 36, Medical, GS, HI, SU

⁶⁸ Rolando Armijo to Leonard Sagan, January 29, 1975; Ginetta Sagan to Air France (Santiago, Chile), January 27, 1975, Box 37, Armijo, Dr. Roland—Re: Paul Bonnefoi, GS, HI, SU

was working at the prison, his inability to provide a specific name meant that Sagan considered this information to be of “no value.” The same was true for his torturers. Sagan urged Michel to write down everything he could remember, a task that must not have been easy for him to do, but it was through repeated interviews of this kind that Amnesty International gained the information it needed to publicly denounce the Junta’s activities.⁶⁹

After discussing the Chilean Parole Program with Charles Runyon, Sagan took credit that the State Department had increased the number of parolees to 400 from 200, though this seems questionable. Runyon also heard what Sagan had learned of Villa Grimaldi from Michel: “This young man heard one policeman say time after time—‘be sure you don’t leave any marks on him’—while they were torturing him. Nevertheless, his brother, who was detained in the same place, suffered three fractures—nose and jaw. The young man is still shaken by the experience, of course, but above all is profoundly concerned with the welfare of his friends still detained.” She also shared these facts with George Lister. Sagan raised the possibility of Michel joining her, but the youth feared that his safety might be compromised: “He was most reluctant for he feared that any information related to an officer employed by the U.S. Government would be automatically passed on to the DINA in Santiago. As I mentioned in my conversation with you, perception of events can be as important as the reality of these events.” The perception among many Chileans was that the U.S. was firmly behind Pinochet.⁷⁰

Sagan then contacted Philip Geyelin of the *Washington Post* about writing a story on Villa Grimaldi. Geyelin responded that his newspaper had already used facts supplied by AIUSA’s Rose Styron in a March 31, 1975 story, “Gentlemen of Torture.” The Urgent Action Network gave AIUSA members the ability to respond with unprecedented speed to any news out of Chile. Scott Harrison’s success in building an information network that could be called upon at a moment’s notice meant that professionals could be mobilized on behalf of individual prisoners: “Churches, labor unions, doctors, lawyers, etc. are contacted via telegram trees—emergency calls, etc. The case of Dr. Ingrid Heitmann was chosen for a massive campaign—and Rozanne Weissman in Washington, D.C. helped us.” Finally released from a Chilean prison in April 1975, Heitman fled to Canada.⁷¹

A month later, Sagan wrote Representative Paul “Pete” McCloskey (R-California) on behalf of Fernando Flores Labra, a POC who had been adopted by Lilienthal’s Group 44. Sagan hoped that McCloskey would persuade Chilean officials to release Flores: “I couldn’t help feeling that your help could be instrumental in obtaining the release of this particular prisoner who was confined to Dawson Island following the coup and jailed since then.” An antiwar Republican who had run against President Richard Nixon for the 1972 nomination, McCloskey was Sagan’s own congressman. McCloskey asked Lister for an update on Flores’s status.⁷²

Lobbying was new to human rights activists in the mid-1970s. “I am testing such a technique with an attempt to obtain freedom for 440 Chilean prisoners to be released and

⁶⁹ Ginetta Sagan to Sherman Carroll, March 20, 1975, Box 43, AI—London Office, GS, HI, SU

⁷⁰ Ginetta Sagan to Charles Runyon, March 26, 1975, Box 53, U.S. Government, GS, HI, SU; Ginetta Sagan to George Lister, March 26, 1975, Box 53, U.S. Government, GS, HI, SU

⁷¹ Ginetta Sagan to Sherman Carroll, April 27, 1975, AI—London Office, Box 43, GS, HI, SU; Ginetta Sagan to Pat Stocker, April 25, 1975, Box 43, AI—London Office, GS, HI, SU

⁷² Ginetta Sagan to Paul N. McCloskey, May 7, 1975, Box 53, U.S. Government, GS, HI, SU; Paul McCloskey to George Lister, May 14, 1975, Box 36, George Lister, GS, HI, SU

admitted to the U.S. ‘on parole,’” Sagan explained to Martin Ennals. “This means waiving aside all the regulations for immigration and giving them permanent status in the U.S.”⁷³

What Sagan termed “Chile Project 400” was more than just asylum. An additional goal was to help refugees established a new life in the U.S. Assisted by the International Rescue Committee, which underwrote the costs of transport and resettlement, Sagan created a registry of local people and groups in San Francisco that were willing to provide housing and employment for new arrivals.⁷⁴

Similar efforts were underway in other parts of the country. Gertrude Rosenbaum of AIUSA Group 13 in Stamford, Connecticut, wrote to Lister requesting a visa for Enrique Kirberg. Formerly the Dean of the Universidad Technica del Estado de Chile, Kirberg was expected to be released within a few days, but Rosenblum wanted to make sure that Chilean authorities followed through with their promise. AIUSA had already found Kirberg a teaching position at Columbia University for the upcoming academic year. In a letter to Columbia president Dr. W. J. McGill, Chilean Ambassador Manuel Trucco stated that Kirberg had already stood trial for tax evasion. Although Kirberg had received a fifteen month sentence on June 12, Trucco thought it was likely that Kirberg’s “liberty may be legally granted.”⁷⁵

AIUSA Group 104 of Fullerton, California, received good news when its prisoner, Domingo Enrique Ibanez Recabal, was released on August 26, 1975. Group 104 was led by Dr. Sheldon Maram, a professor of Latin American Studies at California State University, Fullerton. Recabal had been a colonel in the Chilean Air Force before his September 1973 arrest. He was sentenced to fifteen years imprisonment. With Maram’s help, five or six AIUSA members wrote numerous letters of protest to Chilean authorities. David Coennem, a student, began writing on Recabal’s behalf in fall 1974: “Somehow his mother slipped the letters into him and a friendly guard smuggled Domingo’s response back out.” Coennem told the *Daily Titan* that he personally received three or four letters from Recabal, which was highly unusual. “I was always under the impression that he was afraid to say too much in the letters,” Coennem remembered. “I guess he thought they would be intercepted.”⁷⁶

Part of another AIUSA group in Southern California that had assisted Group 104, Denise Carter received seven letters from Recabal. In the last of them, dated October 1, 1975, Recabal shared what it was like to finally be released: “I hardly had 10 minutes to say goodbye to my family. At the airport (London) my brother was waiting for me he was very happy and emotional. At first it was shocking for me to be free, to walk freely.” Carter wrote twenty letters to Chilean authorities and twelve to the Recabal family. She never received an official reply, but Recabal replied from prison: “The early days from our arrest were very hard and we feared for our lives. We didn’t know the place where we were interrogated. Not good to remember those

⁷³ Ginetta Sagan to Martin Ennals, April 1, 1975, Box 43, AI—London Office, GS, HI, SU

⁷⁴ Ginetta Sagan to Sally Lilienthal, August 1, 1975, Box 36, Sally Lilienthal, GS, HI, SU; Ginetta Sagan to Phillip Burton, August 15, 1975, Box 53, U.S. Government, GS, HI, SU

⁷⁵ Gertrude Rosenblum to George Lister, July 15, 1975, Box 3, Folder 12, George Lister Papers (GL), Nettie Lee Benson Latin American Collection (NLB), University of Texas, Austin (UT); Manuel Trucco to Dr. W. J. McGill, July 1, 1975, Box 3, Folder 12, GL, NLB, UT

⁷⁶ Esther Bauer, “Political Prisoners Aided by Local Group’s Intervention,” *Daily Titan*, October 29, 1975, found in Box 3, Fundraising—“Vienna Guidelines for Fundraising” [From the Vienna ICM]—1973-1975, DH, AIUSA, CHRDR, CU

days, I'd better say months." The case against Recabal had been based upon a false confession that had been extracted through torture. He joined his brother in London.⁷⁷

AIUSA's contact at the State Department was George Lister, who remarked in a September 1976 memorandum, "Our relations with Amnesty are going well." Earlier that month, AIUSA's Richard Sloan had written him a note of appreciation for his role in securing the release of Solari Irigoyen. "Often, the freedom and safety of one individual seems insignificant in the greater global turmoil," Sloan reminded Lister. "Your immediate intervention in Solari's plight speaks admirably of your own commitment to human rights and human dignity."⁷⁸

Lister received Sloan's letter at around the same time as an invitation from Sally Lilienthal regarding a celebration for Fernando Flores. On the announcement Lilienthal had managed to scribble her appreciation for Lister's role in helping to secure Flores's release: "We are grateful for your efforts and Fernando is eager to say thanks in person." Only in his thirties when he was appointed by Allende to be Administrator of Economic Affairs, Flores was one of the highest profile beneficiaries of the Chilean Parole Program. Married with five children, the Vice-Rector of Catholic University had been arrested immediately after the coup. His only crime was that he belonged to the leftist MAPU (Unitary Popular Action Movement). Flores spent practically all of the next three years in prison, first at desolate Dawson Island in the South Pacific and then Santiago.⁷⁹

Lilienthal's Group 44 was assigned Flores in October 1973. For as long as Flores was in confinement, Group 44 members wrote letters on his behalf to Chile authorities. They also made long distance phone calls to Santiago, which Lilienthal recalled with some amusement: "So every day, we could call President Pinochet's office, and we would get his secretary, because the call came from California. Every day, we would say, we would like to speak to President Pinochet, in English, of course; we didn't speak in Spanish. She spoke English." The conversations with the secretary were short and predictable:

Secretary: Why do you want to speak to President Pinochet?

AIUSA member: Because we want to talk to him about Fernando Flores.

Secretary: I'm sorry; the president is in a meeting.

"And we did this every day, every day, every day," Lilienthal said. "And finally one of our members to our horror got the president on the phone. Well, I don't think that's what got him out, but it was a miracle and we did get him out." The AIUSA human rights magazine *Matchbox* reported in fall 1976 that one Group 44 member "actually and mysteriously got through to General Pinochet, an experience so unexpected that all she could do was repeat again and again, 'Fernando Flores, Fernando Flores, Fernando Flores...'" Also focusing their

⁷⁷ Bauer, "Political Prisoners Aided by Local Group's Intervention"

⁷⁸ George Lister to Harry Shaludeman and Bill Luers, September 4, 1976, Box 3, Folder 12, GL, NLB, UT; Richard Sloan to George Lister, September 1, 1976, Box 3, Folder 12, GL, NLB, UT

⁷⁹ Sally Lilienthal to George Lister, c. August/September 1976, Box 3, Folder 12, GL, NLB, UT; "Perseverance Frees Prisoners: How AI Group Works," *Matchbox* (Fall 1976); Flores had been sent to Dawson Island less than two weeks after the September 11, 1973 coup, U.S. Embassy in Santiago to Secretary of State, "Political Prisoners," September 24, 1973, Chile I, <http://foia.state.gov/documents/Pinochet/8d52.pdf>; he was transferred to Santiago in May 1974, U.S. Embassy in Santiago to Secretary of State, "Dawson Island Prisoners Transferred to Santiago," May 9, 1974, Chile I, <http://foia.state.gov/documents/Pinochet/9115.pdf>

activities on Washington, D.C., they frequently brought up the case with lawmakers and the Chilean Embassy. With the encouragement of Wendy Turnbull, the American officials made representations on Flores's behalf to Chile, making him a person of "high interest" to the U.S. Embassy in Santiago.⁸⁰

Group 44 made sure that Flores had the opportunity to start his life over in the Bay Area. With numerous ties to Stanford University, one of Group 44's members was Bob Floyd, a professor of computer science who was then serving as department chairman. Floyd sent a letter to Flores's wife inviting Fernando to work with him upon his release. Others at Stanford became involved. In December 1975, the Dean of Stanford Law School, Charles Meyers, went to see for himself how Flores was being treated in prison.⁸¹

An August 1976 cable from Santiago grouped Flores in with a number of political prisoners like Carlos Carbacho, a former officer in the Chilean Air Force, who were likely to be released. Carbacho had refused to participate in the coup. "Hardliners in the government and among the military will see his departure [Carbacho] as capitulation to outside, particularly U.S., pressure. Several other sensitive figures in whom we have expressed interest also have received permission to depart Chile recently, e.g., Voltaire Pincheira (Santiago 8233) and Fernando Flores (Santiago 7491)."⁸²

"When I left prison, I had to figure out how to embrace my past," Flores told an interviewer in 1998.

Those three years represented a tragedy I used to re-create myself, not something that was done to me. I never blamed Pinochet, or my torturers, or external circumstances. I feel 'co-responsible' for the events that took place. I never told a victim story about my imprisonment. Instead, I told a transformational story—about how prison changed my outlook, about how I saw that communication, truth, and trust are at the heart of power. I made my own assessment of my life, and I began to live it. That was freedom.

After working as a researcher at Stanford, Flores completed a Ph.D. at the University of California, Berkeley. His 1979 dissertation, "Computers and the Future of Work," incorporated ideas from the philosophy of language, computer science, operations research, and business management. A student of German philosopher Martin Heidegger, Flores saw the importance of language to being—words not only convey information, but also commitment. Introducing the concept of "action language" as a management strategy through which "to speak in language that

⁸⁰ Sally Lilienthal, *Funding the Prevention of Nuclear War* (1987), 75, ROHO, BL, UCB; Lilienthal mentioned the strategy of making calls to Santiago in a 1986 article on Amnesty International, see Maitland Zane, "Amnesty Marks 25th Year: Group Fights for Rights on World Basis," *San Francisco Chronicle*, May 27, 1986, in which she is quoted as saying about Flores, "We got him out...San Francisco members phoned (General Augusto) Pinochet's office every day for several months."; "Perseverance Frees Prisoners: How AI Group Works," *Matchbox* (Fall 1976); this appeared to be a departure from the previous policy of going through ICEM, U.S. Ambassador David Popper to Secretary of State, "Parole of Chilean Detainees—Fernando Flores," August 27, 1974, Chile I, <http://foia.state.gov/documents/Pinochet/8c99.pdf>; U.S. Ambassador David Popper to Secretary of State, "Release of Top-Level Political Detainees," September 12, 1975, Chile I, <http://foia.state.gov/Pinochet/8cbd.pdf>

⁸¹ "Perseverance Frees Prisoners: How AI Group Works," *Matchbox* (Fall 1976)

⁸² Ibid.; Lilienthal, *Funding the Prevention of Nuclear War*, 74; U.S. Ambassador David Popper to Secretary of State, "Commutation of Carlos Carbacho's Sentence—GOC Reacting to Foreign Pressures," August 26, 1976, Chile I, <http://foia.state.gov/documents/Pinochet/91d8.pdf>

promises action, you must practice assessments (to work on truth) and generate commitments (to work on trust),” he attracted the attention of Werner Erhard, whose EST self-empowerment workshops were popular during the 1970s. Erhard provided Flores with the start-up capital he needed to found Hermet Inc., a communications consulting firm and software developer. After falling out with Erhard, Flores started Action Technologies in 1984, which produced software capable of keeping track of commitments in day-to-day business operations. Flores struck his biggest success five years later with Business Design Associates Inc., a management consulting firm. A multi-millionaire by the late 1990s, Flores was flying around the world as a highly-paid business consultant. “I feel very privileged,” Flores said after his release in 1976. “But I would like some of my unknown friends to have the advantages of attention that have been showered on us. There are so many prisoners no one ever knows about.”⁸³

Doctors told Sagan in December 1975 that she needed to receive “as much rest as possible” for the next three months. She ultimately decided to spend the next year in Vienna. An update on what Sagan had done in Vienna appeared in the March 1978 issue of *Human Rights Internet*. Embarking on a major research project on Nazi Germany and Fascist Italy during 1933-1939, she wondered if the Holocaust would have occurred had there been an organization like Amnesty International at the time. “While the documentation at the F.R.I. Library in Vienna is so extensive that Ginetta feels it would require 5 years, not one, to adequately research the question,” the blurb read, “her preliminary findings suggest that a non-governmental organization—working along the lines of Amnesty International and with a worldwide network of volunteers—could have exposed the crimes of Nazism and might have averted that major human catastrophe.” Even if it strained credulity to believe that any human rights NGO would have stopped Hitler, such idealism was one of Sagan’s defining characteristics.⁸⁴

This belief in Amnesty International led her to rejoin the organization during the early 1980s, serving for several years on the AIUSA Board of Directors. More narrowly focused on prisoners in the Democratic Republic of Vietnam, her Aurora Foundation sought to expose the massive reeducation system that had been put in place by the Communists after their victory over South Vietnam. In 1994, President Bill Clinton awarded Sagan the Presidential Medal of Freedom. “Ginetta Sagan’s name is synonymous with the fight for human rights around the world,” Clinton said at the award ceremony. “She represents to all the triumph of the human spirit over tyranny.” Sagan died of cancer in her Atherton home on August 25, 2000.⁸⁵

Sagan’s devotion to AIUSA was crucial to its emergence as a national organization. Her tireless organizing, campaigning, and publicizing allowed AIUSA to expand beyond its New York headquarters. Her energy was essential to AIUSA’s grassroots development, which

⁸³ Harriet Rubin, “The Power of Words,” *Fast Company* (December 31, 1998), <http://www.fastcompany.com/magazine/21/flores.html>, a highly complementary article on Flores which also contains a more in-depth discussion of his management techniques; see also Zane, “Amnesty Marks 25th Year: Group Fights for Rights on World Basis,” regarding Flores: “Chile gave exit visas to the computer expert, his wife and five children. Flores, who was 43 when he arrived in the Bay Area in 1976 to take a teaching post at Stanford University, now owns two high-tech businesses in Berkeley.”

⁸⁴ Ginetta Sagan to Ivan Morris, December 10, 1975, Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU

⁸⁵ “Ginetta Sagan,” *Human Rights Internet*, Vol. 3, No. 5/6, (March 1978), 15; Myrna Oliver, “Ginetta Sagan Dies,” *Los Angeles Times*, August 30, 2000

resulted in a membership base that far exceeded that of previous human rights NGOs in the U.S. More than an auxiliary to the National Office, the Western Regional Office was responsible for introducing numerous innovations that were crucial to AIUSA's growth during the 1970s and 1980s.

Recognizing that publicity was necessary for her organization to become financially viable, Sagan developed close relations with newspaper editors and correspondents so that Amnesty International might become *the* human rights NGO in their stories. And if AIUSA members like Joan Baez became part of the story, the money was soon to follow. Sagan thus took the lead in cultivating large donors and approving a direct mail fundraising operation that gave AIUSA a reliable source of income. Sagan also helped Scott Harrison acquire the computer system he needed to allow the Urgent Action Network to utilize the latest in information technology to alert activists when prisoners were in serious danger. Realizing that human rights activists needed a voice in Washington, D.C., the Western Regional Office hired a lobbyist to influence lawmakers and bureaucrats to approve the Chilean Parole Program, which they eventually did. A relatively large membership base, increased fundraising capacity, sophisticated public relations strategy, and lobbying would all be essential to AIUSA's rise to prominence during the 1970s and 1980s.⁸⁶

⁸⁶ Sally Lilienthal to Ivan Morris, May 12, 1975, Box 4, Morris, Ivan—Amnesty International—Correspondence, IM, BtL, CU

Chapter 5

“A Hobby Subject”: Frank Newman and the Teaching of International Human Rights

As three of his former students wrote in the introduction to *New Directions in Human Rights*, a 1989 collection of essays they dedicated to him, Frank Newman “was not interested in examining the theoretical development of international law in this field, but in finding ways to bring pressure to bear on human rights violators around the world.” Ellen Lutz, Hurst Hannum, and Kathryn Burke were part of an informal group of international lawyers who referred to themselves as the “Berkeley Crew,” for they had all been trained by Newman at Boalt Hall, the law school at the University of California, Berkeley. Newman’s first engagement with civil liberties issues occurred in the Loyalty Oath Controversy, joining with other faculty in refusing to sign an anti-Communist pledge that the Board of Regents made a condition of employment. Military coups in Greece and Chile during the 1960s and 1970s transformed him into more than just a scholar, but a practitioner who sought accountability for human rights abuses at the United Nations (UN).¹

Newman was an important participant in an intellectual movement that provided Amnesty International, Amnesty International USA (AIUSA), the International Commission of Jurists (ICJ), and Human Rights Watch with the legal expertise that allowed them to use international human rights law to protect the individuals all over the world. Along with Egon Schwelb, Louis Sohn, Louis Henkin, and Richard Lillich (with whom he co-authored a casebook), Newman introduced the study of international human rights law to U.S. law schools. His academic career thus provides a lens through which to see how a once-peripheral subject gained stature at elite institutions during the last decades of the twentieth century. Belonging to a new generation of activist-lawyers who emerged in the 1970s and 1980s, some of Newman’s students left their mark in academia and activism. It was in those years that law schools such as Harvard, Yale, and Columbia established multidisciplinary human rights programs that attracted many students. Their “cause lawyering”—to borrow from Austin Sarat and Stuart Scheingold—took the international human rights movement in a more litigious direction.²

“I Could See that People Were Being Treated Badly”

Raised in Southern California, Frank Newman attended Dartmouth College on a scholarship. Newman’s passion during his youth was music, as he played the French horn for nine years. Newman spent two of his summers playing with his jazz band, the Barbary Coast Orchestra, on cruise ships that toured Europe. Majoring in political science as an undergraduate, he received a fellowship in 1937 to study how the appropriations process worked in Congress. Most of his time in Washington, D.C. was spent committee hearings and interviewing representatives and legislative aides. Newman’s mentor at this time was George Maurice Morris, a Dartmouth alumnus who headed the American Bar Association’s House of Delegates.

¹ Ellen L. Lutz, Hurst Hannum, and Kathryn J. Burke, *New Directions in Human Rights* (Philadelphia: University of Pennsylvania Press, 1989), vii

² For more on “cause lawyering” and its relation to social movements in the last decades of the twentieth century, see Austin Sarat and Stuart A. Scheingold, eds. *Cause Lawyering and Social Movements* (Stanford, California: Stanford University Press, 2006)

“I suppose my main contribution was that the myth of the media—they weren’t called the media in those days and there was no TV—but myth was that Congress was responsible for all the spending and terrible pork-barrel monies, et cetera,” Newman said of his senior thesis, “but I collected statistics proving that with great consistency Congress cut the president’s budget.”³

Newman made the decision to attend law school after receiving advice from Morris: “You can always do public administration as a lawyer, but you can’t be a lawyer if you start out in public administration.” Returning to the West Coast to pursue his law degree at Boalt Hall, Newman was most influenced by Barbara Armstrong and Dudley McGovney. A proponent of unemployment insurance, Armstrong published a book on the subject in 1932. McGovney developed a legal theory to contest laws permitting housing segregation against racial minorities, as Newman explained: “Just as the Congress violates the equal protection clause by discriminatory statutes and just as the executive branch can by having discriminatory regulations of various kinds, courts too are an arm of the government. A restrictive covenant would have to be enforced and the only government officials who can do that are in the courts, therefore the equal protection clause applies to the courts.” Armstrong and McGovney may have been more reflective of his liberal politics than Morris, but Newman mostly stayed quiet during his years at Berkeley. After briefly studying tax law at Columbia Law School, he spent World War II stateside overseeing the New York garment industry and negotiating contracts with shipbuilders.⁴

Hired to teach at Boalt Hall after finishing his LL.M. at Columbia, Newman vehemently opposed the decision by the University of California Board of Regents in March 1949 to include an anti-Communist loyalty oath in the faculty appointment letters for the upcoming academic year. In a statement that he read before the Academic Senate, Northern Section (consisting of faculty from Berkeley, San Francisco, Lick Observatory, and Davis) that June, historian Ernst Kantorowicz argued why he supported a resolution introduced by psychologist Edward Tolman calling upon the Regents to remove this requirement: “It is a shameful and undignified action, it is an affront and violation of both human sovereignty and professional dignity that the Regents of this University have dared to bully the bearer of this gown into a situation in which—under the pressure of a bewildering economic coercion—he is compelled to give up either his tenure, or together with his freedom of judgment, his human dignity and his responsible sovereignty as a scholar.” For their refusal to sign the loyalty oath, Tolman and Kantorowicz were among the thirty-one tenured faculty dismissed by the Regents just before the fall 1950 semester, none of whom were accused of actually being Communists.⁵

³ Frank Newman, *Regional Oral History Office Interview* (ROHO Interview), 1989-1994, 2-7, 9, Bancroft Library (BL), University of California, Berkeley (UCB); The American Bar Association would play an important role in lobbying against President Franklin Delano Roosevelt 1938 plan to reorganize the U.S. Supreme Court, see Charles S. Rhyne, “George Maurice Morris, 1889-1954” *ABA Journal* (October 1954), 865-867

⁴ Newman, *ROHO Interview*, 10, 13-14, 21, 23 BL, UCB; Armstrong’s proposals were outlined in her *Insuring the Essentials: Minimum Wage Plus Social Insurance—A Living Wage Program* (New York: The Macmillian Company, 1932); McGovney co-authored a casebook on constitutional law with Pendleton Howard, see Dudley O. McGovney and Pendleton Howard, *Cases on Constitutional Law* (Indianapolis: Bobbs-Merrill, 1955), an edition which appeared after McGovney’s death in 1947. McGovney also wrote a book that called for the nationalization of election laws, Dudley O. McGovney, *The American Suffrage Medley: The Need for a National Uniform Suffrage* (Chicago: University of Chicago Press, 1947);

⁵ Sandra P. Epstein, *Law at Berkeley: The History of Boalt Hall* (Berkeley: Institute of Governmental Studies Press, 1997), 186; David P. Gardner, *The California Oath Controversy* (Berkeley: University of California Press, 1967), 3, 32-37

Newman joined a steering committee in November 1949 to coordinate the actions of those who had also refused to sign, though it did not have the support of the entire faculty. “I wonder if I could not communicate through you some of my misgivings, arising from attendance in your meeting at the Faculty Club Monday night,” historian John Hicks wrote to Newman in March 1950. The non-signers, Hicks alleged, appeared “bent on insisting that the rest of the faculty, the overwhelming majority, must come over to its (the minority’s) position, and that without compromise.” While he agreed that the loyalty oath was “foolish business” and “no faculty should be dismissed for failure to sign it as it now stands,” Hicks warned Newman that the rest of the faculty was not prepared to go much further:

If your group insists on bringing other and controversial issues into the discussion, we shall eventually part company again. In particular, many of us totally disagree with the premise expressed Monday night that discrimination against members of the Communist Party, as such, constitutes an infraction of academic freedom. If your group insists on fighting for the right of Communist Party members to be members of this faculty, our present very impressive unity will soon evaporate.⁶

Newman became Treasurer of the Faculty Committee on Financial Assistance, writing that September, “As a mark of loyalty to the principles of academic freedom, and of confidence in our colleagues who have not received appointments because of their unwillingness to sign the special declaration in the acceptance of appointment, members of the Faculty have undertaken a program of financial aid to these colleagues.” The Academic Senate, Northern Section passed a resolution that requested its members to contribute two percent of their monthly salaries. The recipients were to pay back this money once they regained their positions. The committee received donations from almost 700 faculty members. Nearly \$51,000 was advanced from October 1950 to October 1951. In October 1952, the California Supreme Court ruled the loyalty oaths unconstitutional, ordering that the non-signers be reinstated. The Regents agreed to an out-of-court settlement regarding their back pay in March 1956.⁷

But that was of little consolation to those whose careers had been ruined. The most fervent proponent of the loyalty oath on the Board of Regents was John Francis Neylan. Referring to a section in George Rippey Stewart’s *Year of the Oath*, “The T.A. and the Piano Player,” Newman said, “I wrote about the TA here in chemistry that John Francis Neylan didn’t like and attacked personally.” On October 1, 1949, Neylan read in the *San Francisco Chronicle* that Irving David Fox refused to testify before the House Un-American Activities Committee, which was investigating allegations of Communist subversion at the Radiation Laboratory. The Regents soon informed Fox that they would “give consideration” to his “status” at their next meeting on December 16. Fox explained to them that he chose not to answer questions such as “Have you ever been a member of the Communist Party of the United States?”, “Were you a member of the Communist cell at the Radiation Laboratory?”, or “Was your father a member of

⁶ Gardner, 86-87, 119-120

⁷ Frank C. Newman, “Program for Financial Assistance to Non-Signers,” September 15, 1950, *Loyalty Oath Digital Collection*, Bancroft Library (BL), University of California, Berkeley (UCB); Milton Chernin, “Report of the Faculty Committee on Financial Assistance to the Academic Senate, Northern Section,” January 15, 1951, *Loyalty Oath Digital Collection*, BL, UCB; Faculty Committee on Financial Assistance, “Dear Contributor,” September 18, 1957, *Loyalty Oath Digital Collection*, BL, UCB

the Communist Party?” because he did not want to incriminate himself. Fox attended Communist Party meetings in 1942, but never signed a membership card. The next year, as he said, “I decided that I did not agree with them.” Finding that he did not meet the “minimum requirements for membership on the faculty,” the Regents fired him.⁸

As a member of the Berkeley Academic Senate, Newman convinced the Academic Freedom Committee to approve a statement in which the faculty promised to protect students from the Loyalty Oaths: “No professor shall ever discuss the political views of his student with any potential employer, governmental or private.” Working with attorney Ernie Besig of the Northern California ACLU, Newman preferred to use administrative hearings to argue that the State of California was wrong about a client’s alleged membership in the Communist Party. A judge was less likely to admit such mistakes in court. Nor did it take long for Newman to see that those who did not have legal representation almost always lost their jobs. “I could see that people were being treated badly and that got me into this particular kind of civil liberties,” he said, “and then I supposed I mostly stayed Democrat and become more and more liberal as time passed.”⁹

Newman’s academic expertise was in administrative law. With Stanley Surrey, a tax expert who later became an assistant in the Treasury Department during the Kennedy administration, Newman published a casebook on state legislation. One of Newman’s most important ideas during these years was to notify Californians of new laws in a publication modeled on the *Federal Registry*. “My basic argument was that lobbying was a form of free speech and the only question was whether it was going to be secret,” Newman remembered. “So we had to keep improving the publications—pamphlets and implementing information.”¹⁰

In 1961, Newman was appointed to serve as Dean of Boalt Hall. Sympathetic to the goals of the Free Speech Movement, he was among a group of faculty who advised the students in their negotiations with administrators. Newman credited Mario Savio with believing “very deeply in passive resistance,” but he did not see the need for the more confrontational tactics embraced by antiwar protestors. Newman resigned as dean in July 1966 to take a sabbatical year in Europe. As he waited for his wife to recover from eye surgery in fall 1966, Newman changed the trajectory of his career. Arriving in Geneva for the spring 1967 term, Newman fully immersed himself in his new subfield: “It was in that January I really began seriously to study international human rights.”¹¹

Newman’s initial motivation for studying international human rights law was to learn something about the larger world. “I had chosen human rights as sort of a hobby subject, because I was embarrassed that I knew so little about international affairs,” he admitted. “I’d never had an international law course. I’d never read a World Court opinion. I’d never seen the U.N.

⁸ Newman, *ROHO Interview*, 51, 60; George Rippey Stewart, *The Year of the Oath: The Fight for Academic Freedom at the University of California* (Garden City, New York: Doubleday and Co., 1950), 41-46

⁹ Newman, *ROHO Interview*, 38-40, 49, 60

¹⁰ Newman, *ROHO Interview*, 66, 100; Frank C. Newman and Stanley S. Surrey, *Legislation: Cases and Materials* (Englewood Cliffs, New Jersey: Prentice-Hall, 1955)

¹¹ Newman became dean after William Prosser abruptly resigned in the middle of the 1961 academic year, as according to Sandra Epstein, “Viewed as something of a maverick because of his outspoken liberal position on a number of campus issues, Professor Newman eventually was acceptable to the University administration and the regents,” Epstein, *Law at Berkeley*, 228-229, 249; Newman recalled a lot of violence during 1968-1969 academic year, which stood out to him because that year he hosted Karel Vasak, one of the leading human rights scholars in Europe who had set up the International Institute of Human Rights in Strasbourg, France to which Boalt Hall had an affiliation. Newman, *ROHO Interview*, 90, 94, 251

Charter or any U.N. documents.” Courses on international human rights were rarely offered at American law schools during the 1950s and 1960s, which meant that Newman had to teach himself. He was helped by the presence of younger faculty such as Michael Smith, who made copies of UN documents and guided Newman through them. In December 1966, the UN General Assembly approved the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and the Optional Protocol on the Covenant on Civil and Political Rights, which proposed a special committee with enforcement powers. Newman welcomed the international recognition of the need for an “ombudsmen” to hold governments accountable, but this made it all the more unlikely that the U.S. would ever ratify any of these agreements. At the very least, the “human rights ombudsmen” might become significant enough to “enhance the pioneer work of the European Commission of Human Rights.” Newman did not see any conflict between the Covenants and the Anglo-American tradition of due process—in particular, the right to a “fair hearing.” This concern with legal procedure grew out of Newman’s past work on administrative law. Human rights could be violated by abuse of process in criminal courts, administrative tribunals, and civil courts (“usually in that descending order of seriousness”). Fortunately, the Covenants were rather specific on protecting the rights of the accused and Newman hoped fair-minded judges could be trusted to use their discretion wisely in civil cases, but they were “sorrowfully articulate” on administration tribunals, which was “where governments far too often parade their gigantic capacities for proceeding unfairly.”¹²

As we have seen in Chapter 2, the imprisonment of former University of California economist Andreas Papandreou transformed Newman into an activist. The torture of political prisoners by the Greek Junta made human rights into something more than a “hobby subject.” In addition to providing legal advice to Andreas and Margaret Papandreou and Lady Amalia Fleming, Newman represented human rights NGOs in a frustrating attempt to hold the Greece accountable at the UN in 1972-1973. Newman used these experiences to reinvent himself as a “cause lawyer.”

In a January 1978 letter to UN Ambassador Andrew Young on behalf of their former law professor, Kathryn Burke, Joanne Kagiwada, and Julianne Traylor gave Young a list of references who could speak to Newman’s involvement in human rights during the previous decade: “In New York you could ask Margo Picken of Amnesty International, Roberta Cohen of the International League for Human Rights, Jack Greenburg of the Legal Defense Fund, Norman Dorsen of the ACLU, or Egon Schwelb. In Washington you could ask John Salzberg of Congressman Fraser’s staff.” Newman’s relationship with these figures reveals how easily he moved between academia, NGOs, and Congress. These were some of the key names responsible for the emergence of a human rights movement in the U.S. during the 1970s. Known as “Mr. Human Rights” to his law professor colleagues, Schwelb was among the first to teach an international human rights course. Formerly Executive Director of the International League for Human Rights, Cohen worked under Patricia Derian in the State Department’s Human Rights Bureau. Picken also was a program officer at the Ford Foundation whose grants helped solved

¹² Newman, *ROHO Interview*, 252-253, 255; Frank C. Newman, “Ombudsmen and Human Rights: The New U.N. Treaty Proposals,” *University of Chicago Law Journal*, Vol. 34 (1967): 951-967, quoted on 960, 961; Frank C. Newman, “Natural Justice, Due Process, and the New International Covenants on Human Rights: A Prospectus,” *Public Law* (1967): 274-313, quotes on 278-279, 311, also reprinted as a pamphlet, Frank C. Newman, *Natural Justice, Due Process, and the New International Covenants on Human Rights: A Prospectus* (London: Stevens, 1967); Newman thanked Smith for research assistance on both articles

the funding woes of human rights NGOs. Formerly of the International Commission of Jurists (ICJ), Salzberg organized the 1973 Fraser Committee hearings. Burke joined the Fraser Committee staff after graduating from Boalt Hall in 1975. Noting all the relationships Newman cultivated among activists, politicians, and scholars, Yves Dezalay and Bryant Garth write, “Frank Newman, the former law dean at the University of California, Berkeley (and later California Supreme Court justice), provided the key link between the human rights idealists and the fights in the fields of power.”¹³

With California Superior Court Judge Bruce Sumner and Latin American researcher Roger Plant, Newman went on an Amnesty International mission to Chile during the last week of October 1973. As he would testify before the Fraser Committee two months later, he was able to confirm reports out of Santiago that thousands of political prisoners had been detained and tortured by the Junta. Quoting from a letter he wrote to the Chilean Bar Association, Newman spoke of what had bothered him the most:

We were much disturbed by the statement of the Minister of Interior that, whereas approximately 550 detainees would be charged with military crimes, apparently 1,000 would be kept in detention without charges, perhaps for 8 months. That was for Santiago only. The word from the Defense Ministry was that there would be equivalent groups outside. We asked, “Is it the view of your counsel that the law is going to be important regarding such people? Is there no Chilean law that accords those kinds of detainees rights?” I think this is what shocked Judge [Bruce] Sumner and me most, that here were a thousand people in the Santiago area, the figure quoted to us by the Minister himself, who it was taken for granted would have no trial. We asked how long they going to take them in jail, and he said perhaps 8 months. He said, “What do you expect when you are dealing with political activists?”¹⁴

Focusing on arbitrary killings and acts of torture, their report on Chile was finished just in time for Amnesty International’s Paris Conference on Torture in December 1973. Newman, Sumner, and Plant relied upon interviews with clergy, foreign ambassadors, and UN workers. Although the government released most of the initial prisoners, thousands remained imprisoned merely for their political views. Roger Plant had the most access to the political prisoners. “Roger had very good contacts with the Red Cross people, who were quietly staunch as always,”

¹³ Kathryn Burke, Joan Pomerleau, Joanne Kagiwada, and Julianne Traylor to Andrew Young, January 15, 1978, 3-4, Carton 1, Publications, Frank Newman Papers (FN), Bancroft Library (BL); Joan Pomerleau, January 15, 1978, Carton 1, Publications, FN, BL, UCB; Yves Dezalay and Bryant Garth, *The Internationalization of Palace Wars* (Chicago: University of Chicago Press, 2002), 129-130; see also Yves Dezalay and Bryant Garth, “From Notables of the Foreign Policy Establishment to the International Market of Professionals of Philanthropy and Human Rights,” *American Bar Foundation, Working Paper #9818* (1998), 50

¹⁴ Frank Newman, “Statement of Dr. Frank C. Newman, Professor of Law, University of California at Berkeley, Member of the Amnesty International Mission to Chile,” Testimony before House Subcommittees on Inter-American Affairs and International Organizations and Movements, December 7, 1973, *International Protection of Human Rights: U.N. Human Rights Law and Its Enforcement: Chile* (Washington, D.C.: Government Printing Office, 1973), 534

Newman said. “So clandestinely he made many prison visits that were, of course, helpful to us.”¹⁵

Shocked by what he had seen on the mission, Newman put Chile on the UN agenda. “He did so primarily for the sake of human rights in Chile and for the victims of repression, but he was also interested in setting a precedent in the UN and getting the UN more actively involved in other situations of serious human rights concern,” writes Theo Van Boven, former Director of the UN Division of Human Rights. Van Boven’s essay in *New Directions in Human Rights* describes the creative legal strategies Newman used to breathe life into the UN’s moribund human rights organs, especially after his failure with the Greek Case.¹⁶

Encouraged by the delegations from newly independent countries in Africa and Asia, the UN openly condemned racial discrimination. In June 1967, the Economic and Social Council (ECOSOC) passed Resolution 1235, which permitted the Human Rights Commission to consider questions on an annual basis regarding “the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories.” A Sub-Commission recommended in 1968 that the Human Rights Commission look into alleged violations in South Africa, Greece, and Haiti. Adhering to a narrow interpretation of Resolution 1235, the Human Rights Commission only decided to pursue an investigation into South Africa. To make the Human Rights Commission responsive to more than apartheid, ECOSOC passed Resolution 1503 in May 1970. By establishing a procedure through which complaints that “reveal a consistent pattern of gross and reliably attested violations of human rights” would be examined, Resolution 1503 formally ended the so-called “self-denial rule.” In 1947, as we have seen in Chapter 1, ECOSOC stripped the Human Rights Commission of authority to investigate the thousands of complaints filed with it each year. Of course, Resolution 1503 kept all proceedings, documents, and actions confidential until the Human Rights Commission made a recommendation to ECOSOC. This veil of secrecy provided more than enough protection to offending member-states.¹⁷

The Human Rights Commission had already buried the “Greek Case” in February 1968. Led by Greece and Nigeria—with its own human rights problems in Biafra—the commission refused to consider any of the complaints filed after the April 1967 coup. Denying that there had been a “consistent patterns of gross violations” in Greece, it also claimed not to have the authority to “interfere in the internal affairs of Greece.” More to the point, it expressed fear about opening “a Pandora’s Box of complaints against any and all member states.” Other governments were just as guilty, so why “pick on Greece?” Hopeful that this time might be different, Newman filed another complaint against Greece that used affidavits taken from political prisoners who had been tortured while in custody. The complaint was referred to a

¹⁵ Frank Newman, *ROHO Interview*, 287, 291; having stayed at Melina Mercouri’s apartment while in Paris, Newman met Joan Baez through Ginetta Sagan: “Ginetta Sagan, who was very big in Amnesty in those days, had worked with us on Greek matters and then got deeply interested in Chile because of the parallels; and she is the one who helped bring Joan into the anti-Pinochet movement,” Newman, *ROHO Interview*, 293

¹⁶ Theo Van Boven, “Creative and Dynamic Strategies Using United Nations Institutions and Procedures: The Frank Newman File,” in Ellen L. Lutz, Hurst Hannum, and Kathryn J. Burke, *New Directions in Human Rights* (Philadelphia: University of Pennsylvania Press, 1989), 217-218. Hereafter “The Newman File.”

¹⁷ Van Boven, “The Newman File,” 218-219; for Newman’s complaints about the delay under Resolution 1503, see “Note, Disappointing Start to New U.N. Procedure on Human Rights,” *International Commission of Jurists Review*, Vol. 9 (1972), 5, reprinted in Richard B. Lillich and Frank C. Newman, *International Human Rights: Problems of Law and Policy* (Boston: Little, Brown, 1979), 338-340

Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. “Can you confirm that the ‘question of the violations of human rights in all countries’ will be on the Sub-Commission’s agenda?” Newman asked in July 1972. “Whatever rules seem to suggest, does not elementary fairness require that somehow we be permitted to see the reply of the Greek Government?”¹⁸

The answer was no. The Working Group convened on July 31 to discuss what to do with the complaint, but Newman did not know the outcome because its meetings were confidential. Even if the Working Group dismissed the complaint, the Human Rights Commission was permitted to discuss questions relating to “the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories.” This wording, Newman argued, allowed the Human Rights Commission to take action against Greece if it so chose (pursuant to Resolution 1235—the rule change that allowed it to consider human rights violations).¹⁹

Newman finally learned in September that the Working Group would be forwarding his complaint against Greece (and those filed against Iran and Portugal) to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, but all that followed was more debate and little action. “The implication is that we should wait patiently until August 1973, which of course would be intolerable,” Newman wrote angrily. If UN members lacked the will to criticize one another for their human rights violations, then wait was all he could do. “We do not know whether the Greek government had replied to our charges formally,” Newman complained to UN General-Secretary Kurt Waldheim. “We do know from statements by its representatives—in New York, Geneva, and Athens—that it still pretends innocence or justification, as it did give years ago when the matter was before the UN Commission on Human Rights.” After six years of military rule by the Greek colonels, he continued, the UN had not even made the slightest effort to hold them accountable for their many violations:

Unhappily, in 1973 the terror and the torture and other gross violations continue. Notwithstanding changes made during Commission of Human Rights meetings in 1968 (also in 1973, March 29 and 30), notwithstanding appeals more than five years ago by the Soviet Union and by Poland, Czechoslovakia, and U Thant, notwithstanding action by the Council of Europe, notwithstanding ILO actions, THERE HAS BEEN NO SETTLEMENT OR ANY OTHER SOLUTION THAT

¹⁸ Jim Odle to Frank Newman, “Memo Re: Arguments Against Considering Greek Question in UN Commission on Human Rights, February 1968,” November 15, 1971, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman to Kurt Waldheim, May 19, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman, “To Several Friends of Greek Democracy,” May 22, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Sean MacBride and Zbynek Zeman to Kurt Waldheim, June 8, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman to John Salzberg and John Carey, July 6, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; John Salzberg to Frank Newman, July 12, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB

¹⁹ Newman cited ECOSOC Resolution 1503, which compelled the Working Group to provide him with any “relevant information” pertaining to his case. Frank Newman, “To Authors of the May 19th Communication to the UN re: Greece,” August 2, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Frank Newman to UN Office of Secretary-General, August 14, 1972, Carton 2, Greece—Prisoners (1 of 3), FN, BL, UCB; Frank Newman to Hector Gros Espiell, August 18, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; Schreiber, Director of the Division of Human Rights, to Frank Newman, August 27, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB

EVEN MINIMALLY HONORS THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND RELATED HUMAN RIGHTS DOCUMENTS.²⁰

In a 1973 paper, “The UN Procedures for Human Rights Complaints: Reform, Status Quo, or Chamber of Horrors?”, Newman argued that secrecy had made Resolution 1503 useless. UN officials needed up to open up the process because victims received “none of the protections that due process, natural justice, and similar concepts rightfully are presumed to ensure.” At an informal briefing he held for activists in 1974, Newman said, “My hunch is that the Resolution 1503 procedures may well become a morass, not merely a maelstrom.” The Greek Case had made this clear enough to Newman. In an August 1973 letter to the UN General-Secretary, the Greek delegation argued that any Resolution 1503 communications must remain confidential, which was what the Sub-Commission ultimately ruled. Newman responded by accusing the Sub-Commission of not complying with paragraph five of Resolution 1503: “The Sub-Commission initially considers *communications* as received from petitioners, but after taking into account any replies of governments and *other relevant information* the Sub-Commission then determines whether to refer to the Commission on Human Rights *particular situations* that appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission.” The Sub-Commission often excluded the most recent information available from UN files or human rights NGOs when referring a complaint to the Human Rights Commission. The failure to include these facts guaranteed that the Human Rights Commission would drop the complaint for not having enough reliable information. As Newman asked the Sub-Commission in August 1974, “Is not the phrase ‘other relevant information’ that, when advisable, permits the Sub-Commission (1) to determine the true seriousness of a situation, (2) to treat related communications as evidencing a single situation, (3) to bring outdate communications up to date, [and] (4) to aid the Commission generally regarding its own duties under paragraph 6 of Resolution 1503?” Paragraph six authorized the Sub-Commission to undertake further inquiry into a complaint. Newman suggested that this could be achieved in accordance with UN precedent in three ways: something like the Ad-Hoc Working Group of South Africa; an NGO commissioned to conduct its own investigation on behalf of the UN; or by the appointment of a special consultant—a rapporteur. “It appears that many different kinds of studying might be appropriate when information available to the Commission appears to reveal consistent patterns of gross violations of human rights,” Newman wrote. “Experiments will be necessary; and experience will be the best guide.”²¹

In 1974, eight cases were referred to the Human Right Commission—Brazil, Burundi, Guyana, Indonesia, Iran, Portugal, Tanzania, and United Kingdom (Northern Ireland)—all of which were left pending because political will could be difficult to find in what UN Ambassador Daniel Patrick Moynihan once termed “A Dangerous Place.” Newman testified before the Fraser

²⁰ “To Authors of the May 19th Communication to the UN re: Greece,” September 19, 1972, Carton 2, Greece—Correspondence, FN, BL, UCB; the exceptions to this rule were South Africa and Israel, both of which were routinely condemned at the UN; Frank Newman to Kurt Waldheim, April 30, 1973, Carton 2, Greece—Correspondence, FN, BL, UCB

²¹ Frank C. Newman, “The New UN Procedures for Human Rights Complaints: Reform, Status Quo, or Chambers of Horrors?” reprinted Lillich and Newman, *International Human Rights: Problems of Law and Policy*, 371-372; Van Boven, “The Newman File,” 219, 220-223; for Newman’s case against Greece at the UN, see Kathleen Teltsch, “UN Unit Said to Report Greeks Violate Human Rights,” *New York Times*, September 21, 1972

Committee in June 1974 that he was “disappointed” at this outcome, though he hoped that investigations in Brazil, Burundi, Indonesia, and Northern Ireland would begin immediately.²²

The international furor over Chile gave Newman another opportunity at the UN. Following the revelation of widespread abuses by the Junta, the Human Rights Commission sent a protest telegram to the Chilean government. Newman sensed that Allende’s removal would lead to immediate action. “How inexcusable would it be were there a useless quarrel relating to the Sub-Commission’s Resolution 1503 referral!” Newman wrote to Van Boven. “Existing information available to the Commission justifies a swift study now.” Although it is not known if Newman’s statements had any effect, the Human Rights Commission cited Resolution 1235 in deciding that it would begin an investigation into Chile without any delay. Governments could no longer rely on the confidential Resolution 1503 process to protect them from scrutiny. In Newman’s words, the Chile Case finally broke “the double standard.” Not only had the Human Rights Commission finally taken action against a country not named South Africa, but it was also a “very significant endorsement of the rules of the universal declaration and the covenants” that was supported by the Eastern Bloc—a “great step forward.”²³

The Soviets and the Eastern Europeans had long opposed UN investigations as a threat to their sovereignty, but even they agreed that Chile was “a matter of legitimate concern to the international community.” They also had a strong ideological basis for publicly criticizing the right-wing Pinochet regime. The Soviet Union initially wanted the UN to condemn Chile without an investigation, but eventually acquiesced. A Soviet lawyer explained why his delegation changed its mind:

Special agencies may be formed by the United Nation Organizations to investigate violations of human rights by fascist and militarist dictatorships. The legality of formation of such agencies rests on the fact that the policy pursued by military-fascist dictatorships negates the aims and principles of the UN Charter and is accompanied by mass and systemic violations of elementary human rights and freedoms. This is why the 31st session of the Commission on Human Rights, held in February-March 1975 formed an ad-hoc working group of five members to investigate the situation in the field of human rights existing in Chile.²⁴

With its Ad-Hoc Working Group on Chile, the UN had made a statement: it would now be investigating its member-states. Though the UN’s means of enforcement remained extremely limited, this was a small step towards accountability. Official UN delegations would be sure to attract attention, their findings would be made public, and the host governments would have to endure the shame of international disapproval. By the late 1970s, the Human Rights Commission appointed Special Rapporteurs to look into Uganda and Haiti and requested the UN Secretary-General have someone conduct a “thorough study” of Paraguay, Uruguay, and Ethiopia. In response to the Dirty War in Argentina and violent conflict in Central America, the

²² Ibid., 219; Frank C. Newman, “Review of the U.N. Commission on Human Rights,” Testimony before the House Subcommittees on International Organizations and Movements, June 20, 1974, *Review of the U.N. Commission on Human Rights* (Washington, D.C.: Government Printing Office, 1974), 41; see Daniel Patrick Moynihan with Suzanne Weaver, *A Dangerous Place* (Boston: Little, Brown, 1978)

²³ Kathleen Teltsch, “Chile Is Accused in Report to U.N.,” *New York Times*, January 20, 1974; Van Boven, “The Newman File,” 224; Frank C. Newman, “Review of the U.N. Commission on Human Rights,” 41

²⁴ Van Boven, “The Newman File,” 225

Human Rights Commission set up a Working Group on Disappearances and a Rapporteur on Summary and Arbitrary Executions. A Rapporteur on Torture was appointed following Amnesty International's Campaign to Abolish Torture in the mid-1980s.²⁵

Teaching the International Human Rights Course

Frank Newman was among one of the first professors to introduce the study of international human rights to law schools in the United States. A survey conducted by the American Society of International Law (ASIL) in 1963 made no reference to the subject. Beginning with Egon Schwelb's seminar at Yale, similar courses were taught at Berkeley, Harvard, and Virginia by the late 1960s. According to former student David Weissbrodt, Newman offered his first seminar on human rights in 1968. By 1971, at least thirteen law schools reported to ASIL that they offered either a seminar or lecture course on international human rights law.²⁶

A prominent Social Democratic lawyer, Egon Schwelb represented a number of anti-Nazi German refugees during the 1930s for which he was confined for two months after Hitler's 1939 invasion of Czechoslovakia. Along with his family, he escaped to Great Britain later that year. Czech President Edward Benes appointed Schwelb to serve in the government-in-exile's Legal Council. "During his service as a legal adviser to the Benes government, my father sensed that postwar Czechoslovakia would not be a democratic country for very long, and (much to my dismay at the time) my parents decided not to go back," his son remembered. Schwelb spent the next two years on the UN War Crimes Commission, after which he was appointed Director of the UN Human Rights Commission in 1947.²⁷

Schwelb began teaching a seminar on the international protection of human rights at Yale in 1963-1964. The year-long course was divided into two parts. The fall semester—"International Protection of Human Rights I"—offered a historical study of "the international concern with human rights" from the Treaty of Westphalia to World War I, the League of Nations, the International Labor Organization, the UN Charter's human rights provisions and their application, the 1948 Universal Declaration of Human Rights, the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, and the 1963 Declaration on the Elimination of All Forms of Racial Discrimination. "International Protection of Human Rights II" examined the current means of enforcement, including "regional arrangements" such as the European Convention of Human Rights and case law developed at the European Court of Human Rights. Schwelb encountered many of the problems associated with teaching a relatively new subject. A lack of teaching materials meant that he could not assign a casebook to students. He received printed UN documents only after a considerable delay. Schwelb usually found himself

²⁵ Ibid., 227

²⁶ Richard Lillich, "Teaching of International Human Rights Law in US Law Schools," *American Journal of International Law*, Vol. 77, No. 4 (October 1983), 855; Yvonne King, *Learning to Become an International Human Rights Advocate*, Ph.D. dissertation, University of Wisconsin—Madison (1988), 117

²⁷ Frank Schwelb, "Czechs in Exile: Real Life Stories," c. 2006, *Czechs in Exile: The Czech Connection—Czechoslovak Government Exile during the Second World War*, Czechoslovak Government in Exile Research Society, <http://www.czechsinexile.org/stories/frankswelbm-en.shtml>; Frank Schwelb followed his father's career path. After working as an attorney in the Civil Rights Division in the U.S. Department of Justice from 1962-1979, Frank Schwelb was appointed by President Jimmy Carter to the Superior Court of the District of Columbia and President Ronald Reagan promoted him to the District of Columbia's Court of Appeals.

mimeographing human rights agreements and excerpts from UN or Council of Europe reports: “To think of preparing a book of cases and other materials (universal and regional) developments in the field of human rights would appear to be unrealistic, or, at least, premature at the present time.”²⁸

“An investigation of the evolution of the concept of international protection of the rights of individuals,” Harvard’s course on the “International Protection of Human Rights” had students work through problems relating to the protection of foreign investors, special protections afforded to minorities, the administration of dependent territories, recent attempts at protecting human rights by the UN and regional organizations, and the “new position of individuals in international law.” Harvard Law School Dean Erwin N. Griswold provided the rationale behind this course in a 1960 report that was critical of the faculty’s narrow view of international law. “Even in the international field, where our activities have broadened so extensively in recent years, the same tendency toward commercial areas is evident,” Griswold wrote. “Although it is clear that the approach of these courses is not that of ‘imperialism,’ their impact on the reader from another country is obvious. *We do not have any courses on the international protection of human rights.*”²⁹

Howard Law School held a workshop on teaching human rights courses in 1965. To formulate a coordinated strategy of litigation that African-Americans could pursue through the courts, Charles Houston, Dean of the Howard Law School, began teaching a course on domestic civil rights law in the mid-1930s that he turned over to James M. Nabrit, Jr., the future President of Howard University. Emphasizing the Thirteenth, Fourteenth, and Fifteenth Amendments, Nabrit supplemented his lectures with clinical work. Elwood Chisolm recalled this was how he was first exposed to international human rights law: “By that time we were involved in the United Nations, and considering the supremacy clause of our Constitution which makes supreme along with our Constitution and the federal laws enacted pursuant thereto the treaties entered into by the United States.” Chisolm wrote a paper considering the implications of the UN Charter for African-Americans, which the NAACP used in a Jim Crow case.³⁰

Chisolm’s background reveals how international human rights lawyers had something to learn from civil rights lawyers. Conceptually there remained some distance in how each made their respective claims. African-American civil rights leaders appealed to the federal government to override Jim Crow laws at the local and state level, while human rights activists sought to undermine this very national sovereignty. Nonetheless, there were points of convergence in their respective legal pedagogies: the introduction of a course oriented around individual rights, the inclusion of clinical training to enable students to gain experience, and the development of a cohesive litigation strategy with an advocacy organization. Innovations in legal education first introduced by Houston and Nabrit at Howard Law School would be rediscovered decades later.

²⁸ Egon Schwelb, “Teaching the Law Relating to the International Protection of Human Rights,” *Journal of Legal Education*, Vol. 17 (1965), 451, 454, 455

²⁹ Griswold quoted in Schwelb, “Teaching the Law Relating to the International Protection of Human Rights,” 455

³⁰ Elwood Chisolm, “Teaching Human Rights Workshop,” *Howard Law Journal* (1965), 537-539; Besides using the UN Charter in domestic cases, the NAACP also worked at the UN to make Jim Crow into human rights issue, but the U.S. would not allow for international scrutiny of longstanding racial discrimination against African-Americans. For the NAACP’s frustrations at the UN, see Carol Anderson, *Eyes Off the Prize: the United Nations and the African American Struggle for Human Rights, 1944-1955* (Cambridge, New York: Cambridge University Press, 2003)

Convincing American law students to understand the basic premise of international human rights law was difficult, as Michael Cardozo described at the Howard workshop, “When you get to the subject of human rights in an international law course today, one of the first things you do is pretty much tell the students, ‘Now forget everything else that we have been talking about,’ because up to that point everything that you’ve been discussing is based largely on the sovereign independence of states, a sort of foundation of domestic jurisdiction and sovereignty.” Cardozo’s method of working through this problem was to share with students the inscription on a bench he once saw at Cornell University: “Above all nations is humanity.” Another obstacle Cardozo had to overcome was that his students often did not see the relevance of international human rights law to their own lives. Many of them took the Bill of Rights for granted. “One reason may be, as a study might show, that most people feel that they have never had an occasion to use one of them,” Cardozo speculated. “As for the confessions and so forth, most people go through adult life without ever being arrested, without ever being confronted with that question, or whether they are entitled to a lawyer at this or that stage.”³¹

At its 1971 meeting, the American Society of International Law (ASIL) held a panel on international human rights law. Led by Louis Henkin, a law professor at Columbia, the participants included some of the country’s leading authorities on the subject: Egon Schwelb, Thomas Buergenthal, and Richard Lillich. Henkin read off a resolution that affirmed the rightful place of international human rights on the law school curriculum: “Human rights now have a recognized and accepted place in international law; that human rights have achieved an autonomous existence and importance warranting, if not requiring, that they also be taught separately, not merely as a small segment of a general course in international law; that human rights have a distinct character deserving distinct and special teaching.” Much of the panel’s time was spent on what it meant to teach a course on the topic.³²

Introduced by Henkin as “Mr. Human Rights,” Schwelb talked about “a kind of nucleus of a curriculum” he had developed in the eight years since introducing his seminar at Yale. It was essential that students understand that the principle sources of contemporary human rights law were the UN Charter, UN actions, efforts to persuade member-states to accept additional legal obligations through the International Human Rights Covenants, and the “twilight zone” of specific human rights situations. Providing a detailed account of what he covered in his course, Schwelb’s starting point was the UN:

The course, as I conceive it, has to cover the well-known self-denying ordinance of the Commission of Human Rights of 1947 stating that it has no power to take any action in regard to complaints concerning human rights—attempts which, in the recent past, had some modicum of success, when the Economic and Social Council [ECOSOC] provided for the possibility, albeit very narrowly circumscribed, of the investigation of situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights.³³

³¹ Michael H. Cardozo, “Teaching Human Rights Workshop,” *Howard Law Journal* (1965), 529-530, 531, 532-533

³² Frank C. Newman to Donald M. Fraser, December 3, 1973, Carton 1, Correspondence, 1950s-1970s, FN, BL, UCB; Louis Henkin, “Teaching International Human Rights Law,” *American Society for International Law Proceedings* (1971), 241

³³ Egon Schwelb, “Teaching International Human Rights Law,” *American Society for International Law Proceedings* (1971), 242, 244

Thomas Buergenthal and Louis Sohn shared how they were working on an international human rights law casebook. Their similar backgrounds led them both towards human rights careers. As he recounted in his 2009 memoir, *A Lucky Child*, the Czech-born Buergenthal survived Auschwitz—where his father was killed—and lost two toes due to frostbite after his Nazi captors made their prisoners go on a death march while pursued by the Red Army. After falling in with the First Division of the Polish Army, which adopted him as its mascot, Buergenthal was sent to a Jewish orphanage in Poland where his mother found him by chance. After immigrating to the United States in 1951, Buergenthal finished high school in New Jersey. He decided to become a lawyer like his father, eventually receiving a J.D. and LL.M. from New York University and a S.J.D. under the direction of Louis Sohn at Harvard. Buergenthal taught at the University of Pennsylvania, the State University of New York, Buffalo, the University of Texas, Austin, and Emory University. After serving as Dean of American Law School from 1980-1985, Buergenthal founded the international law program at George Washington University. In 1979, Buergenthal was appointed to serve as a judge on the Inter-American Court of Human Rights, playing a role in the creation of the Inter-American Institute of Human Rights in San José, Costa Rica, the purpose of which was to train jurists in international human rights law.³⁴

Sohn fled Poland just before the September 1939 Nazi invasion. As his biographer Jo Ann Pasqualucci writes, he also lost most of his immediate family to the Holocaust: “All the Jewish students at his university, including his sister, were put on a German train to an unknown destination. His sister was never heard from again. His father was conscripted into the Polish army, and barely survived internment in a prison camp. His mother was denied rations by the Soviet police and succumbed to pneumonia before the end of the winter.” His academic work on “the conflict of laws” brought him to the attention of legal scholar Joseph Beale, who invited Sohn to work with him at Harvard Law School. As a research assistant for international law expert Manley Hudson, Sohn attended the Dumbarton Oaks and San Francisco Conferences at which the UN was created. With numerous World War II veterans demanding to learn about UN, Hudson asked Sohn to formulate and teach such a course. Structured as a comparison between the Concert of Europe, the League of Nations, and the UN, Sohn taught the course at Harvard until he retired in 1981. Unlike many of his colleagues, Sohn argued that the Universal Declaration of Human Rights was a legally binding document. Before the 1968 World Conference on Human Rights in Tehran, Sohn convinced the Johnson Foundation to sponsor the unofficial Montreal Assembly for Human Rights, at which he said, “The Universal Declaration of Human Rights constitutes an authoritative interpretation of the Charter of the highest order, and has over the years become a part of customary international law.” Although the Tehran Conference ran into controversy over Israel and South Africa, it approved the following proclamation: “The Universal Declaration of Human Rights shares a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community.”³⁵

Buergenthal told the ASIL panel that developing the casebook had taken much longer than he and Sohn had anticipated. “The delay can be ascribed, in part, to the fact there did not

³⁴ Jo M. Pasqualucci, “Thomas Buergenthal: Holocaust Survivor to Human Rights Advocate,” *Human Rights Quarterly* (Nov. 1996), 879-899; for more on Buergenthal’s childhood, see his memoir, *Thomas Buergenthal, A Lucky Child: A Memoir of Surviving Auschwitz as a Young Boy* (New York: Little, Brown, 2009)

³⁵ Jo M. Pasqualucci, “Grandfather of International Human Rights in the United States,” *Human Rights Quarterly*, Vol. 20, No. 4, (1998), 927, 939, 940

exist another human rights casebook from whose mistakes we could have profited or on whose wisdom and pedagogical skill we could have drawn,” Buergenthal explained. “This lack of model has forced us to engage in a great deal more time-consuming experimentation with the organization of the book than we might otherwise have felt compelled to undertake.” Their biggest problem was that they did not know what to include. While it was easy to put together a set of materials on, say, the European Convention of Human Rights, it was much more difficult to do so for the entire subfield of international human rights law. Buergenthal and Sohn had to figure this out for themselves. Basic source materials were not readily accessible and few lawyers had the expertise to guide them. Their solution was to give students a thorough introduction to the field: “A teaching tool—a casebook—was clearly needed, but so is a source book for human rights materials on which the law teacher can draw to educate himself and to experiment with a variety of different types of seminars and courses. We decided, therefore, to put together a casebook capable of serving as a sourcebook to a substantially greater extent than is the traditional American casebook.” With its use of primary sources, their text was modeled on Sohn’s *Cases on United Nations Law*, a compilation of judicial and arbitration decisions, reports, debates, resolutions, declarations of international organizations, and diplomatic correspondence.³⁶

By 1971, Buergenthal and Sohn had developed the outline of their casebook. Part I was a historical survey of the individual and international law. The first few chapters traced the development of “basic state responsibility principles” through an examination of English letters of marque and reprisal from the 1300s-1600s, humanitarian intervention by the Concert of Europe, the League of Nations mandate system and its effect on minorities and colonial subjects. Part II focused on the UN. After a detailed explication of the UN Charter, Buergenthal and Sohn discussed the vexing problem of human rights and domestic jurisdiction as well as the role of the Universal Declaration of Human Rights using materials from debates in the General Assembly and Security Council regarding apartheid or Soviet family reunification. A chapter on implementation covered “the attempts to empower the U.N. Human Rights to act on complaints” such as the proposal for a High Commissioner for Human Rights, while the materials on “‘codification efforts’ exposed the ideological difficulties encountered in formulating human rights principles and the problems of obtaining agreement on measures of implementation.” Part III dealt with enforcement at the regional level: the European Convention on Human Rights and the Inter-American Declaration of the Rights of Man.³⁷

“When I looked around for materials to use in my course this year, they were hard to find,” said Richard Lillich, a law professor at the University of Virginia. “Indeed, there are no materials as such.” Lillich developed his course around the “problem method,” which asked students to role play as they defended various positions. The purpose of this approach was to appeal to the student who was “less motivated toward international law than toward human rights generally.” But what was gained in engagement was lost in the lack of a conceptual and/or historical framework. Some of the cases taken up by his students were debating a hypothetical humanitarian invasion on behalf of Armenians in the Ottoman Empire, the hijacking of a plane in

³⁶ Thomas Buergenthal, “A Casebook on the International Protection of Human Rights,” *American Society for International Law Proceedings* (1971), 246-247, 247, 248

³⁷ Buergenthal, “A Casebook on the International Protection of Human Rights,” Appendix on 249; compare with the final product, Louis B. Sohn and Thomas Buergenthal, *International Protection of Human Rights* (Indianapolis: Bobbs-Merrill, 1973) and the companion collection of documents, Louis B. Sohn and Thomas Buergenthal, eds., *Basic Documents on the International Protection of Human Rights* (Indianapolis: Bobbs-Merill, 1973)

Jordan (that actually occurred in 1970), the right of petition to the UN, hearings before the U.S. Senate Foreign Relations Committee on the Genocide Convention, Northern Ireland, alleged violations of the law of warfare in Vietnam, and Apartheid in South West Africa.³⁸

With his former student, Bert Lockwood of the University of Cincinnati, Lillich surveyed law professors to ascertain the demand for international human rights courses. They found “several dozen at all types of schools, large and small, East and West” who were interested in teaching the subject: “Out of a total of 304 questionnaires, over 185 were returned, a 54% response. 83 indicated an interest in teaching human rights (including those presently teaching such a course). Those interested represented 63 law schools of varying sizes. 19 were from schools with faculties of 30 or more; 24 were from medium-sized schools (20-30 faculty members), while 20 were from smaller schools, with less than 20 professors.” The number of professors who *actually* taught courses on the subject during 1970-1971 was small enough to name every single instructor: Newman at Berkeley, Sohn at Harvard, Lillich at Virginia, Henkin at Columbia, Bilder at Wisconsin and Michigan, Carey at NYU, Marroney at Syracuse, Van Dyke at Iowa, Del Russo at Howard and Georgetown, McDougal at Yale, and Nanda at Denver.³⁹

With the exception of Buergenthal’s observation that American law students did not show as much awareness of international human rights as their European counterparts, the panel was optimistic. “It is difficult *not* to sell a human rights course,” Lillich quipped. “It is like God and Motherhood before they became unfashionable.” Henkin was very much encouraged: “When we conceived this panel we thought we were the only ones interested in the field. Today’s attendance and discussion prove otherwise. It is heartening and promising.”⁴⁰

Louis Sohn insisted at the 1971 ASIL panel that there was no conflict between the historically-oriented approach in his and Thomas Buergenthal’s casebook and the problem method used by Richard Lillich. Frank Newman gravitated towards the latter. With their shared pedagogy, Newman and Lillich collaborated on *International Human Rights: Problems of Law, Policy, and Practice*, the first edition of which appeared in 1979. Like Newman, Lillich was every bit the activist as he was the academic.⁴¹

Raised in Ohio, Lillich graduated from Oberlin College in 1954. He earned an LL.B. degree from Cornell in 1957 and an LL.M. in 1959 and J.S.D. in 1960 from New York University. After briefly teaching at Indiana, Lillich moved onto Syracuse, where he was Director of the International Legal Studies program from 1960 to 1969. At Virginia, he became the Howard W. Smith Professor of Law in 1977, a chair he held until his death in 1996. Lillich also served as an editor of the *American Journal of International Law* for more than twenty-five years.⁴²

³⁸ Richard P. Lillich, “Teaching International Human Rights Law Discussion,” *American Society for International Law Proceedings* (1971), 253-254, 254

³⁹ Lillich, “Teaching International Human Rights Law Discussion”; Bert B. Lockwood, “Teaching International Human Rights Law Discussion,” *American Society for International Law Proceedings* (1971), 255

⁴⁰ Richard B. Lillich, “Teaching International Human Rights Law Discussion,” *American Society for International Law Proceedings* (1971), 257; Louis Henkin, “Teaching International Human Rights Law Discussion,” *American Society for International Law Proceedings* (1971), 260

⁴¹ Louis B. Sohn, “Teaching International Human Rights Law Discussion,” *American Society for International Law Proceedings* (1971), 258-259

⁴² Burns H. Weston, “Richard B. Lillich (1933-1996),” *American Journal of International Law*, Vol. 91, No. 1, (January 1997), 85-86

In 1965, Lillich co-founded the Procedural Aspects of International Law Institute (PAIL), a group of academics, government officials, and private practitioners “devoted to furthering the observance of international law through research, consulting, and publishing monographs and other educational materials.” PAIL formed the Washington, D.C.-based International Human Rights Law Group in 1978, which was an NGO consisting of lawyers who pursued human rights litigation in U.S. courts. Lillich’s dedication to human rights came from what Lockwood described as his former professor’s “abiding faith in the power of law for social change” in seeking to revive the doctrine of humanitarian intervention to deal with Idi Amin’s murderous reign in Uganda or arguing for American courts to decide the legality of the Vietnam War. “Unlike most people who became active in the human rights movement,” said Tom Farer, the former president of the Inter-American Commission on Human Rights, “he presented himself in everyday life as brusque, ironic, unsentimental, a cool professional who chose the great army of victims as his clients.”⁴³

Lillich and Newman began working on their casebook in 1971-1972. Newman attended a March 1972 conference on the UN and humanitarian intervention hosted by Lillich at the University of Virginia. Referring to the inability of various efforts by human rights NGOs to stop the Pakistani Army from inflicting widespread atrocities on Bengalis in East Pakistan (Bangladesh) in 1971, Newman thought little of their strategy. It was important that activists work with political leaders to stop genocidal acts. “What we ought to do is try to prevent them,” Newman said. “Sometimes you can’t because you don’t have the power.”⁴⁴

Newman wrote in April 1972 that he was working with Lillich on materials that had been shown to him for the first time in February. “In other words, he has been in charge the whole time,” Newman told former student Jerome Hughey of the University of Oregon Law School. Hughey heard from a publishing representative that Newman had developed a set of mimeographed course materials. “Word has reached me that you have expanded your area of expertise since the late ‘50s when I was your student in Administrative Law,” Hughey wrote in a previous letter. Always the teacher, Newman directed Hughey to a book by John Carey that Lillich had published in 1970. Affiliated with the International League for the Rights of Man, Carey taught at a seminar on the International and Domestic Protection of Human Rights at New York University in spring 1971. Newman also gave Hughey his impressions of Sohn and Buergethal’s casebook, which he believed included “too much history.”⁴⁵

After collecting materials for their casebook, Newman and Lillich sent a draft version to their colleagues. In February 1974, Burns Weston of the University of Iowa Law School wrote that he found their material “generally to be eminently teachable and most gripping” even if redundant at times. Garth Nettheim, who taught law at the University of New South Wales in Australia, asked Newman for the latest edition of his course materials. “I succeeded in getting a copy of your 1974 materials, but the bookstore does not have the 1973 collection, and it would be good to have Lillich’s stuff.” Newman’s course was built around six “problems”:

I. Alleged Spies in Iraq

⁴³ “About the PAIL Institute,” *The Procedural Aspects of International Law (PAIL) Institute*, <http://www.pail-institute.org/about/index.shtml>; Burns H. Weston, “Richard B. Lillich (1933-1996),” 86-88

⁴⁴ Newman’s comments can be found in Richard B. Lillich, ed., *Humanitarian Intervention and the United Nations* (Washington, D.C.: PAIL, 1973), 95-96, 112, which contains the conference’s proceedings.

⁴⁵ Frank Newman to Jerome O. Hughey, April 7, 1972, Carton 1, Human Rights, FN, BL, UCB; Jerome O. Hughey to Frank Newman, March 21, 1972, Carton 1, Human Rights, FN, BL, UCB

- II. Schools and the International Bill of Rights
- III. Treaty law and the UN Racial Treaty
- IV. The Universal Declaration and Religious Freedom
- V. The Chile Case
- VI. The Greek Case⁴⁶

In a brief review of Newman's materials, Nettheim thought parts I-IV were "good and persuasive," if "a bit wordy." The last two parts, which grew out of Newman's work at the UN, were "tough going but first rate."⁴⁷

At a June 1975 meeting with State Department officer James Wilson, Bert Lockwood praised the Lillich and Newman casebook as "a most constructive contribution to the literature in the international human rights area—a form of literature whose instruction would reach an important audience." Such a work was unlikely to attract the casual reader, but it could influence future lawyers. If law professors assigned it to their students, it would be read by the younger lawyers who increasingly staffed human rights NGOs.⁴⁸

Newman and Lillich worked out the ideas for their casebook by teaching with one another. In summer 1975, they co-taught "Introduction to Human Rights Law" at the International Institute of Human Rights in Strasbourg, France:

- Alleged spies in Iraq: are nations bound by the human rights clauses of the UN Charter?
- The 1950 *Sei Fuji* decision in which a California appellate court overturned the Alien Land Law because it conflicted with the UN Charter: are U.S. courts bound by the human rights clauses of the UN Charter?
- The Greek and Chile cases at the UN: when do individuals and NGOs have a right to petition at the UN and what happens when they do?
- Bangladesh's war for independence from Pakistan: is the humanitarian use of force by UN bodies legal?⁴⁹

These problems formed the basis of Newman and Lillich's 1979 *International Human Rights: Problems of Law, Policy, and Practice*, which they dedicated to "All Oppressed People Everywhere." In the introduction, they set forth that they hoped their work would accomplish:

This course book is intended to introduce the student to the established and developing international law rules and procedures governing the protection of

⁴⁶ Burns H. Weston to Richard B. Lillich, February 6, 1974, Carton 1, Human Rights, FN, BL, UCB; Weston also described a disagreement with Nigerian student who insisted that the "issues of free speech and assembly are to Third World countries of only secondary importance to the pervasive problems of illiteracy, poverty, and disease," see Burns H. Weston to Frank Newman and Richard Lillich, February 20, 1974, Carton 1, Human Rights, FN, BL, UCB; Garth Nettheim to Frank Newman, November 24, 1974, Carton 1, Human Rights, FN, BL, UCB; Garth Nettheim to Frank Newman, July 8, 1975, Carton 1, Human Rights, FN, BL, UCB

⁴⁷ Garth Nettheim to Frank Newman, July 8, 1975, Carton 1, Human Rights, FN, BL, UCB

⁴⁸ Bert Lockwood to Frank Newman, June 24, 1975, Carton 1, Human Rights, FN, BL, UCB

⁴⁹ Frank Newman, "Sixth Study Session," July 7-August 1, 1975, Carton 1, Human Rights, FN, BL, UCB; for more on *Sei Fuji*, see Cynthia Soohoo, "Human Rights and the Transformation of the 'Civil Rights' and 'Civil Liberties' Lawyer," in Cynthia Soohoo, Catherine Albisa, and Martha F. Davis, editors, *Bringing Human Rights Home, Volume 1: A History of Human Rights in the United States* (Westport, Connecticut: Praeger Publishers, 2008), 75

human rights. Its thesis is that there exists at present a substantial body of substantive and procedural Human Rights Law, and that lawyers, government officials and concerned citizens should be familiar with the policies underlying this law and its enforcement as well as with the potential it offers for improving the basic lot of individuals throughout the world.⁵⁰

Lillich and Newman went their separate ways in subsequent editions. Lillich kept the original title of the 1979 casebook, but partnered with Hurst Hannum, a former student of Newman's. The fourth edition of their *International Human Rights* was published in 2006. Together with his former student David Weissbrodt, Newman produced the 1990 *International Human Rights: Law, Policy, and Process*. A second edition was published in 1996 and a third followed in 2001.⁵¹

“Berkeley Crew”

Appointed to the California Supreme Court by Governor Jerry Brown in 1977, Frank Newman left Boalt Hall after nearly thirty years. The ACLU's David Fishlow praised Brown for his choice: “Former students tell he's well known for his civil libertarian view, so we expect to share some of his views.” In a ruling issued ten days before Christmas 1978, Newman prohibited the display of an illuminated cross on Los Angeles City Hall, finding it to be an unconstitutional official endorsement of a religion. He also wrote a 1980 decision striking down a Santa Barbara ordinance restricting the number of unrelated people who could live together because it violated the right to privacy found in the California Constitution. Newman's most famous opinion was *Robins v. Pruneyard Shopping Center* (1979), a decision in which he argued that the First Amendment applied in a privately-owned shopping center much as it would in a town square. A reliable liberal on most questions before the court, Newman nonetheless upheld California's reinstatement of the death penalty and a 1982 victims' rights initiative before returning to Berkeley. Active involved in human rights issues until his February 1996 death, Newman formed an NGO with some of his former students—Human Rights Partners.⁵²

By tracking only a few of the many students taught by Newman, it is possible to see how significant he was to the development of international human rights activism in the United States. “It was our privilege to participate as students and professional associates in the groups that, as a law professor, he organized and led in New York, Geneva, Washington, D.C., and Strasbourg,” wrote Kathryn Burke, Joanne Kagiwada, and Julianne Traylor. “Each ‘Berkeley crew,’ which those groups soon were called, had as its sole aim continued and continued and accelerating progress within UN bodies regarding the many human rights agenda items.” A

⁵⁰ Richard P. Lillich and Frank C. Newman, *International Human Rights: Problems of Law, Policy, and Practice* (Boston: Little, Brown, 1979), ix

⁵¹ Richard Lillich and Hurst Hannum, *International Human Rights: Problems of Law, Policy, and Practice* (New York: Aspen Publishers, 2006); Frank C. Newman and David S. Weissbrodt, *International Human Rights: Law, Policy, and Process* (Cincinnati: Anderson Publishing, 1990; second edition, 1996; and with Joan Fitzpatrick, third edition, 2001)

⁵² Tom Goff, “Brown Appoints UC Professor to Supreme Court,” *Los Angeles Times*, June 29, 1977; “Frank Newman, 78, a Justice On California's Supreme Court,” *New York Times*, February 23, 1996; Philip Hagar, “Newman Will Leave High Court Dec. 12,” *Los Angeles Times*, November 30, 1982; Myrna Oliver, “Frank Newman; Ex-State Supreme Court Justice,” *Los Angeles Times*, February 23, 1996

1988 dissertation by Yvonne King, “Learning How to Become an International Human Rights Activist,” contains numerous interviews with former Newman students. King concluded that Newman was “somewhat of a legend in the field.” Many of interviewees told her that his “enthusiasm for human rights and teaching human rights law was contagious.” It was because of Newman that Hurst Hannum, David Weissbrodt, Virginia Leary, and Michael Posner all pursued human rights careers, whether as academics, advocates, or activists.⁵³

Hurst Hannum

When interviewed by Yvonne King, Hurst Hannum was serving as Executive Director of PAIL and teaching international human rights law at American University. As a student in Newman’s seminar on human rights at Boalt Hall, Hannum wrote about possible international remedies for human rights problems in Northern Ireland, an assignment that led him to pursue a career in the subject. “I finished the paper, turned it in, graduated, and then passed the bar,” Hannum recalled. While taking a couple months off before entering into practice, Hannum visited Sean MacBride, who recommended that Hannum see a lawyer in Belfast named Kevin Boyle. Now realizing that he could apply what he had learned under Newman, Hannum spent the next few weeks drafting a complaint to the European Commission on Human Rights alleging torture in Northern Ireland prisons: “That case ended up going on for four years, and I spent the better part of the next two-and-a-half years in Northern Ireland working with the Northern Ireland Civil Rights Association.” Although *Donnelly v. Great Britain* (1972) was eventually ruled inadmissible, Hannum and Boyle successfully exposed the brutal techniques used against suspected Irish Republican Army members. The testimony of fifty witnesses, an inspection by the European Human Rights Commission, and a highly critical report issued by Amnesty International confirmed the validity of what they had found. In 1978, the European Court of Human Rights held that the British had committed “inhumane treatment or punishment”—but not torture—with its use of “interrogation in depth” in 1971, a ruling that led to strict controls on interrogation tactics. “Politically, it was quite successful, and that success obviously encouraged my continuing involvement,” Hannum said to King.⁵⁴

Legal expertise became increasingly important as the field of international human rights professionalized over the next decade. Hannum believed that his law degree gave him the necessary background to be as effective as possible. To share his knowledge with other activists, he wrote *A Guide to International Human Rights Practice* (1984), a book that was intended to be a primer for those unfamiliar with the legal procedures that Hurst had utilized in the Northern Ireland case. “At least a good part of being an international human rights advocate is dealing with things that are called treaties, law, and constitutions.” Hannum viewed rigorous legal

⁵³ Kathryn Burke, Joan Pomerleau, Joanne Kagiwada, and Julianne Traylor to Andrew Young, December 22, 1977, Carton 1, Publications, FN, BL, UCB; Yvonne King, *Learning to Become an International Human Rights Advocate*, Ph.D. dissertation, University of Wisconsin—Madison (1988), 84

⁵⁴ Yvonne King, *Learning to Become an International Human Rights Advocate*, Ph.D. dissertation, University of Wisconsin—Madison (1988), 86; Michael D. Goldhaber, *A People’s History of the European Court of Human Rights*, (New Brunswick, New Jersey: Rutgers University Press, 2007), 182; Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, 1996 [revised edition],) 237-240

analysis as essential to countering the arguments often made by governments to justify their human rights violations.⁵⁵

David Weissbrodt

A law professor at the University of Minnesota, David Weissbrodt was an active member in Amnesty International USA. In addition to founding local groups in Washington, D.C. and Minneapolis-St. Paul, he formulated AIUSA's position on U.S. foreign policy in the late 1970s, helped prepare an *amicus curae* brief in the U.S. Supreme Court's 1980 *Filartiga* decision, which permitted foreign nationals to sue their former torturers in U.S. courts if unable to do so in their own country (see Chapter 7), went on numerous fact-finding missions, and filed petitions and lobbied at the UN. "It is clear, however, that international nongovernment organizations provide one way by which individuals may become actively involved in the day-to-day protection of human rights," Weissbrodt concluded in a 1977 article on the role played by NGOs in implementing human rights agreements. "These organizations achieve so very much with their present minimal resources that it is possible to foresee that they could do far more if there were adequate support."⁵⁶

Weissbrodt first became aware of international human rights issues at Berkeley during the late 1960s. "I took a seminar in 1968 with Frank Newman," he said. "It was the first time he had taught international human rights law and he was very fresh to it and very enthusiastic." Also participating in the seminar were Egon Schwelb, Karel Vasak, and Thomas Buergenthal. Following two years of clerking for a judge in California, Weissbrodt and his wife obtained a modest amount of funding to do a study on religious law in Geneva, where they served as interns for the International Commission of Jurists. The internship consisted of spending a year in the field under the guidance of Niall MacDermot.⁵⁷

One skill Weissbrodt learned was how to lobby government officials. "I essentially went along and watched what went on and slowly learned the game." Through Weissbrodt's efforts, Amnesty International put in place a program that sent observers to Geneva whereby national section members would go for a week to learn about UN Commission on Human Rights. He also developed a summer internship at AIUSA for law students. Sponsored by the Ford Foundation, these programs allowed for many of Weissbrodt's students to gain experience.⁵⁸

⁵⁵ Hurst Hannum, *A Guide to International Human Rights Practice* (Philadelphia: University of Pennsylvania Press, 1984); King, *Learning to Become an International Human Rights Advocate*, 86

⁵⁶ For an examples of Weissbrodt's participation in AIUSA activities such as the Western Regional Office's "Chile Project," which lobbied the U.S. State Department to grant political asylum to Pinochet's political enemies during the mid-1970s, see Ginetta Sagan to Sherman Carroll, April 27, 1975 and Ginetta Sagan to Martin Ennals, April 1, 1975, Box 43, AI-London Office, Ginetta Sagan Papers (GS), Hoover Institute Archives (HI), Stanford University (SU); for Weissbrodt's AIUSA/U.S. foreign policy memorandum, see David Weissbrodt, "US Foreign Policy and Human Rights," Box 5, David Weissbrodt—Memo Draft—"US Foreign Policy and Human Rights," Record Group II: Executive Director, Series II.1: David Hawk Files, 1972-1978 (DH), AIUSA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); for Weissbrodt's involvement in *Filartiga*, see Gerhard Elston, July 9, 1979 and Gerhard Elston to Amy Young-Anawaty, July 20, 1979, Box 3, Elston, Gerhard A.—Correspondence—"Master File"—1979, Record Group II: Executive Director, Series II.2: Gerhard Elston Files, 1967-1983 (GE), AIUSA, CHRDR, CU; David Weissbrodt, "The Role International Nongovernmental Organizations in the Implementation of Human Rights," *Texas International Law Journal*, Vol. 12 (1977), 320

⁵⁷ King, *Learning to Become an International Human Rights Advocate*, 116-117

⁵⁸ *Ibid.*, 118-119

Virginia Leary

Virginia Leary relied upon Newman for guidance when she was exploring international human rights law for the first time. After graduating from the University of Chicago Law School in 1950, Leary spent three years practicing corporate law before taking an administrative position with the Intercultural Cooperation Association, a small women's NGO based in Geneva. She was so moved by the African-American civil rights movement that she participated in the famous march from Montgomery to Selma led by Martin Luther King, Jr.—a protest whose iconic moment occurred when John Lewis was beaten while crossing the Edward Pettis Bridge. “Remember the week in Selma that people were being bludgeoned and killed?” Leary asked Yvonne King. “Some persons came from Detroit and Chicago just to be present with the blacks of Selma. I got so upset I went to Selma just to be present.”⁵⁹

Leary eventually received an LL.M. from The Hague Academy of International Law in 1971. Because international human rights seminars were so rarely offered at the time, Leary kept informed by reading journals and auditing courses. She also learned from small network of human rights academics that had formed in Western Europe and the U.S. “Frank Newman, a professor at Berkeley and a friend of my sister's, was the first person who began to tell me about, for instance, the Strasbourg [International Institute of Human Rights] program, and to put me in contact with a lot of, particularly, young people at the law school [at Berkeley] who were also interested in human rights,” Leary recalled. In 1976, Leary became a professor of international law at the State University of New York, Buffalo. Teaching and advocacy were one and the same to her: “I find it hard to believe that anybody that is teaching just the academic part of human rights wouldn't stimulate anybody that had an incipient interest to do something more substantial on the practical level.” Theory became action through clinical work. As one of the first professors to recognize the importance of internships, Leary helped establish an international human rights clinic in 1979, introducing a model that was widely emulated by law schools across the U.S. Students would get to meet victims through the clinic, giving them an added sense of purpose to their studies.⁶⁰

Like Newman and Weissbrodt, Leary also worked with the International Commission of Jurists (ICJ). In summer 1981, she led a fact-finding mission to Sri Lanka that investigated the government's use of the Prevention of Terrorism Act to arrest suspect members of the Tamil Tigers. “I knew the conventions very well,” she said. “For instance, I was aware of the UN discussions about regulations concerning detention, although they were not yet in force. I knew a great deal about how they were being discussed and what their legal validity was.” Two years later, Leary also went on another mission for the ICJ to the Philippines that documented the many human rights violations by the Marcos regime. “I talked to Amnesty people who were experts in those areas to try to confirm if I was making the wrong judgment or what they were thinking about,” she remembered. “So there's always a lot of contact between organizations because it isn't just that one organization publishes something bad about a country or criticizes it.

⁵⁹ “Virginia Leary,” *Women's Work: A Tribute to the Women Who Make UB Work*, University of Buffalo Archives, http://library.buffalo.edu/archives/womens_work/bios/leary.htm; King, *Learning to Become an International Human Rights Advocate*, 74-75

⁶⁰ King, *Learning to Become an International Human Rights Advocate*, 76, 81-82

But, when you have an accumulation of different people who go at different times from different organizations and all come to the same conclusion then there is an impact.”⁶¹

Michael Posner

Michael Posner may have had the greatest impact of Newman’s former students. Nominated by President Barack Obama to serve as Assistant Secretary for Democracy, Human Rights, and Labor and confirmed by the Senate in September 2009, Posner’s appointment was the culmination of more than three decades of activism. The stories Posner heard as a child led him to become an activist. While all of Posner’s grandparents immigrated to Chicago in the early decades of the twentieth century, some of their relatives who remained in Europe became Holocaust victims. Two of his great-uncles became leaders of the French resistance to the Nazis. His family’s experience with genocide and warfare taught Posner two important lessons: “The first is that governments that fall into the hands of dictators and demagogues of unspeakable brutality and horror. The second, more hopeful lesson is that courageous people can and often do stand up to opposition and it is our duty to help them.”⁶²

Posner began attending Boalt Hall in 1972 after earning an undergraduate degree from the University of Michigan. During his second year in law school, Posner began to feel unease about his potential career after graduation: “Immersed in my courses on tax, conflicts, and corporations, I felt that I was headed for something different, but I couldn’t name it.” It was at around this time that Posner encountered Newman, who he described as “an enormously giving and enthusiastic professor.” With Newman’s guidance, Posner spent a semester in Geneva at the ICJ researching and documenting Idi Amin’s many abuses. Because no Western human rights NGOs could get inside of Uganda, Posner spent several months interviewing dozens of refugees who told him that multitudes had been killed. “While conducting these often painful interviews, I wondered—where is the international outrage?” Posner remembered asking himself. “I also thought often about my own family and the world’s inadequate attention to the fate of European Jews in the 1930s and 1940s.”⁶³

Although his work on Uganda was a “life-changing experience,” Posner accepted a job with the large Chicago firm of Sonnenschein, Nash & Rosenthal upon graduation in 1975. Realizing that he had little interest in practicing corporate law, he accepted an offer three years later from Jerome Shestack and James Silkenat of the International League for Human Rights to establish the Lawyers Committee on Human Rights (now known as Human Rights First), where Posner served as Executive Director until January 2006. Only a few weeks passed before Senator Mark Hatfield (R-Oregon) asked Posner to testify before the Senate Foreign Relations Committee in support of enacting a trade embargo against Idi Amin. With Representative

⁶¹ Virginia A. Leary, *Ethnic Conflict and Violence in Sri Lanka* (Geneva: The Commission, 1981); Virginia A. Leary, Anthony A. Ellis, and Kurt Madlener, *The Philippines: Human Rights After Martial Law* (Geneva: The Commission, 1984); King, *Learning to Become an International Human Rights Advocate*, 79

⁶² Michael H. Posner, “Statement of Michael H. Posner, Nominee for Assistant Secretary of State Bureau of Democracy, Human Rights, and Labor before the Senate Foreign Relations Committee,” July 28, 2009, <http://foreign.senate.gov/imo/media/doc/PosnerTestimony090728a.pdf>

⁶³ Jesse Londin, “Michael H. Posner, Executive Director, Human Rights First,” *Law Crossing*, <http://www.lawcrossing.com/article/338/Michael-H.-Posner,-executive-director,-Human-Rights-First/>; Londin’s interview with Posner appears to have been in 2003 judging from how Londin refers to renaming of Human Rights First as having occurred during the previous month; Michael H. Posner, “Statement of Michael H. Posner,” 2

Donald Pease (D-Ohio) sponsoring a companion bill in the House of Representatives, Hatfield and Pease persuaded Congress to impose a total trade ban on Uganda. “My Ugandan friends rejoiced,” Posner said. “The United States Government, the most powerful force on this earth, had stood up to Idi Amin.”⁶⁴

His interviews with Ugandan refugees led Posner to help draft the first U.S. law granting political asylum, which was included as part of the 1980 Refugee Act. The Lawyers Committee also provided free legal representation to asylum seekers. In 1981, Posner began teaching human rights part-time at Yale before moving to Columbia in 1984. With the musician Peter Gabriel, he founded WITNESS, an NGO whose goal was to empower victims to use video cameras and the Internet to document human rights violations. Together with AIUSA, Posner took a leading role in drafting and urging Congress to pass the Torture Victim Protection Act of 1992, a law modeled on the *Filartiga* decision that allowed foreign nationals to sue their torturers in U.S. courts for damages if all other legal options had been exhausted. Posner turned towards fair labor practices during the late 1990s. Consisting of apparel companies such as Nike, Reebok, Liz Claiborne, and L.L. Bean, labor unions, and a collection of NGOs—including the Lawyer’s Committee—brought together by President Bill Clinton, the Apparel Industry Partnership developed a Workplace Code of Conduct in 1997 that set industry standards that implemented health and safety protections, collective bargaining rights, a minimum wage, maximum weekly work hours, and overtime compensation. Following the 2003 renaming, Human Rights First launched the End Torture Now campaign to convince Americans to oppose interrogation techniques used against suspected terrorists that had been approved by President George W. Bush following the September 11, 2001 attacks. “I believe that over time we will successfully correct our course in this country, and discard elements of the ‘new normal’ that are inconsistent with our core values, our history, and our national interest,” Posner said in 2004. “But this course correction will not happen without our active involvement.”⁶⁵

Entering the Mainstream of American Legal Education

By the early 1980s, international human rights law professors were very much concerned with making their field as relevant to as many students as possible. “The teaching of international human rights has not yet entered into the mainstream of American legal education,” NYU Law School Dean Norman Redlich said at the opening of an October 1980 conference held at his school. “I think it is vitally important that it do so.” For as much as human rights gained prominence during the previous decade, Richard Lillich was disappointed with the number of law schools teaching it. Citing a survey of law processors conducted by Bert Lockwood, a repeat of one that they had done in 1970-1971, Lillich saw “only a marginal improvement in the last ten years.” Jerome Shestack, the former Executive Director of the International League for Human Rights, thought this was due to a lack of instructors: “One of the reasons there are only twenty law schools teaching a course in this subject is that there are not many qualified teachers, or not

⁶⁴ Amanda Erickson, “Michael Posner: Path to Power,” *Who Runs Gov.com/The Washington Post*, last edited August 2010, http://www.whorungov.com/Profiles/Michael_Posner; Michael H. Posner, “Statement of Michael H. Posner,” 2

⁶⁵ Amanda Erickson, “Michael Posner: Path to Power”; Michael Posner and Lynda Clarizio, “An Unprecedented Step in the Effort to End Sweatshops,” *Human Rights Magazine* (Fall 1997), American Bar Association, <http://www.abanet.org/irr/hr/fall97/posner.html>; Londin, “Michael H. Posner, Executive Director, Human Rights First”

many experts have come forth with a syllabus to their curriculum committee and advocated such a course, normally a teacher who is going to be teaching this will be doing so for the first time.” Political scientist Donald Kommers identified the reluctance of administrators to have a course on the curriculum that was “not well defined.” However, a legal advisor for the International Labor Organization, Francis Wolf, had a different view. “I was interested to hear that there are about twenty law schools in the United States where human rights courses are taught,” Wolf said. “There is nothing similar, so far as I know, elsewhere.”⁶⁶

Amy Young, a former student of Lillich who served as Executive Director of PAIL, suggested that the problem was one of applicability. Not nearly enough students were interested in the subject for all law schools to include it as part of their curricula. To Young, this reflected the widely held notion among students that human rights topics were just as much politics as law. “There needs to be some understanding of the process and procedures that a lawyer would use to invoke international human rights,” she said. David Trubek, a law professor at Wisconsin, concurred with Young. “We are trying to teach something about law as a process, which is a trade skill in the broadest sense.” How to make human rights relevant to future lawyers was an urgent task for those at NYU that day. Most participants believed the best way was to expose students to real-life problems.⁶⁷

With his course at Minnesota built around problem solving, David Weissbrodt described the five objectives he wanted to accomplish by the end of every semester: a general introduction about what forms the basis of international human rights, its pre-1945 history, and the concept of state responsibility; trace the development of substantive rights and looking at particular applications of them in concrete situations; introduce students to the “institutions of the international human rights world” such as the UN, the European Commission on Human Rights, or the Inter-American Commission on Human Rights; teach the techniques that “one sees at work in this world”; and get the students involved with “some kind of activity in the human rights field so they can see how it works.” An emphasis on implementation gave Weissbrodt the best opportunity to show students how their training gave them the tools to initiate legal actions against offending states. They were directed by Weissbrodt through problems like Idi Amin’s expulsion of Indians or filing a complaint at the UN against India after Prime Minister Indira Gandhi claimed emergency powers to arrest dissenters. Their assignments consisted of representing a “disappeared” lawyer in Argentina, beginning a UN petition against the Philippines under Resolutions 1235 or 1503, or preparing materials for a UN Human Rights Commission discussion on Guatemala. “I can tell you that it has been quite successful,” Weissbrodt said, “and I can count a couple of my students who have been recruited into the field by using this approach.”⁶⁸

Louis Henkin took an alternative approach with his course at Columbia. “It would be hard to overstate Henkin’s eventual centrality as the ‘grandfather’ of human rights in American international law, idol for younger generations, and model of a career in the field,” Samuel Moyn writes. Henkin had come to human rights through his involvement with the American Jewish

⁶⁶ The NYU conference was sponsored by the Rockefeller Foundation, see Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Massachusetts: Harvard University Press, 2010), 305, fn. 51; see also Theodor Meron, ed. *Human Rights and International Law: Legal and Policy Issues* (New York: Oxford University Press, 1984); Theodor Meron, ed., “Teaching Human Rights,” *NYU Journal of International Law and Policy*, Vol. 13 (1980-1981), 885 for Redlich, 893 for Lillich, 895 for Shestack, 896 for Kommers, 898 for Wolf

⁶⁷ *Ibid.*, 900 for Young, 902 for Trubek

⁶⁸ *Ibid.*, 939, 940, 943 for Weissbrodt

Committee. After sponsoring a series of colloquia on human rights issues in 1977, Henkin founded Columbia's Center for the Study of Human Rights in 1978. Most notably in his *Rights of Man Today* (1978), Henkin identified human rights as embodying American values, describing the International Covenant on Civil Political Rights in the *New York Times* as "an amazing tribute to Western values" and having been responsible for making "our ideology the international norm." Yet Henkin also lamented the unwillingness of the U.S. to ratify such agreements, as he wrote in his *Age of Rights* (1990): "To the world, the United States has not been a pillar of human rights, but a "flying buttress"—supporting them from the outside."⁶⁹

Henkin self-effacingly described his course as "useless." By dividing it into three components, the history and philosophy of human rights, comparative constitutional law, and the international protection of human rights, Henkin was much more interested in the philosophical questions posed by international human rights law—that is, where did they fit into political theory? "What is the relation of the whole notion of rights to Locke, to Kant, to utilitarianism and especially to Marx?" Henkin asked as an example. "I think not enough is done in the literature on the relationship of rights to conceptions of justice. And when we talk about human rights, especially for those who do not believe they are absolute, it seems to me the obvious question if it is not absolute, what are the other values that 'trump' it?" It was only by answering these kinds of question that students might learn how to explain the importance of human rights to those who did not share their perspective.⁷⁰

Aryeh Neier, then an adjunct law professor at NYU, did not see the Weissbrodt and Henkin approaches as mutually exclusive: "My own view is that Professor Weissbrodt's useful approach is useless without the uselessness of Professor Henkin's approach." Students had to be exposed to theory *and* practice. "Students are generally cynical—American students, in particular—about international human rights," Neier said. "They believe, I think mistakenly, that there is some sort of mechanical process at work whereby rights are vindicated in the United States. The teaching of constitutional rights in the United States, in general, is insufficiently conceptual and insufficiently practical, in the sense that it does not help students to understand the way in which various concepts of rights are manifested in the practical applications of those rights that the courts of other institutions of government provide."⁷¹

In what was becoming a familiar refrain, Richard Lillich wrote in 1983 that the number of courses had increased "far less spectacularly than most international human rights lawyers had hoped." Indeed, a 1979 conference sponsored by PAIL had concluded that "far too few law schools have a separate international human rights law offering." Referring to the same survey he mentioned at the October 1980 NYU conference, Lillich was disappointed to learn that only twenty out of the 168 schools listed by the Association of American Law Schools (AALS) intended to offer a course or seminar during the 1980-1981 academic year. Repeating the concerns that had been expressed at NYU three years earlier, Lillich gave reasons why there were fewer offerings than had been anticipated. Interest among students had fizzled because their primary focus remained passing the bar examination and securing a job to pay off their

⁶⁹ Moyn, *The Last Utopia*, 201-207; Moyn quoted Henkin's April 1, 1977 letter to the *New York Times*, "The Case for U.S. Ratification"; see also Louis Henkin, *The Rights of Man Today* (Boulder, Colorado: Westview Press, 1978); Louis Henkin, *Age of Rights* (New York: Columbia University Press, 1990), 76; Henkin died in October 2010, see William Grimes, "Louis Henkin, Leader in the Field of Human Rights Law, Dies at 92," *New York Times*, October 16, 2010

⁷⁰ *Ibid.*, 944, 945 for Henkin

⁷¹ Theodor Meron, ed., "Teaching Human Rights," 946-947 for Neier

loans. And those who were interested in the subject had to fight off the notion held by peers that international human rights law was mostly “politics.” There was also a glaring lack of instructors, which remained as “a major obstacle to increasing the number of international human rights law offerings.” The most effective way to overcome these difficulties, Lillich emphasized, was to make the courses more practical: “A clinical component, field work, or internship should be offered whenever possible, as this would teach needed skills and show students that international human rights law has a practical application.”⁷²

PAIL conducted another survey of 170 AALS accredited law schools in August 1982 and June 1983. Indicative of just how much growth there had been during the previous two years, PAIL found that forty-six law schools now offered an international human rights course, a number that compared favorably to twenty in 1980 and thirteen in 1971. Another nine schools indicated that they intended to offer a course in the near future, possibly bringing the total number of schools up to fifty-five (or thirty-eight percent of the AALS sample). However, these findings only merited “one and a half cheers” from Lillich. Even with the recent gains, the course was still not offered at over sixty percent of law schools, some of which were Chicago, Pennsylvania, Yale, Cornell, Duke, Illinois, Indiana, Tulane, UCLA, USC, and Washington. But it was true that today’s student would be tomorrow’s instructor, a point that did not go unrecognized by Lillich: “The fact that more students are taking such offerings right now will provide law schools with a pool of potential interested instructors in the future. Nevertheless, without being unduly pessimistic, it would be optimistic to expect that more than 50-60 schools, roughly one-third of accredited U.S. law schools, will teach international human rights law on a regular basis during the balance of this decade.”⁷³

In 1984, Ned Vanda, a law professor at the University of Denver who had taken Egon Schwelb’s seminar at Yale in 1963-1964, described the previous two decades as having “witnessed the maturing of the discipline,” by which he meant courses, seminars, and human rights centers at Columbia and the University of Cincinnati, a well-developed literature, and an acknowledgement by U.S. courts of the norms associated with international human rights law. In Vanda’s clinic, which he established in 1983, thirteen students worked on nine projects, which ranged from filing a Resolution 1503 complaint to the UN Commission on Human Rights on behalf of a Soviet citizen, preparing a brief for the KaNgwane people to be submitted to South Africa, a legal opinion on the proposed amnesty law in Argentina, and assistance to Haitian and Salvadoran refugees seeking political asylum. Located at the intersection of academia and activism, the significance of these clinics grew during the 1980s and 1990s. Because they were responsible for providing lawyers with the necessarily legal training they needed to work for NGOs or the UN, clinics provided the opening through which the most elite American law schools developed programs dedicated to international human rights.⁷⁴

The origins of clinical legal education can be traced to legal realism. Rejecting the overly formal law-as-science approach pioneered in the early 1900s by Harvard Law School Dean Christopher Langdell, Jerome Frank and Karl Llewellyn called for “contextual or experiential learning” that involved the “constant interaction of theory and practice.” Legal realism was based upon the premise that the law ought to be an instrument of social change. With the rise of

⁷² Richard Lillich, “Teaching of International Human Rights Law in US Law Schools,” *American Journal of International Law*, Vol. 77, No. 4 (October 1983), 855-857

⁷³ *Ibid.*, 858-859, 860

⁷⁴ Ved Nanda, “International Human Rights Has Come of Age,” *Denver Journal of International and Policy*, Vol. 13, 155-159

public interest law in the 1960s and 1970s, clinical legal education was rediscovered by students who wanted more relevance to what they learned in the classroom. Arthur Kinoy, a law professor at Rutgers who represented the Chicago Seven and founded the Center for Constitutional Rights, urged colleagues to take “on major cases and situations involving the relationship of the processes of the law to the fundamental problems of contemporary society.” The Volunteers in Service to America funded lawyers who worked in historically underserved communities.⁷⁵

As President of the Ford Foundation from 1966-1978, McGeorge Bundy continued what the Great Society had started. A \$6 million grant in 1968 helped the Council on Legal Education for Professional Responsibility fulfill its goal of making clinical programs for juveniles, tenants, and debtors a regular part of the curriculum at ABA-approved law schools. As the Ford Foundation stated in a press release announcing the grant, “Exposure to real problems reinforces the conscientiousness of the activists and develops in others a sensitivity and perspective that prepares them for careers as professional men and public policymakers.” Between 1970 and 1976 the number of programs grew from 169 to 494. A \$13 million grant approved by Bundy enabled public interest law firms to bring lawsuits on behalf of poorer school districts. Also receiving substantial grants from the Ford Foundation were the Mexican-American Legal Defense Fund, the Environmental Defense Fund, the Sierra Club Legal Defense Fund, the Women’s Law Fund, and Georgetown University’s Institute for Public Interest. In 1975, the National Resources Council received \$400,000 to sue the Environmental Protection Agency for not enforcing its own carbon emission standards. The Ford Foundation helped make it possible for law students to contemplate a career advancing liberal causes.⁷⁶

By allowing students to gain hands-on experience, clinics made international human rights courses more appealing to students. Unofficial ones had been functioning since the early 1970s. At NYU, for example, the clinic was “more like an applied human rights course that engaged students in lawsuits, applied legal or policy studies, field missions (e.g., to UN Human Rights Commission sessions or on behalf of NGOs like Amnesty International and the International Commission of Jurists), and summer internships with UN agencies (e.g., the UN Human Rights Center).” Public interest law firms gave these students even more opportunities to put their knowledge to use. Arthur Kinoy’s Center for Constitutional Rights and the Washington, D.C.-based Lawyers Committee for Civil Rights Under Law filed lawsuits against the U.S. government for violating the UN trade embargo against Southern Rhodesia (*Diggs v. Schultz* [1972]) and the *New York Times* for violating New York’s anti-discrimination laws by publishing advertisements for jobs in South Africa (*New York Times Co. v. NY Comm’n on Human Rights* [1977]). The first official international human rights law clinic was founded in 1979 by Virginia Leary and Cathy Rimar at SUNY-Buffalo. Their clinic remained operational until 1986 at which time it narrowed its interests to asylum and immigration cases. Yale opened the next clinic offering academic credit in 1989. What was most striking about the spread of international human rights through academia was *which* schools did the most to adopt it a

⁷⁵ Deena Hurwitz, “Lawyering for Justice and the Inevitability of International Human Rights Clinics,” *Yale Journal of International Law* (2003), 523

⁷⁶ Robert Stevens, *Law School: Legal Education in America from the 1850s to the 1980s* (Chapel Hill, North Carolina: The University of North Carolina Press, 1983), 216, 230, fn. 95, 241; Kai Bird, *Color of Truth: McGeorge Bundy and William Bundy, Brother in Arms, A Biography* (New York: Simon and Schuster, 1998), 389-390; see also Stephen Teles, *The Rise of the Conservative Legal Movement* (Princeton, New Jersey: Princeton University Press, 2005), Ch. 2 on the development of what he terms the Liberal Legal Network

signature program. As Yves Dezalay and Bryant Garth remark their 2002 study, “The new generation of professionals of human rights now come from the most prestigious and cosmopolitan campuses—Columbia, Yale, Harvard, Princeton and Berkeley.” How this became so speaks to the institutional commitment made by these elite law schools, none more so than Harvard and Yale.⁷⁷

Harvard Law School had been torn apart by ideological conflict among its faculty for the better part of a decade by the early 1990s. A small but influential group of scholars who were in the forefront of the Critical Legal Studies movement clashed with their older, more conservative colleagues. A professor who had taught torts and international law, Henry Steiner found himself looking for “something to do” by the early 1980s. He soon set his sights on international human rights, a promising field that not only had the potential to cut across conventional left-right arguments, but was also politically-engaged and appealing to the media. “We may be a few decades behind events, but it is normal,” an unnamed Harvard law professor told Dezalay and Garth. “Law schools are rarely progenitors: the stuff starts in society but it gains currency here, because we give it intellectual value.”⁷⁸

With its immense resources, Harvard developed an entire program dedicated to international human rights. Backed by a combination of wealthy alumni and philanthropic organizations, Steiner founded Harvard Law School’s Human Rights Program in 1984. By spring 2000, Harvard was offering as many as seven human rights courses. It also successfully attracted “scores of committed students, some drawn to the School because of its human rights offerings.” At this time, the Human Rights Program was funding twenty summer internships for students to work with human rights activists abroad and had become an intellectual center for the entire university by hosting interdisciplinary discussions on truth commissions, international business and its relationship to human rights, and activism in other countries. “Human rights has become a strong part of the School’s curriculum and scholarship, and the program offers abundant opportunities for students to engage in human rights work,” Steiner said to the *Harvard Law Bulletin*.⁷⁹

Steiner argued that the university had a significant role to play in the human rights movement. Its expansion beyond the emphasis on political and civil rights meant more engagement with scholars from many disciplines. “Perhaps three decades ago we could have imagined a hard core of human rights courses (and scholarship) that defined the field, although that course was understood to have close links to other fields like government or international relations,” Steiner wrote in 2002. But this had all changed profoundly during the 1990s as studies of economic development, gender issues, terrorism, religious teachings and pandemics were increasingly shaped by human rights norms. For all of these gains across the disciplines, the term ‘human rights’ had not yet supplanted the “familiar national vocabulary of civil rights and liberties within a strong constitutional tradition.” This meant that Americans placed very little pressure on their government to ratify international human rights agreements or join the

⁷⁷ Hurwitz, “Lawyering for Justice and the Inevitability of International Human Rights Clinics,” 525ff; Yves Dezalay and Bryant Garth, *The Internationalization of Palace Wars*, 164

⁷⁸ Yves Dezalay and Bryant G. Garth, “From Notables of the Foreign Policy Establishment to the International Market of Professionals of Philanthropy and Human Rights,” 78, 79

⁷⁹ See the description of the Human Rights Program in Henry J. Steiner, *Diverse Partners: Non-Government Organizations in the Human Rights Movement* (Cambridge, Massachusetts: Harvard Human Rights Program and Human Rights Internet, 1991); “Human Rights Program at Fifteen,” *Harvard Law Bulletin* (Spring 2000)

International Criminal Court, so Steiner believed that he still needed to do a better job of making Americans understand their importance.⁸⁰

To show how the Human Rights Program encouraged “action and involvement as well as reflection and scholarly contribution to knowledge,” Steiner used the example of a conference on ethnic conflict it hosted at Bellagio, Italy in 2001. Seeking to share their insights across academic disciplines and beyond professional roles, the participants included experts in ethnic conflict, UN officials, mediators, conflict resolution theorists, and human rights activists. The Human Rights Program had been organizing these events since the late 1980s. A July 1989 retreat in Crete brought together NGOs from Africa, Asia, Europe, Latin America, the Caribbean, the Middle East, and the U.S. The different perspectives these individuals brought with them reaffirmed that they were all part of “a dynamic, decentralized, multicultural, universal movement.”⁸¹

Steiner’s Human Rights Program was intended to reach beyond Harvard Yard. An international human rights course may have exposed students to significant cases and ways of solving problems, but it was internships that gave them a sense of the political obstacles that had to be overcome for human rights norms to be fully realized. “Student returning to the university from summer human rights internships in developing countries often seek opportunities to deep their knowledge of the problems encountered, sometimes to respond to requests for help from their host organizations,” Steiner observed. “Academic life can then become a continuation of the summer experience rather a break with it. Action and reflection, participation and study, engagement and distance, the graphic and the abstract become complementary facets of a richer education.” The benefits that accrued to students were as much spiritual as pedagogical. “Many students doing human rights work become absorbed in it because of their deep moral commitment to the field,” he continued. “They wish both to understand the world and to change it.”⁸²

The process of establishing a human rights program at Yale Law School began in 1981 when students formed an unofficial clinic. Named in honor of the former civil rights and antiwar activist and one-term New York congressman who was assassinated in March 1980, the Allard K. Lowenstein Project was initially formed as an extracurricular human rights group. Still in existence, the Lowenstein Project has small teams of students work on specific human rights issues on behalf of or receiving guidance from human rights NGOs: “Teams conduct research, write memoranda, engage in advocacy activities, and organize events at the law school.”⁸³

Named for the prominent New York attorney who was Chairman of Helsinki Watch and Americas Watch, the Orville H. Schell, Jr. Center for International Human Rights was established in 1988. The founding director of the Schell Center was Drew Days III, future U.S. Solicitor General in the Clinton administration. Previously a staff member of the NAACP Legal Defense Fund and Assistant General Attorney for Civil Rights in the Department of Justice, Days joined Yale’s faculty in 1981. That Days was chosen to be director shows how the rising prominence of international human rights at elite law schools had an impact on related fields.

⁸⁰ Henry J. Steiner, “The University’s Critical Role in the Human Rights Movement,” *Harvard Human Rights Journal*, Vol. 15 (2002), 318, 319

⁸¹ Steiner, “The University’s Critical Role in the Human Rights Movement,” 321-322, 323; Steiner, *Diverse Partners*, 7-8

⁸² Steiner, “The University’s Critical Role in the Human Rights Movement,” 326

⁸³ “Lowenstein Project,” *Yale Law School*, <http://www.law.yale.edu/intellectuallife/lowensteinproject.htm>

Interviews conducted by Dezalay and Garth reveal how civil rights specialists took advantage of the increasing emphasis on human rights, as one law professor told them:

I did all sorts of First Amendment work and a lot of other sorts of cases. But as the '70s wore on, the tide began to turn against us and we started to repeat ourselves and I don't know I just got tired of it. And, so I was offered this job here teaching [during] the mid-'70s...About the time when I started teaching, international human rights became a hot issue about which I knew absolutely nothing. I mean I didn't even know what the documents were that set forth the rights, initially. But, as far as how people get into international human rights work, one of the ways is that people who have been mixed up in civil rights, you know, public interest people have tended to siphon into human rights.

Similar to Harvard's Human Rights Program, the Schell Center sponsored conferences, scholars, summer internships, and postgraduate fellowships, acted as a liaison with human rights NGOs, and advised students about career opportunities in the human rights field.⁸⁴

Though it had been in existence for almost four years, the Lowenstein International Human Rights Clinic did not have a substantial presence at Yale Law School as of 1993, as its phone number had yet to appear in the directory. Even so, a few dedicated Yale law students helped file a lawsuit in March 1992 challenging the U.S. government's policy of detaining Haitian refugees—many of whom had tested HIV-positive—at Guantánamo Bay Naval Base. An additional lawsuit stopped the deportation of the Haitians since the refugees had not yet been granted a hearing to determine eligibility for political asylum.⁸⁵

Their involvement began in a clinic directed by Harold Hongju Koh and Michael Ratner. Some recent graduates persuaded Koh and Ratner to file suit on behalf of the Haitians. Before doing so, Koh and Ratner wanted firsthand accounts from Haitian refugees who had been released from Guantánamo and were being held in Miami. The Dean of Yale Law School, Guido Calabresi, agreed to send twelve students to interview them. The students wanted specific information: Where the refugees had been on the night of September 29, 1991 when Jean-Bertrand Aristide was overthrown in a military coup? Which relatives of theirs were killed? What organizations to which did they belong? Were they subjected to physical abuse? Each night the students wrote up the interviews they had conducted during the day. Adding to this substantial workload were the 50,000 government documents they had one month to review, consisting primarily of memoranda from the Immigration and Naturalization Service and military officers at Guantánamo.⁸⁶

⁸⁴ "About the Schell Center," *Yale Law School*, <http://www.law.yale.edu/intellectuallife/abouttheschellcenter.htm>; "Drew S. Days III," *Yale Law School*, <http://www.law.yale.edu/faculty/DDays.htm>; Yves Dezalay and Bryant Garth, "Constructing Law Out of Power: Investing in Human Rights as an Alternative Political Strategy" in Austin Sarat and Stuart A. Scheingold, eds., *Cause Lawyering and the State in a Global Era* (Oxford: Oxford University Press, 2001), 376ff; see also Dezalay and Garth, "From Notables of the Foreign Policy Establishment to the International Market of Professionals of Philanthropy and Human Rights," 80: "The human rights movement helped to revitalize both international law, which was relatively marginal in the law schools in the post-war period, and civil rights law, which had lost the prestige that it had in the 1960s. Many professors who had invested in the civil rights movement—for example, Owen Fiss and Drew Days at Yale and Jack Greenberg at Columbia—were thus prominent in building human rights programs."

⁸⁵ Elaine Louie, "Law Students Get Close to Human Rights Cases," *New York Times*, May 5, 1993

⁸⁶ *Ibid.*

The students ultimately won the case. Ordering the refugee camp at Guantánamo to be shut down, a federal judge released the 158 Haitians who had been deemed eligible for asylum after their makeshift boats that been intercepted by the U.S. Navy. Immigration and Naturalization Service agents who interviewed the refugees found that they had a well-grounded fear of political persecution, which made them potential candidates for asylum. Because 143 of the Haitians tested HIV-positive, the Bush and Clinton administrations argued that they could not enter the U.S., a policy that the judge rebuked: “Although the defendants euphemistically refer to its Guantánamo operation as a ‘humanitarian camp,’ the facts disclose that it is nothing more than an HIV prison camp presenting potential public health risks to the Haitians held there. The Haitians’ plight is a tragedy of immense proportion, and their continued detainment is totally unacceptable to this court.”⁸⁷

Former students of Harvard’s Human Rights Program and Yale’s Schell Center took what they learned to other law schools. Columbia established a clinic in 1998. Its founding director was Catherine Powell, an alumna of the Lowenstein International Human Rights Clinic. Her formative human rights experience occurred while working on the Haitian refugee case as a student at Yale.⁸⁸

To celebrate the fifteenth anniversary of the Human Rights Program, Steiner organized a large conference at Harvard Law School in September 2000. Some 350 attendees heard a panel discussion moderated by National Public Radio host Christopher Lydon as well as a keynote address by Amartya Sen, winner of the 1998 Nobel Prize in Economics. “The event was a triumphant occasion for our alumni who returned to a school appreciative of their important work in the public interest,” said Steiner. “All of us involved in HRP can be proud of what it has accomplished in 15 years.” Numerous Harvard law school graduates spoke of how the Human Rights Program had shaped their careers. A Professor of Public Health at Columbia, Alicia Yamin, a 1991 alumna, was documenting health-related human rights violations in Lima, Peru. Yamin credited the Human Rights Program with helping her to turn “passions and convictions into a career.” Part of the UN Observer Mission for Sierra Leone, Chris Mburu, who had received an LL.M. in 1993, described the grim human rights violations in that country—for example, the dismemberment of citizens by rebel forces. Jennifer Green, class of 1991, talked about her litigation on behalf of human rights victims as a staff attorney for the Center for Constitutional Rights. The success of the Human Rights Program did not go unnoticed to Dezalay and Garth:

Each year, of the two hundred students who pursued Harvard’s international program, fifteen made human rights their specialty. Graduates could increasingly be found not only in prominent NGOs but also in state administrations and international organizations that dealt with these or related issues. The scope of the network then permitted Harvard to function even more effectively as a forum for exchange in which new questions could be debated.⁸⁹

⁸⁷ Thomas Friedman, “US to Release 158 Haitian Detainees,” *New York Times*, June 10, 1993

⁸⁸ Karen Arenson, “New Soldiers in the Fight for Human Rights,” *New York Times*, April 14, 2002; see Catherine Powell, “Life at Guantanamo: The Wrongful Detention of Haitian Refugees,” in Randall Kennedy, ed. *Reconstructions* (Cambridge Massachusetts: Harvard Law School, 1993)

⁸⁹ “Human Rights Program at Fifteen,” *Harvard Law Bulletin* (Spring 2000); Yves Dezalay and Bryant Garth, *The Internationalization of Palace Wars*, 166

Student demand led to a major expansion of the Human Rights Program's Clinical Advocacy Project in September 2004. The number of students engaged in clinical work under the supervision of James Cavallaro had risen from twenty-five in 2000-2001 to over 100 in 2003-2004. "My sense is that not only will student interest and engagement continue, but I think interest will grow because students respond positively to good feedback and supervision and engagement in interesting projects," Cavallaro told *Harvard Law Today*. "We'll be able to do that a lot better because there's more capacity to supervise them close-up. When students feel they are being taken seriously, their numbers grow. If every student in the law school wanted to work in human rights, I would consider that a good thing, and I would want to create a structure that allowed them to do that."⁹⁰

From their obscure beginnings in the mid-1960s, international human rights courses had become ubiquitous at law schools across the United States by the turn of the century. In 2002, Kenneth Roth, Executive Director of Human Rights Watch, reflected on how much had changed since he was in law school. When Roth attended Yale Law School in the late 1970s, only one course on the subject was offered. He signed up for it each year he was there, but it was cancelled each time. That would not happen today. "There's been an explosion in human rights programs," Roth said. "In many ways, this is the civil rights movement of the 60's made global."⁹¹

⁹⁰ "Clinical Program in Human Rights Expanded to Meet Student Demand," *Harvard Law Today* (September 2004), http://www.law.harvard.edu/news/2004/09/20_clinical.html

⁹¹ Arenson, "New Soldiers in the Fight for Human Rights"

Chapter 6

“Our Neutrality”: Amnesty International USA and the Politicization of Human Rights

In a May 1976 meeting with Amnesty International, State Department official Ronald Palmer warned them against becoming too closely “associated with the left.” Though they took exception to any insinuation that their organization was politically biased, Palmer was expressing a perception held by many at Foggy Bottom that some abuses mattered more to activists than others. This characterization of their activities as being primarily directed towards U.S.-supported right-wing regimes was commonly repeated throughout the mid-1970s as human rights lobbying became more of a factor in foreign policy debates. AIUSA’s emergence on Capitol Hill was a mixed blessing. With greater influence and visibility came more criticism from those who did not think human rights transcended politics. Even some AIUSA leaders wondered if they had abandoned one of their most deeply-held principles: “impartiality”—that is, condemning repression regardless of under which government it occurred.¹

Responsible for directing AIUSA through this contentious period was David Hawk, a former civil rights organizer and student coordinator for the Vietnam Moratorium Committee. Conservatives looked to Hawk’s background and had their suspicions, which AIUSA seemed to confirm when it launched a major legislative campaign against Uruguay in spring 1976 as critics wondered why it had not taken such a bold stand against the Soviet Union, China, or Cuba. When the International Secretariat decided to pursue the worldwide abolition of the death penalty in 1979, AIUSA lost its most prominent member—conservative intellectual William F. Buckley. What AIUSA lost during the last half of the 1970s was the illusion that it could join forces with the right. And with many states reintroducing capital punishment, AIUSA’s Death Penalty Campaign struggled with the rise of “law and order” politics during the 1980s and 1990s.

David Hawk

International human rights activism in the United States was a child of the larger social movements of the 1960s. Most indebted to anti-Vietnam War protests for its strong moral language condemning the U.S. for its support of right-wing dictators, its consciousness of individual rights would not have been nearly as immediate if not for the African-American struggle for civil rights. Both of these movements provided the political education for younger activists such as David Hawk, Executive Director of AIUSA from 1974-1978. Hawk’s story is one in which a white, college-educated, middle-class professional came to terms with a historical legacy of racial discrimination at home and the dissolution of the Liberal Consensus in Southeast Asia—the fundamental assumption held by Democrats and Republicans that the U.S. was always a force for good in the world.²

Born in Allentown, Pennsylvania in 1943 to a middle-class family, David Hawk was raised in the Evangelical Congregational Church, which was strongly influenced by the preaching of Billy Graham. Hawk attended public schools in Allentown before enrolling at

¹ Thomas C. Jones to Martin Ennals, May 5, 1976, Box 5, Morris, Ivan—Amnesty International—Impartiality, Ivan Morris Papers (IM), Butler Library (BtL), Columbia University (CU)

² Godfrey Hodgson, *America in Our Time: From World War II to Nixon—What Happened and Why* (Princeton, New Jersey: Princeton University Press, 1976), 76

Cornell University, where he made the Dean's List, joined the Quill and Dagger (a senior men's honorary society), and was an All-American swimmer. Moved to activism by the ongoing civil rights struggle, Hawk spent summer 1964 registering African-American voters in Hattiesburg, Mississippi for the Council of Federated Organizations. Hawk continued his education at Union Theological Seminary in New York, where he was strongly influenced by his reading of theologian Reinhold Niebuhr. It was at Union that Hawk met Allard Lowenstein—the organizer who most famously led the “Dump Johnson” movement during the 1968 Democratic Party primaries. Lowenstein introduced Hawk to the antiwar protestors. Working with the Campus Coordinating Committee through 1967, Hawk organized teach-ins and circulated letters and petitions among student body presidents, college newspaper editors, seminarians, and draft eligible males. Hawk's opposition to the Vietnam War was attributable to his stint as a church worker in Brooklyn's Bedford-Stuyvesant neighborhood: “I saw all these poor kids, mostly black, not able to go to college and being snapped up by the draft, through few of them had any desire to go.” The draft thus became a moral dilemma for him. “It formed me to think about who was being drafted while people like myself, with educational deferments, had the luxury of protest and dissent,” Hawk remembered. “These kids had less of an investment in this country than we do—but they were going and we weren't. I had to show where I stood.”³

Hawk informed the New York City Draft Board in October 1967 that he was no longer attending Union Theological Seminary, refusing to report for induction in July 1968. “I suppose I would have lied claimed I was a conscientious objector to all war and maybe that would have been the end of it,” Hawk admitted. “But the truth is that I know I would have been willing to fight in World War II and I said so.” His parents could not “hide their shock” when he told them that was going to resist the draft, but they supported him. Hawk did advance work for Senator Eugene McCarthy (D-Minnesota) before the New Hampshire and Wisconsin primaries. Largely because of McCarthy's unexpected success in New Hampshire, Johnson told a national televised audience on March 31, 1968, he had called for a bombing halt and would not be pursuing the Democratic nomination.⁴

Federal agents apprehended Hawk in March 1969 in front of the Union Theological Seminary chapel at Broadway and West 120th Street, which held a service that included speeches from McCarthy, Senator George McGovern (D-South Dakota), Senator Mark Hatfield (R-Oregon), and former Senator Ernest Gruening (D-Alaska), the sole vote against the 1964 Gulf of Tonkin Resolution. Following his arraignment, Hawk threw himself into antiwar organizing. Having joined the National Student Association in 1968, Hawk received signatures from 253 student body presidents pledging to resist the draft: “Along with thousands of our fellow students, we campus leaders cannot participate in a war which we consider to be immoral and unjust.” Hawk was most successful at elite universities—Harvard, Yale, Princeton, Columbia, Cornell, Stanford, Wisconsin, Michigan, Berkeley, Chicago, and NYU.⁵

³ James A. Wechsler, “Another Casualty,” *New York Post*, March 12, 1969, found in Box 4, Morris, Ivan—Amnesty International—Executive Director, IM, BtL, CU

⁴ For more on Lowenstein's “Dump Johnson” campaign, see George Rising, *Clean for Gene: Eugene McCarthy's 1968 Presidential Campaign* (Westport, Connecticut: Greenwood Publishing, 1997), 54-55; Wechsler, “Another Casualty”

⁵ “Draft Resister Seized at Service in Seminary Here,” *New York Times*, March 11, 1969; Marjorie Hunter, “253 Student Leaders Pledge Not to be Drafted,” *New York Times*, April 23, 1969; Hawk was skeptical of President Richard Nixon when he announced in September 1969 that he was suspending the draft for two months as part of a

Along with Sam Brown, Jr., Hawk had a leading role in organizing the October 15, 1969 Vietnam Moratorium, a nationwide protest against Nixon's escalation of the war. Planning for the moratorium began in the months following 1968 presidential election. After meeting with the Massachusetts Peace Council in spring 1969, which wanted to coordinate a massive antiwar demonstration, Brown and Hawk traveled the country meeting with student groups about joining the newly-formed Vietnam Moratorium Committee. By June 1969, they had a small Washington, D.C. office. Their financial support came from telephoning a list of liberal donors that belonged to Brown. Although Brown claimed to hate fundraising, he brought in enough money to pay for thirty-five staff members and three full-page advertisements in the *New York Times*. The Vietnam Moratorium Committee had groups working on 400 campuses at its peak. Disavowing any connection with the Students for a Democratic Society (SDS), Brown and Hawk received endorsements from McCarthy, McGovern, and Hatfield. "For the last three or four week we've done very little organizing ourselves," Hawk told a *New York Post* columnist days before the October protest. "We've just been trying to answer telephones and promote services—speakers, buttons, leaflets—for the thousands of places where this is moving on a momentum of its own." With participants in many different parts of the country, the moratorium achieved its goal of publicizing widespread opposition to the Vietnam War.⁶

The antiwar movement appeared to stall following Nixon's announcement on November 3 that he would be handing over responsibility for the war to the South Vietnamese. After its April 15, 1970 "Taxpayer Rally" fell short of expectations, the Vietnam Moratorium Committee confronted the problem of protest fatigue. One of Hawk's fellow coordinators, Marge Sklencar, described the tactic of mass demonstrations as "a political fad that has worn off." When the Vietnam Moratorium Committee disbanded days later, it took credit for troop withdraws and the dismissal of General Lewis B. Hershey as head of the Selective Service.⁷

Hawk was spared a prison sentence by a judge who invalidated his induction order. Working in jobs for the next two years that ranged from organizing benefit rock concerts for antiwar candidates to serving as a press aide for Daniel Ellsberg, Hawk spent summer 1972 registering voters in New York State for the McGovern campaign. That fall, Hawk began graduate studies at Oxford University, where he took tutorials on foreign policy and even started a thesis, "Domestic Pressures on American Foreign Policy toward the Communist Power at the Outset of the Cold War." When Hawk returned to New York in summer 1974, he applied for the open position of AIUSA Executive Director.⁸

Hawk followed AI in the British press while at Oxford. As he wrote in his August 1974 cover letter, Hawk believed that his previous experience separated him from the other candidates: "I have worked for a number of committees whose operation and procedures were quite similar to those of AI-USA as I understand them: stimulating and developing local groups and activities, dealing with the national media, fundraising, etc. I also think that my recent study of international relations can be helpful in understanding and communicating the situation of

pledge to reform it, see David Rosenbaum, "Student Leaders Doubt Impact of Draft Action," *New York Times*, September 20, 1969

⁶ James A. Wechsler, "On the Eve," *New York Post*, October 14, 1969; David E. Rosenbaum, "The Moratorium Organizers: Cluttered Precision," *New York Times*, October 10, 1969; David E. Rosenbaum, "War Protest Leaders Denounce Nixon's 'Rigid' Vietnam Stance," *New York Times*, September 28, 1969; John Herbers, "Vietnam Moratorium Observed Nationwide by Foes of the War," *New York Times*, October 16, 1969

⁷ David E. Rosenbaum, "Vietnam Moratorium Committee is Disbanding," *New York Times*, April 20, 1970

⁸ Hawk, "Educational Background," c. August-September 1974

political prisoners around the world.” Hawk also detailed how his draft resistance helped him to identify with Prisoners of Conscience, as his opposition to the Vietnam War “very nearly” made him into a political prisoner. “Of course, an American minimum security prison is far removed from the barbarism and torture so currently in vogue elsewhere,” he conceded.⁹

AIUSA was in search of a new Executive Director because Dr. Amelia Augustus had resigned in July 1974. Augustus had a difficult time coexisting with AIUSA board members, particularly Barbara Sproul and Ginetta Sagan. A disagreement between Sproul and Augustus the previous May over the date of the national conference turned ugly. “Do understand, it is not specifically your rudeness to which I object, but rather your attitude that anyone who disagrees with your position is either trying to hurt the organization or to overstep her bounds,” Sproul complained to Augustus on May 2. “For that attitude I require not only an apology, but more important, a change.” Sagan followed with a letter to AIUSA Chairman Ivan Morris on May 11 that accused Augustus of threatening to quit when she did “not have her way.” Sagan emphasized how Augustus was hurting AIUSA in more important ways: “We can’t afford losing money from sources who judge A.I. from Amy’s behavior, no matter how hard Amy works. Grants are often given on A PERSONAL judgment.” The hostility between Augustus and Sagan reflected the divisions within AIUSA between the National Office and the Western Regional Office. Augustus had repeatedly demanded that the “West Coast should support the National Office,” according to Sagan, memorably telling her and Sally Lilienthal at a luncheon in New York, “I am Amnesty International—I put you both on notice that I am vicious.”¹⁰

These accusations were enough to convince the AIUSA Board of Directors that Augustus had become a liability. Arthur Danto, a philosopher at Columbia, offered his thoughts on Augustus in June 1974. While not doubting Augustus’s competence, Danto was concerned that she might have damaged relationships with Sagan and Lilienthal. “Of course, with the West Coast she has, I believe, sufficiently antagonized people there that liaison has been irreparably compromised.” Another AIUSA board member, James P. Harrison, concluded that Augustus’s tendency towards “a paranoid, monopolizing style” had finally outweighed her “great dedication [and] energy”: “The recent showdown over California representation appears to reveal the many contradictions between Amy’s style and the contacts necessary to Amnesty’s work, especially as we expand further.” As indicated by a letter from Sagan on July 10 thanking him for having carried out “a difficult mission,” Morris made the decision to fire Augustus in late June.¹¹

Augustus resigned in mid-July citing “physical and nervous strain.” No one doubted that AIUSA had come a long way during her three years as Executive Director. “When I took office

⁹ David R. Hawk to Barbara Sproul, August 19, 1974, Box 4, Morris, Ivan—Amnesty International—Executive Director, IM, BtL, CU

¹⁰ On May 10, Sproul shared with AIUSA Chairman Ivan Morris how troubled she had been when Augustus mentioned at a meeting that she had tape recorded a conversation with Ginetta Sagan. Problems between Sagan and Augustus began in September 1973 when the relative of a Chilean prisoner accused Augustus of having recorded their phone calls. Barbara Sproul to Amelia Augustus, May 2, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU; Barbara Sproul to Ivan Morris, May 10, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU; Ginetta Sagan to Ivan Morris, May 11, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU

¹¹ Arthur Danto to Ivan Morris, June 19, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU; James P. Harrison to Ivan Morris, June 21, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU; Ivan Morris (Chairman of AIUSA) to AIUSA Board of Directors Members, July 1, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU; Ginetta Sagan to Ivan Sagan, July 10, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU

of Executive Director of AUSA in March 1971, the organization had approximately 200 members, over \$40,000 in debts, nothing in the bank, two functioning groups, and less than 10 prisoners under active adoption,” Augustus wrote to AIUSA Board of Directors. “It has been able to do very little except as a channel for information from the London office. It had no office of its own, since the office from which it had previously operated had been destroyed by a fire. The files were largely non-existent, and the equipment stolen.” As of July 1974, AIUSA had increased its membership by over fifty-fold, organized 100 groups, adopted more than 500 prisoners, paid off debts, resolved its problems with the Internal Revenue Service that allowed it to receive grants that had previously been withheld, was on solid financial ground with over \$40,000 cash on hand, and contributed “substantially” to the International Secretariat.¹²

The Uruguay Campaign

In late 1974, Amnesty International sent a mission to Uruguay consisting of Niall McDermott of the International Commission of Jurists and Latin American researcher Inger Pahlander. Confidential interviews with a number of top-level officials and lawyers who represented just a few of Uruguay’s many political prisoners led them to conclude that the government had something to hide: “We were also able to visit a prison (Libertad) where political suspects subject to trial are being held, but we were refused permission to visit any of the military barracks where interrogations are carried out.” As part of an ongoing conflict against the leftist Tupamaros, the President of Uruguay, Jose Pacheco, declared a State of Internal War in 1971. The law was lifted in July 1972 when the Uruguayan Congress passed the Law of National Security, which gave the authorities broad powers to detain suspects for “emergency purposes.” AI began closely following events in Uruguay following the June 27, 1973 *autogolpe*, when Pacheco’s successor, Juan María Bordaberry, was compelled by top military officials to dissolve Congress and announce the formation of the Supreme Military Council. Bordaberry thus became the civilian face on what was really a military dictatorship. Once referred to as the “Switzerland of Latin America” for its longstanding democratic tradition and social equality, Uruguay joined the likes of Paraguay (1954), Brazil (1964), Chile (1973), and Argentina (1976). McDermott and Pahlander heard “many complaints of torture and other ill-treatment,” as defense lawyers determined that at least half of the prisoners held in military

¹² Augustus had to use her own apartment as AIUSA’s headquarters. Amelia Augustus to AIUSA Board of Directors, July 17, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU; Neither Sagan nor Morris expressed much regret at having let Augustus go. Sagan happily spoke of the grant opportunities available now that Augustus was gone. She promised Morris in October 1974 that Lilienthal was going to work on reestablishing AIUSA’s relations with program officers, remarking that it was “unfortunate that Dr. Augustus’s personality and arrogance projected an unfavorable image of AIUSA.” Morris was just as candid in explaining to AI’s Martin Ennals why he fired Augustus earlier that summer. “She was repeatedly duplicitous, manipulative and destructive,” Morris said. “One of her tactics, as you know was to tape record conversations over the telephone without letting the other part know she was doing this. Such activities are illegal in this country in addition to being highly immoral and in opposition to all the principles for which this organization stands,” see Ginetta Sagan to Ivan Morris, October 1, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU; Ivan Morris to Martin Ennals, October 30, 1974, Box 4, I. Morris—Amnesty International—Correspondence 1974, IM, BtL, CU

barracks had been tortured. The military government eventually defeated the Tupamaros, but its repression continued unabated.¹³

AI gained a deeper understanding of the junta's use of torture in 1975. Zelmar Michelini, a member of the left-center Frente Amplio who was exiled in Buenos Aires, described the conditions at prisons such as Libertad (Liberty):

The prisoners are left completely at the mercy of the military hierarchy and lack even minimal guarantees and comforts. In other military establishments such as Punta de Rieles (for women) and Libertad (for men), the regime is characterized by an inhuman severity, by constant persecution, by continual sanctions. The slightest offence—and these are said to occur at the discretion of the officer on duty—is punished with the severest of sanctions. Most commonly, the prisoner is placed in solitary confinement for days and days.¹⁴

According to AI researchers, the treatment of detainees had “rapidly deteriorated” following the 1974 death of Colonel Roman Tratel, former Director of Military Intelligence. Uruguayan authorities alleged Tratel had been killed by the Tupamaros, but AI determined it had been extreme right-wing military officials. By March 1976, the use of torture had “become routine in nearly all cases of political imprisonment”—a “qualitative intensification” that has led to crueler methods, which has “brought about a high number of deaths as a consequence of torture.” Uruguayan interrogators named their favorite techniques. The *plantón* involved forcing a hooded prisoner to stand, without food or water, in a fixed position until he could no longer do so. Prisoners often soiled themselves during this ordeal. If guards noticed the prisoner was weakening, they often pulled him by the hair, beat him up, and then threw pails of cold water on his face. The technique was very effective when performed outside, especially when the prisoner was naked in freezing temperatures. Other favorite techniques included body blows with the assistance of sticks, steel rods, billyclubs, and “the telephone,” which consisted of “striking the prisoner simultaneously on both ears with the palms of the hands.” Fractured ribs and ruptured eardrums were the ideal injuries to inflict upon prisoners—both caused considerable pain but tended to heal on their own. Some prisoners received a 200 volt current from an electric prod. Others were immersed in a tank of water and held down until “nearly asphyxiated,” the so-called “submarine technique.” “The Senate verified in 1972, that Dr. Nevel Bonilla, a distinguished Uruguayan surgeon, had been subjected to this abuse, as a result of which he suffered a brain lesion,” AI reported.¹⁵

An October 1975 AI circular stated its desire to expose “torture in Uruguay, with special emphasis on the list of deaths under torture.” Chile had showed how “international pressure” could result in “the release and exile of hundreds of political prisoners.” Uruguay was a good place to begin a series of large-scale, country-based campaigns because it fit important criteria regarding documentation, visibility, and effectiveness: “We have a very strong ‘theme’ in the

¹³ Niall McDermott and Inger Pahlander, “Report of Mission to Uruguay,” April/May 1974, Box 6, Uruguay, IM, BtL, CU; CAT Department/Latin American Research Department, “International Campaign of Torture in Uruguay,” October 10, 1975, Box 6, Uruguay, IM, BtL, CU; McDermott and Pahlander, “Report of Mission to Uruguay,” April/May 1974

¹⁴ Amnesty International, “Uruguay Background Paper, Prepared for the Uruguay Campaign,” February/March 1976, Box 6, Uruguay, IM, BtL, CU

¹⁵ Ibid.

form of a list of some 20 deaths under torture during the past few years. One of the latest of these cases (Álvaro Balbi) offers all elements for effective publicity about the practices of Uruguay's torturers. Finally, Uruguay was chosen because we have reason to believe that its authorities may be susceptible to massive international pressure, in view of the country's rather shaky political and power structure and the increasingly weak economy." One of AI's objectives was to make Uruguayan leaders aware of "the potential threat in principle to their foreign trade," as their economy still relied on agricultural exports to only a few countries. This campaign was to be conducted on "two main fronts": "publicity" and "silent activities" such as letter writing, circulating a worldwide petition requesting an investigation of Uruguayan prisons, and making representations to embassies and government officials. "However, great care should be taken in these cases not to allow your sections to be turned into political manifestations directed against the Uruguayan government," the International Secretariat warned. "For this would not only give the government a too easy opportunity to discredit the whole campaign (which they undoubtedly will attempt anyway), but it would also damage the prime purpose of the campaign: to impress upon the government, with purely humanitarian arguments, that it does not need torture."¹⁶

The Uruguay Campaign was built around specific torture victims. Álvaro Balbi was a political prisoner who died in custody in summer 1973. A thirty-two-year old medical student with four children, Balbi was arrested on July 20. His father, Selmar, and wife were unsuccessful in finding his whereabouts during the last week of July. On July 31, a Uruguayan official informed the Balbi family that Álvaro had succumbed to "an asthma attack caused by the cold" at one o'clock earlier that morning, and his body could be claimed at the Armed Forces Hospital. "Twelve hours after his death we had been inquiring about him at several offices, and no one had had any news of his arrest!" Selmar recalled. As Selmar wrote in an August 1975 letter to Bordaberry, it was shocking that someone as "healthy and strong" as Álvaro could die from asthma when he had never been diagnosed with it: "There was torture, Mr. President. Why were his clothes mud-stained? Why was his head bandaged?" The worst part of it all for Selmar was that he felt responsible for his son's death. Álvaro's house was searched by police only a few hours before his arrest. A police officer reportedly asked Álvaro's wife if her father-in-law was a trade union leader. "That question haunts me," Selmar confessed. "Is it that my status as a trade union organizer led to my son's death?" Selmar had been active in the Uruguayan teachers' union for more than thirty years. "Mr. President, if my status as a trade union leader led to my son's murder, do you now feel, if not as President, then at least as a man and a father, that this was too severe a punishment for an innocent father and a noble young man?"¹⁷

Victim testimonials provided AI with much of its evidence. "They hung me from the feet and plunged my head in a bucket full of excrement. Then came the session of electric shocks (picana), blows and kicks," a former soldier named Pedro S. said. "They inserted a wire under my fingernails and they flogged me with a cable which they afterwards tied to the penis and testicles to a 220 V electric current." Enrique O., a Tupamaro, recalled the humiliation he felt after he had been tortured: "I was left lying in a pool of blood...They called others and pointed to me, laughing: 'You are going to die like a flea...You have less and less blood left, look how the pool of blood grows.' Policewomen also took part, [as] they clapped and shouted, 'Come to see him. He has no blood left.'" A Jesuit priest remembered being attacked by a dog: "During the

¹⁶ CAT Department/Latin American Research Department, "International Campaign of Torture in Uruguay," October 10, 1975

¹⁷ Selmar Balbi to Juan Maria Bordaberry, August 6, 1973, Box 6, Uruguay, IM, BtL, CU

torture, one of them held my arms behind me and another kicked me in the stomach, while he said, laughing, ‘Look, Batalla withstood three of these, then he dropped.’”¹⁸

A thirty-two-year old with two children, Luis Carlos Batalla was arrested on May 20, 1972. He was dead five days later. No charges were ever brought against him. Urugayan officials claimed Batalla’s death was due to “acute anemia caused by liver rupture,” but the Minister of Defense stated on June 22 that it had occurred under abnormal circumstances. A member of the Uruguayan Congress who had seen the corpse remembered: “We saw he had hematomas in the face, a wound in the head...the shoulders were bruised, a mark in the right hand, indicating that he had been tied with twisted wire. He also had numerous hematomas on the feet and a cutting wound. But what was most horrifying was the sight of the abdomen, covered with lacerations, bruises, and erosions. Only a brutal assault could have caused the liver rupture.” Batalla had been tortured to death because he could not name any Tupamaros. After Batalla’s death became a national scandal in 1972, the military junta increasingly took measures to conceal its role by denying arrests, stopping investigations, threatening relatives and doctors, refusing requests for autopsies, and making deaths look like suicides or confrontations.¹⁹

There were so many stories for Amnesty International to tell. Oscar Felipe Hernández Mendencia, an agricultural worker, died in custody on May 28, 1973 at a military barracks in Durazo. Doctors agreed that Hernández had died of a heart attack, but they had no explanation for the marks and bruises all over this body. Nibya Sabalsagaray, a twenty-four-year old teacher, was arrested in Montevideo on June 29, 1974 and taken to a military unit for interrogation. Sabalsagaray died after being repeatedly subjected to the “dry submarine”—a technique involving suffocation with a plastic bag over her head. Authorities notified her relatives ten hours after the arrest that Sabalsagaray had “committed suicide.”²⁰

Estimates of the number of political prisoners held by the Uruguayans as of late 1975 varied anywhere from 3,000 (*Newsweek*) to 6,000 (Uruguayan exile groups). AI believed there were approximately 5,000, which, given Uruguay’s relatively small size, meant that one out of every 500 citizens was imprisoned: “Uruguay has the highest concentration per capita of political prisoners in the world. Approximately one out of every 50 citizens sometime in the past suffered from interrogation, temporary arrest, or imprisonment.” Because of this repression, 300,000 people—or twelve percent of the population—had fled the country since June 1973.²¹

AI prepared a sheet of talking points that had condemnations of Uruguay from the Red Cross, the World Council of Churches, Congress, and even former Uruguayan military officers. “There were even some individuals who had to be admitted to the Military Hospital as a consequence of having been subjected to torture,” the Red Cross noted in August 1973. “Torture was listed, above the signatures of the attending physicians in the hospital records, under the heading ‘reason for hospitalization.’” The World Council of Churches had come to a similar conclusion in June 1972: “There is impressive evidence that, as part of the violation of human rights, both physical and psychological torture is practiced on political prisoners.” The Fraser Committee wrote a letter to Kissinger dated September 9, 1975 that expressed its concern regarding the human rights situation in Uruguay: “The charge that torture continues is very disturbing. If the [State] Department’s information confirms this charge, strong representations

¹⁸ Ibid.

¹⁹ “Torture by Death in Uruguay,” *Matchbox* (Winter 1976)

²⁰ Ibid.

²¹ Ibid.

should be made.” “People are asking themselves how it is possible that so many doctors, engineers, architects, lawyers, teachers, students and ordinary people, who up to quite recently were respected and loved for their intellectual and human qualities, can suddenly have become criminals of the worst kind, and be treated as no other offender has ever before been treated in this country,” read a July 1972 resignation letter from an army major. “Do they deserve to be isolated from their families, who may not even know where they are for a long time, to be handcuffed, hooded, blindfolded until they almost go insane, subjected to electric shock, underwater and prolonged standing treatments, and countless vicious and cowardly beatings?”²²

A letter sent to AIUSA members in January 1976 urged readers to imagine Selmar Balbi searching for Álvaro: “A day passes, and another. No word, no news. Then a knock on your door. Your loved one is back, dead, delivered like a parcel to your doorstep. The official explanation—is that death as due an asthma attack. Does asthma usually cause broken bones, burns, multiple bruises and a ruptured liver?” Part of the appeal was to make readers aware of how bad the political repression had become in Uruguay: “Now the murderers have a free hand. If you have a sense of justice, if you are concerned about your fellow human beings, you wouldn’t be around very long.” AIUSA was finalizing its plans for the Uruguay Campaign just as the Balbi letter was circulated. Lynne Shatzkin Coffin described the upcoming month as “a period of intense activity” throughout the organization, as this was a “pilot project to determine whether or not intensive international work on a particular country for a specific period of time is effective.” The campaign was to be oriented around a petition drive, a concerted letter-writing campaign, and increased publicity, all of which would bring attention to Uruguay. Local groups in New York and Washington, D.C. planned vigils, protests, and picketing outside the Uruguayan Embassy. Because this was the first time AI had singled out a particular country, it had to readjust what had previously been an individual, case-by-case approach. Members were asked to change how they wrote their letters: “This month you are asked to protest general conditions affecting all the prisoners in Uruguay. It can be urged that detainees be granted full access to legal rights. Concern can also be expressed about the continuing wave of arrests and numerous allegations indicating serious violations of basic human rights.”²³

AIUSA announced the beginning of the Uruguay Campaign at a press conference on February 19, 1976. Rose Styron began by retelling the story of Álvaro Balbi before detailing some of the twenty-one Uruguayans who been tortured to death from 1972 to 1975. A Methodist priest named Hector Lorenzo Jurago Avellaneda died at the military hospital on July 15, 1975, five days after his arrest. While the death certificate stated that he had committed suicide with a knife, the results of the autopsy revealed “numerous signs of ill-treatment in addition to a bullet injury and a cutting wound.” Carlos Alvariza, a thirty-eight-year old medical doctor who had three children, was arrested for his membership in the Tupamaros on June 5. He died in custody on July 23 after he had been strangled by his feet and bounced against a wall. Roberto Gomensoro, a twenty-three-year old student of agronomy, died on March 12, 1973. After numerous requests to military officials, his wife finally received a death certificate in April 1974. It was dated shortly after Gomensoro’s arrest, but she never actually saw the body. David Hawk then outlined the campaign’s strategy. Working with allies in Congress and the State

²² Amnesty International, “Uruguay Campaign Materials,” c. 1976, Box 6, Uruguay, IM, BtL, CU

²³ Ginetta Sagan to Ms. Bloch, c. January 1976, Box 6, Uruguay, IM, BtL, CU; Lynne Shatzkin Coffin to AIUSA Groups, February 6, 1976, Box 6, Uruguay, IM, BtL, CU; Amnesty International, “Urgent Action: Uruguay,” February 20-March 19, 1976, Box 6, Uruguay, IM, BtL, CU

Department, AIUSA was going to use its political connections to cut off all military aid to Uruguay. AIUSA also had a list of eighty American companies who had business dealings in Uruguay. Hawk promised that AIUSA would raise Uruguay's human rights record with corporate executives.²⁴

AIUSA also went after Uruguay in the press. A member of Ivan Morris's Riverside Group, Jeri Laber, wrote an op-ed titled "Torture and Death in Uruguay" for the *New York Times* in March 1976. Intending to shock readers into taking action, Laber described the two different forms of "the submarine" that had been used against political opponents in Uruguay. The "wet submarine" had been responsible for Balbi's death. The "dry submarine"—tying a plastic bag around the head of the victim—was how Sabalsgaray was killed. Morris then followed with a letter to the *New York Review of Books* explaining how AIUSA had sent Bordaberry a list of prisoners who had died in custody over the previous few years. The death of Hugo Leonardo de los Santos Mendoza illustrated the extent to which torture had warped the Uruguayan legal system. An independent autopsy that was corroborated by the Forensic Institute of the Judiciary proved that Santos had died of torture-induced lung edema. But a presidential order reclassified the case as a state secret and the investigation was transferred to the military, which essentially ended it.²⁵

Commentator William F. Buckley might have been AIUSA's most famous member during the 1970s. Drawn to the organization by its emphasis on individual rights, the conservative Buckley grew increasingly annoyed with what he perceived to be AI's over-emphasis on right-wing dictatorships. He went public with this criticism in a March 1976 column that expressed skepticism about linking military assistance to international human rights standards. Sneering that that such moral righteousness would do little to prevent the Soviet Union from continuing to "distribute its weapons with customary political forethought," Buckley took aim at Senator Edward Kennedy's (D-Massachusetts) amendment to cut off arms sales to Chile. He asked why Kennedy had not yet introduced a similar amendment for Yugoslavia. "We have given more arms to Yugoslavia than to any country in the world, and they have been suppressing human rights in Yugoslavia since Senator Kennedy began his lifelong study of ethics at Harvard University," Buckley remarked. Chile's "true crime" was not that it had been torturing or murdering its own citizens, but had overthrown a Socialist, President Salvador Allende, much to the disdain of the "world's leftwing press, the most durable and most effective apparatus of power in the world."²⁶

Uruguayan officials defended themselves in similar terms. Foreign Minister Juan Carlos Blanco accused AI of being a tool of the "subversive forces" the government had vowed to eliminate. Whenever the "Armed Forces deal a heavy blow against the country's enemies, the propaganda offensive intensifies." *La Mañana* editorialized on February 24 that AI had become a political enemy: "Amnesty strengthens its attack against Uruguay. It pressures for a cessation of financial support. The campaign of defamation of Amnesty International against our country announced last week by Minister Juan Carlos Blanco has gained momentum these last days." Uruguayan officials remained convinced that AI was targeting them, which, of course, was true.

²⁴ Rose Styron, "Statement at AIUSA Press Conference," February 19, 1976, Box 6, Uruguay, IM, BtL, CU; David Hawk, "Statement at AIUSA Press Conference," February 19, 1976, Box 6, Uruguay, IM, BtL, CU

²⁵ Jeri Laber, "Torture and Death in Uruguay," *New York Times*, March 10, 1976; Ivan Morris, "Torture in Uruguay," *New York Review of Books* (March 18, 1976)

²⁶ William F. Buckley, "Understanding the Arms Bill," *Boston Globe*, March 1, 1976, found in Box 6, Uruguay, IM, BtL, CU

In May 1976, Tom Jones met with the Uruguayan Ambassador to the U.S. When asked if his government would allow for an international team to visit the prisoners, Perez Caldas was “noncommittal.” The ambassador told Jones that AI needed to examine its criteria for adopting its Prisoners of Conscience (POCs). If it was true that POCs had never engaged in violence, then AI had made some mistakes in Uruguay.²⁷

Meanwhile, AIUSA’s Thomas Jones and Rose Styron met with Latin American desk officers at the State Department in April 1976. Having talked to Bordaberry whose assessment of the human rights situation was “not as bad as A.I. has claimed,” the State Department had received assurances from the Uruguayan government that more prisoners would be brought to trial, through it was quick to remind the Americans about the January arrest of students in which a cache of arms was uncovered. Indeed, the State Department did not even consider Uruguay to be “front-runner for the worst country in Latin America on human rights.” Jones and Styron did not push too hard against this characterization, proposing that the State Department convince Bordaberry to allow AI to investigate all of the interrogation sites. With AIUSA on friendly terms with a group of liberal Democrats in Congress, Jones also suggested that the State Department warn the Uruguayans to “anticipate A.I.’s efforts and take the wind out of our sails before the storm becomes worse.”²⁸

Some American officials resented AI’s actions towards Uruguay. Responding to a statement critical of Uruguay that Representative Edward Koch (D-New York) inserted into the *Congressional Record*, Dom Guerriero, a labor attaché at the U.S. Embassy in Montevideo, forwarded an article from the April 1976 *Review of the River Plate* to Representative Gene Maguire (D-New York) alleging that AI was a Marxist front that was targeting “only anti-Communist governments.” Not wanting Maguire’s view of his organization to be influenced by Guerriero, Hawk directed the congressman to a statement on Uruguay made by Leonard Garment, a Republican lawyer who was serving as U.S. representative to the UN Human Rights Commission: “I declare without any reservations that Amnesty International is not an ‘instrument’ of the Communist countries, any more than one of its recent publications, a 150-page report on human rights violations in the U.S.S.R., is a ‘vulgar falsification and defamation on Soviet reality and socialist legitimacy’, as it has been described by the Soviet Lawyers’ Association.” Garment’s point being that if AI received criticism from both the right (Uruguay) and the left (Soviet Union), then how could it be biased?²⁹

AIUSA and the Washington Office on Latin America persuaded Congress to cut off military aid to Uruguay in the 1976 Security Assistance Act. Their most reliable ally on Uruguay was Koch. In May 1976, Koch offered an amendment that denied the \$3 million in military aid for Uruguay requested by the Ford administration. The Fraser Committee held hearings on Uruguay in June. The day before they were to begin, AIUSA presented a petition to the Uruguay’s UN Representative calling upon his government to permit an independent investigation into his country’s prisons. “Approximately 10% of the 350,000 signatures on the petition belonged to U.S. citizens, including many congressmen,” historian Vania Markarian notes. Particularly moving was the testimony of Wilson Ferreira Aldunate, the exiled leader of Uruguay’s Blancos, the conservative, anti-communist political party that represented rural

²⁷ “Uruguay Official Denounce Amnesty Campaign,” *Amnesty Action*, Vol. 3, No. 1 (March 1976); Thomas C. Jones to Edy Kaufman, May 3, 1976, Box 6, Uruguay, IM, BtL, CU

²⁸ Thomas C. Jones to Stephanie Grant, April 8, 1976, Box 6, Dominican Republic, IM, BtL, CU

²⁹ David Hawk to Eugene Maguire, May 28, 1976, Box 6, Uruguay, IM, BtL, CU; Leonard Garment to Editor of *El País*, Montevideo, Uruguay, April 6, 1976, Box 5, Morris, Ivan—Amnesty International—Impartiality, IM, BtL, CU

Catholic landholding interests. Describing himself as “a defender of Western Christian civilization”—not a leftist or a guerrilla—Ferreira Aldunate argued that continuing military aid would only perpetrate the “mechanism of oppression” in Uruguay. “All we want is to be left alone,” he pleaded. Assisting his testimony was Louise Popkin, an American who served as the link between Uruguayan exiles and American human rights activists. Popkin accurately translated Ferreira Aldante’s words into English so that they could keep their emotional content. Fraser remembered this testimony as a “powerful statement.”³⁰

The exiles, AIUSA, and WOLA were engaged in a struggle for credibility against the State Department, both of which relied upon separate information networks. Human rights NGOs were heavily dependent on the testimony of former victims; the State Department relied on the embassy in Montevideo and its discussions with Uruguayan authorities. Ferreira Alduante expressed his disappointment with American officials who were inclined to excuse their host government’s behavior:

The U.S. Embassy in Montevideo acts as a public relations agent for the Uruguayan Government by publicizing throughout the world false information about the conditions in Uruguay; by denying true allegations and evident facts; by claiming that subversion cannot be curbed without the suppression of liberties; that in Uruguay ‘only a handful of Communists’ had been arrested; that the human rights situation has improved there.

Ernest Siracusa, the U.S. Ambassador to Uruguay, contradicted AI’s most basic findings, claiming that Uruguay was ruled by a constitutionally elected civilian cabinet. While there might be a “very strong military influence,” Siracusa said, Uruguay could not be called a “military dictatorship.” Cables from Montevideo and Buenos Aires argued that the Koch Amendment was detrimental to U.S. interests in the region. It would only serve to reinforce the “siege mentality” in Argentina, Chile, and Uruguay, increase their isolation from “our cognitive universe,” and may even lead to greater repression. In retrospect, this assessment was incorrect, especially when taking into consideration revelations that Argentina, Brazil, Chile, and Uruguay participated in Operation Condor, a U.S.-supported network that assassinated prominent leftist exiles such as Orlando Letelier, a Chilean who was murdered in a September 1976 car bombing in Washington, D.C.³¹

Koch was convinced that the State Department lacked a true understanding of what was going in Uruguay. After his amendment successfully cleared the conference committee on September 15, Koch released a statement that spoke to AI/AIUSA’s success at educating politicians like him:

In the past year I have come to fully comprehend the terror that the Uruguayan regime is inflicting upon its own people. I have also learned that the State Department, regrettably, is not as much aware of that situation. This cut-off of military assistance to Uruguay will hopefully set U.S. policy toward that country

³⁰ Coletta Youngers, *Thirty Years of Advocacy for Human Rights, Democracy, and Social Justice* (Washington, D.C.: Washington Office on Latin America, 2006), 16-17; Vania Markarian, *Left in Transformation: Uruguayan Exiles and the Latin American Human Rights Networks, 1967-1984* (New York: Routledge, 2005), 87

³¹ Markarian, *Left in Transformation*, 94, 97; for more on Operation Condor, see John Dinges, *The Condor Years: How Pinochet and His Allies Brought Terrorism to Three Continents* (New York: New Press, 2004)

straight: we are not going to assist the Uruguayan military regime in the repression of its own people. While the amount of assistance—\$3 million—is modest, the prohibition is an important precedent.³²

AIUSA achieved its first major legislative victory two weeks later when Congress overwhelming passed the Koch Amendment—216-155 in the House and 56-24 in the Senate. Military assistance, international police training, and weapons credit sales to Uruguay were all cut off due to its gross violations of international human rights standards. Ford signed the bill into law on October 1. Even the State Department acknowledged the effectiveness of the Uruguay Campaign. “Given the high credibility Amnesty and others have with Congress,” it had “to establish—to Congressional satisfaction” that it was “paying detailed attention” to human rights.³³

“Impartiality”

The International Secretariat instituted two safeguards to keep Amnesty International’s activities as apolitical as possible. The first was the concept of the Threes. “When an Amnesty group was formed, the central staff (squeezed into Benenson’s chambers) would sent out three cases on which group members could write letters and raise money—one from the West, one from the East, and one from the south,” Stephen Hopgood writes. The second was to prohibit national sections from adopting cases in their own countries. This restriction was meant to keep members out of prison, but also reveals how AI saw distance and objectivity as intertwined. If an activist was thousands of miles away from the prison holding his group’s POC, then his actions did not appear to be as politically motivated in the same way if the prisoners was someone he knew personally. But what usually brought activists into a movement was its immediacy. In April 1968, AIUSA Executive Director Paul Lyons explained why AI’s “ground rules” forbade Americans from working on the cases of fellow Americans. “Although many Americans had been so classified by the International Secretariat, and assigned to non-US Amnesty branches and groups for adoption, none have been assigned here and we have no official responsibly, direct or indirect for investigation, classification, or assistance,” Lyons wrote. Nonetheless, AIUSA benefitted from this rule in three ways: “First, Amnesty’s procedures are designed to demonstrate international concern. In addition, and particularly in the United States, there may be indigenous organizations, like ACLU, that handle domestic cases. Finally, not working for American prisoners frees our national section from domestic politics and pressures.” AIUSA could also free itself from domestic politics if included supporters from all sides of the political spectrum. The name “Amnesty” conjured up images of pardoning Vietnam War draft evaders. So, for their organization to gain the credibility it badly needed, some AIUSA board members determined that they had to disassociate themselves with the antiwar left. One way of doing this was to bring conservatives into AIUSA.³⁴

³² Koch quoted in Robert A. Pastor, *Congress and the Politics of U.S. Foreign Economic Policy, 1929-1976* (Berkeley: University of California Press, 1980), 312

³³ Markarian, *Left in Transformation*, 97

³⁴ Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca, New York: Cornell University Press, 2006), 61-62; Paul Lyons to AIUSA Board of Directors, April 2, 1968, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1968, AIUSA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU)

In January 1969, the most prominent American conservative intellectual, William F. Buckley, told AIUSA board members that he wanted to write a column on a POC in his *National Review*. With his libertarian tendencies, Buckley was attracted to AI's narrow focus on political prisoners, particularly if they were to be found in Eastern Europe, the Soviet Union, or China. From conversations he had with Buckley during the previous couple of months, Lyons had learned that Buckley was "ready to go" onto the AIUSA Board Directors, a potential "PR coup."³⁵

Buckley dedicated an entire column to AI in April 1970. A member of the AIUSA Board of Directors for over a year, Buckley had joined with the understanding that he would "remain free" to exercise his judgment over what the organization did. True to his strongly held anti-communism, Buckley contrasted how the United States and the Soviet Union each dealt with dissent. Americans could say or almost do anything as long as it did not constitute a "clear and present danger" to public safety. For Soviets, by contrast, political freedom only existed in Newspeak: "It did not surprise anybody that back in the late '40s, Stalin's Russia should have co-sponsored the United Nations Declaration on Human Rights, which is as if Ralph Ginzburg had co-sponsored the Legion of Decency." To make his point, Buckley mentioned specific prisoners. A Ukrainian lawyer who had become a Czech citizen, Volodmyr Horbovy had been imprisoned since 1947. What was his crime? No one could say as Horbovy had yet to be put on trial. "He was caught up during one of those Stalinist seizures, for having defended someone somebody didn't like for whatever reason." Arrested in Poland, Horbovy was then handed over to the Soviets who put him a work camp.³⁶

Even Buckley's support was not enough to prevent AIUSA executives from questioning their own objectivity—what they termed as "impartiality." Ivan Morris wrote to Stephanie Grant in November 1974 asking why it seemed as if AI focused on some regions but not others. Acknowledging that Morris had raised some "very fundamental questions," AI's lead researcher explained that this was mostly a problem of access. "More work has been done by the Research Department on 'western' and 'third world' countries than on those in the various socialist blocks," Grant answered. "The reasons for this are purely practical ones, and arise from not political bias on the part either of those doing research or of any policy decision." With Latin America, for example, information had been "aggressively available on countries like Brazil, Chile or Uruguay where extreme and violent violations of human rights were committed by right wing regimes." Assisted by exiles that had fled to North America and Western Europe, the International Secretariat had no problem obtaining the up-to-date facts that became the basis of its reports.³⁷

Grant's first priority after becoming Research Director in January 1974 was to initiate "systematic research" on Cuba, Eastern Europe, and the socialist countries of East Asia. Her goal was to give more balance to AI's research, both in terms of terms of political ideology and geographic region. She believed this would help add to AI's credibility among its members, but, just as importantly, in countries "where violations of human rights [have been] committed by

³⁵ Paul J. Lyons to Mark Benenson, January 22, 1969, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1969, AIUSA, CHRDR, CU

³⁶ William F. Buckley, "Amnesty," *New York Post Magazine* (April 9, 1970)

³⁷ The same could not be said of Cuba. Most of the Cuban exile community in South Florida arrived soon after the 1959 revolution, so they were "most familiar with the situation in the late 1950s and early 1960s," meaning that they could not provide "well documented material whose authenticity was clear." Stephanie Grant to Ivan Morris, November 6, 1974, Box 5, Morris, Ivan—Amnesty International—Impartiality, IM, BtL, CU

right wing governments.” But AI simply did not have the resources to follow all countries equally. Chile had “literally submerged” the Latin American researcher Roger Plant. It was not as though Plant ignored the steady stream of appeals, letters, and relatives from Cuba pouring into his office, but time constraints made it impossible for him to respond in a timely fashion. Nine months passed before Plant could have a couple of weeks available for him to do the necessary research among “the exile community in North America.” Similar problems existed with China. There were very few refugees available to be interviewed. “The information is simply not available,” she wrote. Grant was also skeptical about what effect AI could actually have in China:

Equally, I am not myself persuaded that the adoption of individual prisoners by groups in Western Europe and in North America would do anything but add to a dossier which alleged that a particular individual was a revisionist or had imperialistic ideas. The political and cultural differences between China and the western world are too big to be neglected or put on one side. It would not therefore be responsible for us as the Research Department to adopt three or four names in the same way as we might do this in other countries which accept the concept of individual human rights.³⁸

Morris wrestled with the impartiality question because of what seemed to him “a double standard that Amnesty has, deliberately or not, accepted in deciding where to focus its activities in different parts of the world.” As a scholar of East Asia, he was skeptical at Grant’s assumption that there was a profound cultural division between East and West regarding individual rights. Such thinking ran against one of the basic premises of AI—the rights expressed in the Universal Declaration of Human Rights were universal. “Why don’t your hesitations concerning Communist China apply equally to countries like South Vietnam and South Korea?” Morris asked. “Surely those can hardly be described as countries that have traditionally accepted the concept of individual human rights.” Morris thought the problem was one of priorities, not resources. When it came to left-wing dictatorships in China or Cuba, there was “endless delay and circumspection,” whereas countries like Chile, South Vietnam, South Korea and Taiwan received immediate attention. “You and your colleagues rush in with the most commendable vigour and enthusiasm,” Morris complained. Describing himself as a “devoted Amnesty member who has been working hard for this organization since 1961,” Morris was brutally honest in his concern over maintaining ideological balance: “My faith in the impartiality of this organization is rapidly being eroded.” At risk was the organization’s reputation, for he could easily imagine a scenario where “you will, in fact, lose your neutral and conservative supporters and [we] will then become another left-wing organization whose ability to help prisoners will be minimal.”³⁹

Conservative historian George Nash echoed many of Morris’s concerns in a December 1974 feature on Amnesty International that was published in William F. Buckley’s *National Review*. “For despite its efforts to be rigidly nonpolitical, Amnesty International is unmistakably an organization of the Left,” Nash concluded after looking at AIUSA leadership. The AIUSA National Advisory Council and Board of Directors largely consisted of a “monolithic

³⁸ Grant to Morris, November 6, 1974

³⁹ Ivan Morris to Grant, November 18, 1974, Box 5, Morris, Ivan—Amnesty International—Impartiality, IM, BtL, CU

constituency” of left-liberals: Ramsey Clark, Frank Mankiewicz, Stewart Mott, and George Wald. The same could be said of AIUSA’s most important political allies like Senator James Abourezk (D-South Dakota), Senator Jacob Javits (R-New York), or Representative Michael Harrington (D-Massachusetts). David Hawk was a “former antiwar leader” (and press aide to Daniel Ellsberg). The grassroots was even more influenced by the New Left. “The leftward tilt of Amnesty has been heavily reinforced by the recent massive infusion of young, superliberal activists from California, which now contained well over half of AIUSA’s membership.” Many of these recruits came to AIUSA after having been participants in the antiwar movement and George McGovern campaigns, while others had joined in response to appeals by folksinger Joan Baez. The only prominent conservative on AIUSA’s masthead was Buckley, and he was dismayed over what he detected as a “creeping antinomialism” in the organization as some members questioned AI’s non-violent policy so that they could work on behalf of Nelson Mandela. At the 1974 Annual General Meeting, the West Germans and the Swedes unsuccessfully fought for an amendment that would have allowed AI to adopt prisoners who had advocated for violence, but had not actually engaged in it. “Fearing that the American section may eventually resemble the West German,” Dr. Amelia Augustus, the former Executive Director of AIUSA, told Nash that the impulse towards “radicalization” was very strong.⁴⁰

Nash had a much narrower understanding of free speech than most AIUSA members. He could not understand how AI could adopt Encarnación Formenti Arener (“Cani”), a member of the Spanish Communist Party who had been sentenced to sixteen years “for illicit association and illegal propaganda” in 1970. Did Cani’s right to free speech and political association extend to organizing a political movement that seeks to overthrow the government and replace it with a “Marxist dictatorship”? It was irrelevant to Nash that Cani had never explicitly advocated for violence, for he considered Marxism to be inherently violent. Such “absolutist civil libertarianism” unnecessarily protected Marxist revolutionaries: “Everything they do up the moment they are *ready* to use violence is apparently permissible.” Another POC choice criticized by Nash was Captain Howard Levy, a U.S. Army doctor who refused to give medical training to the Green Berets as a protest against the Vietnam War. Sentenced to three years at hard labor, a decision that the U.S. Supreme Court upheld, Levy made no apologies for what he did: “I would refuse to go to Vietnam if ordered to do so. I do not see why any colored soldier would go to Vietnam; and if sent, they should refuse to fight.” Levy was convicted of a “design to promote disloyalty and dissatisfaction among the troops to the prejudice of good order and discipline in the armed forces.” In Nash’s view, Levy had crossed a line when he began to advocate for others to join him, which might have had “serious, even irreparable, consequences” if successful. Did AI or AIUSA have any limits to speech? Nash quoted Morris as saying that the law often provided little guidance in answering this question: “The fact that someone has broken a law is totally irrelevant from our point of view. I should imagine that almost every single prisoner we’ve ever worked on has broken some law. Our argument would be that any law which puts people in prison as a result of expressing their opinion is an unjust law and is, in fact, in contravention of the Universal Declaration of Human Rights.” Disagreeing with Morris, Nash compared this position to that of Martin Luther King, Jr., in his 1963 “Letter from Birmingham Jail.” Intentionally disobeying unjust Jim Crow laws, King stated that he would suffer the legal consequences for doing so, as Nash wrote, “Amnesty’s position, it seems to me, is more extreme: I will violate the law in the name of my conscience, *and you must then submit*

⁴⁰ George Nash, “The Ordeal of Amnesty International,” *National Review* (December 6, 1974), 1407-1409

to my conscience by not punishing me at all, regardless of the consequences.” In taking the position that all dissent was worth defending, he concluded, AI conflated the right to do something and the righteousness of that action—the “mingling of ideology and sympathy”—which was on display at AIUSA’s National Office through a poster that read “Blessed are the peacemakers; in Saigon they are prisoners.”⁴¹

Even so, Nash did not believe that AI practiced a “systematic double standard,” as it seemed to him that its concern for human rights was “genuinely universal.” It had adopted hundreds of prisoners in the Soviet Union and Eastern Europe, published an English translation of the *Chronicle of Current Events* samizdat, recently established an Amnesty group in Moscow, and had repeatedly been praised by Andrei Sakharov for bringing international awareness to how Soviet authorities routinely declared dissidents legally insane. Nash also understood that AI did not have the same amount of access everywhere. For example, AI sent a mission into Chile weeks after the September 1973 coup, but had yet to receive “similar cooperation from a single Communist government.” If someone read the 1973 *Report on Torture*, he might come away with impression that torture was far worse in the right-leaning, authoritarian countries. A case study on Greece took up twenty-five pages, while AI devoted only two pages on China and one paragraph on North Korea—a disparity that revealed a tendency to focus on the “torture that is known (Greece) rather than on what which is unknown (China, North Korea).” Until AI showed that it could go after left-wing dictatorships with equal ferocity as right-wing juntas, Nash concluded, “American conservatives will understandably—and properly—be reluctant to support it.”⁴²

Reading Nash reinforced Morris’s concerns about impartiality. While Morris believed Nash to have been unfair to AI in many ways, he did think that the “central point about the apparent political (ideological) lopsidedness of our organization obviously has some foundation.” The lesson to be learned from “The Ordeal of Amnesty International” was that AI had not done enough to convince its critics of “our neutrality.” Particularly disconcerting to Morris was how Nash may have captured the feelings of some AIUSA members. He received a call from a married couple who had founded a local group in Stamford, Connecticut wanting to know if it was true that AI had sent an appeal to President Gerald Ford on Thanksgiving 1974 requesting an unconditional amnesty for all Americans who had avoided the Vietnam War draft. Morris quickly replied that AIUSA had sent no such appeal. Only later did he find out that the International Executive Committee had, in fact, sent the appeal. When informed of what had actually occurred, the couple told Morris that they would be resigning from AIUSA. While such a decision might have seemed harmless in Western Europe, it was very controversial to Americans. “It does seem strange that, at the same time that the IEC sees fit to take action of this type which can only have the effect of weakening our organization here, the Secretariat should be appealing to our section for still larger contributions,” Morris sniped.⁴³

AIUSA was not the only national section that had questions about impartiality. Herbert Ruttenberg, a member of AI-Netherlands, wanted to know why there were not more POCs from Cuba, China, Albania, or Yugoslavia. Grant pointed to the lack of information from these countries as she had with Morris, but this time she mentioned the “organisation’s inevitable

⁴¹ Ibid., 1409-1410

⁴² Ibid., 1411, 1425, 1427

⁴³ Ivan Morris to Stephanie Grant, December 6, 1974, Box 5, Morris, Ivan—Amnesty International—Impartiality, IM, BtL, CU

decision to concentrate its resources.” A lack of direction from the IEC had “created a situation in which routine and systematic research on the Marxist world was only carried out into imprisonment in the USSR and occasional cases in Eastern Europe.” But things were improving. Eastern Europe now had its own researcher, Cuba was a higher priority, and missions to Bulgaria and Yugoslavia were approved. Because of improved research capabilities, the gap between groups awaiting Eastern European prisoners and the number of cases had been reduced from 145 to twenty (even with a ten percent increase in the number of groups). Sixty-nine Soviet prisoners had been released during 1974.⁴⁴

The International Secretariat took Nash’s criticism “very seriously.” Not buying Nash’s emphasis on political ideology, Grant had a simpler explanation for AI’s perceived bias. When an organization was based upon popular support at the grassroots level and its members were influenced by what they saw on the news, it followed that the organization’s activities would reflect the “current concerns and preoccupations of the time.” In the early 1970s, for example, activists were constantly responding to military coups that put right-wing juntas into power. A decade earlier, there were many reports about Stalin’s many victims, which were only then emerging from the Soviet Union. “Amnesty—if it had been as large as it is now—would have concentrated correspondingly on human rights violations in the socialist world,” Grant contended. “The main insurance policy against a reflective (in the sense of mirroring), rather than an innovative policy, is to have enough money to design research and activities without reference to the interests of the media and the members. This we must now find.”⁴⁵

AIUSA was not satisfied with Grant’s answer. In January 1975, the AIUSA Board of Directors drafted a resolution calling upon the International Secretariat to rectify the double-standard between “open” and “closed” societies: “Amnesty’s record shows concentration of effort in exposing human rights violations and torture in open societies, and very often, little visible effort in exposing what may be far greater abuse of human rights far greater practice of torture in the closed societies.” The Americans blamed the International Secretariat for having given a “totally distorted impression to the world of what are Amnesty’s priorities.” For example, sending two or three missions to South Vietnam, but none to North Vietnam; devoting major attention to Chile, but “virtually none” to Cuba; exploring in greater detail allegations of torture by Israel, but giving comparatively little to no attention to alleged torture by Arab nations. AIUSA went so far as to quantify Amnesty International’s evenhandedness by comparing the space assigned to similar countries in the *Report on Torture*⁴⁶:

South Vietnam	5 2/3	North Vietnam	1 1/2
Cuba	1 1/4	Brazil	3
Israel	5 1/3	Middle East (7 countries)	10 1/4
USSR	3	USA	2

Unlike Morris, David Hawk believed the “Balance Question” was a distraction. As

⁴⁴ AI had hired Arlette Ladugie, a “qualified Sinologist” who had lived in Beijing for two years, it finally seemed possible as though “serious work” could begin on the People’s Republic of China. Stephanie Grant to Herbert Ruttenberg, December 11, 1974, Box 5, Morris, Ivan—Amnesty International—Impartiality—IMs, BtL, CU; Stephanie Grant to Ivan Morris, December 20, 1974

⁴⁵ Ibid.

⁴⁶ AIUSA Board of Directors, “Draft Resolution,” January 9, 1975, Box 5, Morris, Ivan—Amnesty International—Impartiality—IM, BtL, CU

AIUSA's Executive Director, Hawk's concerns were more practical than theoretical—that is, how to bring stability and coherence to an organization that needed more of each. Though Hawk had started a thesis on the origins of the Cold War while at Oxford, he did not think that anything much of good would result from discussing AI's place within it. The purpose of human rights NGOs like AI was to transcend such geopolitical and/or ideological divisions. After all, this was why he had taken the job at AIUSA: "Based on the way I have myself responded and acted towards the deprivation of human rights here, and based on my responses to what I believe American imperialism to be, I think that I would make similar responses to the deprivation of human rights in other countries, and particularly, the USSR, and I think I would have responded the same to Soviet imperialism in Czechoslovakia as I did to American imperialism in Southeast Asia." To Hawk, there were three separate questions had to be answered with regard to impartiality: (1) Who supports AIUSA? (2) Who pays for AIUSA? (3) Who works in AIUSA?⁴⁷

AIUSA's funding sources were overwhelmingly left-liberal, whether philanthropic foundations, family trusts, or mailing lists culled from other organizations occupying the same political space. While it might help to get on conservative lists such as those pioneered by Richard Viguerie, Hawk thought about what AI and AIUSA would have to do to attract the support of right-wing libertarians. He suspected that "most right-wingers, presumably those most concerned with the potential imbalance of our image, don't give two shits about intellectual freedom or political and conscientious imprisonment." To get conservatives on board, AI would have to become a "totally different organization." Most AIUSA members were genuinely apolitical in terms of their work on behalf of political prisoners. Because they tended to be a younger demographic, they were not as likely "to see the world through the Cold War lenses that most of our mothers and fathers and I think a good portion of the Board do."⁴⁸

Morris very much wanted to preserve AI's image of objectivity. Following reports that the Peruvian government had killed fifty people by using Soviet T-55 tanks to put down a police strike in Lima, Maxwell Harway of McLean, Virginia wrote to the *New York Times* in February 1975. The striking policemen were hauled off in Soviet manufactured trucks and the freedom of the press was sharply curtailed. Broadly criticizing the left for its hypocrisy on human rights, Harway stated that he was waiting for liberal intellectuals in Western Europe and the U.S., *Le Monde*, and the *Guardian* to denounce this seizure of the press; Jane Fonda to lead a protest demonstration outside the Peruvian embassy in Washington, D.C.; and Kennedy, McGovern, Fraser, and Harrington to demand an investigation of U.S. aid to Peru. "Am I waiting in vain?" Harway asked. Morris replied to Harway the next week. Not publicly admitting his own doubts, Morris maintained that AI worked on behalf of POCs all over the world "irrespective of political considerations." Assuring readers that AIUSA had responded to the events in Peru, Morris reproduced a cable that had been sent to Peruvian Ambassador: "AMNESY INTERNATIONAL OF THE U.S.A. DEEPLY CONCERNED ABOUT REPORTS ALLEGING LARGE SCALE ARRESTS AND DETENTION OF STRIKERS IN LIMA URGENTLY REQUEST INFORMATION CONCERNING CHARGES AND PLACES OF DETENTION OF THOSE ARRESTED."⁴⁹

American officials were just as skeptical as Harway. Ronald Palmer of the State

⁴⁷ David Hawk, "The Balance Question," c. 1974-1975, Box 1, Balance Question [Political Balance of AI]—1947-1975, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU

⁴⁸ Ibid.

⁴⁹ Maxwell Harway, "Peru: Outcry Overdue," *New York Times*, February 27, 1975; Ivan Morris, "Letter to the Editor," *New York Times*, March 3, 1975

Department twice reminded AIUSA's Tom Jones in May 1976 that he needed to be more aware of how his organization was perceived in the U.S. In a discussion on Latin America, Palmer advised, "Don't be consistently associated with leftists." In a subsequent conversation with Philip Habib, Assistant Secretary of State for East Asia, Jones told Habib that there was internal debate regarding maintaining AI's political balance. AIUSA's interactions with the State Department were primarily directed "towards those countries where U.S. public opinion and the U.S. Government can possibly have an impact," which meant that much of the work on Eastern Europe and the Soviet Union was allocated to the Western European national sections. That was what accounted for AIUSA's "leftist image" at Foggy Bottom.⁵⁰

Seeking to learn how AIUSA could remain impartial in the eyes of its critics, Ginetta Sagan reached out to William F. Buckley in February 1975, as she hoped that it "could truly be a bipartisan movement." Buckley referred her to what Nash had written in the *National Review*. When Sagan admitted that some of Nash's points resonated with her, Buckley responded, "I can't tell you how impressed I am by the seriousness with which you have received his criticism." Indeed, Sagan was frustrated by her organization's lack of appeal to conservatives. "I have tried hard to involve people whose political views are conservative or very conservative," she wrote to Buckley. "With the exception of a few intellectuals, I have not been successful."⁵¹

Buckley was convinced that American international human rights activists singled out right-wing regimes, none more so than the Greek Junta. Before thirty-one Greek military police officers were convicted of torturing political prisoners, Buckley had written that "no truly authoritative examination has been conducted on the question of whether there was in fact extensive, systematic torture," even though AI had documented torture in Greece since 1968. Following the trials, Buckley finally acknowledged in April 1976 that "the reports of Amnesty International and of the Congress of Europe were, on the whole, justified, sad to say." Yet he described such allegations as nothing more than a "routine political maneuver." Different cultures had different standards of what constituted torture, Buckley argued, so what might bring down the British government might not even be noticed in Uganda. It was therefore "entirely possible" that as much torture was committed under Papadopoulos as under previous governments. In an era in which "the majority of people of the world believe that the salient prosecutions of the day were symbolized by the *U.S. vs. Miss Angela Davis* and Francisco Franco against the five terrorists," Americans ought to "listen for the strains of ideological harmony."⁵²

With very few conservatives on the AIUSA Board of Directors and National Advisory Council, there was anxiety within the National Office that its inability to include voices from the right was hurting AIUSA's image. Hawk expressed this concern in August 1977 when he endorsed Leonard Garment for a position on the board of directors: "Bearing in mind my own prejudice that good centrists and rightwingers [sic] are very hard to find, I think it would do no

⁵⁰ Thomas C. Jones to Martin Ennals, May 5, 1976, Box 5, Morris, Ivan—Amnesty International—Impartiality, IM, BtL, CU; Robert White, U.S. Chief Delegate to the Organization of American States, remarked, "Naturally, all of the good people will be leftists."; Thomas C. Jones to Philip C. Habib, May 12, 1976, Box 5, Morris, Ivan—Amnesty International—Impartiality, IM, BtL, CU

⁵¹ William F. Buckley to Ginetta Sagan, February 19, 1975, Box 36, Media Publicity, GS, HI, SU; William F. Buckley to Ginetta Sagan, February 26, 1975, Box 36, Media Publicity, GS, HI, SU; Ginetta Sagan to William F. Buckley, March 7, 1975, Box 36, Media Publicity, GS, HI, SU

⁵² William F. Buckley, "The Colonels' Torture," *New York Post Magazine* (April 24, 1976)

harm for Amnesty to have a visible person on the Board of Directors whose political identification—in the public eye—is somewhere to the political right of Ramsey Clark and the *New York Review of Books*.” Garment was an ideal candidate. One of Hawk’s concerns about the Washington Office was maintaining “significant high-level” access, regardless of whose party was in power.⁵³

Buckley publicly divorced himself from AIUSA in December 1977 after AI announced that it would begin a worldwide campaign to abolish the death penalty. Describing himself as one of many AIUSA supporters who felt alienated by the decision, Buckley admonished his former colleagues, “We are sad at the stupidity of this decision and at the inevitable sectarianization of the amnesty movement.” The Death Penalty Campaign betrayed AI’s simple beginnings, he claimed, as its development reflected a “general consensus” among liberals and conservatives—indeed, among all “civilized people”—that non-violent political prisoners ought not to be tortured, imprisoned, or killed. It was a “fact of life that full-time bleeding hearts tend to notice depredations from the Right while ignoring depredations from the Left.” Being that it was a Monday when he wrote his column, Buckley wanted to know how many people had been imprisoned, tortured, or killed in China on Sunday, though it appeared as if AI preferred to investigate human rights violations in Argentina, Chile, or the Philippines.⁵⁴

While there were legitimate reasons for opposing the death penalty, Buckley conceded, none were relevant to AI’s mandate. If someone committed a violent crime, which then would make him ineligible to be a POC, he ought to be subject to the “penalty of the law.” Was not AI being presumptuous in assuming that a member who supported “freedom of conscience” would also want to be part of an international campaign against the death penalty? To Buckley, this decision was “stupid in the most unforgivable sense of the word,” a triumph of ideology over compassion:

Because as things are left, those who believe that capital punishment is a legitimate exercise of social authority, but who believe that the punishment of the individual conscience is not, are going to have to suspend their support of an agency that has done so much, and could do so much, to help lonely men and women in every area of the world who have never committed a crime but who suffer for having expressed their opinion.⁵⁵

⁵³ David Hawk to AIUSA Nominations Committee, August 31, 1977, Box 1, Correspondence [1 of 2]—1977, Record Group II, Series II.1, DH, AIUSA, CHRDR, CU; Hawk first met Garment during the early months of the Nixon administration in 1969. At the time Hawk was a part of the antiwar movement, trying to arrange delegations of protesters to speak to policymakers regarding Vietnam. Hawk recalled that Garment was very helpful to him, describing him as “much better than the company he keeps”: “It took about one hour with Kissinger for us to discover that the war would go on, and about five minutes with Erlichman to know that the Nixon administration’s approach to civil liberties was not going to be a good one.” Garment had also proved to be an asset to Amnesty International during the Uruguay Campaign during the previous year when, as Hawk described it, “We were being red-baited by the torturers.” Garment wrote a letter to *El Pais*, clearly identifying himself as part of the administration as United States Ambassador to the Commission on Human Rights, which turned out have been an unsuccessful attempt at stopping the Uruguayan press from seeing a communist front where none existed. But, more importantly for AIUSA, Garment’s letter was inserted into the Congressional Record, where it provided political cover from attempts by very conservative Republicans to impugn Amnesty International’s credibility.

⁵⁴ William F. Buckley, “The Ideologization of Amnesty International,” December 19, 1977, reproduced in *National Review*, January 20, 1978, 110-111

⁵⁵ Buckley, “The Ideologization of Amnesty International”

The Death Penalty Campaign reaffirmed to Buckley why he had previously resigned from the AIUSA Board of Directors. Regretful at Buckley's decision, Hawk told him that AIUSA would "reluctantly" remove his name from all materials. By publicly renouncing his membership in AI, Buckley made it obvious—if it was not already—that there was no way he could belong to what he saw as an organization of the left. With Buckley gone, AIUSA no longer had the political cover on the right that it once did.⁵⁶

In an August 1980 letter to the AIUSA Chairman Vincent McGee, Ginetta Sagan advocated for AIUSA to become more "apolitical" by attracting more moderates and conservatives: "Special attention could be given to promotional activities aimed at enlisting the support of the 'center' and the 'right', helping to overcome the increasing perception of AI as strictly a 'left-liberal' organization." But this suggestion was too little too late. No leading conservatives were going to join AIUSA now. Its decision to actively participate in the Death Penalty Campaign only added to their perception that AIUSA was not in the mainstream of American politics.⁵⁷

Coda: The Death Penalty Campaign

With its strict mandate, Amnesty International's concern with the death penalty was at first limited to its impact on POCs. In 1971, led by Western Europeans on the International Executive Council (IEC), AI called upon the United Nations and the Council of Europe to "make all possible efforts" to eliminate capital punishment. As part of the Campaign to Abolish Torture, AI declared in 1974 that it would oppose "by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman, or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence." After receiving the Nobel Peace Prize in December 1977, AI convened a conference on the death penalty that included more than 200 delegates from fifty countries. The Stockholm Declaration formally stated its complete opposition to the "ultimate cruel, inhuman and degrading punishment," while affirming that the worldwide abolition of the death penalty was a goal. In saying that capital punishment was incompatible with international human rights standards, IEC Chairman Thomas Hammarberg anticipated that AI's newest campaign would not be welcomed by most governments, even those that opposed torture: "We do not think this campaign will be popular."⁵⁸

As Herbert Haines writes in *Against Capital Punishment*, AIUSA belonged to a broad coalition of left-liberal groups in the United States that opposed the reintroduction of the death penalty during the 1970s, the National Coalition to Abolish the Death Penalty (NCADP), an

⁵⁶ David Hawk to William F. Buckley, December 20, 1977, Box 1, Correspondence [1 of 2]—1977, DH, AIUSA, CHRDR, CU

⁵⁷ Ginetta Sagan to Vincent McGee, August 12, 1980, Box 24, AI West—Historical Material, GS, HI, SU

⁵⁸ Herbert H. Haines, whose *Against Capital Punishment: The Anti-Death Penalty Movement in America, 1972-1994* (New York: Oxford University Press, 1996), 63; this section is heavily dependent upon Haines whose interviews with AIUSA Death Penalty Coordinators Charles Fulwood, Magadeleno Rose-Avila, and Ali Miller are invaluable for capturing the mindset of human rights activists as AI publicly opposed capital punishment in the 1980s and 1990s; "Rights Groups Tells of Violated Pledges," *New York Times*, December 9, 1977; "Amnesty Group Urges Ban on Death Penalty," *New York Times*, December 12, 1977; also see Amnesty International, Report of the Amnesty International Conference on Death Penalty, Stockholm, Sweden, 10-11 December 1977 (London: Amnesty International, 1978)

umbrella organization that also included the NAACP's Legal Defense and Educational Fund, the ACLU, and the Southern Poverty Law Center. The beginnings of NCADP can be traced to discussions between ACLU Executive Director Aryeh Neier and philosopher Hugo Adam Bedau in 1971. The NCADP was formally established the next year at a meeting attended by the co-directors of the ACLU's Capital Punishment Project, Henry Schwarzschild and Deborah Leavy, and representatives from the NAACP, the Southern Poverty Law Center, and the United Methodist Church. Schwarzschild was picked to lead the NCADP. A refugee of Nazi Germany, he participated in SNCC's Freedom Rides in 1961. After joining the ACLU in 1971, he directed the "Amnesty Project" which was dissolved after President Jimmy Carter granted an unconditional pardon to draft resisters in January 1977.⁵⁹

AIUSA formed a Death Penalty Committee in 1978. Its recommendation that AIUSA engaged in a letter-writing campaign whenever an execution was scheduled to occur was met with resistance by some board members. Arthur Michaelson was critical of the "potential divisiveness" of the campaign. But unlike Buckley, Michaelson was personally opposed to the death penalty, as he had helped write *amicus curae* briefs AIUSA had sent to the U.S. Supreme Court regarding the 1976 *Gregg* and *Woodson* cases. Michaelson accused the Death Penalty Committee of "steamrolling tactics" that would only alienate AIUSA from public opinion. Pushing back against Michaelson was committee chairwoman Barbara Sproul. Sproul recalled that campaign was difficult for some of her colleagues to get behind because they did not like to think of themselves as engaged in "politics":

The source of the problem was that those who presumed that prisoners of conscience weren't political, and who wanted to romanticize them and always presume that they were sort of saintlike characters, now were faced with the prospect of getting involved in a *political* act on their own. There's nothing 'political' about working for democracy in the Soviet Union or Brazil. All of a sudden we're going to be asked to work for *unpopular* characters, which they never presumed a prisoner of conscience to be—although in those countries prisoners of conscience were *enormously* unpopular! And now we're going to be asked to work for people who aren't prisoners of conscience, but murderers, who were extremely unsavory characters, and who one's neighbor thought ought to be executed!⁶⁰

To assuage Michaelson's concerns, the AIUSA Board of Directors unanimously passed a resolution in September 1978 that "proportioned" the amount of work on the Death Penalty Campaign so as to maintain the emphasis on POCs. After looking through materials sent from the National Office to local groups, Michaelson griped the next year that AIUSA "just reeks with

⁵⁹ In bringing together different groups around a single issue, it was modeled on two of the leading anti-Vietnam War protest organizations: the Mobilization to End the War and the Coalition for a New Foreign Policy. Haines, *Against Capital Punishment*, 20, 61, 61-62; for more on Schwarzschild's personal identification with Southern blacks, see G. McLeod Bryan, *These Few Also Paid a Price: Southern Whites Who Fought for Civil Rights* (Macon, Georgia: Mercer University Press, 2001), 92-94, which seems to be heavily based on Fred Powledge, *Free at Last* (Boston: Little, Brown, 1991), 237, 239, 284-285; for the controversy surrounding Carter's decision to grant the pardon, see Robert D. Schulzinger, *A Time for Peace: The Legacy of the Vietnam War* (New York: Oxford University Press, 2001), 7-8

⁶⁰ Haines, *Against Capital Punishment*, 65-66; Sproul quoted in 66

unmeasured failure to give any heed to the resolution which had been unanimously passed by the Board.” But neither was the Death Penalty Campaign met with much enthusiasm at the grassroots either. As of November 1978, fifty groups had appointed a “Death Penalty Coordinator,” a number that had grown to 150 by June 1981. An AIUSA representative later admitted that only one-third of the groups that had a coordinator were “active” on the issue. Usually one person was responsible for all of the work on the Death Penalty Campaign, which often led to feelings of isolation from the rest of the group. AIUSA’s decision to make participation voluntary helped diffuse some of these tensions. For example, all AI-Sweden members were required to work against the death penalty. At the 1981 Annual General Meeting, AIUSA opposed a resolution that would have explicitly required national sections to work on death penalty issues. “It was felt that to require groups to do DP work at this point in the US might be disastrous as well as running contrary to instincts of voluntarism,” read the minutes from the June 1981 meeting of the Death Penalty Committee.⁶¹

Of course, this policy also disappointed dedicated abolitionists. At AIUSA’s 1984 Annual General Meeting, Larry Cox argued that the death penalty was just as much an example of disregard for individual rights as torture. A former Publicity Officer who had become Death Penalty Coordinator, Cox reminded AIUSA members that human rights were “not awards given by governments for good behavior [, and] they cannot be taken away from people for bad behavior.” Nor did Cox understand how Americans could permit behavior at home that they would find unacceptable in other countries:

It’s apparent that many Americans, even some members of Amnesty International, are genuinely horrified at the thought that in places like Chile or South Korea prisoners are taken, strapped down, and electric shock is applied to their bodies until they are in excruciating pain, but find it acceptable, or at least less alarming, that in a place like Florida, prisoners are taken, strapped down, and electric shock is applied to their bodies until they are dead.⁶²

When the convicted murderer John Louis Evans III was to be electrocuted in Alabama, the ACLU and Southern Coalition on Jails and Prisons asked AIUSA to send a representative. Not only did most AIUSA board members want to work on something far less controversial, but the death penalty “wasn’t an issue anybody felt strongly about,” so Cox decided to go. With Evans initially scheduled for execution on April 6, 1979, his mother petitioned the U.S. Fifth Circuit Court of Appeals on April 2 to issue a stay of execution. The court overturned Evans’s sentence because the jury had not been allowed to consider lesser charges against him. The U.S. Supreme Court reversed the appellate court. Evans would be executed on April 22, 1983 at Holman State Prison.⁶³

For AIUSA to fully engage the public in the Death Penalty Campaign, it needed the International Secretariat to relax some of its longstanding prohibitions against working within

⁶¹ Haines, 66-67, 205 fn30

⁶² *Ibid.*, 67

⁶³ Haines, 67; *Evans v. Alabama*, 461 U.S. 1301 (1983), <http://laws.findlaw.com/us/461/1301.html>; Because Alabama officials relied on an electric chair that had not been used since 1965, Evans required multiple shocks before dying. For an account of Evans’s execution, see Mark D. Harris, “Witness to an Execution,” May 4, 1983, United Press International, http://en.wikisource.org/wiki/Execution_of_John_Louis_Evans_May_4,_1983:_First_Person_Account

one's own country. AIUSA requested as early as 1980 that it be allowed to take on cases of Americans on death row. The International Secretariat eventually decided that it would allow AIUSA—on a case-by-case basis—to make appeals for those whose executions were imminent. As AIUSA's Ali Miller said in an interview with Herbert Haines, there was an important distinction between the usual work on POCs and the Death Penalty Campaign. In most of its cases, AI was engaged in a form of fact-finding, trying to prove how a prisoner had been mistreated. With the Death Penalty Campaign in the United States, the facts were not up for question in the way they might be somewhere else. An overwhelming majority of Americans on death row were not political prisoners. So AIUSA was not looking for an exoneration as much as a commutation, making the "concern for objectivity that is the basis of the 'own country' rule... moot with respect to the death penalty in the United States."⁶⁴

AI released a worldwide report on the death penalty in December 1979. Similar to the *Report on Torture*, AI went country-by-country to describe where and how the death penalty was used by governments, finding that it was prone to error, a poor deterrent, inhumane, and a violation of numerous human rights agreements that had become recognized as international law. As one of the major executors in the world, the U.S. was placed into a category with China, Trinidad and Tobago, Jamaica, Iraq, Japan, Nigeria, South Africa, and the Soviet Union. The International Secretariat sent missions to California, Florida, Georgia, Ohio, and Washington, D.C. in 1979 to discuss the use of capital punishment with state and federal officials. In December 1981, AI's *Annual Report* included the U.S. among the 117 countries accused of human rights violations for its continued use of the death penalty. The West German national section launched a four-month letter-writing campaign in 1980 that was directed towards state governors. In 1982, each of the thirteen states where the death penalty had been used since the 1976 *Gregg* decision was adopted by an AI national section whose members monitored the frequency of scheduled executions, wrote letters to politicians, churches, and newspapers, and issued Urgent Action Network alerts when notified of an upcoming execution.⁶⁵

Recognizing the centrality of the Death Penalty Campaign to its activities, the AIUSA Board of Directors hired Charles Fulwood as its coordinator in 1984. An African-American who was born and raised in the South, Fulwood first became politically active during the civil rights movement, working with SNCC, the Voter Education Project, and on the successful campaigns of Atlanta mayor Maynard Jackson and Representative Andrew Young (D-Georgia). With his understanding of Southern politics, Fulwood was more closely attuned to the limits of AI's usual tactic of writing letters requesting clemency after an execution date had already been announced. Moral suasion had virtually no effect on law and order state officials. If anything, these letters undermined what AI was trying to do. "It was a ritual that made people feel good and made them feel like they were having a constructive impact, but what they were doing was pissing off governors and parole boards *and*, above all, the attorneys that were representing some of these clients," Fulwood said. The Urgent Action Network would be used only when there was no other option. Instead, Fulwood thought it would be far more useful to confront what ultimately was responsible for sustaining capital punishment in a democracy—public opinion.⁶⁶

⁶⁴ Haines, 68

⁶⁵ Amnesty International, *The Death Penalty: Amnesty International Report* (London: Amnesty International, 1979); "Study of Death Penalty Sought by Rights Group," *New York Times*, May 27, 1980; "117 Countries Accused by Human Rights Unit," *New York Times*, December 10, 1981; Haines, 70

⁶⁶ Funding for the Death Penalty Campaign grew during the 1980s. In 1982-1983, for example, AIUSA spent \$31,475 on the program. By 1987-1988, that figure had more than doubled to almost \$70,000. *Ibid.*, 79, 92; for

Fulwood's first step in implementing this plan was to commission a poll to find out the type of cases in which Americans felt unease about using the death penalty. An AIUSA poll conducted in Florida during spring 1986 asked respondents questions to see where their support wavered: What characteristics of the death penalty were they least comfortable about? Would they prefer the execution of murderers if alternative punishments were available? Fulwood learned that eighty-four percent of Floridians responded that they "strongly favored" or "somewhat favored" the death penalty. He was most surprised by the extent to which its fairness and effectiveness was doubted:

Three-fourths of the respondents believed death sentences were applied arbitrarily, and nearly half saw capital punishment as racially discriminatory, biased against the poor, and no more than a short-term solution to more fundamental problems of the criminal justice system. Less than half of them favored the execution of convicted persons under the age of 18 (35 percent), persons guilty of unpremeditated murders of family members or friends (34 percent), persons with histories of mental illness (28 percent), or the mentally retarded (12 percent).⁶⁷

Instead of calling for immediate abolition, Fulwood wanted to pursue cases where there was less agreement about capital punishment—juveniles, mental illness, and retardation. "The idea was to focus on *doubt*, rather than feeling like you had to convince somebody to be against the death penalty *all the time*—although we always said, you know, that we are *fundamentally opposed* to this as a matter of policy, because this is a human rights violation, etc. And that was sort of the context we set for it," Fulwood said. "We said, 'Look, Amnesty takes the position that the death penalty is a human rights violation. Period.' Then we went *on* to say, you know, 'Look at these issues: juveniles, mentally retarded, violation of international law.'⁶⁸

This goal of narrowing the use of capital punishment troubled the International Secretariat. Shortly after his strategy paper was circulated in 1984, Fulwood was "taken to the woodshed" for two days in London. The British section accused AIUSA of exceeding its authority by not making Fulwood consult with the International Secretariat before implementing his strategy. The Swedes feared Fulwood had sacrificed the campaign. The International Executive Council eventually sided with Fulwood in 1988 when it endorsed short-term political compromise as long as abolition was the ultimate objective. "I think there emerged a certain appreciation for what I was doing," Fulwood said of the decision. "You have to balance this with political reality."⁶⁹

The protest surrounding the June 1986 execution of Jerome Bowden in Georgia shows how Fulwood's strategy produced small victories. Convicted of murdering Katherine Stryker of Columbus, Georgia in October 1976, Bowden's lawyers argued that their client was legally retarded. A stay of execution was lifted after Bowden scored sixty-five on a three hour IQ test

more on Charles Fulwood, see his biographical profile for the Washington, D.C. public relations firm he founded, MediaVision USA, <http://www.mediavisionusa.net/about.php>; also useful is Fulwood's self-authored Wikipedia profile, http://en.wikipedia.org/wiki/Charles_Fulwood

⁶⁷ Support also dropped when respondents were asked to choose between execution, life without parole, and life without parole combined with restitution to the victim's family. *Ibid.*, 93

⁶⁸ *Ibid.*, 94

⁶⁹ *Ibid.*, 80-81, 95

administered by the Georgia State Board of Pardons and Paroles. Patsy Morris of the Georgia ACLU said that Bowden's IQ would have entitled him to a full disability pension from Social Security: "If your IQ is 65 or lower, you're non-functioning in our 20th century society, but you're smart enough to be killed." Letters, telegrams, and faxes poured into Atlanta from all over the world. "I was very frightened that this mentally retarded man was put to death," wrote an AI member from Karlstadt, West Germany. "It reminds me of the history of my own country and a time in which the retarded were also murdered." Rock stars Bono, Hewson (U2), Sting, Lou Reed, and Peter Gabriel all brought attention to Bowden's case as part of AIUSA's Conspiracy of Hope concert tour. This response led the Georgia legislature to pass a law prohibiting executions of the mentally retarded in 1988. Atlanta lawyer Clive Stafford-Smith described the measure as "probably the first validly anti-death penalty law in the history of the state of Georgia." When Congress reinstated the federal death penalty as part of the 1988 Anti-Drug Abuse Act, it explicitly prohibited the mentally retarded from receiving death sentences. Maryland passed a similar law in 1989. But the U.S. Supreme Court permitted Texas to execute Johnny Paul Penry, an inmate who psychologists estimated had the mental capacity of a six and half-year old child.⁷⁰

Fulwood wanted to incorporate African-American civil rights organizations into the Death Penalty Campaign. Their opposition to capital punishment reflected the fact that it was disproportionately used against poorer blacks. After the U.S. Supreme Court ruled in *McCleskey v. Kemp* (1987) that statistical data proving a racial disparity in the frequency of death sentences given to African-Americans convicted of killing white victims in Georgia was insufficient to overturn Warren McCleskey's death sentence, AIUSA rallied around black leaders who condemned the decision. Pointing to the "overwhelming evidence" showing bias against racial and economically disadvantaged minorities, the National Conference of Black Mayors passed a resolution calling for a moratorium on executions in the United States. When Fulwood moved on to become AIUSA's Communications Director in 1987, he was replaced by Magdaleno Rose-Avila, a Mexican-American who had previously organized migrant farm workers in California. Both Fulwood and Rose-Avila agreed that they needed to build coalitions with the Southern Christian Leadership Council (SCLC) and the National Black Police Association. Together with the SCLC's Reverend Joseph Lowery and Reverend Ronald Hampton of the National Black Preachers Association, Reverend C. T. Vivian was an outspoken critic of the death penalty, as he wrote in May 1987:

⁷⁰ Bill Montgomery, "Who Shall Die?: The Death Penalty's Last Appeal," *The Atlanta Journal/The Atlanta Constitution*, October 13, 1986; Brian O'Shea and John Brady, "Bowden Lawyers Appeal Execution, Say He's Retarded," *The Atlanta Journal/The Atlanta Constitution*, June 14, 1986; David Beasley and Jim Galloway, "Convicted Killer is Put to Death in Electric Chair," *The Atlanta Journal/The Atlanta Constitution*, June 24, 1986; see Durwood McAlister, "Amnesty International Risks Dilution of its Impact," *The Atlanta Journal/The Atlanta Constitution*, October 19, 1986 for criticism of AI: "Those who support Amnesty International in protesting human rights abuses need to be assured that those abuses are real, that the powerful effect of exposing genuine examples of state terrorism is not diluted by the inclusion of weak issues which can properly be debated in a different forum.;" "Georgia to Bar Executions of Retarded Killers," *New York Times*, April 12, 1988; see *Penry v. Lynaugh* 492 U.S. 302, <http://supreme.justia.com/us/492/302/case.html>, Justice Sandra Day O'Connor's opinion included a reference to the laws passed by Georgia and Maryland at 334: "In our view, the two state statutes prohibiting execution of the mentally retarded, even when added to the 14 States that have rejected capital punishment completely, do not provide sufficient evidence at present of a national consensus."

We in Georgia can send a message to the world that we will no longer resort to killing, and that there is a moratorium on the use of the electric chair now and forever. The world is watching Georgia - watching the United States - and waiting for Americans to abandon the barbarity of executions. Of all our NATO allies, only Turkey retains the death penalty, and Turkey hasn't executed anyone since 1984. The United States has executed 69 people since 1976, some of them juveniles, some mentally retarded. Our European allies look at these state-sanctioned killings and are astonished that Americans consider themselves civilized.

The SCLC and AIUSA sponsored the June 1987 "Death Penalty Awareness Day" in Atlanta at which more than 150 leaders from religious, civil rights and anti-death penalty groups discussed ways "to merge the civil rights movement with the human rights movement on the issue of the death penalty." The two organizations cooperated against in May 1990 when Sister Helen Prejean led a two-week, 400 mile march that began at the Florida State Prison in Starke on May 4 and ended in Atlanta on May 17.⁷¹

To see how effectively it could shift public opinion on capital punishment in a particular area, the Death Penalty Campaign initiated the Swainsboro Project in July 1989. The Swainsboro Project took place in four rural counties in east-central Georgia: Washington, Candler, Jefferson, and Toombs. Whites who lived here strongly supported the death penalty. A death sentence handed to Willie Gamble, Jr., had been overturned by the Georgia Supreme Court after it was revealed that District Attorney Richard Malone—with the approval of Judge Walter C. McMillan—had improperly used all ten of his preemptory challenges to get rid of prospective black jurors. The statistical evidence of racial discrimination in Swainsboro cases was overwhelming: African-Americans received nearly eighty percent of all death sentences. In fact, Malone was six for six in death penalty cases against blacks, but only two out of five against whites. According to Vivian, the overwhelming number of blacks on death row did not spell "justice," but "just us." The death penalty was not "law and order," but its antithesis, "a negative, barbaric tradition" that remained because "people cry for [politicians] to something about crime and all they can do is hold up dead bodies, and most of them are black."⁷²

⁷¹ AI protested the *McCleskey* decision by rallies across the country. In sponsored a joint press conference with the SCLC in Washington, D.C. at which Representative John Conyers (D-Michigan) promised that the death penalty would be a "litmus test" for the judge nominated to replace Lewis Powell who wrote the majority decision, see Tracy Thompson, "Death Penalty Foes Rally; Efforts to Halt Execution Continues," *The Atlanta Journal/The Atlanta Constitution*, June 29, 1987; Haines, 112; C.T. Vivian, "Ending Death Penalty in Georgia Weakens Grip of Violence on Society," *The Atlanta Journal/The Atlanta Constitution*, May 16, 1987; McCleskey was granted an indefinite stay of execution in July 1987, only to be executed in September 1991, see, e.g., Tracy Thompson, "McCleskey Given Stay; His Rights Possibly Violated," *The Atlanta Journal/The Atlanta Constitution*, July 10, 1987 and Peter Applebome, "Georgia Inmate is Executed After 'Chaotic' Legal Move," *New York Times*, September 26, 1991; for an account of the Starke to Atlanta protest following the execution of Jessie Joseph Tafero, see Bob Harrell, "Foes of Death Penalty Plan Long March to Atlanta," *The Atlanta Journal/The Atlanta Constitution*, May 5, 1990; David Goldberg, "Steps Against Death Penalty," *The Atlanta Journal/The Atlanta Constitution*, May 15, 1990; Alfredo Azula, "Execution Protestors Finish Trek," *The Atlanta Journal/The Atlanta Constitution*, May 19, 1990

⁷² Jeanne Cummings, "Death Penalty Protest Starts in Georgia: Amnesty International Highlights Swainsboro," *The Atlanta Journal/The Atlanta Constitution*, July 2, 1989; AI also held a "Human Rights Fair" in Sandersville, Washington County, Georgia in October 1989 which gave local residents a forum to discuss their experiences with

AIUSA began the project with a poll in which local residents were asked in person and on the telephone about their views of capital punishment. Then its members swarmed the four counties. These efforts did not immediately persuade white Georgians to change their minds, but AIUSA developed a partnership with black religious leaders. Fulwood later expressed frustration that AIUSA did not work on maintaining this coalition after he left for another job with the Natural Resources Defense Council:

We had gotten to the point where he could pick up the phone and say ‘We want Joe Lowery here’ or ‘We want this’ or ‘We want you give us space on [your agenda].’ I got C.T. Vivian, who sued to be one of Doctor King’s top lieutenants, and I sent him throughout Europe speaking about the death penalty in the U.S. during the U.S. campaign. That’s what *I* mean. Putting Scharlett [Holdman] and a woman from South Africa on the plane to travel with the world tour [Human Rights Now!]. I’m talking about substantive involvement, on their turf *and* your turf. And on neutral turf. And I don’t think that’s happening anymore. And it really sorts of infuriates me, because I know that Magdelano and I spent a lot of time building those relationships.⁷³

The inability for AIUSA to make significant inroads among African-Americans following the Death Penalty Campaign was due to the fact that neither side saw their struggle as one and the same. Fulwood faulted both groups for not being able to put aside their need to have ownership over the issue:

You [must] go to people and say, ‘We’ve been working on this and we’ve gone as far as we can. And we need another piece to this. We want you to join us in a *partnership*.’ I know that some of this has been done. To be fair, the black organizations have not responded the way they should have responded. But I think there are ways of holding them accountable, too. Yes their plate is full and they’ve got a lot of issues to take care of. But this ought to be up there.⁷⁴

The death penalty was an issue that did not generate a massive outpouring of enthusiasm. Trying to convince Americans that convicted murderers should live was a difficult task, regardless of who was doing it.

Another obstacle the Death Penalty Campaign had to overcome was federalism. A look at AIUSA’s flagging efforts in Texas during the late 1980s reveals some of the difficulties faced by its activists. In a state not celebrated for its leniency towards convicts, it was not until 1986 that an anti-death penalty network of activists began to form in Texas. Only after AIUSA sent Jude Miller to Austin in 1988 as its state coordinator did there emerge some attempt at public outreach. The situation had barely improved a few years later. AIUSA Chairman Rick Halperin estimated in 1993 that there were only about fifty active abolitionists in Texas. The number of executions in Texas greatly increased during the 1990s—a trend that held true for the United

racial discrimination and poverty, see David Goldberg, “Over 300 Come to Human Rights Fair Focusing on Justice in Rural Ga. Town,” *The Atlanta Journal/The Atlanta Constitution*, October 29, 1989

⁷³ Haines, 114

⁷⁴ *Ibid.*, 114-115

States. Between January 1988 and the end of March 2000, a total of 625 prisoners were put to death in thirty states; sixty percent of which occurred between 1995 and 2000, with the peak occurring in 1999 at ninety-eight executions. A longtime opponent of capital punishment, Halperin asked, “If the world community can rightly express disgust over executions in Iraq, South Africa, or Uganda, why can’t it muster a similar outcry against the barbarism perpetrated by the United States against a segment of its own citizenry?”⁷⁵

As Death Penalty Campaign Coordinator from 1990-1993, Ali Miller followed Fulwood’s incremental, forward-looking strategy. “We’re trying to get away from letter writing and this focus on last-minute clemency efforts,” Miller said. “At best all we’re doing is making the governor or the clemency board a tad uncomfortable. At worst, it’s falling on deaf ears.” What sustained the Death Penalty Campaign was an odd mixture of optimism and realism. The AIUSA activist had to learn how to keep this perspective, as Miller continued,

We understand that our work against torture is the right place to be and that we intend to stop every piece of torture that we can, and ultimately our goal is to do away with it. But there’s something about the death penalty because it looks so concrete and discrete—and [it seems somehow that] we should be able to affect it immediately. It’s *our* government and *we’re* doing it! We know it, we know the date, we know the laws, we can change the laws. Well it’s just as much a public expression of pain and anger and complicity in government malfeasance as torture is. But we have a different standard for ourselves on the death penalty, within Amnesty. And I think that makes it hard for a lot of folks. So I keep trying to work hard on these intermediate goals. And make them clear to people. Because otherwise you can’t survive.⁷⁶

Although AIUSA has yet to achieve its stated goal of abolishing the death penalty in the United States, the U.S. Supreme Court has narrowed its use in recent years. By a 6-3 vote, the court decided in the 2002 case *Atkins v. Virginia* that the execution of a mental retarded convict was “cruel and unusual punishment.” Authored by John Paul Stevens, the majority opinion noted the eighteen states that had banned these executions since the 1989 *Penry* decision. “It is not so much the number of these States that is significant, but the consistency of the direction of change,” Stevens wrote. Only five states executed inmates with IQs known to be lower than seventy during the 1990s. These facts led Stevens to conclude that “the practice, therefore, has become truly unusual, and it is fair to say that a national consensus has developed against it.” *Atkins* was cited by the Missouri Supreme Court in 2003 in overturning the death sentence given to Christopher Simmons, who was seventeen years of age in September 1993 when he abducted Shirley Crooke, and threw her into a river. Reversing the 1989 *Stanford v. Kentucky* decision that allowed juvenile executions, the U.S. Supreme Court sided with the Missouri ruling by a 5-4 vote in 2005. Justice Anthony Kennedy argued that a “national consensus” against this practice

⁷⁵ Haines 152; according to data from the Texas Department of Criminal Justice, the number of executions from 1993 to 2003 went as follows: 17 in 1993; 14 in 1994; 19 in 1995; 3 in 1996; 37 in 1997; 20 in 1998; 35 in 1999; 40 in 2000; 17 in 2001; 33 in 2002; 24 in 2003; 23 in 2004, see “Executions by Year,” *Texas Department of Criminal Justice*, <http://www.tdcj.state.tx.us/stat/annual.htm>; Amnesty International, *United States of America: Failing the Future* (New York: Amnesty International, 2000), 2; Rich Halperin, “Time to End the Death Penalty,” *Amnesty Action* (Summer 1993), 11

⁷⁶ Haines 97, 157-158

had emerged. Evolving standards of decency compelled Kennedy to declare that the death penalty was too harsh of a punishment to give to juveniles: “Our determination that the death penalty is disproportionate punishment for offenders under 18 finds confirmation in the stark reality that the United States is the only country in the world that continues to give official sanction to the juvenile death penalty.”⁷⁷

⁷⁷ *Atkins v. Virginia* (2002), 536 U.S. 304, at 313-315, <http://supreme.justia.com/us/536/304/case.html>: “In 1990, Kentucky and Tennessee enacted statutes similar to those in Georgia and Maryland, as did New Mexico in 1991, and Arkansas, Colorado, Washington, Indiana, and Kansas in 1993 and 1994. In 1995, when New York reinstated its death penalty, it emulated the Federal Government by expressly exempting the mentally retarded. Nebraska followed suit in 1998. There appear to have been no similar enactments during the next two years, but in 2000 and 2001 six more States—South Dakota, Arizona, Connecticut, Florida, Missouri, and North Carolina—joined the procession. The Texas Legislature unanimously adopted a similar bill, and bills have passed at least one house in other States, including Virginia and Nevada.”; *Roper v. Simmons* (2005), 543 U.S. 551, <http://supreme.justia.com/us/543/03-633/case.html>; for quotation by Kennedy, see Charles Lane, “5-4 Supreme Court Abolishes Juvenile Executions,” *Washington Post*, March 2, 2005

Chapter 7

“And You Can Help Us Stop It!”: Amnesty International USA against Torture, 1976-1992

International human rights activists made certain that the murder of seventeen-year-old Joelito Filártiga would not be forgotten. With Paraguay ruled by Alfredo Stroessner since 1954, men like Joelito’s father, Dr. Joel Filártiga, were not tolerated. Treating impoverished peasants at his rural clinic had turned Joel into one of Stroessner’s most prominent critics. Unfortunately for the Filártigas, the sins of the father were visited upon the son. With the assistance of three other assailants, police inspector Américo Peña-Irala kidnapped Joelito in the early hours of March 29, 1976. Joelito was then taken to Peña-Irala’s nearby house, where, as the Filártigas’ court filing asserted: “He was whipped, beaten, slashed across his body and appeared to have been subjected to extremely high levels of electric shock. An aluminum wire was placed in his penis for the purpose of applying electric shock. He was tortured in this manner for approximately forty-five minutes until his young body reached its endurance limit and he died. The torture of young Joelito was in retaliation for the political activities and opinions of his father.” But Joelito did not die in vain. Unable to find justice in Paraguay, the Filártigas brought their case to the United States. In the words of law professor Harold Hongju Koh, the 1980 ruling in which Judge Irving Kaufman declared a torturer like Peña-Irala to be “an enemy of all mankind” meant that “human rights litigants [had] finally found their *Brown v. Board of Education*.”¹

The effort that Amnesty International (AI) and Amnesty International USA (AIUSA) made to publicize Joelito’s case in the late 1970s was part of a larger campaign to expose state-sanctioned torture. As AI worked with Western European delegations at the United Nations to draft the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, AIUSA lobbied American officials to ratify this legally binding international agreement. Though AIUSA leaders often had disputes with the Reagan administration over which countries received the most scrutiny in the second Campaign to Abolish Torture, they had some notable successes during the 1980s. President Ronald Reagan ultimately agreed to sign the Convention Against Torture in April 1988. Congress turned *Filártiga* into the Torture Victims Protection Act, which gave foreign nationals the opportunity to sue their alleged torturers for damages in the United States if they were unable to do so in their own country.

Joelito

In 1960, Dr. Joel Filártiga founded El Sanatorio la Esperanza (The Clinic of Hope) in Ybycui, a rural town approximately eighty miles outside the capital of Asunción. The Clinic of Hope was the sole medical care provider for more than 30,000 peasants. “I believe that all people have a basic human right to medical care and, given the reality that all but a handful of doctors refuse to leave the comforts of the cities to practice medicine in the countryside, it was the only decision I could make and still retain my integrity,” Joel said in a 1978 interview. The

¹ William J. Aceves, *The Anatomy of Torture: A Documentary History of Filártiga v. Peña Irala* (Leiden, Netherlands and Boston, Massachusetts: Martinus Nijhoff Publishers, 2007), 18-19; Aceves has collected many of the primary documents produced by the case. All references to *The Anatomy of Torture* will be *AOT*; Harold Hongju Koh, “Foreword,” in *AOT*, xvii.

condition of his patients appalled him. Many were undernourished and suffered from preventable diseases such as tuberculosis, Chagas disease, and leprosy, made all the worse by the indiscriminate use of phosphorous-based insecticides, resulting in their abnormally high rates of gastroenteritis, appendicitis, and spontaneous abortion. Inadequate public health funding turned Joel against Stroessner. Although he came from a wealthy tobacco growing family, Joel was detained and tortured on three occasions between 1958 and 1966, the last of which was for providing medical assistance to armed resisters. While in confinement, Joel was beaten, shocked with electrical wires, and plunged in a bathtub filled with vomit, urine, feces, and blood. He was saved from execution by his mother, the President of the Women's Auxiliary of the ruling Colorado Party. Sentenced to internal exile, Joel spent nine months in the isolated village of Mbuyapey, reporting to a local police officer each morning.²

The entire Filártiga family volunteered at the Clinic of Hope. The nurse was Joel's wife, Nidia. Assisting them were their four children—three daughters and Joelito. Joel routinely saw twenty to thirty people per day, many of whom bartered for their treatment. "In my whole life here, I have never had buy anything to eat," Joel said. "And the clinic, under my direction, has been built by the peasants with their work." By 1975, the Clinic of Hope had grown into a moderately sized compound that consisted of living quarters, a kitchen, an examination room, an operating room, and three recovery rooms. Lacking any support from the government, the clinic operated on private donations. One of Joel's most successful fundraising tactics was to sell his art. Mostly working with ink on paper, his style was a mix of expressionism and surrealism. Inspired by the Mexican muralists, especially Orozco and Siqueiros, Joel's drawings showed the powerlessness of the rural peasantry in Paraguay: prison bars, ballot boxes with no slot, broken guitars, and the pained faces of his patients.³

Fundraising took Joel to the U.S. in February 1976, by which time he had befriended Richard Alan White, a graduate student in Latin American history at the University of California, Los Angeles (UCLA) who wrote his dissertation on Paraguay. Well received in the Southern California, Joel was profiled by the *Los Angeles Times* and *La Opinión*, and the local NBC affiliate aired a special on "The Albert Schweitzer of Latin America." This media coverage led to unexpected speaking engagements and art exhibitions. Joel gave a lecture on "Art as Social Criticism in Latin America" at UCLA. He met with doctors at UCLA, the University of Southern California (USC), and the City of Hope National Medical Center. White organized other events such as the February 1 art exhibition hosted by actor Leonard Nimoy, most famous for his role as Spock on *Star Trek*. "Along with the impressive amount of medical supplies, we raised \$5,000 to purchase a new Packard Bell cardioscope and defibrillator for the clinic, the first such sophisticated medical technology outside the capital of Asunción," White recalled. Joel's visit to Los Angeles did not go unnoticed in Paraguay. The country's leading newspaper, *ABC Color*, ran a feature on him that contained a reproduction of a flyer for his UCLA lecture.⁴

Joel alerted his supporters in Southern California over the next month about the increasingly repressive measures employed by the Stroessner regime. Paraguayan officials claimed that they were responding to guerrillas belonging to the Organización Politico-Militar (OPM). After several shootouts occurred between the police and OPM, Stroessner moved

² Michele Burgess, "Physician Artist is the Schweitzer of Paraguay," *Maryknoll* (September 1978), 9

³ Richard Alan White, *Breaking Silence: The Case that Changed the Face of Human Rights* (Washington, D.C.: Georgetown University Press, 2004), 5-6; Richard Pierre Claude, "The Case of Joelito Filártiga and the Clinic of Hope," *Human Rights Quarterly*, Vol. 5, No. 3 (August 1983), 282

⁴ White, *Breaking Silence*, 14-15

against elements of the Catholic Church who had worked on behalf of the rural poor, particularly the Catholic Agrarian League and the Jesuits. With his long history of opposition to the regime, Joel came under immediate suspicion. “Furthermore, the family’s frequent trips to visit Mrs. Filártiga’s mother in Posadas, Argentina—the point from which guerilla reinforcements reportedly were infiltrating—contribute toward making the Filártigas prime suspects,” White wrote in April 1977 under the pseudonym of Alberto Cabral.⁵

The Filártigas also owned a home in Asunción. Two houses from them lived Américo Peña-Irala, the Inspector General of Police; his common law wife, Juana Villalba; Villalba’s daughter, Charito Villalba; and Charito’s husband, Hugo Duarte. The Filártiga children were friendly with Charito, but the neighbors had little to do with one another. That all changed on March 29, 1976. With Joel, Nidia, and a daughter away at the Clinic of Hope, Joelito and twenty-year-old Dolly were at the Filártiga residence with a younger sister and a family friend. Peña-Irala and three other men broke into their house in the middle of the night and kidnapped Joelito. At approximately 4 AM, Dolly was awakened by a policeman who told her that there was a “small problem” with her brother. Surrounding Peña-Irala’s house were police officers, some of whom pointed Dolly towards the backroom. There she saw Joelito lying dead on a mattress soaked with blood. Ordered to take the body with her, Dolly ran outside shocked by what she had just seen. It was then that Dolly ran into Peña-Irala. When she asked him what he had done with her brother, he allegedly said, “Here you have what you have been looking for, for so long and what you deserve. Now shut up.” A family friend and another policeman helped Dolly bring Joelito’s corpse to the Filártiga home.⁶

Joel and Nidia learned of Joelito’s murder later that day. After examining Joelito’s body, Joel concluded from the many cuts, burns, bruises, and stab wounds that his son had been tortured by Peña-Irala. These findings were verified by two autopsies conducted in April. Two American doctors agreed that “the injuries to Joelito were deliberately forceful, multiple and inflicted over a period of time.” Medical evidence did not stop the government from offering an entirely different explanation for how Joelito died. The official version of events had Hugo Duarte killing Joelito in a fit of rage after finding him in bed with Charito. This was a lie. Two hours before Joel was taken out of his bed, Peña-Irala called Duarte at work and told him to return home immediately. Assisted by a number of police officers, Peña-Irala beat Duarte until he agreed to be the fall guy. Duarte then falsely confessed to repeatedly stabbing Joelito with a knife and beating him with a thick cable from a bedside lamp. Coroner Dr. Hernan Molines filed a fraudulent medical report that made no mention of torture. A formal investigation concluded that Duarte had killed Joelito in a “crime of passion.” Duarte ultimately spent five years in prison for a crime that he did not commit.⁷⁸

Assisted by lawyer Horacio Galenao Perrone, the Filártigas unsuccessfully pursued legal action against Peña-Irala in Paraguay. Perrone was thrown into jail on September 30, 1976 after requesting summons for the police officers who been present at Peña-Irala’s house when Joelito was murdered. Peña-Irala warned Perrone that he would be killed if he represented the

⁵ Alberto Cabral, “Political Murder in Paraguay,” *America* (April 23, 1977), 377

⁶ Filártiga court filing quoted by Aceves, *AOT*, 18-19; Irala-Peña quoted verbatim in Kaufman opinion, *Filártiga v. Peña-Irala*, 630 F.2d 876 [2d Cir. 1980]

⁷ Aceves, *AOT*, 20, 22-24; “Police Summary of Crime Scene: Derlis Hugo Duarte Arredondo,” March 30, 1976, reproduced in *AOT*, 188; Claude, “The Case of Joel Filártiga,” 284

⁸ “Police Summary of Crime Scene: Derlis Hugo Duarte Arredondo,” March 30, 1976, reproduced in *AOT*, 188; Aceves, *AOT*, 22-24; Claude, “The Case of Joel Filártiga,” 284

Filártigas. Similar tactics forced two lawyers to withdraw. The Filártigas were placed under constant surveillance and received harassing phone calls threatening more reprisals if they continued with the case. A Paraguayan judge eventually ruled that the Filártigas could not file suit against Peña-Irala.⁹

Joel decided to look towards the U.S. Embassy for help. In September 1976, the embassy sponsored an exhibition of his artwork at the Paraguayan-American Cultural Center, where newspaper photographers captured Joel shaking hands with Ambassador George Landau. Perrone asked American officials to investigate Joelito's murder as "an example of a 'human rights' violation." When Robert White replaced Landau the next year, one of his first tasks was to meet with the Filártiga family. Joel visited the embassy in March 1977 to complain of harassment by Paraguayan authorities. "We became very interested in the Filártiga case, not only because it was our mandate under the Carter administration to be vigilant about human rights and to report on them and do whatever we could to protect them," the ambassador later said, "but also we were deluged with letters from the United States after every trip Dr. Filártiga made here and we would get letters from university professors, human rights organizations and just ordinary citizens, Senators, Congressmen, etc., in effect saying, please do everything you can to protect Dr. Filártiga."¹⁰

State Department cables reveal how the American officials gradually developed their own understanding of what happened to Joelito over the next two years. After discussing the case with the Paraguayan government and Catholic leaders in February 1977, a U.S. embassy officer expressed uncertainty as to who actually committed the crime, but was unwilling to call it a human rights violation. That April, Mario Lopez Escobar, the Paraguayan Ambassador to the U.S., told the State Department that Charito "had a reputation for having many lovers" and a neighbor had remarked that there was "bound to be trouble" once Duarte found out. By January 1978, however, the embassy was ready to consider "alternate theories," though still wrongly believing that there had been an affair between Joelito and Charito. The police was thus "involved in a scheme of personal revenge through torture but not premeditated murder," but this cable ended with an important qualification: "Unless the missing Rosario [Charito] Villalba de Duarte is found and will talk, it will be impossible to find out what actually happened." Charito had been detained as a material witness in April 1976 only to have disappeared soon thereafter. An April 1979 cable still viewed Duarte as the culprit, but left open the possibility of "political persecution" though that assertion seemed "to be based more on inherent suspicion of this government than any real evidence."¹¹

International human rights NGOs gave Joel another way of circumventing the corrupt Paraguayan criminal justice system. After receiving news from Joel about the war against the OPM in March 1976, Richard Alan White wrote a letter to AI headquarters giving background

⁹ Claude, "The Case of Joelito," 285; Aceves, *AOT*, 23

¹⁰ Philip C. Gill, "Filártiga Case: Visit by Dr. Horacio Galenao Perrone," October 21, 1976, reproduced in *AOT*, 189; U.S. State Department, Memorandum of Conversation, "The Filártiga Case, March 31, 1977," May 10, 1977, reproduced in *AOT*, 203; Aceves, *AOT*, 24; U.S. Department of State to U.S. Embassy—Asunción, "Filártiga Story Inserted in Congressional Record," February 15, 1977, reproduced in *AOT*, 191

¹¹ U.S. Embassy—Asunción to U.S. Department of State, "Filártiga Case," February 18, 1977, reproduced in *AOT*, 193; Everett F. Briggs, "Filártiga and Related Matters," April 21, 1977, reproduced in *AOT*, 201; Files of the U.S. Embassy—Asunción, "Filártiga Case," January 31, 1978, reproduced in *AOT*, 205; Claude, "The Case of Joelito Filártiga," 285; U.S. Embassy—Asunción to U.S. Department of State, "Americo Peña Case," April 7, 1979, reproduced in *AOT*, 235

on Joel and himself as well as the names of several Paraguayan opposition leaders to contact in the event of their arrest. Just as he was about to return to Paraguay, White received a reply from Dick Oosting, head of Amnesty International's Campaign for the Abolition of Torture. Warning that "one cannot expect wonders from Amnesty interventions, whatever the level or quantity," Oosting said that he had forwarded the letter to the Edy Kaufman, lead researcher for Latin America. Kaufman gave White an "innocuous address" at which he could contact AI if he had any new information to contribute, but the government's insistence that Joelito had been killed in a "crime of passion" complicated what might have otherwise been a "legitimate human rights case." White did not give up on AI. In June 1976, two volunteers who helped the OPM, Sister Graciela, a Paraguayan nun, and Father John Vesey, an American missionary, handed White a list with the names of hundreds of political prisoners. Sister Graciela belonged to a nursing order that had been granted access to prisons as a result of a longstanding arrangement between the Catholic archbishop and Stroessner. She and Vesey compiled a fifteen page document that had "precisely the kind of information Amnesty needed": a full name, age, sex, profession, political affiliation, familial status, date and place of arrest, location and condition of imprisonment. With the help of Colonel Bob LaSala, a military attaché at the U.S. Embassy, White sent the names to London.¹²

The next month, Robert Alexander, an economics professor at Rutgers University, and former Ambassador Ed Stephansky arrived in Paraguay on a fact-finding mission for the International League for Human Rights. They produced a report that brought to light the many abuses that had occurred under Stroessner's rule. Some of these findings were incorporated into a *Time* magazine story on torture:

In Paraguay, the dictatorial regime of Alfredo Stroessner this year reportedly launched a new wave of political arrests involving several hundred people; it is the third such wave since late 1974. Witnesses to conditions in Paraguay's primitive jails claim that detainees are regularly tortured. One recent victim was internationally known anthropologist Miguel Chase Sardi, who was released in June after seven months in prison. Chase Sardi says he was drugged, beaten and dipped upside down in water to the point where his hearing may have been permanently damaged. Other methods of torture include electric shock, the extraction of fingernails and forcing a prisoner to drink water until he faints.¹³

White was at a loss as to why AI seemed to be moving so slowly. It was not until much later did he learn how AI had decided to publicize the case. After receiving a taped interview with Joel, photographs of Joelito's body, and newspaper articles about the murder, the International Secretariat formed a *Caso Filártiga* task force in August 1976 headed by the Director of Research, Inger Farhlander, and Lia Fleming of the Campaign for the Abolition of Torture. Fleming was unsure about devoting an "expensive leaflet" regarding a "lurid, very complicated story based on one source." She hoped for further corroboration of the Filártiga version of events because Paraguayan officials had acted suspiciously: the "arrest of mother/daughter"—Nidia and Dolly, the "threats to drop the case," and "the disappearance of Rosario [Charito]." Farhlander wanted to know if there was more documentation and

¹² White, *Breaking Silence*, 15-16, 63, 79, 92-93

¹³ White, *Breaking Silence*, 96-98; "Torture as Policy: The Network of Evil," *Time* (August 16, 1976)

information on the torture of other Paraguayans so as to make a more comprehensive statement against the Stroessner regime. Fleming agreed with Farhlander's suggestion that Joelito could be used as the centerpiece of a public campaign against Paraguay. At the very least, Fleming wrote, Filártiga exposed a pattern of systemic abuses that included "the widespread use of torture, lack of centralized control of law, lack of judiciary to operate impartially and independently." A brief summary of Joelito's murder was included as part of the *Campaign to Abolish Torture Bulletin* sent to all groups in mid-September after an editorial in *El Radical*, an opposition newspaper, argued that the inability of the Filártigas to sue Peña-Irala showed how "the administration of criminal justice is so absolutely controlled that the courts have not been allowed to proceed with the case." AI then told Stroessner regime of its plans to highlight torture in Paraguay. "In response to the world-wide interest stirred up by the events, we consider it important to disseminate the details of the case," Campaign to Abolish Torture co-director Sherman Carroll wrote. "To that end, we are preparing to publish a pamphlet, in various languages, based upon all the available material, including the photographs of the corpse depicting the torture wounds."¹⁴

White returned to the United States at the end of 1976 to raise awareness of the Filártiga case. On a visit to New York, he met with Roberta Cohen of the International League for Human Rights and briefed the UN correspondents for the *Christian Science Monitor* and *New York Times*. Through its recently established Washington, D.C. Office, AIUSA set up two dozen meetings for White. The Washington Office on Latin America (WOLA) filed a complaint against Paraguay with the OAS's Inter-American Commission for Human Rights. White remembered that some of his interactions with American officials did not go so well. One such meeting with George Lister and four other State Department officers turned out to be a disappointment: "The only question their condescending attitude left was whether they found me, or my presentation, more distasteful." White had better luck with John Salzberg, the Staff Director of the House Subcommittee on International Organizations (the Fraser Committee). Salzberg did not make any promises to White, but assured him that Joelito's murder would be used as evidence in the debate on cutting off military aid to Paraguay. Within two weeks, Senator Edward Kennedy (D-Massachusetts) and Representative Ed Koch (D-New York) each made references to Joelito in official remarks, making the State Department pay closer attention to the case. When Yale hosted an exhibition of Joel's art in November 1977, White accompanied him to AIUSA's National Office, where they were interviewed for radio broadcasts in English and Spanish. They left the office with hundreds of copies of *Deaths under Torture and Disappearance of Political Prisoners in Paraguay*, a report that had been sent to AI groups all over the world.¹⁵

The suspension of American military aid to Paraguay and continued protests by U.S. Ambassador Robert White hastened Peña-Irala's exit from the police. On July 21, 1978, Peña-Irala, Juana Villalba, their three-year-old son, and Villalba's niece, Blanca Fernández, entered the U.S. through Miami. Instead of visiting Disney World as they claimed, they went to Brooklyn, renting an apartment in Borough Park for the next nine months during which time their tourist visas expired. Through a letter from Fernández that had been mistakenly delivered to them in September, the Filártigas learned that Peña-Irala was in the U.S.¹⁶

¹⁴ White, *Breaking Silence*, 100, 118, 116, 119

¹⁵ *Ibid.*, 133-146, 150-153

¹⁶ Claude, "The Case of Joelito Filártiga," 286; Aceves, *AOT*, 28

With Dolly at his side, Joel began a speaking tour sponsored by AIUSA in October 1978. When Joel returned to Paraguay two months later, Dolly decided to stay and look for Peña-Irala—a task made all the more difficult because she had lost his address. After moving to Washington, D.C., Dolly asked for help from Michael Maggio, an immigration lawyer who had befriended Joel the previous year. With her visa now expired, Dolly translated Maggio’s interviews with his Spanish speaking clients. Richard Alan White was also seeking Peña-Irala’s whereabouts. From sources within the local Paraguayan immigrant community, White and Dolly learned from Gilberto Olmedo Sanchez in March 1979 that Peña-Irala was living in a building located at 1865 Fifty-Second Street. Maggio contacted the Immigration and Naturalization Service (INS) a week later, which began an investigation into Peña-Irala’s visa status.¹⁷

Peña-Irala and Villalba were apprehended by the INS outside of their apartment on April 4. Before an immigration judge the next day, Peña-Irala acknowledged that he and his family had overstayed their three-month tourist visa and that they would like to “return as soon as possible to Paraguay.” They were held at the Brooklyn Naval Yard until their scheduled deportation. With Peña-Irala’s identity confirmed, Maggio contacted AIUSA, WOLA, and the Council on Hemispheric Affairs about beginning legal proceedings against the former police inspector. Assisted by AIUSA Executive Director Gerhard Elston, Maggio was referred to Peter Weiss, a lawyer at the Center for Constitutional Rights (CCR). With Peña-Irala likely to be deported within the week, Weiss had to act quickly. As he scrambled to put together an argument that would convince a judge to keep Peña-Irala in the U.S., Weiss thought he had something that might work. While doing research on a case involving the mass evacuation of children from Saigon at the end of the Vietnam War, he had come across the Alien Tort Statute. Codified as part of the 1789 Judiciary Act, it read: “The district courts shall have original jurisdiction of *any civil action* by an alien for a tort only, *committed in violation of the law of nations* or a treaty of the United States.” Working through the night, CCR produced a civil complaint against Peña-Irala that it filed in federal court on April 6. Arguing for the jurisdiction of U.S. courts and seeking damages of \$10 million on the basis of the Alien Tort Statute, CCR accused Peña-Irala of torturing and murdering Joelito in violation of international treaties, the law of nations, and domestic laws. CCR followed with a motion on April 9 requesting a stay of deportation so that Peña-Irala and Villalba could be deposed. An affidavit from Dolly explained why Peña-Irala had to remain in New York: “Because the defendant PEÑA will never be brought to justice in Paraguay, this lawsuit presents a crucial and the only means by which I can seek justice for my brother’s death and my injuries.” Judge Eugene H. Nickerson issued an order preventing Peña-Irala’s deportation. Peña-Irala and Villalba gave their depositions on April 12, but refused to answer questions without a lawyer present.¹⁸

Peña-Irala soon found legal representation in the form of Murry Brochlin and José Emilio Gorostiaga, the most prominent defense lawyer in Paraguay. Brochlin later told law professor William Aceves that he was drawn to the case because it appeared to him that “the plaintiffs only wanted to pursue a ‘show trial’” and the Alien Tort Statute granted “excessive” jurisdiction to

¹⁷ White, *Breaking Silence*, 190-191; Aceves, *AOT*, 30

¹⁸ Peter Weiss, “Proceedings: Conference on International Human Rights Law in State and Federal Courts,” *University of San Francisco Law Review*, Vol. 17, No. 1 (1982), 57; *Nguyen Da Yen v. Kissinger*, 528 F.2d 1194 (9th Cir. 1975); 28 U.S.C. §1350; Verified Complaint, *Filartga v. Peña-Irala*, 630 F.2d 876 (2d. Cir. 1980), reproduced in *AOT*, 215-229; “Plaintiff’s Memorandum of Points and Authorities in Support of Order to Show Cause for Stay of Deportation and for Order Permitting Depositions of the Prisoners; Affidavit of Dolly Filártiga,” April 9, 1979, reproduced in *AOT*, 241-251; Aceves, *AOT*, 34

the federal courts. Gorostiaga, who kept the Paraguayan government updated on the trial, argued that Paraguayan sovereignty was under attack. They filed a motion on May 7 asking for the case to be dismissed. The murder of one Paraguayan by another Paraguayan in Paraguay, they contended, did not constitute a violation of international law. Since the Alien Tort Statute was only applicable to civil actions, their brief continued, the INS had no grounds upon which to detain Peña-Irala. Furthermore, the Eastern District of New York was an inconvenient forum (*forums non conveniens*) in which to pursue the case because most of the evidence and witnesses were in Paraguay. Nickerson was asked to think about what would happen if Peña-Irala was an American citizen: “Consider what a justifiable outcry would be aroused in the United States if one of our citizens were detained and tried in Moscow—or in Paraguay—upon the allegation that he was responsible for a racially motivated killing perpetrated against another American in the United States!”¹⁹

Nickerson ruled in Peña-Irala’s favor on May 15. The judge wrote that he was bound by two prior cases that limited the applicability of the Alien Tort Statute (*ITT v. Vencap, Ltd.* and *Dreyfus v. von Finck*): “Those decisions held that conduct, though tortuous, is not in violation of the ‘Law of Nations,’ as those words are used in 28 U.S.C. §1350, unless the conduct is in violation of those standards, rules, or customs *affecting the relationship between states and between an individual and a foreign state*, and used by those states for their common good and/or dealings *inter se*.” Even as he acknowledged that torture had occurred, Nickerson did not want to involve U.S. courts in settling a matter that occurred between two Paraguayan nationals. Peña-Irala was deported on May 25.²⁰

CCR lawyers appealed Nickerson’s decision. To support their position that torture was widely recognized as a violation of international law wherever it occurred, they solicited *amicus curiae* briefs from human rights NGOs over the summer. The brief prepared by David Weissbrodt and Donald Dorenberg on behalf of AIUSA, the International League for Human Rights, and the Lawyers Committee for Human Rights argued that the Filártiga case was well within the district court’s jurisdiction as defined by the Alien Tort Statute. Weissbrodt and Dorenberg tried situating the “single innocent victim of a single infamous torturer in a distant nation” into a larger context. Nickerson’s ruling should be overturned, they maintained, because Peña-Irala’s actions were clearly in violation of the 1945 UN Charter, which the United States and Paraguay had both signed. The 1948 Universal Declaration of Human Rights and numerous regional treaties had made it so that “international human rights law applies to the individual and does not disappear when he enters the territory of his own State or any other State.” In fact, some crimes were considered to be “so detrimental to the welfare of the international community” that there was wide agreement they were in violation of international law. Like piracy or the slave trade, torture was one of those acts “so heinous” that it gave courts “universal jurisdiction.” To substantiate this claim, Weissbrodt and Dorenberg cited the U.S. Supreme Court’s decision *In re Piracy Jure Gentium* (1934): “A person guilty of such piracy has placed himself beyond the protection of any state. He is no longer a national but *hostes humani generis* and as such he is justiciable by any State anywhere.” The phrase ‘*hostes humani generis*’ had

¹⁹ “Defendant Peña-Irala’s Notice Memorandum of Law in Support of Motion to Dismiss Complaint and Vacate Stay,” May 7, 1979, reproduced in *AOT*, 297-311

²⁰ *Filártiga v. Peña-Irala*, No. 79 C 917, slip op. (E.D.N.Y. May 15, 1979), reproduced in *AOT*, 349-351

been traditionally applied to pirates and slave traders to mean “enemies to all mankind” as a way of signifying “the enormity and odiousness of those offenses.”²¹

In a brief prepared on behalf of the International Human Rights Law Group, WOLA, and Council of Hemispheric Affairs, Washington, D.C.-based lawyers Allan Abbot Tuttle and Steven Schneebaum reassured the appellate court that the CCR’s interpretation of the Alien Tort Statute was not an overreach. In contrast to Peña-Irala’s lawyers who warned that *Filártiga* made it so the U.S. courts would be open to “every Kurdish rebel and every West Bank Palestinian,” there was no dispute as to who bore responsibility for Joelito’s murder. *Filártiga* had the potential to be one of “the landmarks of American jurisprudence,” for it presented an opportunity for the courts to live up to the lofty ideals articulated by Representative John Vining (Delaware) in 1789:

He [Vining] wished to see justice so equally distributed, as that every citizen of the United States should be fairly dealt by, and so impartially administered, that every subject or citizen of the world, whether foreigner or alien, friend or foe should be alike satisfied; by this means, the doors of justice would be thrown open, immigration would be encouraged from all countries into your own, and in short, the United States of America would be made not only an asylum of liberty, but a sanctuary of justice.²²

The Second Circuit finally heard the appeal on October 16, 1979. Presiding were Judges Wilfred Feinberg, Irving Kaufman, and John Smith. When Kaufman asked in oral argument if the State Department had been involved in the case at all, Weiss affirmed that it had been in communication with the Filártigas but had not submitted a brief to the court. Following the hearing, the Second Circuit asked the State Department for a legal opinion. Steven Schwabel, the State Department’s Deputy Legal Advisor, had already expressed concern that Nickerson had failed to consider the post-World War II developments in international human rights law. Schwabel asked for input from the Justice Department’s Civil Rights Division. The State Department received a draft brief from the Civil Rights Division on August 29 that also agreed torture was a violation of international law and the Alien Tort Statute provided the necessary jurisdiction for the Filártiga case to be heard in the United States. In a letter to Office of the Solicitor General on September 14, Schwabel concluded that the State Department considered torture a violation of international law, but should be careful as to how the Alien Tort Statute was applied. “After much internal soul-searching and debate, we filed an amicus brief in support of the plaintiff’s position—that is, supporting the notion that the 1789 statute conferred jurisdiction in the Filártiga case,” said legal advisor Robert Owen.²³

²¹ Donald Dorenberg and David Weissbrodt, “Brief of Amici Curiae on Behalf of Appellants,” July 3, 1979, reproduced in *AOT*, 395-410; Gerhard Elston, July 9, 1979, Box 3, Elston, Gerhard A.—Correspondence—“Master File”—July-Dec. 1979, Record Group II: Executive Director, Series II.2: Gerhard Elston Files, 1967-1983 (GE), AIUSA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Gerhard Elston to Amy Young-Anawaty, July 20, 1979, Box 3, Elston, Gerhard A.—Correspondence—“Master File”—July-Dec. 1979, AIUSA, CHRDR, CU

²² Allan Abbot Tuttle and Steven M. Schneebaum, “Brief of Amici Curiae on Behalf of Appellants,” July 23, 1976, reproduced in *AOT*, 451-477; Vining quoted on 477

²³ Aceves, *AOT*, 40-47

The State Department filed its amicus brief on May 29, 1980. Largely following those submitted by human rights NGOs the previous year, it was divided into two parts. Part I began from the premise that torture was a violation of international law, which itself had to be interpreted according to changing norms. Individuals were now guaranteed fundamental rights, including the right to be free from the physical and emotional trauma of torture. Part II focused on the foreign policy implications of the case. As a participant in numerous international agreements, the U.S. had an obligation to uphold human rights standards. The courts had a responsibility to do this as well. “The protection of fundamental human rights is not committed exclusively to the political branches of the government.”²⁴

Judge Irving Kaufman released his opinion on June 30. In a major victory for the Filártigas, Kaufman reversed Nickerson’s decision. His introduction touched upon the importance of the Alien Tort Statute to America’s image. “Construing this rarely-invoked provision,” Kaufman wrote, “we hold that deliberate torture perpetrated under the color of official authority violated universally accepted norms of the international law of human rights, regardless of the nationality of the parties.” Fully accepting Weiss’s interpretation of the Alien Tort Statute, he relied upon a 1900 decision by the U.S. Supreme Court in *Paquete Habana*, which held that the traditional rule against seizure of an enemy’s fishing vessels during wartime, a practice that began as a courtesy, had developed into “a settled rule of international law” during the previous century through “the general assent of civilized nations.” International law, therefore, must be interpreted according to contemporary standards, meaning that the anti-torture provisions found in the UN Charter, the Universal Declaration of Human Rights, the 1975 UN General Assembly’s Resolution 3452 and many other international agreements allowed the Filártigas to pursue a wrongful death lawsuit against Peña-Irala in the United States. Similar to what Weissbrodt and Dorenberg had stated in their amicus brief, Kaufman placed torturers into the same category as pirates and slave traders: “Indeed, for purposes of civil liability, the torturer has become like the pirate and slave trade before him *hostis humani generis*, an enemy of all mankind.” Filártiga might be considered a “small but important step in the fulfillment of the ageless dream to free all people from brutal violence.” Had not this been the goal of international law?

In the twentieth century the international community has come to recognize the common danger posed by the flagrant disregard of basic human rights and particularly the right to be free of torture. Spurred first by the Great War, and then the Second, civilized nations have banded together to prescribe acceptable norms of international behavior. From the ashes of the Second World War arose the United Nations Organization, amid hopes that an era of peace and cooperation had at last begun. Though many of these aspirations have remained elusive goals, that circumstance cannot diminish the true progress that has been made. In the modern age, humanitarian and practical considerations have combined to lead the nations of the world to recognize that respect for fundamental human rights is in their individual and collective interest.²⁵

²⁴ U.S. Department of Justice, “Memorandum for United States as Amicus Curiae,” May 29, 1980, reproduced in *AOT*, 563-579; Aceves, *AOT*, 47-51

²⁵ *Filártiga v. Peña-Irala*, 630 F2d. 876 [1980]

Kaufman further explained his decision in the *New York Times Magazine*. After giving a brief historical overview of how torture had been used during the Roman Empire and the Middle Ages only to be condemned during the Enlightenment, a moral sentiment that became codified into international law following World War II, he acknowledged that human rights violations would continue regardless of his ruling. Still, judges could hold torturers legally accountable for their actions wherever they occurred. In that regard, international human rights law should be seen as analogous to the federal judiciary's commitment to protecting the civil rights of African-Americans and other minorities since the *Brown v. Board of Education* ruling in 1954. "For the past 25 years, the Federal courts have condemned unconstitutional denials of civil rights—in our schools, mental hospitals and prisons," Kaufman wrote. "These judgments have often been condemned as politically naïve, even foolhardy. But the courts exist to preserve our freedoms under the rule of law; the courts cannot always resort to politically expedient solutions to difficult social problems."²⁶

The Filártigas sued Peña-Irala in the Eastern District of New York. With Peña-Irala's lawyers no longer willing to represent him, Nickerson issued a default judgment for the Filártigas in June 1981. A damages hearing was held before Judge John Caden in February 1982 that heard testimony from Joel, Dolly, former U.S. Ambassador to Paraguay Robert White and Jacobo Timerman, a newspaper editor who had been tortured in Argentina and author of the international bestseller *Prisoner Without a Name, Cell Without a Number* (1981). The Filártigas objected to Caden's recommendation that Joel receive \$200,000 and Dolly \$175,000 in damages. Nickerson sided with them. While it was highly unlikely that the Filártigas would ever see a dollar from Peña-Irala, a large award would have symbolic importance. "An award of no less than \$5,000,000 to each plaintiff is appropriate to reflect adherence to the world community's proscription of torture and to attempt to deter its practice," Nickerson said as he awarded Dolly \$5,175,000 and Joel \$5,210,364 in February 1984.²⁷

Filártiga opened the door for a number of similar cases from all over the world to be tried in U.S. courts during the 1980s and 1990s. Joelito's murder might have remained just another example of Stroessner's brutality if not for a transnational human rights network that made the world take notice of what happened on March 29, 1976. Unable to bring Peña-Irala to justice in Paraguay, the Filártigas circumvented the Stroessner regime with the help of Amnesty International and the State Department. Joel's friendship with Richard Alan White ensured that the case would not be forgotten in the U.S. Peter Weiss's legal ingenuity, the amicus briefs filed by lawyers representing human rights NGOs, and State Department's willingness to side with the Filártigas all influenced Kaufman's decision. By raising the profile of torture so profoundly, *Filártiga* fit nicely within AI's larger efforts in its second Campaign to Abolish Torture.

The Second Campaign to Abolish Torture

The first Campaign to Abolish Torture was inaugurated at Amnesty International's December 1973 Paris Conference. By the end of 1974, the International Secretariat had established a Campaign Department to work with the Research Department and a Legal Office at the UN. Working closely with delegations from The Netherlands and Sweden and in

²⁶ Irving Kaufman, "A Legal Remedy for International Torture?" *New York Times Magazine* (November 9, 1980), 44

²⁷ Aceves, *AOT*, 59-76

consultation with Austria and Ireland, AI lawyers oversaw the passage of a resolution demanding greater legal protection of victims in light of “the increase in the alarming reports on torture.” The UN General Assembly directed the 1975 Crime Congress to consider adding an explicit prohibition against torture to its 1955 Standard Minimum Rules for the Treatment of Prisoners. AI took advantage of this international conference of law enforcement officials to begin drafting a UN declaration against torture, which may not have been a legally binding treaty but might become the basis of a binding international agreement. “The Swedish government took it upon itself to initiate the drafting process,” Dick Oosting remembered, “and we, as it were, fed into that, texts, and bits of texts, and, and our own ideas and pushed them back and discussed them to see what was compatible...with their assessment of what was, in the end, possible to get through.” Once a draft resolution was sent to the General Assembly, Secretary-General Martin Ennals and the International Executive Council’s Andrew Blaine lobbied UN delegations. On December 9, 1975, the General Assembly adopted the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Modeled on the multilateral conventions against terrorism that had been passed during the early 1970s, the Convention Against Torture established international cooperation in the criminal prosecution of known torturers through universal jurisdiction. All signees would be required to prosecute torturers found in their territory or extradite them for prosecution.²⁸

The Swedes took the lead in transforming the declaration into a convention over the next three years. After securing an authorizing resolution from the General Assembly in December 1977, they submitted a draft to the UN Human Rights Commission in January 1978 modeled on the 1975 declaration. Official discussions began in March 1979 at Geneva. Over the next five years, a working group that included representatives from AI and the International Commission of Jurists (ICJ) met with commissioners before and after each session. Fulfilling what Ann Marie Clark describes as “an informed watchdog role, aware that small turns of phrase could eventually be used to open or close loopholes of state accountability,” AI pushed for the strongest language possible. Granted the authority to investigate reports of systematic torture, a Committee against Torture was set up to receive reports from participating countries. Of tremendous importance to AI and the ICJ was that human rights NGOs would be allowed to submit their own reports to the committee. Negotiations were largely completed by early 1984 and a draft was submitted to the Human Rights Commission for consideration. Arguing that the UN lacked the authority to intervene in internal affairs, a group of countries led by the Soviet Union opposed a robust Committee against Torture. The ICJ countered Soviet objections by referring them to their condemnation of Chile in Resolution 1503. The Soviets eventually agreed to a compromise—opposed by AI—allowing countries to declare upon ratification that they did not recognize the oversight authority of the Committee against Torture. The draft was approved by the Commission on Human Rights in March 1984. As part of a final push to get the UN to pass the covenant, AI announced the next month that it would begin a second Campaign for the Abolition of Torture. The General Assembly adopted the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on December 10, 1984, which then entered into the force of law on June 26, 1987 after having been ratified by the requisite number of UN members.²⁹

²⁸ Ann Marie Clark, *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton, New Jersey: Princeton University Press, 2001), 55-60

²⁹ *Ibid.*, 60-65

By the early 1980s, AIUSA was a far larger organization that it had been a decade earlier. A financial report from March 1982 shows how the International Secretariat had become reliant upon donations by the AIUSA, an amount projected to be \$1.1 million in 1981-1982 and \$900,000 in 1982-1983. AIUSA member Hurst Hannum asked in November 1983 if growth was an unqualified good. Healey responded that London had “indicated to him they strongly supported [the] US Section’s growth.” Chairwoman Ann Blyberg thought AIUSA was in a relatively good position: “AIUSA is stronger at the grassroots level; the staff is more professional; we receive good media coverage and have good financial support; the new Board committee structure has shown that it can work and focus more on policy matters.” With total revenue for 1983-1984 estimated to be over \$4 million, AIUSA wanted to move heavily into “policy matters,” which was in accordance with Executive Director John G. (“Jack”) Healey’s stated goal of enhancing its public profile by working more closely with the Reagan administration on issues of mutual concern.³⁰

Following a “very interesting conversation” with former AIUSA Chairman David Hinkley, Assistant Secretary of State Elliott Abrams sent a note to Pat Rengel in August 1982: “I hope we can stay in touch about your anti-torture campaign so that we can be of whatever help as is possible.” By January 1983, Hinkley had formulated a plan to feature the testimony of Ginetta Sagan and Argentine lawyer Juan Mendez. They were to visit universities in the West and speak following a viewing of the documentary *Your Neighbor’s Son* about torturers under the Greek Junta. “The U.S. section can begin to raise the signal to the movement that this program is still both vital and worthy of the high priority its funding implies,” Hinkley hoped, “a signal that by its nature will reach beyond the movement to its more essential audiences, an uninformed public and those torturers now acting with impunity.”³¹

Amnesty International hosted an “International Colloquium on How to Combat Torture” in Geneva on April 28-29, 1983. AI Secretary General Thomas Hammarberg spoke about why a second Campaign to Abolish Torture (CAT) was necessary. “What has forced even worst violators to pay lip-service to the banning of torture is the fact that torture nowadays is commonly seen as shameful,” Hammarberg said. “This climate was created during the seventies.” If the first CAT defined torture as a problem, this upcoming campaign had to go further. Hammarberg wanted to move towards enforcement. “Our conclusion—when the

³⁰ AIUSA Board of Directors, March 26, 1982 minutes, Box 20, AIUSA Board, 1983-1984, GS, HI, SU; AIUSA Executive Committee, March 26, 1982 minutes, Box 20, AIUSA Board, 1983-1984, GS, HI, SU; AIUSA Board of Directors, November 11, 1983 minutes, Box 20, AIUSA Board, 1983-1984, GS, HI, SU; Jack Healey, “Executive Director’s Report,” AIUSA Board of Directors, June 9, 1983 minutes, Box 20, AIUSA Board, 1983-1984, GS, HI, SU; Ann Blyberg, “Chairperson’s Report,” AIUSA Board of Directors, June 9, 1983 minutes, GS, HI, SU; Jamie Radner and Jack Healey, “Budget for Consideration at August Board Meeting,” August 5, 1983, Box 38, Washington, D.C. Office—1977-1983, JH, AIUSA, CHRDR, CU; AIUSA Executive Committee, December 4, 1981 minutes, Box 20, AIUSA Board, 1983-1984, Ginetta Sagan Papers (GS), Hoover Institute Archives (HI), Stanford University (SU); John G. Healey to Elliott Abrams, December 18, 1981, Box 11, Correspondence—Chronological—Nov.-Dec. 1981, Record Group II: Executive Director Files, Series II.3: Jack Healey Files, 1977-1993 (JH), AIUSA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU)

³¹ Elliott Abrams to Patricia Rengel, August 12, 1982, Box 2, Country Related Correspondence-1981-1982, GE, AIUSA, CHRDR, CU; David Hinkley, “CAT Plan and Budget,” January 27, 1983, Box 26, Plans for CAT, GS, HI, SU; the AIUSA Board of Directors approved Hinkley’s plans at its February 4-6, 1983 meeting, see AIUSA Board of Directors, February 4-6, 1983 minutes, Box 20, AIUSA Board, 1983-1984, GS, HI, SU

strategy is drawn up for the next campaign—is that a major emphasis should be laid on implementation rather than further standard-setting.”³²

The International Secretariat developed a twelve-point program to combat torture. Among those steps governments could take to safeguard against the mistreatment of prisoners were the following: prohibition of incommunicado or secret detention; the right of victims to an investigation, compensation, and rehabilitation; effective measures to bring perpetrators to justice; prohibition of torture and ill-treatment to be included in the training of law enforcement officials, and the establishment of effective international machinery to combat torture and ill-treatment. AIUSA set out its “immediate CAT goals” in a July 1983 memorandum, the most of important of which was to raise awareness through a mass public education program of brochures, media interviews, and speeches. Another side of the campaign was to build relationships with politicians, businessmen, artists, academics, unions, lawyers, and journalists. As AIUSA reminded its members, “The CAT budget is high—estimated at \$400,000—but so are the stakes.”³³

AIUSA hosted its own conference on torture in October that featured speeches by Joker Arroyo and Pablo Fuenzalida. Arroyo represented Free Legal Assistance Group (FLAG), the Manila-based human rights NGO. Also a lawyer, Fuenzalida belonged to the Chilean Human Rights Commission and the Chilean National Commission against Torture. “There was consensus on the importance of the US effort, due to geopolitical realities and especially the perceived power of US opinion and US foreign policy on governments which practice torture,” David Hinkley and Nick Rizza reported. “In the 70s we were telling the world ‘Torture still exists!’ That message had a shock value that it probably lacks today, although this theory is untested. But what is clear is that to be effective this time out, we cannot stop there. We have to add, ‘And you can help us to stop it!’”³⁴

The Washington, D.C. Office would be of considerable importance to AIUSA achieving its political objectives, which Pat Rengel defined in October 1983. The first goal would be to obtain a congressional declaration against torture, which could be done through the House Subcommittee on Human Rights. The second would be to get the White House to sign on to the UN Convention Against Torture. Such an effort meant working with U.S. Representative to the UN Human Rights Commission, Richard Schifter, with the intent to “develop declarations by President in context of the work of the United Nations Torture Convention.”³⁵

AIUSA announced the U.S.-based second CAT at a press conference in San Francisco on April 3, 1984. Ginetta Sagan spoke of her participation in the first Campaign to Abolish Torture a decade earlier. From her previous work against torture she had concluded, “I have seen clearly that mobilizing public opinion can make a real difference, can save human lives from the terror of the torture rooms.” Juan Mendez was living proof of this statement. Arrested by Argentine

³² Thomas Hammarberg, “The Next Campaign against Torture,” April 28, 1983, Box 26, THE NEXT CAMPAIGN AGAINST TORTURE—T. Hammarberg, GS, HI, SU

³³ AIUSA, “Digest of AI CAT Information Sheet, July 1983,” Box 26, Digest of AI CAT Information Sheet, GS, HI, SU; Sagan’s own “helpful writings” on torture included a quote by Eric Martin: “A cancer which attacks the very foundations of our civilization, see Ginetta Sagan, “Torture: Helpful Writings,” c. 1983, Box 27, Torture—Helpful Writings, GS, HI, SU; AI Campaign and Membership Department to All Sections, “Proposal for the Renewed Campaign for the Abolition of Torture,” April 13, 1983, Box 27, <no folder>, GS, SI, HU

³⁴ David Hinkley and Nick Rizza to John G. Healey, “CAT Conference,” November 1, 1983, Box 26, Plans for CAT, GS, HI, SU

³⁵ Pat Rengel to Nick Rizza, “Conference on Torture: Recommended Actions Using Washington, D.C. Resources,” October 17, 1983, Box 26, Plans for CAT, GS, HI, SU

police in 1975 for defending political prisoners, Mendez received electrical shocks in an attempt to get him to reveal information about his colleagues and their clients. He was held without charges for the next eighteen months, witnessing the murder of four prisoners. “I was fortunate to have been released in 1977, mostly through the efforts of Amnesty International and domestic pressure,” Mendez said. He was allowed entry into the U.S. through the State Department’s Argentine Parole Program. By bringing attention to his own experiences, Mendez hoped to “dispel the helplessness” felt by prisoners like him. AIUSA was making a substantial investment in CAT, as David Hinkley wrote in January 1984, “The renewed Campaign for the Abolition of Torture, first launched over a decade ago, is the chief priority of the entire worldwide movement for the coming two years.”³⁶

AIUSA leaders hoped CAT would appease the many local groups that had been complaining about the lack of new cases. Jack Healey and Ann Blyberg went to London in April 1984 to make clear that this shortage was “damaging AIUSA’s ability to support its grassroots structure.” The “movement has doubled in the last two years whereas the IS staff has grown 20% over the last four years.” Meanwhile, the Research Department had developed “stricter guidelines” in recent years. Formerly all it took was a newspaper report to generate a Prisoner of Conscience case sheet, but no longer. Nor was AI helped by the fact that most POCs came from a “handful of countries.” There were entire regions like the Middle East where “sheet production” was nearly impossible because of a “lack of data.” The most immediate solution to the problem was move the AI experience beyond writing letters: “We must move quickly as possible to a broader definition of what AIUSA group work means.” While not offering the immediacy of an individual prisoner, CAT gave members an opportunity to fight against a pattern of abuse.³⁷

CAT also served as yet another entry point for AIUSA to enter into debates on U.S. foreign policy. James David Barber, a political scientist at Duke, circulated a memorandum to the AIUSA Board of Directors in April 1984 that argued the time had arrived for the organization to put “its resources into effect in the larger society.” CAT offered “a prime opportunity for us to move from a focus on AIUSA internal relations to outreach to taking the task of changing this country’s perspective and behavior regarding human rights.” The Washington, D.C. Office had already realized the extent to which its expertise helped it gain access to high-level officials. As AIUSA Communications Officer Mary Daly explained to Jack Healey, “Consultation with the country expert helps me structure the ‘pitch’ for a media placement and also is a way to insure that the press list in each ‘pitch’ reflects press with specific country interests.” The media was a “pressure point” that had to be used.³⁸

Ginetta Sagan’s longstanding friendships with Flora Lewis of the *New York Times* and Philip Geyelin of *Washington Post* resulted in two separate columns about her experiences with torture as teenager in Italy during World War II. “This indignity, you have to learn it’s not you, it’s the torturer,” Sagan told Lewis. “It took me a long time. But I must tell. I urge the women when I see them, don’t be ashamed. Don’t let them feel like you’re a freak.” While an international agreement would not necessarily end torture, she continued, it would become even

³⁶ AIUSA, 1984 CAT Press Release, April 3, 1984, Box 26, 1984 CAT Press Release, GS, HI, SU; David Hinkley to Eric Mandel, January 12, 1984, Box 22, D. Hinkley, GS, HI, SU

³⁷ John G. Healey, “IS Visit Report,” April 25, 1984, Box 22, Jack Healey Memos, GS, HI, SU

³⁸ James David Barber to AIUSA Board Members, April 3, 1984, Box 20, AIUSA Board, 1983-1984, GS, HI, SU; Mary Daly to Jack Healey, “Washington Office and the Communications Unit,” July 13, 1984, Box 38, Washington, D.C. Office—1984, JH, AIUSA, CHRDR, CU

more taboo. Geyelin presented Sagan as a survivor who dealt with her past through “bubbling cheeriness and wry humor” as she strived to make torture a relic of the past. In a report to the AIUSA Board of Directors on “media placements” in May 1984, Healey specifically mentioned Lewis’s column in addition to his meetings with the editors of the *Chicago Sun-Times* and the *Chicago Tribune*.³⁹

A product of exhaustive research, *Torture in the Eighties* was published in book form. “While governments universally and collectively condemn torture, more than a third of the world’s government has used or tolerated torture or ill-treatment of prisoners in the 1980s,” the report concluded after a survey of almost 100 countries. One way of seeing AI’s urgency was through the number of cases handled by the Urgent Action Network. As of 1983, some 30,000 people from forty-seven countries participated in sending telegrams or overnight letters on behalf of victims. Between mid-1974 and 1979, AI intervened on behalf of 1,143 individuals in thirty-two countries. Between January 1980 and June 1983, this number increased to 2,687 individuals in forty-five countries. “Torture is not an isolated, but a widespread phenomenon,” an AI official said. “It is an epidemic in the world.” The report was a reminder that torture was not just the isolated behavior of a few sadistic guards. It was official policy. “What is lacking is the political will of governments to stop torturing people. It is as simple and as difficult as that.”⁴⁰

Torture was frequently used in Latin America, Africa, and Asia. But AI also covered the abuse of Red Brigade prisoners in Italy and police brutality in major U.S. cities. Trying to get readers to become members, AI detailed some of the more egregious techniques. In Colombia and Peru, prisoners were deprived of food, given electric shock treatments, and suspended by their arms while handcuffed behind their backs. Syrian prisoners were burned with cigarettes and had their fingernails plucked. Indian police officers blinded thirty-six suspects by piercing their eyes with bicycle spokes.⁴¹

Torture in the Eighties caught the eye of Congress. In May 1984, the House Subcommittee on Human Rights and International Organizations heard testimony on the “Phenomenon of Torture.” Representative Gus Yatron (D-Pennsylvania) thanked AI in his opening remarks for helping him put together the hearing. The Senate Foreign Relations Committee held similar hearings the next month. AIUSA activists were given the same opportunity to be heard as State Department officers. “When I was young kid, I asked my mother what it would be like to reach adulthood, and she said to me that if one day I could learn to hear the weeping and wailing of the poor, then I’d be a grown man,” Jack Healey said. “And I put that same challenge to you, to Members of Congress to hear the weeping and the wailing of the tortured.” Larry Cox briefly outlined what AIUSA wanted to see from Congress: pass a joint resolution condemning torture (H.J. 605) and apply pressure on foreign governments that torture. U.S. embassies should be instructed to investigate torture allegations and include their findings as part of the State Department’s annual human rights reports. Legislators needed to take more of an active role in monitoring the transfer of military equipment. Healey and Cox concluded their statements by telling the committee members that it was never in the “interest of true national security” that the United States be perceived on the side of torturers. Healey put the issue in more visceral terms. “We’re not the slick, the powerful, the strong, the mighty; we’re

³⁹ Flora Lewis, “One Woman’s Choice,” *New York Times*, April 15, 1984; Philip Geyelin, “One Who Survived,” *Washington Post*, April 23, 1984; Jack Healey to AIUSA Board Members, May 3, 1984, Box 22, Jack Healey Memos, GS, HI, SU

⁴⁰ Amnesty International, *Torture in the Eighties* (London: Amnesty International, 1984), 2-3, 4

⁴¹ *Torture in the Eighties*, 207, 179; Laura Lopez, “Torture: A Worldwide Epidemic,” *Time*, April 16, 1984

the nobodies,” Healey said. “We want to write about human rights violations and we want to do something about it. And the outrage could be spread within the Congress so that sense, that rage, is felt because this country has a moral duty to itself and to its people to represent high principle in this matter.”⁴²

AIUSA was not completely negative in its assessment of the White House’s role in stopping torture. Cox acknowledged how the Reagan administration helped convince South Korea to release Kim Dae Jung. Healey praised how Haig and Shultz had stopped executions in South Africa and Liberia. But Cox still believed that the White House had “not been raising its voice anywhere nearly as often as we would like it to.” Representative Gerald Solomon (R-New York) defended the policy of constructive engagement with South Africa, arguing that taking an antagonistic stance was not always beneficial to the cause of human rights. Representative Peter Kostmayer (D-Pennsylvania) responded to Solomon by pointing out the need for multiple approaches—quiet diplomacy and public shaming. Healey denied that he was predisposed towards any approach. “What we see is that the United States operated differently with friend and foe,” Healey said. “What we’d like them to do is remove that barrier in this dialog and look at the world simple in terms of those who are torturing.”⁴³

The congressmen then heard about specific examples of torture. Helsinki Watch’s Jeri Laber discussed a fact-finding mission to Turkey the previous year during which she interviewed numerous victims. She also produced a letter she received from a member of the Turkish Peace Association who had received electric shocks while in prison. Kept in a cage for two days without food or sleep, he was then beaten so badly that he passed out. Ethnic Kurds faced similar treatment from Turkish authorities. Laber urged Congress to pay closer attention to Turkey—the third largest recipient of U.S. foreign aid. She was followed by Sahabeddin Buz, who had been exiled in Germany but was tortured when he returned to Turkey in September 1982. Buz had nothing for his interrogators because he did not know why he had been arrested, though that did not stop them from hanging him upside down for nearly four days, using wooden and rubber truncheons to beat the soles of his feet until they split open then submerging them in salt water, and subjecting him to repeated electrical shock. Eventually signing a false confession because he could not endure torture, Buz was acquitted in March 1983 of alleged membership in the Turkish Communist Party. Only through the combined efforts of his friends, Hanover city officials, and AI was he allowed to go back to Germany.⁴⁴

The former victims were brought to Washington, D.C. as living reminders of why it was so important for the United States to declare its opposition to torture. Although AIUSA thought this was an issue that transcended politics, there were moments when partisan differences became very evident. Wishing to maintain a close relationship with Turkey so as “to stop the spread of international atheistic communism,” Solomon sharply questioned Buz. Citing a recent report from the European Parliament that spoke of an improving situation in Turkey, he wanted Buz to admit that he had received a fair trial. Instead, Buz attributed his acquittal to the presence of German lawyers who had been sent by his friends in Hanover to observe the proceedings. Implying Buz was a radical leftist, Solomon asked him if he believed Turkey needed “a revolution.” Yes, it does, Buz replied through an interpreter, “Turkey needs to be a true

⁴² U.S. Congress, House Committee on Foreign Affairs and Subcommittee on Human Rights and International Organizations, 98th Congress, Second Session, *The Phenomenon of Torture* (Washington, D.C.: Government Printing Office, 1984), 1, 4, 5-6, 7-20, 22

⁴³ U.S. Congress, *The Phenomenon of Torture*, 24-25

⁴⁴ *Ibid.*, 31, 64, 72-74, 98-99; 108-109, 200-202, 204-207

democracy, free from being ruled by the military where people can think and speak and act freely when there is true freedom.” Kostmayer intervened to refocus the committee on what Buz had endured: “Torture is wrong whether we’re torturing revolutionaries or Marxists or terrorists.”⁴⁵

Assistant Secretary of State Elliott Abrams also appeared before the committee. Affirming that the U.S. was “profoundly and unalterably opposed” to torture, Abrams credited AI with publicizing human rights abuses. His only criticism of *Torture in the Eighties* was that it “completely ignored” reports of torture in Cuba and Nicaragua, both of which had Marxist regimes opposed by the U.S, just as there was a report on South Korea, but nothing on North Korea. Abrams attributed this “error of omission” to AI’s lack of access in “closed societies.” Therefore, he continued, it was important to realize that “democratic governments are far less likely to engage in torture than nondemocratic governments.” For the previous three years, Abrams had used a “broad range of instruments and techniques” in responding to specific cases of torture, insisting that the phrase ‘quiet diplomacy’ did not capture the depth of his concern for these prisoners.⁴⁶

As the most outspoken defender of Reagan’s human rights policy, Abrams was constantly debating with the NGOs. Even as he defended continued military aid to the Government of El Salvador and the Nicaraguan Contras, each of whom were accused of violations against civilians, which we will see in Chapter 10, Abrams also criticized right-wing military regimes for their lack of democracy. In a February 1984 speech at Harvard, he disavowed his support for “extremely murderous regimes such as Chile and Guatemala” on the basis of “national interest.” Declaring that the situation in El Salvador was improving because of the declining number of reported political murders and upcoming elections, Abrams said the opposite was true in the Soviet Union with its rising anti-Semitism, lack of exit visas, and dissidents thrown into psychiatric wards. What some activists found infuriating was Abrams’s unwillingness to be as critical of El Salvador as the Soviet Union, the very double standard that he accused his opponents of perpetrating.⁴⁷

Abrams tried to overcome this antagonism by holding occasional off-the-record meetings to “exchange views” with his critics. This strategy worked to varying degrees. AIUSA took a more conciliatory approach than Americas Watch so that Abrams would support CAT. In March 1984, Abrams assured Healey that he did not have AI in mind when he criticized activists who only attacked right-wing governments. Abrams’s claimed to be “very familiar with Amnesty’s annual reports,” but this seems dubious when he made statements like AI did not report on Grenada.⁴⁸

But CAT could very easily subject NATO allies to international scrutiny. Following a visit to Turkey in July 1984, Abrams wrote a lengthy op-ed in the *New York Times* attacking NGOs for their myopia: “The depth of their analysis does not match the depth of their emotion—and the consequences can be harmful to human rights.” This tendency was most evident in their

⁴⁵ Ibid., 128-130

⁴⁶ Ibid., 152-155

⁴⁷ Camille M. Caesar, “Reagan’s Human Rights Expert Defends Administration Policy,” *Harvard Crimson*, February 17, 1984, found in Box 17, Correspondence—US Government [2 of 3]—1983-1984, JH, AIUSA, CHRDR, CU

⁴⁸ Elliott Abrams to John G. Healey, May 18, 1984, Box 17, Correspondence—US Government [1 of 3]—1983-1984, JH, AIUSA, CHRDR, CU; Elliott Abrams to John G. Healey, March 3, 1984, Box 17, Correspondence—US Government [2 of 3]—1983-1984, JH, AIUSA, CHRDR, CU

inability to realize that a country's "unique historical, social and geopolitical conditions" ought to be taken into consideration before criticizing it. The most recent military intervention in September 1980 was in response to economic inflation and political violence. However, local and national elections held since the adoption of a new constitution in September 1982 gave Abrams hope that was not shared by activists. "Let there be no doubt: Turkey is a country with serious human rights problems," Abrams conceded. Free speech, the press, trade unions were all limited by martial law. Prison conditions were appallingly bad. Torture occurred with "apparent regularity," but this practice had occurred long before 1980, which was when activists began their denunciations of Turkey, according to Abrams, "Their silence then and vociferous criticism now persuades many Turks that they are concerned less with eliminating torture than with making a political point."⁴⁹

Abrams attacked AI and Helsinki Watch on Turkey. In a previous *New York Times* op-ed published on July 13, Jeri Laber argued that the November 1983 elections showed the military's continued involvement in politics. Yet Abrams wanted to know how the Motherland Party won when it was "hardly the favorite of the generals." When a Council of Europe delegation made an April 1984 visit to Diyarbakir Prison, which was where Buz had been tortured, it reportedly "saw prisoners whom Amnesty International had listed as dead." By questioning the veracity of their research, Abrams sought to put both of these organizations on the defensive.⁵⁰

Laber and Healey each responded to Abrams in their own way. Unafraid to engage publicly with Abrams, Laber wrote a letter to the *New York Times*. Apparently having never found "shallow analysis" in Helsinki Watch's reports on abuses in the Eastern Bloc, Abrams had revealed that he was solely interested in promoting "U.S. geopolitical interests with regard to Turkey." The November 1983 elections had excluded all pre-coup political leaders as well as the two major political parties. "Can one conceive of an election campaign in the United States during which former Presidents Carter and Ford and some hundred other political leaders were forbidden to speak publicly and from which the Republican and Democratic Parties were banned?" Laber asked. Abrams had also misunderstood Laber's characterization of the elections. The Motherland Party's success showed the public's widespread lack of confidence "in the generals" to return democracy. In his discussions with Turkish authorities, Abrams reserved most of his criticism for activists instead of his hosts. Abrams even turned down an opportunity to inspect Diyarbakir Prison, "possibly the worst hellhole on Earth."⁵¹

Hoping to keep Abrams on board with AIUSA's proposed anti-torture legislation, Healey first registered his objections privately. Healey told Abrams in August that Turkish officials had given him bad information: "The Council of Europe delegation saw four prisoners in Diyarbakir whom Turkish authorities said Amnesty International said were dead. Amnesty International at no time had 'listed as dead' these four prisoners." Healey had more to say two weeks later. "This attempt to discredit human rights groups, resorting to name-calling and even the use of Turkish government misinformation, is not only unworthy of stated U.S. human rights policy but may, by the signal it sends, make it more difficult for human rights groups to prevent the further torture of men and women." Most troubling was that the "U.S. government's advocate for human rights" was justifying Turkey's use of torture with reference to hostile neighbors, internal

⁴⁹ Elliott Abrams, "Myopia of Human Rights Advocates," *New York Times*, August 10, 1984

⁵⁰ Jeri Laber, "Human Rights in Turkey," *New York Times*, July 13, 1984; Elliott Abrams, "Myopia of Human Rights Advocates," *New York Times*, August 10, 1984

⁵¹ Jeri Laber, "U.S. Human Rights Aide's Misdirected Diatribe," *New York Times*, August 16, 1984

upheaval, and that it was “not Sweden.” Healey then laid out his basic disagreement with Abrams. “It is our experience that stopping torture does not depend as much on ‘the unique historical, social, and geopolitical conditions of a particular country’ as on the political will of those in power.”⁵²

In a sharp reply to Healey, Abrams distinguished between what he did as a policymaker and activists who never had to compromise their principles. “You have a right to ask of your government that we devise policies aimed at solving human rights problems, but you defeat that very purpose when you attack our policies because they try to cope with the real world in which we live,” Abrams said. “Human rights groups have the luxury of announcing all the goals they insist on reaching at once, while we have the responsibility to devise a strategy which will get us from here to those goals.” Because AIUSA, Helsinki Watch, and Americas Watch seemed so eager to criticize the Reagan administration, it was “equally legitimate” for Abrams to hold these organizations accountable when he thought their actions were doing more harm than good. “There is in the human rights movement an exceptionally large amount of sanctimony and self-congratulation, and I think this has contributed to some people’s sense of outrage that a human rights activist should ever have his methods questioned.” Abrams hoped Healey would concur that “the cause [of human rights] is too important for any of us to suggest that we are above criticism.”⁵³

Even with this exchange between them, Healey and Abrams found some areas of agreement. Abrams told a Texas journalist that he had been “giving attention” to AI’s twelve-point anti-torture program. The State Department instructed its embassies to be alert for prisoners who had gone incommunicado. Abrams also supported AIUSA’s proposed joint congressional resolution condemning the continued use of torture, which the House of Representatives and Senate passed by the end of September 1984. Its preamble referred to how “internationally recognized nongovernmental human rights organizations” had found “the systematic use of torture” in over sixty countries. Congress asked the Reagan administration to instruct the UN representative to raise torture in discussions with foreign delegations, adhere to restrictions on the export of police equipment to countries known to torture, and ratify the UN Convention Against Torture.⁵⁴

The Convention Against Torture and the Torture Victims Protection Act

AIUSA wanted very much to move beyond symbolic resolutions. In September 1984, AIUSA thanked Reagan for his concern with the practice of torture “by any foreign government.” His administration’s support of the congressional resolution sent “a message of our readiness to do all things possible to stop this heinous practice.” Using this small success as a starting point, AIUSA worked on senior White House officials until the Reagan promised to

⁵² John G. Healey to Elliott Abrams, August 31, 1984, Box 17, Correspondence—US Government [1 of 3]—1983-1984, JH, AIUSA, CHRDR, CU; John G. Healey to Elliott Abrams, September 17, 1984, Box 17, Correspondence—US Government [1 of 3]—1983-1984, JH, AIUSA, CHRDR, CU

⁵³ Elliott Abrams to John G. Healey, October 26, 1984, Box 17, Correspondence—US Government [1 of 3]—1983-1984, JH, AIUSA, CHRDR, CU

⁵⁴ Elliott Abrams to John Rohde, October 11, 1984, Box 17, Correspondence—US Government [1 of 3]—1983-1984, JH, AIUSA, CHRDR, CU; Legislative History of P.L. 98-447, accessible through *Lexis-Nexis Congressional*; U.S. Congress, 98th Congress, Second Session, H.J. Resolution 605 (September 17, 1984), accessible through *Lexis-Nexis Congressional*

sign the UN Convention Against Torture, a lobbying effort that took almost four years. With its supporters in Congress, AIUSA also secured passage of the Torture Victims Protection Act, which was based on the 1980 *Filártiga* decision. The activists who staffed AIUSA's Washington, D.C. Office during the late 1980s and early 1990s skillfully leveraged their political skills to achieve two major legislative victories for the Campaign to Abolish Torture (CAT).⁵⁵

Representative Marjorie Holt (R-Maryland) sent a letter to the White House in April 1984 seeking clarification of Reagan's human rights policy. Holt had been prompted to do so by a constituent named Michael Keller, who hoped she had "a chance to peruse the document, *Torture in the Eighties*," but cautioned that it told of "some grim stuff." Keller wanted the U.S. to act "more regularly and vigorously" against torture: "It makes little difference whether the style is closer to the 'quiet diplomacy' practiced by the current administration or the more vocal approach of its predecessor." Holt soon received an answer from the State Department's W. Tapley Bennett. The "negative or reactive track" was opposing specific violations wherever they occurred, making use of whatever influence the U.S. had to improve the situation. The long-term strategy—the "positive track"—was to put in place a system of government that respected human rights.⁵⁶

AIUSA's anti-torture resolution thus presented the White House with an opportunity to show that it was firmly on the side of human rights. Very much concerned with the resolution's wording, the State Department objected to the original text of H.J. 605 insofar as it suggested "official endorsement of a specific list of countries practicing systemic torture as compiled by any particular nongovernmental human rights organization." Reagan's lawyers appreciated this input, which Steven Steiner credited with ensuring that the "language came out acceptably." Recommending that Reagan hold a signing ceremony of the resolution, Steiner wrote, "This is such a winner in both policy and political terms." Such consensus was noticed by John Roberts, the future U.S. Supreme Court Chief Justice: "The resolution is mildly objectionable as an interference in the Executive's conduct of foreign relations, but [the] State [Department] notes that, substantively, the resolution reflects current Administration policy. Accordingly, I see no reason to interpose an objection." Reagan signed the resolution in October 1984.⁵⁷

Following the launch of CAT, AIUSA made efforts to meet with high-level officials. Numerous attempts to schedule Secretary of State George Shultz were unsuccessful, but AIUSA secured an audience with Attorney General Edwin Meese, which was attended by Jack Healey, James David Barber, Ginetta Sagan, and Pat Rengel. Finally with a chance to talk to a top-level Reaganite, Healey made sure they were well-prepared. Barber mentioned that AIUSA was very pleased that Republicans voted for the anti-torture resolution, an indication that they too had begun to see Amnesty International "in the light of our impartiality and balance." Sagan explained why it was so important that the administration seek the elimination of so-called "safe

⁵⁵ AIUSA to Ronald Reagan, c. September 1984, Box 46, CAT, GS, HI, SU

⁵⁶ Michael J. Keller to Marjorie Holt, April 6, 1984, Box 3, HU-Human Rights (207645-216992), WHORM Subject File: HU—Human Rights, Ronald Reagan Presidential Library (RRPL); W. Tapley Bennett to Marjorie Holt, May 23, 1984, Box 3, HU-Human Rights (207645-216992), WHORM Subject File: HU—Human Rights, RRPL

⁵⁷ Robert F. Turner to Charles Percy, c. August 1984, Box 4, HU—Human Rights (245000-254843), WHORM Subject File: HU—Human Rights, RRPL; Steven E. Steiner to Robert M. Kimmitt, "Enrolled Bill on Opposition to Torture," October 1, 1984, Box 4, HU—Human Rights (270000-279999), WHORM Subject File: HU—Human Rights, RRPL; John G. Roberts to Fred F. Fielding, "H.J. Resolution 605—U.S. Policy in Opposition to Torture," October 3, 1984, Box 4, HU—Human Rights (245000-254843), WHORM Subject File: HU—Human Rights, RRPL; Ginetta Sagan to Flora Lewis, October 5, 1984, Box 31, Amnesty International Letters—1984, GS, HI, SU

havens” for torturers and investigate reports of secret detention when possible. Requesting that Reagan make a statement against the continued use of torture on International Human Rights Day (December 10), Healey praised the State Department’s efforts on behalf of Soviet political prisoners Andrei Sakharov and Elena Bonner, the former South Korean presidential candidate Kim Dae Jung, and the former Attorney General of Malawi, Orton Chirwa, and his wife, Vera Chirwa. He then briefed Meese on the case of Rosal Paz, a Guatemala agronomist who disappeared in 1983, so that the administration might make inquiries about his whereabouts. A graduate of Texas A&M University, Paz had relatives in Texas and Pennsylvania.⁵⁸

Instead of denouncing torture as AIUSA had wanted, Reagan used that year’s Human Rights Day Proclamation to give a broad overview of how his administration had succeeded in promoting democracy. Military juntas had been replaced with elected civilian governments in Argentina, Bolivia, Ecuador, Honduras, Panama, Peru and Uruguay during the previous five years. According to Reagan, human rights improvements were evident in Chile, Paraguay, and, most controversially, El Salvador. South Africa was urged to “reach out to its black majority,” which was in line with “constructive engagement.” Reagan was pleased to announce that Sakharov’s son-in-law and Avital Scharansky were present with him. “The Sakharovs are the best-known victims of human rights violations in the Soviet Union, but thousands of other Soviet citizens, such as Yuriy Orlov or Anatoly Shcharanskiy-whose wife, Avital, is here with us today—suffer in Soviet prisons and labor camps for the sole crimes of expressing a political opinion, seeking to emigrate, or openly expressing their love of God.” Echoing his June 1982 speech in front of the British Parliament when he predicted that Marxism-Leninism would be left “on the ashheap of history,” Reagan looked forward to the day when the “special tragedy of totalitarian rule” would be a “distant chapter in the human past.”⁵⁹

Jack Healey and Larry Cox reported what CAT had accomplished during its first year to the AIUSA Board of Directors in November 1984. Grassroots activists had been crucial to the anti-torture resolution. They initiated more than 300 contacts with members of Congress, which had resulted in at least 200 briefings. Some 250 local groups and 100 campus groups sent appeals on behalf of individual victims of torture in thirty-four separate countries. “It is impossible to know the exact number of appeals sent, but the Spanish government gave a clue when, in announcing the release of Joaquin Olano Balda in this July, it announced that 10,000 letters had been received on his behalf.” Moving forward, AIUSA would focus its attention on a

⁵⁸ Ginetta Sagan to Dana Rohrabacher, June 30, 1984, Box 3, HU-Human Rights (207645-216992), WHORM Subject File: HU—Human Rights, RRPL; Ginetta Sagan to Jack Healey, “Meeting with George Shultz,” October 9, 1984, Box 31, Amnesty International Letters—1984, GS, HI, SU; “Note Signed by ND,” August 7, 1984, Box 3, HU-Human Rights (207645-216992), WHORM Subject File: HU—Human Rights, RRPL; Ginetta Sagan to Al Wilsey, October 12, 1984, Box 31, Amnesty International Letters—1984, GS, HI, SU; Jack Healey to David Barber, Ginetta Sagan, and Pat Rengel, “Ed Meese Meeting,” October 16, 1984, Box 17, Correspondence—US Government [1 of 3]—1983-1984, JH, AIUSA, CHRDR, CU; Jack Healey to David Barber, Ginetta Sagan, and Pat Rengel, “Ed Meese Meeting,” October 16, 1984; John G. Healey to Edwin Meese III, October 24, 1984 (draft), Box 17, Correspondence—US Government [1 of 3]—1983-1984, JH, AIUSA, CHRDR, CU; John G. Healey to Edwin Meese III, November 7, 1984, Box 4, HU-Human Rights (270000-279999), WHORM Subject File: HU—Human Rights, RRPL

⁵⁹ Ronald Reagan, “Remarks on Signing International Human Rights Day Proclamation,” December 10, 1984, Public Papers of the President (PPP), *The American Presidency Project* (APP), <http://www.presidency.ucsb.edu/ws/index.php?pid=39473&st=Human+Rights&st1>; Ronald Reagan, “Address to Members of the British Parliament,” June 8, 1982, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=42614&st=ashheap&st1>

few countries where it would be possible “to win institutional changes.” Of course, that required AIUSA to flex its political muscle: “If we want the United States to really use its diplomatic forces to intervene against the use of torture in specific cases, we will have to not only maintain but increase the kind of pressure that resulted in the resolution being passed not only on Congress and the State Department but directly on the diplomatic personnel in the field.”⁶⁰

A May 1984 position paper articulated AIUSA’s foreign policy principles. Human rights must be given priority because they were “consonant with the fundamental values upon which this country was founded” and had the potential to win the “friendship of the people” living under repressive regimes. It was equally as important to hold all governments accountable for how they treated their citizens, regardless of the political system. As the leader of the Free World, the U.S. needed to show more of a “sustained commitment” to international human rights agreements while dealing with its own set of problems. To cite one example, no other country had as many people on death row as the U.S. “It is sad to note that the United States is one of the member states of the United Nations that still retains the death penalty and which also shows no sign of steady progress towards its abolition.” While it was true that convicts needed to be punished for their crimes, punishment should “reflect the values society wishes to uphold and not those it condemns.”⁶¹

AIUSA struggled with how to make these principles into actual policy. Was the AIUSA leadership willing to compromise to get what it wanted? James David Barber held onto the idealism that was so important at the grassroots: “The nation was created in a revolution for rights. The government’s reason for existence is ‘to secure these rights.’ Thus the United States commitment to human rights is not just one among many important concerns, but the bedrock of all our policy at home or abroad.” Now a veteran of the human rights movement, Ginetta Sagan believed Barber’s view was “extremely naïve.” Even as she wrote “we are not a WASHINGTON LOBBY like others,” AIUSA had to use this “influence constructively and internationally in scope.” Sagan had realized that human rights would be merely one of many considerations when foreign policy decisions were made.⁶²

The Washington, D.C. Office had learned this lesson well. Politicians drove media coverage when they mentioned the names of prisoners, but they did not do so without the approval of their legislative aides. AIUSA’s closest friends on Capitol Hill during the 1980s belonged to the Congressional Human Rights Caucus. Formed in 1983 by Representatives Tom Lantos (D-California) and John Edward Porter (R-Illinois), its purpose was to “encourage broad bipartisan attention to human rights abuses. As of 1985-1986, the caucus had 150 members who regularly made “independent appeals on behalf of individuals.” By this point, the caucus had

⁶⁰ Jack Healey and Larry Cox to AIUSA Board of Directors, “Staff Plan for Coming Year,” November 9, 1984, Box 46, Board, Memos, and Documents, GS, HI, SU

⁶¹ AIUSA, “U.S. Human Rights Policy,” May 1984, Box 38, U.S. Human Rights Policy: An AIUSA Position Paper—1984, JH, AIUSA, CHRDR, CU; see the similar AIUSA, “Human Rights and U.S. Foreign Policy: A Mandate for Leadership, April 1987,” attached with memorandum sent from Paul Ford to Jack Healey, July 13, 1987, Box 39, Washington, D.C. Office—1986-1987, JH, AIUSA, CHRDR, CU;

⁶² James David Barber, “Outline of Basic Approaches to U.S. Government—Preliminary Thoughts,” January 3, 1985, Box 50, Minutes of Board Meetings, GS, HI, SU; Sagan’s comments found on Barber’s memorandum; Ginetta Sagan to AIUSA Board of Directors, “Outline of Basic Approaches,” February 1985, Box 50, Minutes of Board Meetings, GS, HI, SU

“computerized their system to keep track of what action each MOC [Member of Congress] takes on individuals POCs and Urgent Actions, as well as their involvement in events.”⁶³

AIUSA representatives leaned heavily on these relationships to advance their agenda. In January 1985, Helen Scoville, Area Coordinator for Africa, reported that she had put together a luncheon for congressional aides with whom “we work on a regular basis” to go over CAT. AIUSA clarified its lobbying strategy in March 1986. The “core activities” consisted of inserting human rights concerns into high-level foreign policy circles through meetings with Vice President George H. W. Bush’s Special Assistant, Assistant Secretaries of State Roz Ridgeway (Eastern Europe/Soviet Union), Richard W. Murphy (Near East/South Asia), and Richard Schifter (United Nations). After “consistently” raising the issue of torture in all of its State Department meetings, AIUSA received a commitment from Ridgeway that she would ask all the embassies in her region for updates on what actions they had taken against torture. An aide to Senator Mark Hatfield (R-Oregon) was briefed before and after going to Guatemala to monitor elections. AIUSA coordinated with congressional committee staffers to schedule hearings on Peru, East Timor, and South Africa. All this went in tandem with its long-term goal of convincing the Reagan administration to support behind the Convention Against Torture:

Efforts to advance ratification of the Torture Convention have been initiated by staff, including meetings with State Department and Administration officials as well as legislators. The Legal Services Network is working towards ABA approval. 1985 Human Rights Week activity included a petition campaign to urge President Reagan to sign the Convention. Letters to President Reagan were promoted at 1986 regional conferences.⁶⁴

In the 1984 hearings on “The Phenomenon of Torture,” Michael Posner of the Lawyers Committee for Human Rights discussed how Congress might use the *Filártiga* decision as the framework for implementing some of the principles found in the twelve-point anti-torture program—in particular, no safe havens for torturers and financial compensation for torture victims and their families. A former student of Frank Newman at Boalt Hall, Posner argued for a law to be passed authorizing “civil actions based on torture.” His proposed Torture Victim Protection Act would clear up some confusion surrounding the Alien Tort Statute after the 1984 *Tel-Oren* decision that dismissed an attempt by Israelis to recover damages from the Libyan government for an assault carried out against them by the Palestinian Liberation Organization.⁶⁵

The Washington, D.C. Office learned in April 1986 that three members of the Congressional Human Rights Caucus, Reps. Peter Rodino (D-New Jersey), Gus Yatron (D-Pennsylvania), and Jim Leach (R-Iowa) had agreed to jointly sponsor the Torture Victim Protection Act (TVPA). As Chairman of the House Judiciary Committee, Rodino’s support ensured that the bill would receive favorable treatment. Senator Arlen Specter (R-Pennsylvania),

⁶³ Congressional Human Rights Caucus, “Brochure,” c. 1985-1986, Box 39, Washington, D.C. Office—1986-1987, JH, AIUSA, CHRDR, CU; AIUSA, “Questions about Congress,” c. 1986, Box 39, Washington, D.C. Office—1986-1987, JH, AIUSA, CHRDR, CU

⁶⁴ Helen Scoville to Pat Rengel, “Two Weeks in the Life of an Area Coordinator,” January 7, 1985, Box 38, Washington, D.C. Office [1 of 3]—1985, JH, AIUSA, CHRDR, CU; AIUSA Political Advisory Task Board, “AIUSA Program vis-à-vis the U.S. Government,” March 14, 1986, Box 39, Washington, D.C. Office—1986-1987, JH, AIUSA, CHRDR, CU

⁶⁵ *Ibid.*, 241

himself a member of the Senate Judiciary Committee, said he would sponsor the bill in the U.S. Senate. AIUSA and the Lawyers Committee collaborated on a briefing book that answered some of the complex legal questions surrounding the legislation. The AIUSA Legal Support Network built support for the TVPA within the legal profession. AIUSA board member Paul Hoffman co-authored an article in *The International Lawyer* that explained the Convention Against Torture, the anti-torture resolution, and TVPA.⁶⁶

AIUSA made little progress on ratifying the Convention Against Torture and the TVPA over the next year. At a January 1987 meeting with Richard Schifter, who had replaced Elliott Abrams as Assistant Secretary of State for Human Rights, Pat Rengel asked for an update on how the ratification process was going. Schifter said that the State Department had already approved the convention, but that there were numerous other departments that were conducting reviews of their own. With Schifter not giving a definitive answer when a final decision would be made, Rengel concluded that the “Torture Convention would not be coming out soon.”⁶⁷

The Legal Support Network convinced the American Bar Association (ABA) to endorse TVPA. In July 1985, the ABA’s House of Delegates passed a resolution urging the adoption of a federal law that would “clearly establish a federal right of action by both alien and United States citizens against persons who, under color of foreign law, engage in acts of torture or extrajudicial killing as defined by the law of nations,” which prompted Rodino, Yatron, and Leach to introduce TVPA in 1986. With the bill going nowhere in 1987, they reintroduced the bill in 1988. The House Subcommittee on Human Rights held hearings on the bill in March 1988 (now known as H.R. 1417). Among the witnesses who testified were Rengel, Posner, former Representative Robert Drinan (D-Massachusetts), a Catholic priest and professor of law at Georgetown. Speaking for the ABA, Drinan was “very gratified” when its support of TVPA. Rengel considered the law to be “an additional weapon in the arsenal against torture, an arsenal that needs strengthening if the epidemic of torture is finally to be eradicated.” Posner added, “I view it as consistent with and reinforcing of the U.S. action in support of the Torture Convention which the United Nations passed several years ago in the General Assembly, and which still awaits presidential signature.” TVPA might not throw a torturer into an American prison, but it was still a significant rebuke to those who wrongly thought their crimes would be forgotten: “It is a practical way to allow a few lawsuits, a few important symbolic lawsuits, every year and to make it clear to torturers throughout the world that the United States is not a place to come, and for those who come that there may be a judgment entered against them in suits brought by their victims.” TVPA was approved by Subcommittee on Human Rights that October. And though Specter had introduced a companion bill twice by then, there had yet to be Senate hearings on it.⁶⁸

TVPA languished in the upper chamber. Along with Representatives Dante Fascell (D-Florida) and Jack Brooks (D-Texas), Yatron reintroduced the bill as H.R. 1662 in the 101st

⁶⁶ AIUSA, “The Torture Victim Protection Act: Update for April Board Meeting,” April 1986, Box 39, Washington, D.C. Office—1986-1987, JH, AIUSA, CHRDR, CU

⁶⁷ Pat Rengel, “Meeting with Ambassador Richard Schifter on Amnesty International’s Concerns at the United Nations Human Rights Commission Meeting,” January 14, 1987, Box 39, Washington, D.C. Office—1986-1987, JH, AIUSA, CHRDR, CU

⁶⁸ Robert F. Drinan and Teresa T. Kuo, “Putting the World’s Oppressors on Trial,” *Human Rights Quarterly*, Vol. 15 (1993), 609-610; U.S. Congress, House Committee on Foreign Affairs and its Subcommittee on Human Rights and International Organizations, 100th Congress, Second Session, *Torture Victims Protection Act* (Washington, D.C.: Government Printing Office, 1988), 3, 12, 20, 29

Congress. Specter and Senator Pat Leahy (D-Vermont) brought TVPA back to life in the Senate. In October 1989, H.R. 1662 passed by a vote of 362-4, but the Senate once again took no action on the bill. Yatron and Specter tried again during the next session of Congress. Yatron reintroduced H.R. 2092 in April 1991, and Specter followed with S. 313. With little objection in either house, the 102nd Congress finally passed TVPA. On March 12, 1992, President George H.W. Bush signed the Torture Victim Protection Act of 1991. Bush's statement on the law wondered to what extent "U.S. courts may become embroiled in difficult and sensitive disputes in other countries," but such concerns were overshadowed by the message it sent that human rights were to be respected everywhere. Bush also regretted that the Convention Against Torture still needed to be ratified by the Senate.⁶⁹

After a lengthy review process, the Reagan administration finally announced its support of the Convention Against Torture in April 1988. Reagan's lawyers set out their reservations in a subsequent message to the Senate. Like the Soviet Union, the United States did not recognize the competence of the Committee against Torture to receive and investigate allegations of systematic torture within its borders.⁷⁰

AIUSA was displeased with this completely expected reassertion of national sovereignty. No country had asserted as many reservations as the Americans, according to AIUSA Chairman Paul Hoffman, but such was the price of winning Reagan's support. White House lawyers argued that the phrase "cruel, inhuman or degrading treatment or punishment which do not amount to torture" was one and the same as "cruel and unusual punishment" found in the Eighth Amendment. Hoffman did not understand why the U.S. refused to hold itself to the international standard established in Article 16 of the Convention Against Torture. That might have been because no one in the U.S. government wanted to answer questions about what exactly constituted "degrading treatment or punishment." Then there was the problem of the Committee against Torture. The U.S. would not allow American citizens to go before it. "The overall purpose of all of these reservations, understandings, and declarations is to assure that the Convention will have little or no impact in the United States, because U.S. law is regularly asserted as the source of reservations or interpretations of the treaty," Paul Hoffman wrote. "This attitude will further erode the United States' credibility regarding its commitment to promoting human rights throughout the world."⁷¹

Notwithstanding Hoffman's objections, AIUSA kept working towards ratification. The Senate ratified the Convention in October 1990 as part of the Omnibus Crime Control Act of 1991. A memorandum circulated after this "legislative victory" gave credit to AIUSA members, board members who had done everything from draft testimony to call the office of Senator Jesse

⁶⁹ Drinan and Kuo, "Putting the World's Oppressors on Trial," 610; "Legislative History of the Torture Victim Protection Act of 1991," accessible through *Lexis Nexis Congressional*; George H. W. Bush, "Statement on Signing the 1991 Torture Victim Protection Act," March 12, 1992, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=20715&st=&st1>

⁷⁰ Ronald Reagan, "Message to the Senate Transmitting the Convention Against Torture and Inhuman Treatment or Punishment," May 20, 1988, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=35858&st=&st1>; Colin Powell to Ronald Reagan, "Transmission to the Senate: the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment," May 16, 1988, Box 6, HU-Human Rights (561381) [1 of 2], WHORM Subject File: HU—Human Rights, RRPL

⁷¹ Paul Hoffman to George P. Shultz, November 15, 1988, Box 39, Washington, D.C. Office—1988, JH, AIUSA, CHRDR, CU; Paul Hoffman to George P. Shultz, "Ratification of the Convention Against Torture and Cruel, Inhuman, or Degrading Treatment or Punishment," November 2, 1988, Box 39, Washington, D.C. Office—1988, JH, AIUSA, CHRDR, CU

Helms to “put pressure on him in the final push,” and AIUSA Co-Chairs Hoffman and Winston Nagan whose “leadership had been essential.” Also recognized was the staff of the Washington, D.C. Office, including Pat Rengel, whose “professionalism, political savvy, and dogged determination helped make our legislative goals a reality.” Jim O’Dea took particular satisfaction at quoting from a “disgruntled MOC”: “We went in with a John Wayne Crime Bill and came out with a Woody Allen.” O’Dea added in parenthesis, “Thank god for Woody Allen.”⁷²

With Congress delaying additional legislation to fully implement the Convention Against Torture, the ratification process dragged on for another four years. Bush had alluded to this omission when he signed TVPA in March 1992, describing the Convention as offering “a tougher and more effective response to the problem, putting in place for torturers the same international ‘extradite or prosecute’ regime we have for terrorists.” Final ratification occurred in October 1994. The length of this delay was not anything unusual when it came to the United States and international human rights agreements. The U.S. had only become a party to the International Covenant on Civil and Political Rights in 1992, a process that took more than four decades to complete.⁷³

The Filártiga case showed how Amnesty International could turn the murder of a teenage boy in in Paraguay into an international scandal. The persistence of Dolly Filártiga and Richard Alan White ensured that Americo Peña-Irala could not simply hide in the United States. With the help of American public interest lawyers, the Filártiga family eventually won a judgment against Peña-Irala. The moral outrage that his death generated among activists was directed into the second Campaign to Abolish Torture. Insistent that torture was still a worldwide phenomenon, Amnesty International and AIUSA directed media attention and congressional hearings with *Torture in the Eighties*. Over the next few years, AIUSA fulfilled two major legislative objectives in Washington, D.C.. Working with the Congressional Human Rights Caucus, AIUSA and the Lawyers Committee for Human Rights secured passage of the Torture Victim Protection Act of 1991. AIUSA leaders also persuaded the Reagan administration to support the UN Convention Against Torture, which was sent to the Senate for ratification in April 1988. Another six years passed before the United States became an official signatory to the Convention, but this was something of an achievement for a country that had been very hesitant to participate in international human rights agreements. The significance of the Convention Against Torture would be seen in the years after the September 11, 2001 terrorist attacks, when U.S. intelligence operatives would be accused of violating international law in their interrogations with suspected Al Qaeda associates.

Coda: A Report to the UN Committee Against Torture, October 1999

Fulfilling a requirement of all signatories to the Convention Against Torture, the State Department filed its first five-year report with the Committee against Torture in October 1999. “No official of the Government, federal, state or local, civilian or military, is authorized to

⁷² Jim O’Dea, “Legislative Victories,” October 29, 1990, Box 39, Washington, D.C. Office, JH, AIUSA, CHRDR, CU

⁷³ George H. W. Bush, “Statement on Signing the Torture Victim Protection Act of 1991,” March 12, 1992; “Legislative History of P.L. 103-236: Foreign Relations Authorization Act, FY94-FY95,” accessed through *Lexis Nexis Congressional*

commit or to instruct anyone else to commit torture,” the report affirmed. “Nor any officials condone or tolerate torture in any form. No exceptional circumstances may be invoked as a justification of torture.” But the State Department was quick to acknowledge that no government could claim a “perfect record,” which was especially true with respect to the American criminal justice system. Even with the legal protections provided by the Bill of Rights, there were problems with police brutality, the use of excessive force by prison guards, prisoner overcrowding, and sexual and physical abuse of inmates. Specific references were made to a number of high profile cases during the previous fifteen years that had raised “concerns about excessive force,” beginning with the Philadelphia Police Department’s May 1985 bombing of the headquarters of MOVE, a radical African-American organization, then moving onto the March 1991 Rodney King beating by four officers of the Los Angeles Police Department (LAPD) and the August 1997 sodomy of Haitian immigrant Abner Louima while in custody of the New York Police Department. After the four LAPD officers were acquitted in California Superior Court, which sparked the largest urban riots in U.S. history, two of the four were convicted in federal court. Louima’s abusers also faced federal attorneys. Justin Volpe, the lead assailant, was sentenced to thirty years imprisonment in December 1999. Amnesty International included the Louima case in its 1998 annual report.⁷⁴

But instead of dwelling on how each of these cases reflected a longstanding racial conflicts, the State Department showed how the Department of Justice’s Civil Rights Division had actively pursued complaints against law enforcement misconduct. Some of the examples dealt with sexual abuse. In January 1995, a Gulf County, Florida sheriff was convicted of coercing five female inmates to have sex with him. A foreman at the Federal Corrections Institute in Danbury, Connecticut was convicted of sexual abuse of an inmate in June 1996. Federal judges also took action against local governments accused of engaging in a pattern of abuse. The Civil Rights Division oversaw reforms in the Pittsburgh Bureau of Police following an April 1997 ruling that it “had engaged in a pattern of practice of using excessive force and had conducted improper searches and seizures.” Between 1996 and 1998, similar agreements (known as consent decrees) were imposed in Stubenville, Ohio; Iberia Parish, Louisiana; Columbus, Ohio; and New Jersey for discriminatory traffic stops by state troopers. After a federal investigation of its thirty-one juvenile correctional facilities, Georgia was ordered to develop and implement a plan to better protect inmates from harm and provide medical and mental health care. Even if the U.S. did not formally recognize the Committee Against Torture’s oversight authority, the State Department made an effort to show that the federal courts gave victims another means of redress if local and state authorities violated their basic civil rights. By the end of the 1990s, however, there was no doubting the extent to which these disproportionate racial outcomes had come to define some of the most glaring human rights shortcomings of the United States.⁷⁵

⁷⁴ U.S. State Department, “Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: United States of America,” October 15, 1999, CAT/C/28/Add.5, 4-5, accessible at: <http://www.state.gov/documents/organization/100296.pdf>

⁷⁵ *Ibid.*, 15-17

Chapter 8

Selling Human Rights: Jack Healey's "Conspiracy of Hope," 1981-1993

Amnesty International USA's (AIUSA) entrance into the mainstream of American popular culture during the late 1980s reflected the daring of Executive Director Jack Healey. A former Catholic priest whose engagement with social justice had led him out of the seminary, Healey saw the potential of using celebrities to popularize his organization. To some of recording artists who donated their time to Amnesty International (AI) such as Bono Hewson of U2 and Peter Gabriel, Healey had found a way to make altruism relevant in a decade that presidential candidate Bill Clinton characterized in the 1992 campaign as "a gilded age of greed, selfishness, irresponsibility, excess, and neglect." As Bono told the *Washington Post* in June 1986, "People say Americans don't have a great record for social commitment these days. In the '60s you did, though a certain amount of it was diluted by drugs and the psychedelics. But in the generation I'm a part of, there is numbness, a sense of impotence—'what can I do?'" Making a similar contrast, Gabriel added, "In the '60s there was an idealism, but it wasn't very anchored or practical. In the 80s it's very different, particularly after Live Aid, when suddenly Bob Geldof showed that an individual could motivate large numbers of individuals who would, by sheer weight of numbers, bypass the huge inadequacies of governments and actually make a difference." In 1985, *Live Aid*, Geldof's massive one-day fundraising concert for famine victims in Ethiopia, proved that rock stars could make the world take notice of suffering in a far-off place. Healey took this model and applied it to human rights.¹

Healey was not the first in AI or AIUSA to recognize how the power of fame could be used to bring in new members and funds. Seeking to maintain a positive image as it grew into prominence during the mid-1970s, the AIUSA Board of Directors debated the merits of forming an in-house public relations firm. In 1976, with the assistance of comedian John Cleese, the British national section (AIUK) held the first of benefit shows that eventually became known as *The Secret Policeman's Ball*, which was how Bono and Gabriel were introduced to AI. The attention these variety shows brought to AIUK inspired Healey to begin planning for the June 1986 concert tour, *The Conspiracy of Hope*, which played indoor arenas throughout the U.S. Healey spent the next two years coordinating an even bigger human rights spectacle. Believed at the time to be one of the largest rock 'n' roll concert tours ever, *Human Rights Now!* played in large outdoor stadiums in North America, Western Europe, Eastern Europe, India, West Africa, and Latin America over six weeks in September and October 1988.

Such an immense undertaking was possible in the contemporary era of globalization. With his organization lacking the financial means to underwrite a worldwide concert tour, Healey negotiated a sponsorship with Reebok—a leading athletic shoe and apparel manufacturer—that guaranteed AI would not lose any money as it brought its message to the developing world. Reebok, in turn, attached itself to AI, so that it could appeal to socially-conscious consumers. Newer media outlets such as cable television and international syndication enabled popular musicians in the West to reach an increasingly global audience. With Healey heavily invested in the concept of entertainment as education, concertgoers were

¹ Gil Troy, *Morning in America: How Ronald Reagan Invented the 1980s* (Princeton: Princeton University Press, 2005), 1-23 contains a discussion of how contemporaries viewed the 1980s as a second Gilded Age; Clinton is quoted on 16; Richard Harrington, "Rock for Rights," *Washington Post*, June 15, 1986

presented with stories about Prisoners of Conscience between sets. Whether or not they were moved by what they heard was an open question. What could not be disputed was that AI and AIUSA benefitted enormously from the tours. As Healey utilized the tools of mass broadcasting to spread awareness of his cause, AIUSA received unprecedented visibility by convincing rock stars, actors, and corporate executives that they too could be part of the international human rights movement.²

“To Lift AI to the Next Level”

Ira Mazer and Arne Lewis, two members of the Riverside Group, proposed in April 1974 that the AIUSA Board of Directors form “a modest, in-house agency responsible for the preparation of all advertising and promotion material on a national basis.” A continued reliance upon local groups to do their own public relations made it so AIUSA lacked a cohesive message. Not surprisingly, Mazer and Lewis both worked in advertising. Mazer produced television commercials. Formerly art director of CBS News, Lewis was Creative Director at Ketchum, Macleod, and Grove. They volunteered to direct an integrated advertising, promotion, and public strategy that would be sure to attract some of Madison Avenue’s leading talent. “Initial response has been very keen,” Mazer and Lewis reported. “An enormous talent pool waits to be tapped.”³

Lewis took photographs and made a video recording of AIUSA’s 1974 Annual General Meeting. He prepared posters that were used by the Riverside Group in demonstrations outside the New York offices of Aeroflot and Banco do Brasil and redesigned the *Amnesty Action* newsletter to make it more visually attractive. He co-wrote storyboards for a possible television commercial with Mazer. “It is my understanding that our original proposal was met by the board with a twinge of suspicion in an atmosphere of ‘cordial mistrust,’” Lewis complained in November 1974. AIUSA board member Barbara Sproul preferred that AIUSA be thought of as “just a band of ordinary citizens,” not a “high- powered group,” the Mazer-Lewis plan was rejected because of its high cost. The cheaper alternative was to appoint a Publicity Committee to be overseen by Norman Schorr, a partner at the New York firm Schorr, Howard, & Megill.⁴

By early 1976, the International Executive Council (IEC) decided “to lift AI to the next level” with a two-year promotional campaign. Public relations expert Guy Binsfeld was hired to run the campaign, which included an October 1976 concert in Munich by Leonard Bernstein with the proceeds from radio and television broadcasting rights and recordings going to AI. To coincide with Human Rights Week in December 1976, the IEC announced “Artists for Amnesty,” in which fifteen renowned artists donated an original work to AI: Arman, Max Bill, Fernando Botero, Alexander Calder, Roman Cieslewicz, Jan Dibbets, Piero Dorazio, David Hockney, Alexander Liberman, Joan Miró, Michaelangelo Pistoletto, Francisco Toledo, Roland Torpor, Yadanori Yokoo, and Jack Youngerman. Reproductions of these paintings were sold to

² For the notion of Amnesty International as explicitly working to develop itself as a brand, see Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca, New York: Cornell University Press, 2006), 10-11

³ Ira Mazer and Arne Lewis, “Lewis-Mazer Proposal,” April 4, 1974, Box 4, Publicity—1973, Ivan Morris Papers (IM), Butler Library (BtL), Columbia University (CU)

⁴ Arne Lewis to AIUSA Board of Directors, November 1, 1974, Box 4, Publicity—1973, IM, BtL, CU; Kenneth Cmiel, “The Emergence of Human Rights Politics in the United States,” *Journal of American History*, Vol. 86, No. 3 (1999), 1247; “Weddings: Betsy Schorr and Eric Grossman,” *New York Times*, April 2, 2000

art collectors. With money raised from donors, AIUSA held a “champagne opening” at André Emmerich’s New York gallery in December 1976, where the originals were displayed for three weeks. Reproductions were shown simultaneously in “key art centers” like London (Institute of Contemporary Art), Paris (the Centre Beaubourg), Amsterdam (the Stedelijk Museum), Munich (Die Neue Sammlung), Vienna (Museum des 20 Jahrhunderts), and Zurich (the Kunsthaus). With its ownership of this art, AI made plans to use these designs in greeting cards, postage stamps, and calendars. “Artists for Amnesty” turned out to be a small success as AIUSA forwarded \$14,000 to the IEC in March 1978.⁵

Regularly strapped for cash, AIUK had an estimated 3,000 members in 1976. To commemorate its fifteenth anniversary, it decided to put on a one-night event. Asked for help by AIUK Assistant Director Peter Luff, comedian John Cleese offered “to get a few friends together.” What resulted was *A Poke in the Eye (With a Sharp Stick)*, which was performed at London’s Her Majesty’s Theatre from April 1-3, 1976. Cleese convinced many leading British comedians to participate with him: fellow Monty Python stars Michael Palin, Graham Chapman, Terry Jones, and Terry Gilliam, the Beyond the Fringe comedy troupe, Graeme Garden, Tim Brooke, Dame Edna Everidge, John Fortune, Eleanor Bron, John Bird, and Jonathan Lynn. The show consisted of various comedy sketches whose subject matter ranged from T.E. Lawrence to the Shakespeare-themed “So That’s The Way You Like It.” Roger Graef’s video recording of the performance was released the next year as *Pleasure at Her Majesty’s*. All told, the show raised approximately \$40,000 for the nearly bankrupt British section. AIUK held another benefit in May 1977, *An Evening without Sir Bernard Miles* at London’s Mermaid Theatre. The number of performers was smaller than the previous year but joining returnees John Cleese, Terry Jones (who also directed), Jonathan Miller, and Peter Cook were musicians Pete Atkin, Julie Covington, and Sir Peter Ustinov. A one night show that ran for three hours, it was broadcast by the ITV television network as *The Mermaid Frolics* in December 1977.⁶

Held at Her Majesty’s Theatre over four nights in June 1979, *Secret Policeman’s Ball* was the major breakthrough AIUK had been looking for. Organized by AIUK’s Peter Walker and record producer Martin Lewis and directed by Cleese, the show consisted mostly of Monty Python comedians, but also Rowan Atkinson, a young comedian who would become famous for his Mr. Bean character. As a way of generating more interest in the event, Lewis recruited The Who guitarist Pete Townsend to play “Pinball Wizard” and “We Won’t Get Fooled Again.”

⁵ AIUSA Board of Directors, March 13, 1976 minutes, Record Group I, Series I.1, AIUSA National Office—Board of Directors—Meetings—1976, Amnesty International USA Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Cmiel, “The Emergence of Human Rights Politics,” 1247; According to the sale receipts from Emmerich Gallery’s December 1976-January 1977 exhibition the most popular artists among New Yorkers were Botero (nine), Pistoletto (eight), Calder (seven), Hockney (seven), Youngerman (five), and Miró (five). Lee Larson to Leo Farland, December 16, 1976, Box 1, Artists for Amnesty—Emmerich Gallery [1 of 2], Record Group II, Series II.2: Gerhard Elston Files, 1967-1983 (GE), Amnesty International USA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); “Artists for Amnesty Activity through August 31, 1978,” c. September 1978, Box 1, Artists for Amnesty—Artists for Amnesty—Financial Reports—1976-1979, GE, AIUSA, CHRDR, CU; for examples of orders see Rosemarie Schieffer to Isabel Vallecito, July 19, 1978, Box 1, Artists for Amnesty—Artists for Amnesty—Financial Reports—1976-1979, GE, AIUSA, CHRDR, CU; Rosemarie Schieffer to Maria Victoria de Robayo, January 29, 1979, Box 1, Artists for Amnesty—Artists for Amnesty—Financial Reports—1976-1979, GE, AIUSA, CHRDR, CU

⁶ “In the Beginning,” “A Word of Thanks,” and *Pleasure at Her Majesty’s* liner notes in *The Secret Policeman’s Balls DVD Box Set* (Los Angeles: Shout Factory, 2009); *The Mermaid Frolics* liner notes in *ibid.*

Secret Policeman's Ball aired on ITV as a one hour television show in December 1979 to promote the album Lewis released through Island Records. A longer documentary edited by Graef premiered in June 1980. In response to the popularity of Monty Python and The Who among Americans, Atlantic Records released a *Secret Policeman's Ball* album in the U.S.⁷

Performed at Theatre Royal Drury Lane over four nights in September 1981, *The Secret Policeman's Other Ball* repeated the success of its predecessor. Once again responsible for the comedic talent, Cleese relied upon Monty Python, Beyond the Fringe, and Atkinson's BBC show. Lewis used his contacts within the music industry to recruit some of the most popular British musicians. Sting, Phil Collins, Eric Clapton, Jeff Beck, Midge Ure, and Bob Geldof all performed their hits, with Collins, Clapton, Beck, Geldof, and Sting closing the show by singing a cover of Bob Dylan's "I Shall Be Released." The Beatles and The Rolling Stones were responsible for a "British Invasion" of rock 'n' roll during the 1960s that aligned the popular musical tastes of young consumers on both sides of the Atlantic, so many of the recording artists who performed at *The Secret Policeman's Other Ball* were as popular in the United States as they were in Great Britain. An album of the show released by Island Records in March 1982 made *Billboard's* Top 30 sales chart. Harvey and Bob Weinstein, the two brothers who had founded Miramax, combined the comedic performances from the 1979 and 1981 shows into a film they distributed as *The Secret Policeman's Other Ball*, which premiered in a May 1982 fundraiser for AIUSA.⁸

Martin Lewis credited the popularity of these shows with changing AIUK's image. "Amnesty International was a terribly polite, middle class, liberal organization," he said. "There was a gentility, almost a self-congratulatory air about it, as if people wrote their letter and then thought they'd done their thing." Attracting top-selling talent made others take notice of what the AIUK was doing. "People stopped saying 'Amnesty International, a human rights organization' and started saying 'Amnesty International, the human rights organization.'"⁹

The Secret Policeman's Other Ball also affected the rock stars who participated in it. Bob Geldof soon turned his attention to famine victims in Ethiopia. After seeing a BBC report on the widespread starvation among Ethiopians, Geldof and Ure wrote "Do They Know It's Christmas?" which was recorded in November 1984 and featured the voices of Sting, Duran Duran's Simon Le Bon, George Michael, Culture Club's Boy George, and U2's Bono (the only Americans involved in the project were Kool and the Gang and Jodi Watley). The single sold a million copies in its first week and spent five weeks at number one. After learning that the proceeds generated by Band Aid paled in comparison to the money owed by African countries to Western creditors, Geldof, Ure, and music promoter Harvey Goldsmith organized a one-day music event, *Live Aid*, which was staged simultaneously at London's Wembley Stadium in London and Philadelphia's John F. Kennedy Stadium. The dual sixteen-hour concerts were broadcasted via satellite television to a worldwide audience. The all-star list of performers included Sting, U2, David Bowie, Mick Jagger, Bob Dylan, Paul McCartney, Madonna, Elton

⁷ *The Secret Policeman's Ball* liner notes in *ibid.*

⁸ *The Secret Policeman's Other Ball* liner notes in *ibid.*; for more on the trans-Atlantic rock 'n' roll phenomenon, see Michael Bryan Kelly, *The Beatle Myth: The British Invasion of American Popular Music, 1956-1969* (Jefferson, North Carolina: McFarland, 1991); Dave McAleer, *The Fab British Rock 'n' Roll Invasion of 1964* (New York: St. Martin's Press, 1994); Larry Starr and Christopher Waterman, *American Popular Music: The Rock Years* (New York: Oxford University Press., 2006); on the Weinstein brothers and Miramax, see Peter Biskind, *Down and Dirty Pictures: Miramax, Sundance, and the Rise of Independent Film* (New York: Simon and Schuster, 2004)

⁹ Richard Harrington, "Rock for Rights," *Washington Post*, June 15, 1986

John, the Who, Queen, Jackson Browne, and a reunited Led Zeppelin. With the help of the high-speed Concorde airplane, Phil Collins played in both venues. Though there was controversy over to what extent this spectacle changed lives in Ethiopia, *Live Aid* raised over £150 million. Geldof changed the course of rock 'n' roll during the mid-to-late 1980s, as concerts were also held on behalf of distressed American farmers (Farm Aid) and Nelson Mandela. "I think *Live Aid* and *Band Aid* were the beginning of an awareness," musician Jackson Browne said in 1990. "In the Sixties, people believed they could change things just by saying things were changed."¹⁰

Joining AIUK after playing *The Secret Policeman's Other Ball*, Sting disagreed with Browne's characterization that there been "a reawakening of conscience in the Eighties." "I don't belong to a church or political party or a group of any kind," he said. "I feel that Amnesty International is the most civilized organization in history. Its currency is the written word. Its weapon is the letter; that's why I am a member." By the late 1980s, Sting had become a leading environmentalist. His pet cause was saving the Brazilian rainforests.¹¹

As someone who "believed in the power of music to affect us," Bono Hewson, the lead singer of U2, brought what *Los Angeles Times* music critic Robert Hilburn described as an "almost evangelical presence" to the stage. Bono attended *The Secret Policeman's Other Ball* in 1981: "I went there just to have a good time the way you go to most concerts and I laughed like everybody else when John Cleese called String 'String.' But I was I was intrigued by just what Amnesty International was all about and why these musicians were supporting it." His manager, Paul McGuinness, once worked for an Irish film production company ran by Tiernan MacBride, the son of former IEC Chairman and Nobel Peace Prize recipient Sean MacBride. "There are those in the rock 'n' roll business who wish that the doors that were opened with phenomena like *Band Aid* and *Live Aid* would close," Bono said. "But a lot of us want to keep those doors open. Our goal is to have these events not considered big deals anymore." Global problems like hunger or human rights, he contended, needed an equally global response:

If the politicians are not brave enough to take on these issues, then somebody must. And we can afford to. We are generously rewarded for the work we do, and unlike politicians, we don't need the vote every four years. We've already got the vote. Politicians by their very nature cannot take on the more abstract issues, things like world hunger or human rights in another part of the world, because it doesn't get them the vote in their home town.¹²

AIUK benefitted from its association with Britain's most famous entertainers. "The shows had a dramatic effect and Amnesty's UK membership rose by a staggering 700% in three years," read a 2009 retrospective of *The Secret Policeman Balls*. Martin Lewis believed he had given the Americans something to emulate. "I'd like to think that some Americans will pick up

¹⁰ Michael Coleman, "The Revival of Conscience," *Rolling Stone*, November 15, 1990; Peter Gill, *Famine and Foreigner: Ethiopia since Live Aid* (Oxford: Oxford University Press, 2010), 12-14; for what prompted Geldof's involvement in forming Band Aid, see Bob Geldof with Paul Vallye, *Is That It?* (New York: Ballantine Books, 1988)

¹¹ David Fricke, "Caravan for Human Rights," *Rolling Stone*, June 19, 1986; for more on The Police's involvement various philanthropic causes during the 1980s, see Chris Campion, *Walking on the Moon: The Untold Story of the Police and the Rise of New Wave* (Hoboken, New Jersey: John Wiley & Sons, 2010), 207-230

¹² Robert Hilburn, "Amnesty Tour: Keeping the Doors Open," *Los Angeles Times*, June 22, 1986; Richard Harrington, "Rock for Rights," *Washington Post*, June 15, 1986

from what the British have been doing and organize some more shows.” That was exactly what Jack Healey did.¹³

Jack Healey’s Privilege

“It is a privilege to work with the poor, the oppressed, the imprisoned,” Jack Healey declared upon becoming AIUSA Executive Director. “But the privilege has to be used well.” Originally from Pittsburgh, Healey was born in 1938 to a large Irish Catholic working-class family. His father was a metallurgist at Superior Steel before dying in a car accident when Healey was only two years old. “My mother raised us all,” Healey recalled. “She came out of the coal mines. Two of my uncles were killed in mine collapses and three suffered damage from black lung disease.” At the age of fourteen, Healey entered St. Fidelis Seminary to join the Capuchin order, which modeled itself on the teachings of Saint Francis of Assisi. The Sixties changed Healey’s life. Influenced by Dorothy Day’s Catholic Worker Movement—“whose combination of scholarship and work with the poorest of the poor appealed to me”—Healey participated in the August 1963 March on Washington. “Gradually I was drawn more and more to external work,” he said. “The order remained traditional and proper to its history. I was no longer that.” Healey left the Capuchins at the end of 1968.¹⁴

As Director of the Freedom from Hunger Foundation USA’s Young World Development Program, Healey introduced the hunger walk, what he described as “28-32 mile marches, where young people between the ages of 14 and 20 raised money for domestic and international development.” Raising an estimated \$10 million that was distributed to Meals for Millions, Fannie Lou Hamer’s Freedom Farm Co-Op, Catholic Relief Service, Church World Service, Heifer, and Ox-Fam International in his five years at Freedom from Hunger, he attributed the success of the Walks for Development to keeping “our identity separate from the antiwar movement.” From 1973 to 1976, Healey worked at the Center for Community Change in Washington, D.C., where he raised money for a hospital in Mexico that served the Mazahua Indians and directed comedian Dick Gregory’s crosscountry Hunger Run. After working nearly a decade at non-profits, Healey sought a more active engagement with the world: “What I wanted to do was live and experience my ideas, test and develop my thoughts and philosophy and become aware of the realities on a day-to-day basis.” He had an opportunity to do this from 1977 to 1981 as director of the Peace Corps program in Lesotho. Seeing apartheid firsthand left a deep impression on Healey. “I understand the boot on the back of the neck of the blacks,” he said to *Mother Jones* magazine in 1988. “And I understand how some kids decide to fight...I don’t agree with them, but I sure as hell understand the wickedness of the system.”¹⁵

AIUSA hired Healey as Executive Director in late 1981. “I had been a small donor for a number of years, and while I didn’t personally know anyone on the Board, I have always worked on issues relating to Amnesty’s mandate,” Healey assured *Matchbox* readers in February 1982. “I don’t pretend to have an expert’s background in human rights. I bring a layman’s background, as I did to the issues of world hunger. I still see myself against the background of the way I was

¹³ “A Word of Thanks” liner notes in *The Secret Policeman’s Balls*; Lewis quoted in Harrington, “Rock for Rights”

¹⁴ David Klinghoffer, “Cause Celebrity: Amnesty International Goes Show Biz,” *Washington Times*, April 19, 1991; Marcia Schwen, “Executive Director: A Country Without Political Prisoners is Very Healthy,” *Matchbox* (February 1982), 13; ABC News Transcripts, “World News Tonight,” September 23, 1988, accessible through *LexisNexis*

¹⁵ Schwen, “Executive Director: A Country Without Political Prisoners is Very Healthy,” 13; David Beers, “Jailhouse Rock,” *Mother Jones* (December 1988), 29

brought up: one of normal, everyday people who had a sense of outrage about prisoners of conscience.” Initially seeing himself as more of an administrator than visionary, Healey just wanted “to do the basics well,” which he defined as fully implementing the mandate on Prisoners of Conscience and paying closer attention to the finances. The AIUSA Board of Directors chose Healey over the other finalist for the position, Dick Oosting, an AI veteran who worked at the International Secretariat. According to one board member, Healey was representative of a “more aggressively U.S. centric position,” while Oosting would have brought an “internationalist perspective” closer to that of the Western Europeans. “In a sense, it was in microcosm the kind of choice AI as a whole had been wrestling with ever since,” Steven Hopgood writes in his ethnographic study of Amnesty International. “Healey, an outsider to AI, brought a campaigning style into Amnesty that was about as different from quiet persistence as one could get.”¹⁶

Conspiracy of Hope

As AIUSA was finalizing the launch of the second Campaign against Torture in spring 1984, promoter Barry Fey had an idea: a “train” with pictures of victims and the flags of countries accused of torture that would travel across the United States and make stops in selected cities for concerts and speeches. Fey gave Jack Healey something to work with. To fulfill his vision of rock ‘n’ roll concerts oriented around a “teaching element,” Healey approached the famed music promoter Bill Graham about a national tour in commemoration of Amnesty International’s twenty-fifth anniversary in 1986. Responding favorably, Graham said that he would do it if AIUSA could get him the talent. Assisting these efforts was Mary Daly.¹⁷

Before attending an Amnesty International conference in Finland, Healey stopped in Dublin to meet with U2 manager Paul McGuinness. In December 1984, Healey had attended a benefit concert at which U2 performed. “Bono sang with such driving strength and commitment,” Healey remembered that night in New York. “There was such a force to it that you had to figure it was either straight manipulation or true strength. And I decided it was true strength that they really believed in what they were singing. As an Irishman myself, I wanted to believe in my own.” U2’s socially conscious lyrics appealed to him. “When I heard the song ‘Pride,’ and saw them flash pictures of Martin Luther King Jr. and American Indians on the screen, I knew I had my man.” Healey’s intensity must have resonated with McGuinness because U2 promised to perform two weeks of shows for Amnesty International.¹⁸

Daly then called Gil Frisen, President of A&M Records, to tell him that U2 was a yes. “We just didn’t know U2’s relative power,” Daly admitted. “Gil called back in two days and said, ‘I talked to Sting. And Sting’s in.’” American artists were not as quick as U2 or Sting to volunteer for the tour. Live Aid had made some weary of doing too many benefits, while others had never heard of Amnesty International. A consensus among Healey, Graham, and McGuinness emerged at this point. They had to show prospective talent that this tour was different. “We didn’t want the Amnesty tour to look like *Live Aid 17*,” McGuinness said. “We wanted to do something that had its own spirit and sense of commitment. That’s why it was

¹⁶ Schwen, “Executive Director: A Country Without Political Prisoners is Very Healthy,” 13; Hopgood, *Keepers of the Flame*, 110

¹⁷ Fricke, “Caravan for Human Rights”; Bill Graham and Robert Greenfield, *Bill Graham Presents...My Life Inside Rock and Out* (New York: Doubleday, 1992 [2004 edition]), 478

¹⁸ Fricke, “Caravan for Human Rights”; Robert Hilburn, “Amnesty Tour: Keeping the Doors Open,” *Los Angeles Times*, June 22, 1986; Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 478

important to do two weeks of shows—not just one big show in a stadium.” Sting also believed that each rock ‘n’ roll project needed to have its own identity. “You have to find new ways to maintain people’s interest.”¹⁹

Healey may not have wanted another *Live Aid*, but he still learned a lot from Mike Mitchell, the director who oversaw *Live Aid*. Mitchell emphasized the “value of T-shirts for MTV audience and syn[dication] audience,” for a t-shirt was seen as a “Thank you for showing us we are good folks.” He also referred Healey to a recent SRI market survey that examined the values of 35,000 Americans between the ages 25-50. His advice was for Amnesty International to “lean on recent events in Haiti, Phil. [Philippines], and South Africa and stress ‘governments can be bad’”—one of the findings had been that “people want to effect [sic] something good and support people who do good.” Promotional television advertising should be “personal and emotional”: “You do something; you save a life.”²⁰

During the last week of March 1986, Daly and Jamie Radner met with executives from HBO and Showtime to discuss plans to the June 15 finale at Giants Stadium on pay cable. Healey preferred to air it live on MTV and syndicate to local television stations. A similar logic applied to radio. Healey selected Westwood One to handle radio syndication because of “its broader coverage and income.” A merchandiser briefed Daly on the sale of t-shirts (\$14), program books (\$10), posters (\$2), and buttons (\$2) as well as to how to make the concerts run smoothly: “Need volunteers at Meadowlands to discourage bootlegs. Display about AI good[s] at concessions. Recommend a few national ads in program book.”²¹

AIUSA held a summit for the proposed *Caravan for Human Rights* in New York the next month. Bill Graham and Paul McGuinness were joined by two record executives from A&M Records, six from MTV, and representatives from Westwood One and trade magazine *RockBill*. AIUSA had hired two writers/directors—Bill Fertik and Debbie Hovath—who were to be in charge of its promotional spots. The objective of the concert tour was to “broaden the awareness, involvement and of the American public in Amnesty International’s ongoing work: to mobilize public opinion to pressure governments to free prisoners of conscience, stop torture and executions,” which would be achieved through a wide-ranging promotional campaign. Their biggest concern was attracting top-level music talent. AIUSA divided the possibilities into four categories (“A-D”) with Barbara Streisand, Bruce Springsteen, Stevie Wonder, Talking Heads, Madonna, David Bowie, Billie Joel, and Madonna as the most desirable acts. John Cougar Mellancamp, Jackson Browne, The Cars, A-Ha, Bryan Adams, Joan Baez, and R.E.M. were among those in the second and third tiers.²²

¹⁹ Graham and Greenfield, *Bill Graham Presents... My Life Inside Rock and Out*, 478; Hilburn, “Amnesty Tour: Keeping the Doors Open”; Shari Okamoto, “U2, Sting to Join Forum Benefit,” *Los Angeles Times*, April 4, 1986

²⁰ Jack Healey, “NOTES—FREEDOM ROCKS—25th ANNIVERSARY CONCERT (March 17-25),” March 28, 1986, Box 385, Folder 27—Maffei, Dorothy, Record Group X: Development Unit /Special Project Files, 1986-1994, Series X.1: Concert Tours, 1986-1988 (Concert Tours), Amnesty International USA National Office Papers (AIUSA), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU)

²¹ Mary Daly, “Notes—Freedom Rocks—25th Anniversary Concert,” April 1, 1986, Box 385, Folder 10—Caravan of Hope—Contracts, Sponsorship Package, Correspondences, Concert Tours, AIUSA, CHRDR, CU; see Philip H. Dougherty, “Advertising: RockBill Magazine Makes Its Debut,” *New York Times* (July 7, 1982)

²² AIUSA, “List of People Attending Summit Meeting at Amnesty International Office Re Caravan for Human Rights, April 2, 1986,” Box 385, Folder 13—Caravan for Human Rights, Concert Tours, AIUSA, CHRDR, CU; AIUSA, “Human Rights Caravan: Goals and Objectives,” c. April 1986, Box 385, Folder 13—Caravan for Human Rights, Concert Tours, AIUSA, CHRDR, CU; AIUSA, “Artist Classification,” c. 1986, Box 385, Folder 13—Caravan for Human Rights, Concert Tours, AIUSA, CHRDR, CU

“We went after the superstars—Stevie Wonder, Dylan, Bruce Springsteen, Huey Lewis, Barbara Streisand, the unreachable,” Healey grumbled. “This is the hardest job I’ve ever had in my life. The rock & roll industry is a schmooze community. They like talking to each a lot with very little paperwork. We’re the opposite. We like a lot of paper and little talking.” More dispiriting than the frequent rejections was the lack of awareness of Amnesty International among these artists. But Healey and Daly’s schmoozing paid off. Mick Jagger, Keith Richards, Bob Geldof, Paul Simon, Pet Shop Boys, Mr. Mister, John Taylor of Duran Duran, and Carly Simon all volunteered record video messages to be played at the concerts. Even better, they found some musicians who could not say no. Peter Gabriel, for instance, completely rearranged his schedule to participate. “He had to blow out so many things to get involved,” Bono said. “There were tangles with his record label. They had arranged a trip to Japan for him. And when Amnesty asked him to do it, he rang me up and said, ‘I’m not sure I can do this. But I have to.’” Graham deserved most of the credit for assembling the rest of the lineup, as according to Healey: “I think Lou Reed called U-2 in Ireland and asked to be on it. Jackson Browne came on because Jackson had been with us for years. That was easy. Joan Baez was easy. I think the Neville Brothers came from Bill. Where Bill was most responsive was in the coordinating and nurturing of the talent. They knew he was there so they were secure.”²³

U2 and Sting were the headliners. They would be joined by Peter Gabriel, Lou Reed, Bryan Adams, the Neville Brothers and Joan Baez. Others such as Bob Dylan, Jackson Browne, and Tom Petty and the Heartbreakers played in selected cities. The June 15 finale would have an expanded lineup: Browne, Miles Davis, Ruben Blades y Seis de Solar, and Third World with special appearances by Carlos Santana, Pete Townsend, and the dissident Nigerian singer Fela Anikulapo Kuti, who had been imprisoned in 1984 on charges of currency smuggling but had been recently released before AI could make him a Prisoner of Conscience. The schedule was finalized in early May. Consisting of six shows across the U.S., the tour began in San Francisco (Cow Palace) on June 6, then continued onto Los Angeles (The Forum), Denver (McNichols Arena), Atlanta (The Omni), Chicago (Rosemont Horizon), concluding at The Meadowlands, New Jersey, on June 15. Selling tickets the price of \$35 each, AIUSA expected to fill indoor arenas usually occupied by professional sports teams.²⁴

Intended to attract a younger audience, AIUSA chose MTV to broadcast the June 15 finale. Graham insisted at being at these negotiations because he had not been pleased with how MTV had presented Live Aid. MTV agreed to donate six hours from programming (4 PM to 10 PM EST). The last three hours were simulcast on an “ad hoc network” assembled by Viacom. The amount of time set aside for informational “roll-in” commercials would increase as the concert moved into primetime. It was at these moments that an AT&T-sponsored 1-800 phone number would flash across the screen to give viewers an opportunity to make contributions, which ultimately resulted in over \$900,000. MTV also assured AIUSA that it would cover production expenses if sponsorship sales fell short. Healey was adamant that his organization retain all of the video rights. “We have never agreed that MTV will be given part ownership of the program or the right to ‘veto’ our subsequent use: AI will retain ownership.”²⁵

²³ David Fricke, “Caravan for Human Rights”; Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 479

²⁴ Jon Pareles, “Rock Tour for Amnesty,” *New York Times*, May 15, 1985; Dorothy Maffei to Jamie Radner, “Concert Updates,” May 9, 1986, Box 385, Folder 27—Maffei, Dorothy, AIUSA, CHRDR, CU

²⁵ Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 479; John Sykes to Jack Healey and Mary Daly, April 23, 1986, Box 385, Folder 10—Caravan of Hope—Contracts, Sponsorship Package,

Syndication greatly increased the potential June 15 audience. Westwood One broadcasted the concert to radio stations in all major American cities. Viacom sold the broadcast package to television stations in the nine largest media markets (the only exception was Detroit). Radio Vision International sold the television broadcast to twenty-two countries in Western Europe (UK, France, Italy, West Germany, Spain, and Scandinavia), East Asia (Japan, Singapore, Philippines), and Latin America (Mexico, Argentina, and Brazil). The Japanese paid \$180,000, the Italians \$55,000, the British \$45,000, and the West Germans \$40,000.²⁶

AIUSA announced the concert tour at a press conference in May 1986. Healey focused on how much had changed in the twenty-five years since Peter Benenson's "The Forgotten Prisoners" had been published in *The Observer (London)*. Even as a third of the world's governments tortured their citizens, fifty detained citizens without charge or trial, and 130 still used the death penalty, Amnesty International had helped free thousands of prisoners and ended torture and disappearances in several countries. "Today a common set of standards protects citizens in all countries from arbitrary arrest, torture, and summary execution," Healey said. "More than 80 governments have ratified United Nations human rights covenants. An international Convention Against Torture was adopted last year." So while it was great that activists had lowered the "threshold of pain" in some parts of the world, there was still more work to be done. To make this point, Healey explained that the concert tour would revolve around six Prisoners of Conscience: Hugo de Leon Palacios, a disappeared Guatemalan schoolteacher; Thozamile Gqwarta, a black South African anti-apartheid activist who was indicted for treason after being arrested for the tenth time; Lee Kwang-ung had been tortured in a South Korean prison for distribution a book written by a North Korean poet; Riad al-Turk, a Syrian, was in "grave conditions" after he too had been tortured; Tatyana Osipova was one of twenty-five Helsinki Monitors imprisoned in the Soviet Union; and Nguyen Chi Thien, a Vietnamese poet who had spent most of the previous three decades in a prison cell.²⁷

"Amnesty is well-kept secret in this country," Healey acknowledged. "Our concert series will help reveal the secret to millions of Americans. We want human rights to be a household word and human rights protection to be a concern of every American." When giving lectures

Correspondences, Concert Tours, AIUSA, CHRDR, CU; John G. Healey to Bob Pittman and John Sykes, May 15, 1986, Box 385, Folder 10—Caravan of Hope—Contracts, Sponsorship Package, Correspondences, Concert Tours, AIUSA, CHRDR, CU; Jamie Radner to Jack Healey, "The 800 Number Before 15 June," May 14, 1986, Box 385, Folder 12—Special Projects—MTV Ad, Rock n' Roll Calendar, 1-800 number, Concert Tours, AIUSA, CHRDR, CU; Dorothy Maffei to Jamie Radner, "Concert Updates," May 9, 1986, Box 385, Folder 27—Maffei, Dorothy, Concert Tours, AIUSA, CHRDR, CU; for 1-800-number figures, see Dorothy Maffei, "Concert Updates," June 17, 1986, Box 385, Folder 27—Maffei, Dorothy, Concert Tours, AIUSA, CHRDR, CU; for MTV negotiations, see MTV and AIUSA contract, May 28, 1986, Box 385, Folder 11—Caravan for Freedom—Radio Vision International (LA) and Other Companies Regarding PSAs etc., AIUSA, CHRDR, CU; Jamie Radner to Jack Healey, "Reactions to MTV Contract," May 7, 1986, Box 385, Folder 10—Caravan of Hope—Contracts, Sponsorship Package, Correspondences, Concert Tours, AIUSA, CHRDR, CU; John G. Healey to John Sykes, May 6, 1986 [draft], Box 385, Folder 10—Caravan of Hope—Contracts, Sponsorship Package, Correspondences, Concert Tours, AIUSA, CHRDR, CU

²⁶ Dorothy Maffei, "Concert Updates," June 24, 1986, Box 385, Folder 14—Concerts for Freedom International, Concert Tours, AIUSA, CHRDR, CU; Todd C. Jackson to Mary Daly, May 6, 1986, Box 385, Folder 11—Caravan for Freedom—Radio Vision International (LA) and Other Companies Regarding PSAs etc., AIUSA, CHRDR, CU; Todd C. Jackson to Kevin Wall, June 11, 1986, Box 385, Folder 16—"Contracts + Budgets," Concert Tours, AIUSA, CHRDR, CU

²⁷ John Healey, "AI Statement: Wednesday Press Conference," c. May 1986, Box 385, Folder 10—Caravan of Hope—Contracts, Sponsorship Package, Correspondences, Concert Tours, AIUSA, CHRDR, CU

about AIUSA, Healey tried to shock his audiences out of their complacency by describing how victims were tortured. “You mean to tell me that I was on that beach in Acapulco there was torture going on right there in Mexico?” Yes, Healey responded, as he told them how the October 1985 earthquake had destroyed enough of the Attorney General’s building in Mexico City so rescue workers could find the bodies of six Colombians, two of whom had apparently been tortured, and a well-known criminal defense lawyer bound-and-gagged in the trunk of a car. The tour aimed for the same effect. Each stadium would be transformed into a local group for one night. Concertgoers received pre-addressed postcards to send on behalf of the prisoners. All of this mail would put offending states on notice. And there was the money. Between ticket sales, merchandizing, and broadcast rights, Healey expected the tour to bring in over \$3 million in revenue. AIUSA’s entire annual budget was approximately \$6 million.²⁸

At its best, *Conspiracy of Hope* offered some great musical performances. Largely dismissive of benefit concerts for their “poor sound, self-indulgent speeches and almost total lack of musical ambition,” *Los Angeles Times* music critic Robert Hilburn was impressed with the six-hour show he saw at The Forum, “Lighting and sound were state of the art, the pacing was brisk and many of the artists were more inspiring than they are in their own *paid* concerts.” Following opening sets by the Neville Brothers, Joan Baez, Lou Reed, and Jackson Browne, surprise guest performer Bob Dylan appeared to be “more confident and animated than he has on stage in years.” As the leading voice of the 1960s folk revival, Dylan inspired those around him. U2, Sting, Peter Gabriel, Tom Petty & the Heartbreakers, Bob Geldof, Eurythmics guitarist Dave Stewart, Bonnie Raitt, Don Henley, Joni Mitchell, and Maria McKee joined him for the final song, “I Shall Be Released.” Sting provided an emotionally-filled version of “If You Love Somebody, Set Them Free.” In a dramatic cover of “Maggie’s Farm,” a song that Dylan had written as a personal declaration of freedom, Bono asked a fan to give him a t-shirt that the fan had waved, which he then tied around his head like a blindfold as he walked towards the speakers much like a “prisoner going to the firing squad.” Hilburn thought Bono captured the night’s larger theme: “By using the blindfold, [Bono] Hewson reminded us how vulnerable we are; the way we take our sight—and our freedom—for granted.”²⁹

Of course, popular music had its limits as a medium for spurring activism. When the tour stopped in Chicago, Ronald Smith, the faculty advisor to a group at Lincoln Park High School, told the *Chicago Tribune*, “This fellow Sting is a little more popular than we are. I’d have to say that most of our students going to the show will be thinking about things other than human rights.” Smith was encouraged that students continued to be interested in human rights even after it was announced that only long-time members would receive concert tickets. When the musicians alluded to political prisoners and eliminating human suffering, the crowd in Los Angeles “tried to muster some enthusiasm,” but some in the audience thought they were advocating for the release of *all* prisoners. Asking teenagers near him to tell him what they knew of Amnesty International, Hilburn reported that one of them answered, “Doesn’t it help people who have lost their memory?” This confusion became less of the problem as *Conspiracy of Hope* moved east. Press conferences, MTV commercials, and media coverage made it so

²⁸ Healey, “AI Statement: Wednesday Press Conference”; Charlotte Curtis, “A Rock Effort to Support Man’s Rights,” *New York Times*, April 15, 1986; Jon Pareles, “Rock Tour for Amnesty,” *New York Times*, May 15, 1986; for Healey’s initial projections, see “Freedom Rocks: A Caravan for Human Rights,” c. April/May 1986, Box 385, Folder 10—Caravan of Hope—Contracts, Sponsorship Package, Correspondences, Concert Tours, AIUSA, CHRDR, CU

²⁹ Robert Hilburn, “Amnesty’s State of the Art Benefit,” *Los Angeles Times*, June 9, 1986

concertgoers had a better understanding of the tour. *Washington Post* music critic Richard Harrington believed the problem was not so much the concert itself, but the concertgoers: “The connections made to human rights abuses in South Africa, Central America, and elsewhere in the world, including the United States, as well as Amnesty International’s positions against torture and capital punishment, were clear enough, but the audience—mostly white male teenagers and young adults—has traditionally been out of touch with those particular tunes.”³⁰

Sting’s manager Miles Copeland caused AIUSA the biggest headaches on tour. Days before Sting was to be reunited with his former band at the June 15 finale, Copeland threatened to remove both acts from the lineup if the concert was going to be broadcasted in Japan, where The Police had planned to release a music video. Copeland was not the only manager who balked at the lack of video broadcasting rights for the artists. Bruce Allen and Gail Colson, the managers for Bryan Adams and Peter Gabriel, respectively, opposed the MTV broadcast. It only occurred to Mary Daly after these meetings that “final performance of The Police *ever* on TV was worth something.” Sting reassured Daly that he was still committed to the tour, but feared overexposure in Japan. Copeland was less diplomatic, reducing Daly to tears after a particularly heated exchange. When Copeland accused Healey of being an opportunist, referring to a dispute he had with county star Willie Nelson over *Farm Aid*, Bill Graham spoke up in Healey’s defense. “Copeland’s remark about me being like Willie Nelson was a way of writing me off,” Healey said. “Like I was just another shit. What Bill really meant when he answered him back was, ‘Jack Healey is *human rights leader* and we’re going to respect him in this meeting. Knock that off.” Fortunately for Healey and Daley, Copeland lost much of his leverage when Allen and Colson conceded that their artists had obligated themselves to participate regardless of how the concert was broadcasted. To appease Copeland, there would be no radio broadcast in Japan. Tour manager Michael Ahern understood why Copeland acted the way he did. “The artist is not and certainly never wants to be the person to sit there and say no to *anything*,” Ahern said. “Somebody from Amnesty looking at it says, ‘That was just awful of old Miles to do *that*.’ Yet if you’re Miles, it was like these people have a lot of gall going directly to the artist.”³¹

The June 15 concert began with rock singer John Eddie at noon and continued for the next eleven hours. Before a sold out Giants Stadium, the artists performed on a flower-bordered stage with video screens and a banner with the Amnesty International logo on each side. The first half of the concert offered an eclectic mix of sounds and strong political statements. Before singing “I Am a Patriot,” which he said was in tribute to Leonard Peltier, an American Indian Movement activist who had been convicted of murdering two FBI agents during a 1975 dispute at the Pine Ridge Reservation, Jackson Browne declared, “I want to sing this for everybody who’s rotting in jail for what they believe.” Brown used “Lives in the Balance” to decry U.S. involvement in Central America. E-Street Band guitarist Steven Van Zandt sang about the disappeared in Latin America and the Sanctuary Movement. Originally from Panama, Rubén Blades told the audience, “I used to be an attorney in Latin America, and I can tell you from experience, many people have been saved by this organization.” Joined on stage by Fela Anikulapo Kuti and Carlos Santana, Blades dedicated “Muévete” to anti-apartheid activists: “From the Caribbean to Soweto in Africa/Our song goes saluting those who defend

³⁰ Daniel Brogan, “Amnesty’s Rollin’ Tour Beats Out a Message,” *Chicago Tribune*, June 10, 1986; Robert Hilburn, “Amnesty Tour: Keeping the Doors Open,” *Los Angeles Times*, June 22, 1986; Richard Harrington, “Pop, Politics, and a Day in the Sun,” *Washington Post*, June 16, 1986

³¹ Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 480-486

freedom/There's not a bullet that can kill truth when reason defends it." The wide variety of music styles symbolized Amnesty International's global aspirations: the salsa and Latin jazz of Blades; Third World's pop-reggae; the acoustic folk of Joan Baez and Peter, Paul and Mary, both of whom did covers of Bob Dylan's songs, "The Times Are a-Changin'" and "Blowin' in the Wind," respectively, and the electric jazz of Miles Davis.³²

The concert hit its emotional peak as it moved into the evening. Written for the black South African leader who had died in prison in 1977, Peter Gabriel's "Biko" was described by Richard Harrington as "the single transcendent moment that left the audience mesmerized." U2 ended its set with Van Zandt's "Sun City," whose title referred to the racially-segregated South African resort boycotted by leading musicians. U2 won over the audience with a "spirit of commitment" that was evident in its stirring performances of the Martin Luther King, Jr.-inspired "Pride (In the Name of Love)" and "Sunday Bloody Sunday," which described the British Army's January 1972 shooting of twenty-six protestors in Derry, Northern Ireland. Bono joined Sting and The Police for "Invisible Sun," which was also about violence in Northern Ireland. The concert ended with an all-star cover of Dylan's "I Shall Be Released."³³

Bill Graham had a surprise in store for the last song. Born to a Jewish family that fled Poland in 1941, Graham's sister survived Auschwitz. To make a final point about why viewers should join Amnesty International, a dozen former Prisoners of Conscience were paraded onto the stage. "This is the first time governments around the world have been attacked on television for 11 hours for human rights abuses, including the torture of thousands of people," Healey said as they surrounded him. "There are signs that the publicity from the tour is already having an effect. We held our annual meeting in Washington last week and we try each year to visit embassies of countries with poor human rights records. Only one or two used to agree to see us. But this time, more than a dozen accepted our invitation. I think it's a direct link to this tour." Graham appreciated the emotional scene as it unfolded before him, but he found himself quickly rearranging the prisoners. "Stunned by the power of the moment, the ex-prisoners of conscience began to reach out to one another, walking in *front* of the performers everyone else had come there to see."³⁴

A longtime political activist who had been essential to AIUSA's survival in California during the early 1970s, Joan Baez was impressed by what she saw on tour. "I would say I am definitely less skeptical and cynical than I was two years ago, when the beginnings of it seemed like great big picnics and practically zero commitment—except for [Bob] Geldof, who had 200% commitment," Baez said. "For everybody else, there was no risk—in fact, it was a risk to your career if you didn't appear on things like *Live Aid*. But I was impressed on this tour how everyone handled themselves at press conferences and how deeply they seemed to delve into the issues away from the cameras." Peter Gabriel became very interested in the death penalty. On the flight to Chicago, he handed out a reprint of a magazine article highlighting its disproportionate use against racial minorities and the poor. He asked four questions at the next press conference: "First, where are the statistics to show there has been a drop in violent crime rates since the death penalty has returned? Second, why are there so many blacks on Death Row? Third, why are there so many poor people on Death Row? Fourth, why is it only the

³² Jon Pareles, "Amnesty Concert in Jersey," *New York Times*, June 16, 1986; Harrington, "Pop, Politics, and a Day in the Sun"

³³ Harrington, "Pop, Politics, and a Day in the Sun"

³⁴ Robert Hilburn, "Amnesty Red Letter Final Show," *Los Angeles Times*, June 17, 1986; Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 486

United States and Turkey—of all the countries in NATO—still have the death penalty?” Sting belied his cool, distant image by walking around hotels and posing for pictures with fans. Bono, Gabriel, and Sting viewed themselves as part of a younger generation of musicians who wanted to make a difference. Gabriel thought this 1980s-style idealism was premised upon creating a movement that “by sheer weight of numbers, [would] bypass the huge inadequacies of governments and actually make a difference.” As AIUSA reported after the tour concluded, “The organizers—Bill Graham, Michael Ahern, and the six regional promoters—produced a tour which, according to the musicians, was technically and creatively one of the best they’d experienced.”³⁵

Healey took advantage of his open door to the music industry. Other bands such as UB-40 and Simple Minds began promoting Amnesty International at their concerts. Lou Reed and Steve Van Zandt publicized the annual report. Westwood One broadcasted a set of public service announcements nationwide. MTV gave special Music Video Awards to Bill Graham and Jack Healey. Music retailer Tower Records showed video clips from the tour in its stores and played announcements by Jackson Browne, Run DMC, and Whoopi Goldberg urging customers to take a moment and fill out Amnesty International postcards as they shopped for music.³⁶

Conspiracy of Hope was a hit for AIUSA. Defining a current member as anyone who had made a donation during the previous year, Pat Bronstein estimated AIUSA’s membership at 260,000 in January 1987. Almost 100,000 of these names had been added since June: “This breaks down into about 34,000 concert-related additions and about 66,000 additions through direct mail. We are adding between 15,000 and 20,000 new members every two months.” As of February 1987, AIUSA’s file of repeated donors numbered 200,000, more than a fifty percent increase from the 130,000 reported a year and half earlier, making it “one of the biggest direct mail operations in the public interest sector.” The volume of letters and calls to the national office, regional offices, and groups had reached unprecedented levels. Responses to direct mail had doubled—“an excellent indicator of public awareness.” Attendance at high school and college meetings was up by the factor of ten. With the concerts attended by 115,000 people, 7 million television viewers, and 30 million radio listeners, *Conspiracy of Hope* produced 100,000 signed postcards and 5,000 telegrams that contributed to the releases of Thozamile Gqweta and Tatyana Osipova.³⁷

AIUSA’s financial strategy was “raising funds at minimal risk.” All of the bands had donated their performances with the understanding that their roadies would be paid the usual salary. “The basic principle of funding this production is that anyone who incurs an extra expense as a result of doing these shows should have it covered,” U2 manager Paul McGuinness said. The Hyatt Corporation donated the hotel rooms. The venue for the concert in Los Angeles

³⁵ Hilburn, “Amnesty Tour: Keeping the Doors Open”; Harrington, “Rock for Rights”; AIUSA, “A Conspiracy of Hope, June 4-15, 1986: Summary of Results,” c. 1986-1987, Box 384, Folder 17—Fact Sheet, Summary of Results, and Revised Statistics, Concert Tours, AIUSA, CHRDR, CU

³⁶ AIUSA, “A Conspiracy of Hope, June 4-15, 1986: Summary of Results”; Chris Wellman, “Simple Minds Make a Pitch for Amnesty,” *Los Angeles Times*, April 13, 1986; Steve Pond, “Record Chain, Amnesty Group United,” *Los Angeles Times*, April 13, 1987

³⁷ Pat Bronstein, “Re: Statistics,” September 24, 1987, Box 384, Folder 17—Fact Sheet, Summary of Results, and Revised Statistics, Concert Tours, AIUSA, CHRDR, CU; AIUSA Board of Directors, February 6-8, 1987 minutes, Box 55, AI Internal Mailings, GS, HI, SU; AIUSA, AIUSA, “A Conspiracy of Hope, June 4-15, 1986: Summary of Results”; AIUSA, “Concert Wrap-Up,” June 26, 1986, Box 385, Folder 14—“Concerts for Freedom Information,” AIUSA, CHRDR, CU; AIUSA, “Conspiracy of Hope Tour—Fact Sheet,” c. 1986-1987, Box 384, Folder 17—Fact Sheet, Summary of Results, and Revised Statistics, Concert Tours, AIUSA, CHRDR, CU

was rent free. Healey worked with local promoters such as John Scher in New Jersey to reduce costs as much as possible. This was how *Conspiracy of Hope* netted \$2.2 million, a number of that was expected to increase because of new contributions. “One indication of the success minimization of risk is that every aspect of the project—concerts, TV, radio, souvenirs—paid for itself and more,” an AIUSA report stated; not a bad return on the initial \$200,000 investment AIUSA had made in its shell corporation, Concerts for Freedom Foundation, Inc., in May 1986. As part of a larger \$5 million fundraising campaign for AIUSA, the money would be put towards organization building, financial support for the International Secretariat, and an emergency reserve fund.³⁸

Healey was most proud of how he had won over his critics within AIUSA. “There were a lot of people in our organization that thought we had lost our minds when we announced we were going to do this,” he said to Robert Hilburn in September 1986. “It seemed too slick, too razzle-dazzle for a human-rights organization. But they are really thrilled now. We thought people would respond to our message and they have. Rock ‘n’ roll just gave us the opportunity to reach them.” Just as importantly, the tour lifted the morale of current members. With the constant influx of victims and comparatively few victories, working for Amnesty International could be “depressing” at times. “So, all this attention becomes an endorsement of your work,” as Healey explained,

It makes you feel you are not alone. For instance, there is a group of our members who have adopted a prisoner in the U.S.S.R. and they have been writing post cards on his behalf for 15 straight years...and nothing happens. There isn’t even very much mentioned in the press here about our organization. But then, our members see the Amnesty tour coverage on television and in the papers, and it’s very reassuring. It makes them feel rejuvenated...that they have been doing the right thing and that their letters weren’t just going into some deep hole somewhere.

The success of *Conspiracy of Hope* gave AIUSA some of the name recognition it had always sought in its own country. Healey did not put together another concert tour in 1987 because he did not want it to become a distraction. “I think it would be a mistake if we tried to make the tour some type of annual event because it would take too much energy and time from our primary responsibility.” But that did not mean Healey was finished with rock ‘n’ roll. He soon began making plans for an even larger tour.³⁹

Human Rights Now!

³⁸ AIUSA, “A Conspiracy of Hope, June 4-15, 1986: Summary of Results”; Fricke, “Caravan for Human Rights”; Trager, Glass and Company, “Audit of Concerts for Freedom Foundation Incorporated,” May 12, 1986, Box 384, Folder 20—Corporate Records, Concert Tours, AIUSA, CHRDR, CU; the Board of Directors for Concerts for Freedom Foundation consisted of Mary Daly, Curt Goerning, John G. Healey, and James M. Rander, see Concerts for Freedom Foundation, “Articles of Incorporation, May 1986,” Box 384, Folder 19—Concerts for Freedom Incorporated—Articles of Incorporation, Concert Tours, AIUSA, CHRDR, CU; the initial profit from the concert tour was \$1.75 million, see Phoenix Management, “Tour Budget Prepared by Phoenix Management,” July 2, 1986, Box 384, Folder 26—Tour Budget—Income and Expenses, Concert Tours, AIUSA, CHRDR, CU

³⁹ Robert Hilburn, “The Returns Keep Coming,” *Los Angeles Times*, September 6, 1986; Jon Pareles, “Sound Moves,” *New York Times*, August 30, 1987

Jack Healey was intent on doing something really big in commemoration of the fortieth anniversary of the Universal Declaration of Human Rights. In December 1986, a group of AIUSA executives discussed potential strategies of raising public awareness about the declaration: “The basic concept of this project—to tell the people of the world their rights through rock music—has the potential to change the human rights map of the world.” The tour would strive for “communication and mobilization” in regions where Amnesty International had yet to build up a membership. “As long as the tour projections indicate Amnesty will comfortably cover its costs, with a modest net and minimal risk, we should go forward.” Public awareness would eventually turn into contributions for the national sections hosting the concerts. However, a major obstacle was transportation and production costs.⁴⁰

With Mary Daly, Jamie Radner, AIUSA Coordinator for Special Events, and *Conspiracy of Hope* tour manager Michael Ahern, Healey began preparations on the Universal Declaration of Human Rights tour in early 1987, the underlying message of which was to remind people of their rights: “No host country should feel attacked or accused of human rights abuses by the concert’s spokespeople—we want only to make their citizens aware of the rights promised to them so many years ago.” They first had to decide where the tour would go, with Ahern commenting upon their advantages and disadvantages. London was ideal because it was an international media center. Tickets would be sold there. Barcelona was a “magnet for French audience as well.” Brussels was an “excellent draw” for all of Western Europe. He also liked Budapest and Moscow, where Ahern knew a local promoter who would get them through “red tape and corruption.” Revealing how infrequently rock stars toured the developing world, there were relatively few remarks on Africa and Latin America. The biggest advantage for Lesotho was “Jack,” while for Botswana it was “desert—never rains.” Tokyo received praise for its “excellent technological capabilities.” The relationships from *Conspiracy of Hope* made procuring talent less of an issue this time around. Many of the artists who participated in the first tour were willing to do it again, but AIUSA held onto a “Wish List” of performers: Bruce Springsteen, Queen, Madonna, Sade, Miles Davis, Run DMC, and Joan Armatrading. Nonetheless, a crucial decision had already been made at this point. The tour was most likely going to be held from late August to early October 1988, a worldwide petition that would be signed all concertgoers and given to the UN on December 10, and would end in Argentina. “Ahern has friends down there, it’s a developing section, Latin America, it’s not Europe or the US, and it’s interesting for the media, especially TV.”⁴¹

The most immediate need was money. AIUSA contributed \$100,000 to get the process going, an amount that was soon matched by the British and Norwegian sections. Healey planned to work his connections in the music industry such as speaking at the National Association of Record Manufacturers convention, where Tower Records had brought an example of the Prisoner of Conscience displays in its stores. Also targeted were other corporations that sold to the “youth market” such as Coca-Cola, Pepsi, and Federal Express, and Japanese multinational

⁴⁰ Jack Healey, Curt Goering, Jamie Radner, and Emilie Trautmann, “Preliminary Thoughts on the 40th Anniversary of the Universal Declaration of Human Rights,” December 1, 1986, Box 66, Preliminary Proposal for 1988 HRN!, GS, HI, SU

⁴¹ AI World Tour Working Group, “Notes from World Tour Meeting Held January 14, 1987,” January 16, 1987, Box 386, Folder 26—World Tour Meeting 1/14/1987 in NYC, Concert Tours, AIUSA, CHRDR, CU

firms (through Densue Advertising). The cost of the world tour was estimated to be in the range of \$12-\$15 million, so there was a lot of fundraising that needed to be done.⁴²

Franca Sciuto, Chairwoman of the International Executive Committee (IEC), wrote AIUSA in February 1987 that she welcomed the “imagination and enthusiasm” of the proposed tour. The IEC set up a “Working Group” to coordinate Healey’s plans with London. The IEC’s biggest concern was keeping control of their organization’s image, especially if it was going to be represented by rock stars: “The musicians and spokespeople of the tour would be carefully briefed on our mandate, the tour’s message, and our position on appropriate issues. They will be advised on how to handle issues on which AI has no position.” It was also important that this tour feature a more diversified set of musical acts than *Conspiracy of Hope*. “We should approach more black musicians with the intent to integrate our bill,” the Working Group argued. “Performers mentioned at the meeting included Herbie Hancock, Lionel Richie, Whitney Houston, and especially Sade who has ties through the Secret Policeman’s Ball.” A draft of a policy statement dated March 30, 1987 provides insight into its priorities: “Present a multi-cultural, multi-racial musical and artistic bill, and remain multi-cultural in its public profile; include countries of all continents, and at least one country with a socialist government; [and] include translations of the Universal Declaration and AI materials in indigenous languages everywhere the tour visits.” Healey said as much at an April 1987 Working Group meeting in New York: “He stressed the importance of a multi-racial and multi-national talent bill. AI hopes to reach broader audiences possibly by including Rock n’ roll, Classical, Country, Jazz, and other types of music.”⁴³

Sciuto may have been on board, as Stephen Hopgood writes in his study of Amnesty International, but there were objections within the International Secretariat. The Campaign and Membership Department was not satisfied with what it saw of AIUSA’s logistical planning. Some of the regional programs had their doubts whether rock music was truly a global language of protest as Healey had suggested, voicing their opposition at an April 1987 meeting in London. Researchers who worked on the Middle East did not think it was “an appropriate vehicle for promoting AI in the Middle East, since it could reinforce the image of AI as being a decadent Western organization.” The Europe Region was not sure if it was the best way to introduce Eastern Europeans to Amnesty International. The Africa Region insisted that it was “not opposed to using rock music in some form at some future time, for example for membership development, [but] the current proposal was felt to be inappropriate.” Wondering if “the anniversary of the Universal Declaration of Human rights was more important than the music or vice-versa,” the Asia Region was afraid that concerts held outside of “Westernized places” like Hong Kong and Japan could be “exploited in the wrong way.” The Americas Region was

⁴² AIUSA, “Notes from World Tour Meeting Held January 14, 1987”; MFM, “February 10 Meeting/World Tour,” February 11, 1987, Box 386, Folder 27—Working Group Meeting AIUSA N.Y., 2/11/87 and 2/26/87, AIUSA, CHRDR, CU; AIUSA, “Minutes of the World Tour Group Meeting, New York, February 20, 1987,” Box 386, Folder 27—Working Group Meeting AIUSA N.Y., 2/11/87 and 2/20/87, AIUSA, CHRDR, CU

⁴³ Franca Sciuto to AIUSA, February 4, 1987, Box 393, Folder 12—IEC Policy Committee, Concert Tours, AIUSA, CHRDR, CU; AIUSA, “Minutes of the World Tour Group Meeting, New York, February 20, 1987”; AI World Tour Working Group, “Minutes of the World Tour Group Meeting, New York, Part II, February 21, 1987,” Box 386, Folder 27—Working Group Meeting AIUSA N.Y., 2/11/87 and 2/20/87, AIUSA, CHRDR, CU; AI World Tour Working Group, “Policy Statement on Universality of Tour,” March 30, 1987, Box 386, Folder 28—World Tour Working Group Meeting, London 3/30/1987, Concert Tours, AIUSA, CHRDR, CU; AI World Tour Working Group, “Minutes from the Amnesty International World Tour ’88, New York Committee Meeting, April 16, 1987,” Box 391, Folder 22—Music Industry Meeting, Concert Tours, AIUSA, CHRDR, CU

completely hostile to the idea: “Rock music was seen as being associated with the wealthy elite and therefore a tour of this kind would be bad for AI’s image.” But Secretary-General Ian Martin ultimately sided with AIUSA. Not convinced that rock music would hurt AI’s image in the developing world, he approved the rock tour.⁴⁴

The Working Group selected Bill Graham as “overall coordinator” for promotion and production, and Healey took up an offer of assistance from British music promoter Harvey Goldsmith. Revisions to the itinerary continued through the end of 1987, but the basic outline of a tour had emerged. The seven-week tour would begin in Oslo, end in Buenos Aires, and include stops in Dublin and Paris if possible. Moscow remained “a priority,” with Budapest, Bucharest, and Belgrade to be considered as alternatives. The IEC officially approved the concert tour in July 1987, describing it as a “human rights awareness project”: “This project will focus on the theme of freedom from fear and will include a worldwide appeal (the petition), action for human rights activists, a campaign of home government lobbying on human rights issues and the promotion of human rights (and Amnesty International’s efforts) through an eight-week music tour with possible radio and TV broadcasts.” The name of the tour was “Human Rights Now!” The “Now!” conveyed more urgency than Graham’s suggested *Human Rights Tour 1988*. Graham still had his doubts that the tour would come to fruition. “Money was one problem,” he said later. “The expense of getting into Third World countries was *so* high. There were the political ramifications. Whether we could do it legally and logistically.”⁴⁵

The search for financial backing brought Healey to the Massachusetts-based Reebok Corporation, a leading athletic shoes and apparel manufacturer. Like its competitors Nike and Adidas, Reebok marketed heavily to young consumers. Following the advice of Chiat Day, a public relations firm, it looked closely at partnering with Amnesty International. “The average age in the company is about 31 years old, so you’ve got a lot of people probably feeling guilty about being successful,” admitted Angel Martínez, Reebok Vice-President of Business Development. An executive whose family fled the 1959 Cuban Revolution, Martínez’s rapid promotion through the company was due to his designing a very popular line of women’s aerobic shoes. After Reebok commissioned a public opinion poll that showed wide support for human rights, but a very low awareness of Amnesty International, it decided to underwrite the tour. “I think the reason we jumped on this so quickly was that we’ve gotten to the point where we wanted to make a statement about ourselves and wanted to put something back into the community,” Martínez said. Others saw a marketing opportunity. “The shoe business has become an image business,” an advertising expert said at the time, “and the sponsoring of this tour is good for Reebok’s image.” An executive at Puma USA thought Martínez’s decision was not driven as much by profit as principle. “I see it as a very positive example of philanthropy, or

⁴⁴ Hopgood, *Keepers of the Flame*, 111-112

⁴⁵ AI World Tour Working Group, “Minutes of the 1988 Awareness Campaign and World Tour Working Group Meeting Held in London on March 30, 1987,” Box 386, Folder 28—World Tour Working Group Meeting, London 3/30/1987, Concert Tours, AIUSA, CHRDR, CU; Human Rights Awareness Project Policy Committee of the IEC, “Human Rights Awareness Project: Circular No. 1,” July 27, 1987, Box 386, Folder 21—A.I. Human Rights Awareness Project Circulars, AIUSA, CHRDR, CU; on the press conference, see Richard Roech to Annie Harris, November 12, 1987, Box 386, Folder 21—A.I. Human Rights Awareness Project Circulars, AIUSA, CHRDR, CU; Human Rights Awareness Project Committee of the IEC to All Sections, November 27, 1987, Box 386, Folder 21—A.I. Human Rights Awareness Project Circulars, AIUSA, CHRDR, CU; the preliminary plans for the tour were set forth by AIUSA in “1988 Global Concert Tour for Amnesty International,” c. 1987-1988, Box 66, Preliminary Proposal for 1988 HRN!, GS, HI, SU; Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 507

social responsibility, but I don't see it as much of a marketing tactic." Amnesty International scrutinized Reebok's labor practices before signing anything. As IEC Chairwoman Franca Sciuto explained, "We didn't want to go into a country and have someone get up and say, 'Did you that company does so-and-so? That kind of incident could really damage us an organization.'"⁴⁶

The agreement between Amnesty International and Reebok was the culmination of more than a year of negotiations. In January 1987, Jamie Radner briefed Jack Healey on the terms of a proposed deal: Reebok would provide \$2-3 million immediately, along with an additional guarantee that would bring the total to \$10 million—the only way the project would be "financially viable." Reebok understood that its association with Amnesty International would have to be subtler than in "more standard sponsorship contexts." For example, the candle and barbed wire logo would not be included on any promotional items. A "special thanks to Reebok" would be included under the official *Human Rights Now!* logo. Even as it received the millions it needed to fulfill Healey's plans of a worldwide rock tour, AIUSA was adamant that Reebok was *not* a "sponsor." It also requested that Reebok lessen its visibility as the tour went through the developing world, so that Amnesty International's message would not be muddled in countries where gaining new membership was a priority.⁴⁷

Reebok's overriding concern was talent. Funding for a "full tour" depended upon Reebok having assurances that three of the following artists would be participating: Sting, Peter Gabriel, U2 (possibly for half of the tour), David Bowie, Madonna, George Harrison, Bruce Springsteen, Billy Joel, Bon Jovi, and Paul Simon. Reebok made plans to produce t-shirts, sweatshirts, caps, poster, enamel button, calendar, and program books with the tour logo on them. These items would be sold through "existing trade channels," at the concerts, and mail order with advertising in media outlets such as *Rolling Stone* and MTV. Amnesty International would be expected to "convey" to artists its appreciation of Reebok's support.⁴⁸

Even as it sought identification with a moral issue, Reebok also wanted access to celebrities. Amnesty International needed Reebok's money if the tour was going to Africa, South Asia, and Latin America, but it did not want to sell off its integrity and credibility. These concerns were voiced at a February 1988 meeting with Cone Communications, a public relations firm. Amnesty International was to emphasize that Reebok's participation is what enabled the concert tour "to reach Third World locations and extend the message." Not only did it want to avoid to perception that had been bought and paid for by Reebok, but there was also the possibility that "the Reebok grant will make the public believe that AI no longer needs to solicit funds."⁴⁹

Reebok laid out its objectives in a marketing plan. The first of which was to "re-energize Reebok." Nike had made substantial gains into Reebok's market share through its "Just Do It"

⁴⁶ David Beers, "Jailhouse Rock," *Mother Jones*, December 1988, 28; Robert Hilburn, "The Amnesty Tour—Conscience & Compromise," *Los Angeles Times*, September 18, 1988; Barbara Carton, "Reebok's Image of Conscience," *Boston Globe*, September 20, 1988; on labor, see the profile of Reebok's North America CEO Paul Fireman, "Sole Man," *Boston Globe Magazine*, November 28, 2004; for Nike, see Walter LaFever, *Michael Jordan and the New Global Capitalism* (New York: W. W. Norton, 2002)

⁴⁷ Jamie Radner to Jack Healey, "Reebok," January 12, 1987, Box 393, Folder 12—IEC Policy Committee, Concert Tours, AIUSA, CHRDR, CU

⁴⁸ Concerts for Human Rights Foundation and Reebok, "January 14, 1987 Minutes," Box 391, Folder 3—Fashion Designers, Merchandizing, Production, Concert Tours, AIUSA, CHRDR, CU

⁴⁹ Amnesty International/Cone Communications, "Call Report: February 23, 1988," Box 393, Folder 6—Cone Communications, Boston MA, Concert Tours, AIUSA, CHRDR, CU

advertisement campaign and the endorsement of professional basketball star Michael Jordan. Through its partnership with Amnesty International, Reebok hoped to become the “freedom of expression brand,” so it could better “advertise to the current shoe franchise as well as the future apparel franchise—emphasize the 15-25 age group” and “create excitement and provide added value” to its retail merchandise with television commercials. If all went well, “the impact and awareness” of *Human Rights Now!* “will peak during ‘back to school’ and create a foundation for 1989.”⁵⁰

In January 1988, Martínez faxed Radner a list of his company’s expectations for the performers. They were to participate in public service announcements, make appearances of hospitality parties at concert venues for Reebok’s dealer network, and give Reebok the right to use a group photo of them to promote the tour, perhaps as a free giveaway in some of its 12,000 retail locations. “These [appearances] are not product specific in any way, but would merely endorse Reebok’s commitment to the Amnesty International world tour and Reebok’s commitment to freedom.”⁵¹

Image was everything. Chiat Day sent AIUSA a proposed tour logo that had an outline of human figure leaping out of the surface as if to say “NOW!” with the left arm in a throwing position with the right in the shape of a fist. Healey and Daly liked how the idea of “release” was evident in the logo, but they mostly found it “too masculine,” too aggressive, too playful.” But they had no objections when it was reversed—less masculine, more unisex, and more representative of freedom than force. AIUSA expressed similar concerns when Reebok released a promotional videotape in July 1988. Healey did not feel comfortable with the phrase “...armed with funds by Reebok,” preferring that this be expressed in less confrontational terms.⁵²

Martínez had committed to sponsoring an annual human rights award for activists under the age of thirty through the “Reebok Foundation.” A tour underwritten by the “Reebok Foundation” was supposed to be seen differently than one sponsored by the “Reebok Corporation.” Print advertisements in summer 1988 contained the following message: “The Tour for Human Rights Now! is made possible by the Reebok Foundation’s commitment to the exercise of freedom.” Healey needed AIUSA to approve this language or else Martínez would “lose \$5 million worth of television ads.” Healey apologized to Healey in August 1988 if he had not made more of an effort to “mention Reebok’s role as underwriter of this tour” in interviews, but Reebok needed to stop running advertisements that had not been cleared by artist management. “The more Reebok presents itself as a commercial interest, the harder it is for Jack to use his best efforts successfully,” AIUSA warned.⁵³

⁵⁰ Reebok, “Reebok Corporate Media Plan: Budget Options,” c. 1988, Box 391, Folder 1—Corporate Media Plan Budget Options, Concert Tours, AIUSA, CHRDR, CU

⁵¹ Angel Martínez to Jamie Radner, January 6, 1988, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU; for Reebok’s categorization of musical artists, see Angel Martínez to Jamie Radner, also dated January 6, 1988, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU

⁵² Jack Healey and Mary Daly to Angel Martínez, Steve Mitgang, Marty Cook, and Steve Friedman, “Proposed Logo 4/25, April 28, 1988 [the memorandum is dated March 28, 1988, but this appears to be a mistake], Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU; Jack Healey to Angel Martínez, July 10, 1988, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU; Reebok ran a “Call to Arms” television advertisement as part of the promotional campaign, see Jessica Neuwirt, “Conversation with Angel, 18 May,” May 19, 1988—Concert Tour, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU

⁵³ Jessica Neuwirt to World Tour Team, “Jack’s report of his lunch with Angel,” April 27, 1988, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU; for the Reebok Human Rights Award plans, see

Still not completely satisfied that it had received an adequately detailed budget from AIUSA, Reebok provided a much needed \$1.5 million in April 1988. It then followed up with another \$2.5 million in June and a final \$1 million in August. The total cash advanced to the Concerts for Human Rights Foundation was \$5.65 million. Most of this money went to logistics. The artists traveled via charter plane. Production costs as the tour went through the developing world were high. Revenues from these regions could not begin to match those found in North America, Western Europe, and Japan.⁵⁴

“Amnesty and human rights are not just a Western message,” Healey said at an April 12 press conference at A&M Records in Hollywood. “The human rights message is a universal message and we want to show by the geography of the tour that it represents a true universal feeling about the importance of governments everywhere renewing their commitment to human rights.” Three former political prisoners symbolized why *Human Rights Now!* was more than a star-studded spectacle: Chea Sok Lim of Cambodia, Veronica DeNegri of Chile, and Surinarayan Venkatrathnam of South Africa.⁵⁵

Chea Sok Lim was high school student when the Khmer Rouge took power. Surviving 1975-1979 genocide, he helped his large family escape to a refugee camp in Thailand, where he served as a translator and assisted in cultural preparation classes for asylum seekers. After immigrating to Southern California in November 1981, Lim became a counselor with Cambodian Family, an organization in Orange County that helped refugees adjust to their new lives. He spoke of his experiences to local AIUSA groups to raise awareness of Pol Pot’s many crimes against humanity.⁵⁶

A part-time student at University of Valparaiso in Chile, Veronica DeNegri also volunteered for a local trade union. She lost her job following the September 1973 coup because of her political affiliations. In 1975, DeNegri “disappeared” for nearly two years as she was tortured at a series of detention centers operated by the CNI (Chilean secret police). She was released after signing a false confession. Through the assistance of the International Rescue Committee, she and her two young children immigrated to the Washington, D.C. area, where she worked as a youth counselor. In summer 1986, her son, Rodrigo Rojas, then age nineteen, returned to Chile. Police officers apprehended Rojas and his friend, Carmen Quintana, as they took photographs of an anti-junta demonstration. They threw gasoline on Rojas and Quintana and set them on fire. Rojas died a few days later. Quintana and her family were granted

Amnesty International/Cone Communications, February 28, 1988; on Reebok Human Rights Award, see Desiree French, “Sting Presents Human Rights Awards,” *Boston Globe*, December 6, 1989 and Greg Reidman, “Celebs Fete Rights Activists; Partake in Reebok Awards Ceremony,” *Billboard*, January 12, 1991; Jack Healey to Angel Martínez, August 9, 1988 [draft], Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU; Jessica Neuwirt to Gary Stiffleman, August 10, 1988, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU; also see Mary Daly to Lisa Strawbridge, “August 3 Memo: Reebok Publicity Needs and Issues,” August 9, 1988, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU

⁵⁴ Richard Harrington, “Human Rights Now! Tour; Worldwide Concert to Aid Amnesty International,” *Washington Post*, April 20, 1988; Concerts for Human Rights Foundation, “Handwritten Totals,” c. 1992, Box 391, Folder 4—Financial—Reebok Close Out, Concert Tours, AIUSA, CHRDR, CU; Jamie Radner to Angel Martínez, April 26, 1988, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU; AIUSA, “Cash Requirements through Sept. 14,” Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU

⁵⁵ Robert Hilburn, “Global Trek Planned for 2nd Amnesty Tour,” *Los Angeles Times*, April 13, 1988

⁵⁶; Jacqui Hunt to Jack Healey, “Chea Sok Lim—Biography for Jessica,” April 11, 1988, Box 391, Folder 12, “Press Conference—4/12/88,” Concert Tours, AIUSA, CHRDR, CU

amnesty in Canada. The Rojas burning prompted the Reagan administration to publicly break with Pinochet.⁵⁷

Surinarayan Venkatrathnam had been a former Prisoner of Conscience. He and his wife taught at a racially-segregated school until they were dismissed in 1963 for their protests against Apartheid. Barred from employment during the late 1960s, Venkatrathnam only made it through one month of law school before he was rearrested in 1970 under the Terrorism Act. He spent five years at Robben Island, the same prison that held Nelson Mandela. Another five year ban was placed on Venkatrathnam after his release. He finally left South Africa in 1985 after receiving a fellowship to attend Columbia University in New York.⁵⁸

Telling these stories was part of a media campaign to gain as much coverage as possible in the months leading up to September 1988 tour launch. Lim, DeNegri, and Venkatrathnam gave reporters a “Human Rights angle” to what might otherwise be an entertainment story. “It is obvious that the coverage gained in the United States will have an international as well as a domestic impact,” AIUSA’s media plan emphasized. “United States major media forms much of the basis of international news and entertainment coverage. The wire services, mass distribution magazines like *Time* and *Newsweek*, and the major daily newspaper stretch to audiences that are well beyond the continental USA.”⁵⁹

AIUSA’s role in planning *Human Rights Now!* invariably led to conflicts with the International Secretariat. Secretary-General Ian Martin expressed his displeasure to Healey about the lack of notice he received before the April 12 press conference. “The timing was already a fait accompli and made it impossible to give sections adequate notice and information about the Reebok association before it became public.” Martin had a point. “We have a suspicion of this kind of thing in Britain,” AIUK Executive Director Marie Staunton told *The Guardian*. “But realistically, if sponsorship makes the differences between taking this tour round the world or not then I’m happy to take it so long as they’re not manufacturers of torture equipment.” Healey defended himself by saying there was not enough time for him to clear all of his actions with London. Nor did he feel as if he had the International Secretariat’s complete support: “A final point on consultation is that we feel a strong hostility to the project coming from the International Secretariat, and this feeling makes it difficult to work cooperatively.”⁶⁰

All of these preparations were contingent on the whims of just a few rock stars. After meeting with a music executive in August 1987, Jamie Radner provided Healey the names of artists who were capable of filling a large stadium: Genesis, Bon Jovi, U2, Whitney Houston, Pink Floyd, Bob Dylan, Michael Jackson, Huey Lewis and the News, Eric Clapton, David Bowie, Madonna, Bruce Springsteen, Prince, Grateful Dead, Janet Jackson, Barbara Streisand, Run DMC, and Motley Crue. Sting and Peter Gabriel had already agreed to participate in a second tour for Amnesty International, but neither artist made it onto Radner’s list. Concert promoter Bill Graham had difficulty convincing AIUSA that it needed another headliner. “When you’re talking about sixty- or seventy- or eighty-thousand seat arenas in Spain or Italy or France,

⁵⁷ Jacqui Hunt to Jack Healey, “Chea Sok Lim—Biography for Jessica”

⁵⁸ Ibid.; see also the attached biographical sheet, Surinarayan “Sonny” Venkatrathnam

⁵⁹ AIUSA, “AIUSA Media Plan,” c. 1988, Box 391, Folder 17—AIUSA Media Plan, Concert Tours, AIUSA, CHRDR, CU

⁶⁰ Ian Martin to Jack Healey, April 11, 1988, Box 393, Folder 12—IEC Policy Committee, Concert Tours, AIUSA, CHRDR, CU; Jack Healey to Ian Martin, April 16, 1988, Box 393, Folder 12—IEC Policy Committee, Concert Tours, AIUSA, CHRDR, CU; Seamus Milne, “High Price of Amnesty’s Concerts Bill,” *The Guardian* (London), September 2, 1988

you need a *steak*.” Graham meant no disrespect to Sting and Peter Gabriel, but they were “the veggies.” Where was the steak? Busy working on their next album, U2 declined. As Mary Daly remembered, “Michael Jackson was on the list of course. Write home and weep. A Beatles’ reunion would have done it. The [Rolling] Stones. It was a handful.” Ironically, the global popularity of rock ‘n’ roll worked against the tour. “As rock got bigger, so did the [industry] politics,” Graham said mimicking what he heard repeatedly from bands. “My greatest hits are being released *there*. I’ve got *this* video *here*. Wait a minute. *We’re* very big *there*, why should we *give* it away?” As AIUSA tour manager Michael Ahern told Graham in May 1988, a major obstacle was finding artists willing to devote six weeks.⁶¹

Graham had learned from Geldof that talent was the most effective means of luring talent. Graham convinced Peter Gabriel to fly to San Francisco and persuade Bruce Springsteen to participate in *Human Rights Now!* “I went after Springsteen and didn’t manage to get near Bruce,” Gabriel recalled. “But I hitched a ride back with [Springsteen’s manager] Jon Landau and bent his ear for an hour. I understood not getting access to Springsteen having been in that situation myself.” Landau liked what he had heard from Gabriel. He was convinced that Springsteen would say yes: “I was *sold*. I discussed it with Bruce a short time afterward in Seattle. Basically, he was very enthusiastic about it. Although in terms of income for him and the band, it was a *vast* loss. From his point of view, it was not even a blink.” Springsteen changed everything. Graham now had “a steak” that would bring in “ticket sales and the media value.”⁶²

The artists decided among themselves how the shows would be formatted. “Basically what emerged was a discussion of the idea that instead of trying to put on Twenty Live Aids with ten or eleven acts,” Landau recalled, “we should have five artists and the same show and people should be able to play for a good amount of time.” Springsteen, Sting, and Gabriel would play for approximately one hour; Tracy Chapman and Youssou N’Dour for forty-five minutes. An African-American female singer-songwriter who performed at a June 1988 benefit concert for Nelson Mandela, Chapman wrote socially conscious yet introspective songs like “Fast Car” and “Talkin’ ‘Bout a Revolution.” N’Dour blended together his native Senegalese *mbalax* with samba, hip-hop, jazz, and soul to create a unique sound that had won him an international following. He organized a concert for Mandela in 1985 and named a 1986 album after him. N’Dour collaborated with Lou Reed on a cover of “Biko” for AIUK’s 1987 *Third Secret Policeman’s Ball*. Chapman and N’Dour gave AIUSA the diversity it had wanted from the outset. Rounding out the rest of the lineup were local acts. Their inclusion would be crucial as the tour performed in front of non-Western audiences.⁶³

“It’s a delicate situation dealing with governments,” Graham said to the *New York Times* in July 1988. “Some of the problems are political but there are also the logistical problems of setting up concerts and bringing in electrical equipment to places that have never had anything

⁶¹ Jamie Radner to Jack Healey, August 13, 1987, Box 394, Folder 23—Programs—Preliminary World Tour, Concert Tours, AIUSA, CHRDR, CU; Jack Healey and Mary Daly to Peter Gabriel, January 27, 1988, Box 391, Folder 21—Artists—Correspondence, Concert Tours, AIUSA, CHRDR, CU; Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 507-508; Michael Ahern to Bob Graham, “Talent and Money,” May 8, 1988, Box 393, Folder 8—Correspondence—Ahern, Michael—1988, Concert Tours, AIUSA, CHRDR, CU

⁶² Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 508-509

⁶³ For Tracy Chapman’s unexpected success with her 1988 debut album, see Richard Harrington, “Pop 1988: Women to the Fore,” *Washington Post*, January 1, 1989; Graham and Greenfield, *Bill Graham Presents...My Life Inside Rock and Out*, 509

like this before.” The reach of *Human Rights Now!* was limited by state bureaucracies. Along with Richard Lukens, a producer who coordinated East-West cultural exchanges, Gabriel spoke to Soviet artists and their management who believed that the tour might be allowed to play in the USSR “in the light of the present climate of human rights discussion.” A Moscow concert never materialized, as Healey later explained to Reebok CEO Joe La Bonte, “Informally, we understood that permission had been denied.” Gabriel ran into similar problems when he tried to get approval from Chinese authorities. After receiving encouragement from the Turkish-American founder of Atlantic Records, Ahmet Ertegun, who had personally talked to President Turgat Özal, Healey began looking into Turkey. Ahern relied on local promoters whose political connections would help him gain approval. This was the reason why India looked like a possibility: “The promoter has good contacts with government officials and would be the one eventually to make the application to the Ministry of Culture.”⁶⁴

Even if *Human Rights Now!* could not play in every major country, it still lived up to Healey’s global ambitions. The European leg of tour began on September 2 in London, followed by Paris, Budapest, Turin, and Barcelona. Resuming in San José, Costa Rica, on September 13, the tour made stops in Toronto and Montreal before shows in Philadelphia, Los Angeles, and the San Francisco Bay Area (Oakland). These were followed by shows in Tokyo, New Delhi, Athens, Harare, Zimbabwe, and Abidjan, Ivory Coast. The tour concluded in Latin America with three dates in a four night period—October 12-15—in São Paulo, Buenos Aires, and Mendoza, Argentina, by which time nearly 1 million people had attended the concerts. Ticket prices varied according to region: \$35 in the U.S., \$1-\$5 in the developing world. The strategy of using shows in Western Europe and North America to subsidize shows in India, Africa, and Latin America worked. The highest grossing concerts were in large outdoor stadiums in rich countries: Barcelona (\$2.9M), London (\$2.7M), Philadelphia (\$2.5M), Los Angeles (\$2M), Tokyo (\$1.8M), Montreal (\$1.8M), and Oakland (\$1.3M). The tour brought in over \$10 million, much of which was returned to Reebok. Martínez was relieved that he did not have a financial disaster on his hands.⁶⁵

At a July 4 press conference in London, Healey proclaimed, “We are playing for justice, not for charity.” Insisting that the tour was “not a celebration,” Sciuto wanted the concerts to convey a sense of “hope” to the audience, “We should publicize the cases of prisoners that Amnesty members have helped. There are wonderful pictures and quotations. That way we tell people: popular action makes a difference.” That is why the tour should promote ratification of the International Human Rights Covenants. Healey was more circumspect when describing what *Human Rights Now!* demanded from its hosts. Most interested in avoiding controversy, Healey feared that Sciuto’s comments gave off the impression that the tour was advocating for these officials to take specific action. India, for example, had been angered by the 1987 annual report,

⁶⁴ Terry Trucco, “Rock’s Largest Tour,” *New York Times*, July 5, 1988; Jack Healey to Ian Martin, “Update on the Itinerary”; Jack Healey to Joe La Bonte, October 11, 1988, Box 391, Folder 2—Correspondence—1988, Concert Tours, AIUSA, CHRDR, CU; Jack Healey to Ian Martin, “Update on the Itinerary,” April 21, 1988, Box 393, Folder 12—IEC Policy Committee, Concert Tours, AIUSA, CHRDR, CU; James Henke, “Chimes of Freedom,” *Rolling Stone*, October 20, 1988

⁶⁵ Bob Koch to Jamie Radner, “Income Report,” October 21, 1988, Box 391, Folder 26—Robert Koch—Income Report for Each Concert, Concert Tours, AIUSA, CHRDR, CU; see also Charles Fulwood and Jack Rendler, “Memorandum on U.S. Concerts/World Tour,” July 3, 1988, Box 393, Folder 31—General—Includes Lengthy Memo on U.S. Concerts/World Tour, Concert Tours, AIUSA, CHRDR, CU; Terry Trucco, “Rock’s Largest Tour”; Bob Koch to Jamie Radner, “Income Report,” October 21, 1988; Judith Graham, “Reebok Scores with ‘Boss,’” *Advertising Age*, July 18, 1988

which detailed summary execution, torture by police officers, and abuse of the national security laws. Healey's approach was to persuade Indian authorities that the tour had nothing to do with these criticisms: "It is a tour about the Universal Declaration of Human Rights, and it is here to education people on the rights promised to them in the Universal Declaration." As the tour made its way to New Delhi, some of the performers criticized a local sponsor, *The Times of India*, for high ticket prices and implying that the concert was a celebration of the newspaper's 150th anniversary. "We didn't come all this way for a birthday party," Springsteen quipped.⁶⁶

Careful to choose his battles, Healey simply wanted to get the tour into as many countries as possible. "We're trying to reach everybody," Healey said. "But we're especially concerned with bringing the message of human rights to the poor young people of the world...people who can't read or can't get hold of our printed material." He made this point repeatedly when talking to reporters: "One idea that I've talked over with the musicians is that half the world is under 25 and most of the world is poor and has never had the opportunity to read and write. They too should be able to participate in the human rights movement...and the only way to get them is not through Amnesty's endless reports and thick volumes of documentation, but through music." To Peter Gabriel, rock was "a language through which young people communicate all over the world." Indeed, he concluded after reading the Universal Declaration of Human Rights, "The rich countries of the world are abusing human rights just as much as anyone. We should put those issues of the homeless, the mentally ill, the unemployed onto the platform of human rights and not just single out the Third World."⁶⁷

Healey was "wildly passionate about his cause," according a December 1988 profile by journalist David Beers, but complained at how ignorant Americans were about El Salvador. Yet, as Beers noted, no one who attended that night's concert at the Oakland-Alameda County Coliseum would be informed of El Salvador's geographical location or the U.S.'s role in its civil war. Everyone associated with *Human Rights Now!* kept telling Beers that the purpose of the concert was to "raise awareness," but it was never clear to him if this extended beyond holding "a thought like Sting's 'One World is Enough for All of Us' is a tangible step towards social change." Concertgoers waited to sign a petition for South African prisoners that did not completely make its way around the stadium. They received their own copy of the Universal Declaration of Human Rights at the turnstiles, which was packaged as a passport with the Reebok logo on the cover. Beers concluded that there was "no specific call to action," nothing that would possibly "make you unpopular with your parents, your peers, your president."⁶⁸

The show in London began with Springsteen, Sting, Gabriel, Chapman, and N'Dour joining each other on stage to sing "Get Up, Stand Up," a song written in 1973 by Jamaican reggae artists Bob Marley and Peter Tosh that recounts the process through which political consciousness leads to action. Freedom only comes when a person decides to "get up, stand up, stand up for your rights." It was a bit of a shaky performance, as Springsteen said to Jim Henke

⁶⁶ Franca Sciuto to Jack Healey and Bill Graham, "The Message of the Human Rights Now! Tour," July 5, 1988, Box 393, Folder 12—IEC Policy Committee, Concert Tours, AIUSA, CHRDR, CU; Richard Harrington, "Cause Concerts Reach Out for New Horizons," *Washington Post*, September 12, 1988 [reproduced in *Sydney Morning Herald*]

⁶⁷ Robert Hilburn, "The Amnesty Tour—Conscience & Compromise,"; Richard Harrington, "Rock and Rights: The Concert Crusaders," *Washington Post*, September 18, 1988

⁶⁸ David Beers, "Jailhouse Rock," 28

of *Rolling Stone*, “We didn’t have any time to rehearse.” As the artists grew more comfortable with one another, it eventually became a rousing first song.⁶⁹

N’Dour and his six-piece band immediately followed the Bob Marley cover. He started with “Nelson Mandela,” a tribute to the imprisoned South African leader. Gabriel considered N’Dour to be “one of the most incredible singers in the world today.” Henke thought it was “simply magnificent” when N’Dour showed off “one of his trademark wails.” A local artist filled the time between N’Dour and Chapman. In Budapest, it was Laszlo Foldes and the Hobo Blues Band, which had been banned in almost half of Hungary’s counties from 1978-1981. “We’ve been fighting against everything that’s illegal or that’s just a lie for the past ten years,” Foldes said. “The government is afraid of us tonight.” With an acoustic guitar as her only accompaniment, Chapman did songs off her critically acclaimed debut album.⁷⁰

Gabriel began his set with “Islamic,” a song he had written for the soundtrack to Martin Scorsese’s *Last Temptation of Jesus Christ*, which also included contributions by N’Dour and Pakistani singer Nusrat Fateh Ali Khan. Gabriel dedicated his songs to human rights victims. “Games without Frontiers” was dedicated to the “40,000 needless casualties in the country of Nicaragua, who have failed to have their human rights protected.” “Biko” was warmly received at nearly every concert. Gabriel surprised the crowd in Budapest by bringing out Janos Brody, the former lead singer of Illes. In response to the 1968 Soviet invasion of Czechoslovakia, Illes recorded an album dedicated to the Universal Declaration of Human Rights that was banned. Set to the tune of a traditional Hungarian folk song, Brody’s “If I Were a Rose” addressed political repression. Although it was prohibited from radio or television, the song became an anthem of the underground, what the Henke likened to the Hungarian equivalent of Bob Dylan’s “Blowin’ in the Wind.” The audience that night in the Nepstadion knew all the words. “I can only say that things in Hungary have changed,” Brody said. “Twenty years ago or even ten years ago, this concert could not have happened here.”⁷¹

Moved by what he learned of the “disappeared” in Chile, Sting recorded “They Dance Alone” for his 1987 album ...*Nothing like the Sun*. Upon hearing the song for the first time, Healey told Sting, “Forget about all the No. 1 songs you may have already done, this is better than any of them. This is going to become the national anthem of Latin America. When you die, they’ll play this.” The title referred to the dance performed by the wives, daughters, and mothers of those who had been disappeared by the Pinochet regime. They did the “Cueca” while holding a photograph their loved ones in their arms: “They’re dancing with the missing/They’re dancing with the dead/They dance with the invisible ones/Their anguish is unsaid.” Sting also offered a searing indictment of the U.S.’s support of the military junta, as he asked his listeners, “No wages for your torturers/No budget for your guns/Can you think of your own mother/Dancing with her invisible son?” In Mendoza and Buenos Aires, he invited women whose loved ones had “disappeared” to dance with him on stage.⁷²

Springsteen constantly reminded fans not to blindly trust their leaders. He considered his involvement in *Human Rights Now!* was an expression of his artistic ethos: “What I tried to do in

⁶⁹ Robert Hilburn, “The Amnesty Tour—Conscience & Compromise”; James Henke, “Chimes of Freedom,” *Rolling Stone* (October 20, 1988)

⁷⁰ Henke, “Chimes of Freedom”

⁷¹ Ibid.

⁷² Hilburn, “The Amnesty Tour—Conscience & Compromise”; Robert Hilburn, “Rock ‘n’ Responsibility,” *Los Angeles Times*, December 18, 1988; “Amnesty Tour Ends in Argentina,” *The Globe and Mail* (Toronto), October 17, 1988

my music is to get people to walk a little while in another man's shoes—maybe somebody who's got it a little tougher than you do. Hopefully, the best of my music challenges people to respond to both their own feelings and the world they live in." Sting introduced Springsteen as "the greatest singer in the history of rock & roll" before a crowd of 88,000 screaming Hungarians, nearly all dressed in jeans and t-shirts, some of whom unfurled red, white, and blue banners and American flags, including one that read "HELLO BOSS." Unable to do his usual three-hour sets, Springsteen and the E Street Band played their biggest hits, "Born in the U.S.A.," "Cover Me," "Thunder Road," and "War."⁷³

The concerts usually lasted six hours. After completing their individual performances, Springsteen, Sting, Gabriel, N'Dour, and Chapman reunited to close the show with "Chimes of Freedom," a song written by Bob Dylan in 1964 that used the imagery of a lightning storm to produce what music critic Paul Williams has described as Dylan's version of "The Sermon on the Mount." As the storm becomes more than just a visual experience to the observer in the song, he realizes that the "bells of lightning" are "Tolling for the rebel, tolling for the rake/Tolling for the luckless, the abandoned an' forsaked/Tolling for the outcast, burnin' constantly at stake." Springsteen explained to the London crowd why Marley and Dylan bookmarked the shows, "When it comes to that full-blown sense of freedom, I don't think anyone's captured it better than Dylan or Marley. It's a testament to their work."⁷⁴

Human Rights Now! concluded with a seven hour performance before 80,000 in Buenos Aires on October 15. In addition to the usual artists, the concert featured two of Argentina's most famous singers, Charly García and Leon Greco. Sting and Greco each dedicated songs to the 1,300 who died in the 1982 Falklands War. García sang of struggling against the military dictatorship. The seven performers ended on a high note by singing "Get Up, Stand Up" but changing some of the lyrics to "¡Derechos Humanos, Ya!" ("Human Rights Now!"). An Argentine music critic described how he had been moved by the concert: "Last night in Buenos Aires one had the sensation that, after so much suffering and death, after so many years of pain, and still with so many problems to solve, rock had given back to many souls in this country the certainty that, overall, living is still worthwhile."⁷⁵

Instead of televising a live concert from Buenos Aires, the cost of which might have been prohibitive and an "enormous technical challenge," AIUSA sold the television rights to the premium cable channel Home Box Office (HBO). As he did at fifteen press conferences during the tour, Sting used the special to make an appeal on behalf of Sita Ram Maskey, a Nepalese schoolteacher imprisoned for having protested the sale of milk that had been contaminated with nuclear fallout from Chernobyl. Not everyone enjoyed the seriousness the artists brought with them to the stage. As a reviewer in the *Christian Science Monitor* remarked, "Although there's lots of music, some of the political preaching is so repetitious that often I found myself wanting to shout: 'I got the message. Now stop talking and sing.'"⁷⁶

The televised version of *Human Rights Now!* aired in fifty-five countries through syndication. Just like it had two years earlier, AIUSA contracted with Radio Vision International

⁷³ Robert Hilburn, "Rock 'n' Responsibility," *Los Angeles Times*, December 18, 1988; Henke, "Chimes of Freedom"

⁷⁴ Hilburn, "The Amnesty Tour—Conscience & Compromise"; Henke, "Chimes of Freedom"

⁷⁵ "Amnesty Tour Ends in Argentina," *The Globe and Mail* (Toronto), October 17, 1988

⁷⁶ Jessica Newirt to Sean Stiles, August 4, 1988, Box 393, Folder 12—IEC Policy Committee, Concert Tours, AIUSA, CHRDR, CU; John J. O'Connor, "TV Weekend: 'Human Rights Now Tour' on HBO," *New York Times*, December 23, 1988; Arthur Unger, "Speaking Up—and Singing Out—for Human Rights," *Christian Science Monitor*, December 9, 1988

to distribute the program to foreign markets. Healey's refusal to edit the video footage made for a difficult sell. "On the one hand, you have the top talent in the world," Radio Vision co-owner Kevin Wall said. "On the other hand, the nature of the event is Amnesty International and human rights, and there are countries that are having their problems." Originally from Indiana, Wall moved to Los Angeles in the early 1980s in search of a job in the television industry. With his past experience building concert stages, he served as a consultant to the 1983 US Festival, a three-day rock concert backed by Apple Computer co-founder Steve Wozniak. Wall did not realize the potential for international syndication until he attended a televised concert the next year in Cannes, France. Most concerts in the United States were videotaped with little expectation that they could be seen in other countries. Foreign broadcasters mostly avoided music programming because of previous disputes over appearance rights. Wall preferred to deal with networks that appealed to "all aspects of the population," for it was obvious to him that "there was a market for a music program just as there was for *Dynasty* or underwater basket weaving." *USA for Africa* was broadcasted in over sixty countries, the international distribution of which Wall did for free. "It was an extremely successful marketing effort," he remembered. "That was really the start of Radio Vision with a major project." Revenues climbed from \$250,000 in 1984 to \$12 million in 1988.⁷⁷

Healey had changed AIUSA and Amnesty International with *Conspiracy of Hope* and *Human Rights Now!* When he became Executive Director in 1981, AIUSA had 80,000 members who had an average age of forty, which had increased to over 200,000 following the 1986 U.S. concert tour. As a result of *Human Rights Now!*, Amnesty International had a worldwide membership of 420,000, the average age of which was about twenty. "We're able to offer a kick-ass quality, because joining Amnesty International isn't just a matter of writing a check," Healey said in November 1990. This was what separated the concert tours from *Live Aid*. Geldof had made viewers feel as though they belonged to something larger than themselves, but only for as long as it took them to make a donation. Amnesty International, in contrast, provided a structure for them in which to fully realize their activism, as Healey said proudly, "It is almost as if, in the Sixties, the Democratic Party had taken in the antiwar movement and made it part of their structure. Analogously, Live Aid supporters were like the Eugene McCarthy people in '68 who didn't get absorbed into the party." Rock stars gravitated towards Amnesty International because it promised utopia—a world without political imprisonment, torture, or disappearances. "They're looking for the perfect song, the perfect poem, the perfect piece of sculpture, and we're looking for the perfect world," Healey maintained. "Everybody else thinks that's naïve, or cute, or well informed but silly—artists come at it a whole other way." The only thing Healey wished he did differently on the *Human Rights Now!* was to include a hip-hop artist, but he soon found validation in the 1989 revolutions that swept through the Eastern Europe. "Otherwise, our world tour was a harbinger of things to come, a harbinger of *glasnost*."⁷⁸

Healey added his own postscript to *Human Rights Now!* After Chileans denied Pinochet another eight years as dictator in an October 1988 national plebiscite, Healey vowed to have a concert in the National Stadium—or, in his poor choice of words, "Let's play in the stadium where all the people were killed!" Thousands of Chileans crowded into the stadium in October 1990 to see *Embrace of Hope*, a concert featuring Sinéad O'Connor, New Kids on the Block,

⁷⁷ Nancy Rivera Brooks, "Rights 'n' Roll: Two Brothers Pioneered the Business of International Music Video Licensing," *Los Angeles Times*, December 9, 1988

⁷⁸ Michael Coleman, "The Revival of Conscience," *Rolling Stone*, November 15, 1990

Ruben Blades, Wynton Marsalis, Jackson Browne, Peter Gabriel, and Sting. At around 3 AM more than twenty women with a photograph of their disappeared relative in their hands or pinned to their clothes joined Sting on stage for “They Dance Alone.” “When they walked out, there was dead silence,” said AIUSA’s Curt Goering. “Then someone lit a cigarette lighter, a flashlight, or candle, and a second later, thousands did the same. Everyone was completely absorbed in the moment.” Goering heard a lot of sobbing. “There wasn’t a dry eye in the place.”⁷⁹

The Human Rights Brand

Following *Human Rights Now!*, AIUSA hired a full-time liaison with the entertainment industry, Mike Levy. In consultation with Amnesty International, the television drama “21 Jump Street” devoted two episodes during the 1989-1990 season to a fictionalized disappearance of a woman who had run afoul of a Salvadoran death squad. In November 1990, Turner Network Television aired *Forgotten Prisoners: The Amnesty Files*, a film that starred Ron Silver as international law professor Tom Ford who undertakes an Amnesty International fact-finding mission to an undisclosed Middle Eastern country to locate the whereabouts of seventeen victims. A local human rights lawyer named Hasan Demir—played by Hector Elizondo—assists Ford in saving them from torture. Co-writer Rex Weiner credited Healey with giving the film “the underlying spirit, the underlying importance of the story I was trying to convey.”⁸⁰

Forgotten Prisoners was a prelude for an ever larger project. A two person interrogation drama, *Closet Land* was released to theaters in March 1991. Hollywood executives were intrigued by the award-winning script of writer-director Radha Bharadwaj, but did not jump at it immediately. “I would characterize the usual response as ‘very interesting, but a little off beat.’” Set in unnamed country at an unspecified time, the plot focused on the relationship between a torturer and his victim. Madeline Stowe was cast as an author imprisoned after her children’s books were declared subversive. Her interrogator was a government agent portrayed by Alan Rickman. All of the action took place within a single room, a way of conveying the psychological torment experienced by Stowe’s character. “The script shows how society can run amok when a totalitarian government terrorizes its own people,” Bharadwaj said. “It also makes a connection between this kind of large-scale brutality and the more intimate kind of violence perpetrated against women and children.” Even with a background in Indian theater and documentary film, Bharadwaj had trouble finding studios willing to support her project, especially when she refused to give up creative control. A “strong supporter” of Amnesty International, Bharadwaj sought help from Healey: “Mr. Healey sent the script to people he knew in Hollywood. We talked to a number of them, but it was Brian Grazer who finally said, ‘Let’s go make a movie.’” The producer of *Parenthood*, *Splash*, and *Kindergarten Cop*, *Closet Land* was a departure from Grazer’s usual films.⁸¹

Closet Land received some tough reviews. *Variety* opined that it was “not an experience many filmgoers will want to put down money for.” A critic for the *Los Angeles Times* remarked that too much of *Closet Land* came off as “porno chic,” as anyone in the writer’s position would

⁷⁹ Coleman, “The Revival of Conscience”; Wes Orshoski, “Amnesty Turns 40, Looks to Musical Future,” *Billboard*, October 6, 2001

⁸⁰ David Klinghoffer, “Cause Celebrity: Amnesty International Goes Show Biz,” *Washington Times*, April 19, 1991; “Amnesty to ‘Star’ On TNT in November,” *Amnesty Action*, September/October 1990, 8

⁸¹ “Closet Land: A Film Examines the Power of the Human Mind,” *Amnesty Action*, March/April 1991, 4

“have to be far worse than what’s depicted here.” Describing herself as “deeply offended” by this characterization, Bharadwaj responded with a letter to the editor claiming that numerous former torture victims that told that the film captured “the psychological reality of their experiences.” The lack of specific setting did not “let audiences off the hook,” but reinforced the universality of the torture because it could happen anywhere. The concert tours, the television shows, and the movies, according to Mike Levy, were part of an effort to “get our message across in a better way than our written material, which is written in a very careful, diplomatic way, since it’s aimed mostly at governments.”⁸²

The extent of Amnesty International’s involvement in these works may have differed, but they all received its “sponsorship.” One such imprimatur was given to “One Man’s War,” an April 1991 HBO film about the Filártiga case. Starring famed British actor Anthony Hopkins as Dr. Joel Filártiga, Norma Aleandro as Nidia, Fernanda Torres as Dolly, and Ruben Blades as Perrone, the family’s lawyer, “One Man’s War” received praise from critics for how it depicted life in Paraguay under Stroessner’s ironfisted rule, but was criticized for its abrupt ending, concluding just as Joel and Dolly learn that Peña-Irala was living in Brooklyn.⁸³

More than any of his predecessors, Jack Healey made Amnesty International into the human rights brand. His embrace of popular culture as a medium through which to spread a message about human rights in stadiums and living rooms all across the world. Introduced to AIUK through the *Secret Policeman’s Ball* and inspired by *Live Aid*, celebrities such as Bono, Peter Gabriel, and Sting were among Healey’s most fervent messengers. Recognizing the moral authority of Amnesty International as a commodity, Reebok executive Angel Martínez invested millions in *Human Rights Now!* with the hope that his corporation’s shoes, t-shirts, and jackets would be more appealing to the do-good shopper. Mega-concerts and albums were just the beginning for Healey. Television shows and feature films soon followed. But making human rights into a fashionable cause was *so* American. Whereas the researchers in the International Secretariat and the Western European national sections wanted to avoid too close of an association between Amnesty International and Western cultural imperialism, AIUSA welcomed the opportunity to use fame for its own ends. Mary Daly was perhaps too candid with Jim Henke in arguing why Healey was correct to take the risks that he did. “We had seen this amazing success from the Conspiracy tour, but other Amnesty sections around the world were stagnating in a kind of bureaucratic quagmire,” she said. “The European sections were decreasing in membership and weren’t raising much money. The developing sections weren’t developing. The whole movement seemed to be on the decline.” Indicative of how Amnesty International would prefer to keep such disagreement out of the public view, it briefly considered—at a cost of \$500,000—recalling the *Rolling Stone* issue in which Daly’s comments appeared.⁸⁴

Exhausted from a decade as AIUSA Executive Director, Healey spent 1992 on sabbatical. At the June 1993 Annual General Meeting, the AIUSA Board of Directors announced that a mutual decision had been made to let Healey’s contract expire at the end of September. AIUSA Chairman Rick Halperin emphasized that the departure was amicable. “Jack Healey headed up AIUSA through its most dramatic period of growth in the United States,” *Amnesty Action*

⁸² Kevin Thomas, “MOVIE REVIEWS: ‘A Clumsy Defense of Human Rights,’” *Los Angeles Times*, March 6, 1991; Radha Bharadwaj, “The Real Message of ‘Closet Land,’” *Los Angeles Times*, March 11, 1991; “David Klinghoffer, ‘Cause Celebrity: Amnesty International Goes Show Biz”

⁸³ John Leonard, “One Half of One Man’s War,” *New York*, April 22, 1991, 81

⁸⁴ Hopgood, *Keepers of the Flame*, 113-114

declared in its fall 1993 issue. Membership in the United States increased from 40,000 in 1981 to 400,000 in 1993. AIUSA's annual operating budget had also grown by a similar amount, from \$2.5 million in 1981 to \$22 million in 1993. Healey left AIUSA to form the Human Rights Action Center. "What I'm going to do is put a small institute together for human rights and development," Healey told *Billboard* magazine in October 1993. "Washington is well-known for think tanks, and I'd like to put together an action tank."⁸⁵

⁸⁵ "AIUSA Bids Farewell to Jack Healey," *Amnesty Action* (Fall 1993), 5; Melinda Newman, "Amnesty Seeks New Chief as Healey Departs," *Billboard*, October 2, 1993

Chapter 9

“To Protect a Free Society”: Aryeh Neier and the Rights Revolution

Aryeh Neier was no stranger to controversy while serving as Executive Director of the American Civil Liberties Union (ACLU). One of his most memorable decisions involved the defending the First Amendment rights of American Nazis. ACLU lawyers famously took the City of Skokie to the U.S. Supreme Court so that the National Socialist Party of America could march through a town with a significant Jewish population. Even though his family also fled Nazi Germany during the late 1930s, Neier was heavily criticized for—in the words of one angry letter sent to him—adopting the motto of “The First Amendment *über Alles*.” “I supported free speech for Nazis when they wanted to march in Skokie in order to defeat Nazis,” he wrote in his 1979 book about the Skokie case. “Defending my enemy is the only way to protect a free society against the enemies of freedom.” Or, as he put it to ACLU members in August 1977,

We will only deserve to call ourselves a civil liberties organization so long as we continue to insist that everyone is entitled to freedom of speech. The Nazis may despise us—and we certainly despise them—but we intend to continue to be governed by our rules and the rules of the United States Constitution. That means defending free speech for those we despise and those who despise us. It means not being governed by the rules of the Nazis. Their rules and the values they represent have already come to power if governments are allowed to pick and choose who is entitled to freedom of speech.¹

Neier’s years at the NYCLU and ACLU during the 1960s and 1970s occurred in the midst of an unprecedented expansion of individual rights that were won through a combination of grassroots protest, greater access to legal resources, an increasingly expansive regulatory state, and a liberal judiciary. With the 1964 Civil Rights Act and 1965 Voting Rights Act, the gains of the civil rights movement became institutionalized through the courts, affirmative action, and the Equal Employment Opportunities Commission. Its success became a model that was emulated by other historically marginalized groups in American society: women, gays and lesbians, Latinos, American Indians, and prisoners.²

¹ Aryeh Neier, *Defending My Enemy: American Nazis, the Skokie Case, and the Risks of Freedom* (New York: E.P. Dutton, 1979), 1-3; Philippa Strum, *When the Nazis Came to Skokie: Freedom for Speech We Hate* (Lawrence, KS: University of Kansas Press, 1999), 85-86

² Taylor Branch, *Pillar of Fire: America in the King Years, 1963-1965* (New York: Simon & Schuster, 1998) and Harvard Sitkoff, *The Struggle for Black Equality, 1954-1992* (New York: Hill and Wang, 1993); for the Warren Court, see Morton J. Horowitz, *The Warren Court and the Pursuit of Justice* (New York: Hill and Wang, 1998); for an argument about how federal bureaucrats anticipated the demand for preferences from ethnic minorities such as Hispanics, see John D. Skrentny, *The Minority Rights Revolution* (Cambridge, Massachusetts: Belknap Press of Harvard University Press, 2002); Charles Epp, *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective* (Chicago: University of Chicago Press, 1998); for an overview of 1960s social movements, see Terry H. Anderson, *The Movement and the Sixties: Protest in America from Greensboro to Wounded Knee* (New York: Oxford University Press, 1995); for Second Wave Feminism, see Sara Evans *Personal Politics: The Roots of Women’s Liberation in the Civil Rights Movement and the New Left* (New York: Vintage Books, 1980), Alice Echols, *Daring to Be Bad: Radical Feminism in America, 1967-1975* (Minneapolis: University of Minnesota Press, 1989), and Ruth Rosen, *The World Split Open: How the Modern Women’s Movement Changed*

Samuel Walker situates the growing awareness of international human rights within this “rights revolution”: “In fact, it seems that our concern with rights and the particular approach we take to them have been extremely influential around the world.” The Universal Declaration of Human Rights contains many of the enumerated rights already found in the U.S. Bill of Rights: the full range of First Amendment rights (freedom of thought, conscience, religion, expression, and assembly), due process rights (freedom from cruel punishment, arbitrary arrest, detention, or exile, the right to a fair public trial, a presumption of innocence), and equal protection under the law (freedom from discrimination based on race, gender, age, or religion). As more Americans were assured of greater individual freedom in the last decades of the twentieth century, perhaps a few of them understood they had an obligation to stop political repression everywhere. Those who became international human rights activists—like Neier—had an “American approach to rights” that emphasized political rights at the expense of economic rights: “The commitment to this approach is so strong that for almost thirty years even the allegedly radical ACLU has consistently rejected proposals from a substantial minority of its own members that it incorporate economic rights into its official policies.”³

“I believe my own service for the ACLU coincided with the period in which, with the possible exception of its founding years, it made its most significant and ensuring contributions to the protection and enhancement of American liberties,” Neier wrote in his aptly-titled memoir, *Taking Liberties* (2003). After assuming leadership of the NYCLU in 1965, he sought accountability from the the New York Police Department for its rough treatment of African-American and Puerto Rican suspects, draft resisters, and antiwar protestors. Besides lobbying for the legalization of abortion in New York, the NYCLU initiated groundbreaking litigation on behalf of prison inmates and mental patients. Neier continued this strategy at the ACLU over the next decade, expanding its reach into new areas through programs specifically devoted to voting rights, women’s rights, migrant workers’ rights, gay and lesbian rights, and so on. As the Skokie case reveals, Neier was willing to stand by his principles even if that meant internal discord, criticism from longtime allies, and a precipitous drop in membership. But all this was only a small reason why he left the ACLU in 1978, by which time Neier realized that there were only so much the courts could do for liberals in the aftermath of the Reagan Revolution. Neier’s experiences at the NYCLU and ACLU would shape the nternational human rights movement in two important ways. Though it would not really be evident until after the Cold War, as we will see in the conclusion, Neier’s curiosity and ambition would greatly expand what activists understood to be “human rights issues.” More immediately, the strategy of confrontation that Neier developed at the NYCLU and ACLU would be utilized against the Reagan administration during the 1980s.⁴

NYCLU

America (New York: Penguin Books, 2006); for gays and lesbians, see John D’Emilo, *Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940-1970* (Chicago: University of Chicago Press, 1998); for a comparative approach, see *Mark Brilliant: The Color of America Has Change: How Racial Diversity Shaped Civil Rights Reform in California, 1941-1978* (New York: Oxford University Press, 2010); for the American Indian Movement, see Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: New Press, 1996)

³ Samuel Walker, *The Rights Revolution: Rights and Community in Modern America* (New York: Oxford University Press, 1998), 47-56

⁴ Aryeh Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (New York: PublicAffairs, 2003), 14, xi

Aryeh Neier was two years old when his family escaped Berlin in August 1939. His parents were Polish Jews who had every reason to fear Hitler. After fleeing to England and spending the next year in a refugee hostel, they were hosted by a British family in the small town of Ketterling. They moved to Northampton at the end of the war, and immigrated to the United States in 1947 after Neier's older sister married an American G.I. Only in retrospect did he understand the impact of the Holocaust: "Through the lives of my parents and many of those they knew were dominated by death and survival, their cataclysmic experience was mostly missing from the discourse and literature of the era." Neier's political education came in the form of anti-Fascist European intellectuals whose works had a lasting influence on him: Albert Camus, Andre Malraux, George Bernanos, Ignazio Silone, Carlo Levi, Karel Capek, Arthur Koestler, Thomas Mann, Aldous Huxley, and George Orwell.⁵

In the mid-1950s, the editor of the *Daily Worker*, John Gates, was working to establish a non-Soviet dominated alternative to the Communist Party USA. By inviting Gates to Cornell, Neier challenged restrictions on political speech that the university had instituted in response to McCarthyism. After being informed by administrators that Gates's appearance needed to be sponsored by an officially-sanctioned student organization, Neier formed the Cornell Forum as an affiliate of the Student League for Industrial Democracy (SLID), the campus arm of the anti-communist League for Industrial Democracy (LID). LID's Executive Director was Norman Thomas, the perennial Socialist Party presidential candidate who became a role model to Neier. Thomas visited Cornell in the midst of the November 1956 Hungarian Crisis, speaking with a small group of students that included Neier until the early morning. Opposed to the Soviet use of military force to bring the Hungarians into line, Thomas hosted Prime Minister Imre Nagy's Foreign Minister so she could speak at the UN.⁶

Neier became the Executive Director of SLID after graduating. Northern college students followed the example set by the Student Non-Violent Coordinating Committee's February 1960 sit-in at a racially segregated Woolworth's lunch counter in Greensboro, North Carolina. Neier obtained funding for these sympathy demonstrations through UAW President Walter Reuther, a longtime member of LID. With the \$10,000 given to him by the AFL-CIO, he hired two campus organizers, one of whom was Tom Hayden, a founding member of Students for a Democratic Society (SDS) and author of the *Port Huron Statement*. Neier and Hayden had difficulty coexisting with each other. Neier left SLID in 1960 to become an associate editor with *Current*, a short-lived public affairs journal. As a self-described Social Democrat who did not completely fit into the Old Left or the New Left as they diverged during the 1960s, Neier could not accept any moral equivalency between the United States and the Soviet Union: "I was anti-Soviet and anti-Communist was appalled by arguments that Soviet repression and the invasion of Hungary were defensive actions in response to Cold War aggression for which the United States bore prime responsibility. Also, the language about 'participatory democracy' sounded to me like a justification for demagoguery." LID went in the other direction on the Vietnam War under Thomas's successor, Max Schachtman, as his hawkishness turned off Neier.⁷

Neier was hired by ACLU Executive Director Jack Pemberton in 1963. His job was to assist the state-level chapters with expanding their membership and fundraising. Neier

⁵ Ibid., xvii

⁶ Ibid., xv

⁷ Ibid., xix

remembered the excitement about the Warren Court at the ACLU's 1964 Biennial Conference in Boulder, Colorado. The liberal justices on the U.S. Supreme Court had ruled in the ACLU's favor in a series of landmark decisions on questions such as mandatory loyalty oaths, film censorship, and the rights of criminal defendants. After a year and a half in the field, Neier was asked to join the New York Civil Liberties Union (NYCLU) by George Rundquist, the outgoing Executive Director, whom he replaced in 1965.⁸

The fatal shooting of a black teenager by a white off-duty police officer in July 1964 set off riots in Harlem and Bedford-Stuyvesant, two of the New York City's largest African-American neighborhoods. With police brutality dividing New Yorkers along race and political ideology, the NYCLU emerged as one of the NYPD's most vocal critics. Neier's desire to take on the issue was evident in a June 1965 letter to the *New York Times*, a response to an opinion piece by Lord Shawcross that called for the end of "a sporting attitude in dealing with the criminal." Referring to the recent celebration of the 750th anniversary of the Magna Carta, Neier reminded readers that one of its most important historical legacies was the Bill of Rights: "What Lord Shawcross dismissed as a 'sporting attitude' represents our resolve not to resort to criminal methods in combating crime: not to allow the ends of law enforcement to dictate the use of the means of a police state." If Shawcross thought such legal protections were "outmoded," Neier suggested that he go to South Africa, which "by now should qualify as utopia for the disparagers of sporting attitudes."⁹

The NYPD referred officer misconduct cases to its Civilian Complaint Review Board. "What's good for the Department is good for the policeman and, more importantly, for the public," proclaimed board member Joseph G. Martin. The NYPD had complete control over all appointments to the board, which gave the impression that complaints were not given a fair hearing. The NYCLU charged the NYPD with intimidating those who filed complaints by conducting unnecessary investigations. The Congress of Racial Equality echoed Neier's description of the board's hearings as "a sham." In his successful 1965 campaign for mayor, John Lindsay, a liberal Republican, promised greater accountability. An eight-man Law Enforcement Task Force appointed in February 1966 proposed an additional four civilians on the board. "With civilians having the controlling votes, there can be no feeling that the board would 'whitewash' complaints," but the hearings would still occur behind closed doors.¹⁰

Lindsay unveiled his plan to reform the board in May. Consisting of four civilians and three police officials, the board could only recommend that a departmental trial be held. It lacked any authority to compel the commissioner to accept its findings or to determine guilt. If there was a trial, it would be prosecuted and judged by an officer's peers as stipulated in New York civil service law. Neier was aware that having civilians on the review board would not end police brutality, but it was a necessary first step, "The best review board can only be a mustard plaster, it cannot be a panacea."¹¹

The Patrolman's Benevolent Association (PBA) was opposed to *any* civilian oversight. PBA leader John J. Cassese vowed in early June that his organization would put Lindsay's reforms to a city-wide referendum in November. "There's no need for civilians," Cassese insisted. "Notwithstanding the cries of various minority groups, there is no set pattern of police

⁸ "Aryeh Neier Named Head of City Civil Liberties Union," *New York Times*, April 27, 1965

⁹ Aryeh Neier, "Magna Carta and Crime," *New York Times*, June 27, 1965

¹⁰ Eric Pace, "Who'll Police the Police?" *New York Times*, February 8, 1966

¹¹ Sidney E. Zion, "Civilian Review Board Will Be No Panacea," *New York Times*, May 8, 1966

brutality, plus the fact that the morale of the men would be lowered, the power of the Police Commissioner would be diluted, and it would have an effect on the efficiency of all city policemen.” Following the U.S. Supreme Court’s *Miranda v. Arizona* decision, Police Commissioner Howard R. Leary issued a directive to NYPD officers requiring them to read suspects their rights before interrogating them. Leary believed *Miranda* would result in “some diminishing of law and order” because prosecutors would not have the evidence they once did. “It’s quite possible that a great number of persons who are in fact guilty will not be successfully prosecuted.” Neier was dubious of Leary’s assertion. “It sounds like an attempt to do no more than absolutely had to be done,” Neier said. “I am disappointed that public officials in general still insist on complying minimally with court standards.”¹²

With the PBA certain to get the 45,000 signatures needed for the referendum, the NYCLU began planning a “public education” program. When told of the NYCLU’s plans, Cassese said, “We’ll probably meet them in the field.” Both sides expected a highly-charged campaign. “I’m very much afraid that this is going to be seen as a racial issue,” Neier feared, “and it is not in any way exclusively a racial issue.” But it was. Among Lindsay’s civilian appointees to the review board were two African-Americans and a Puerto Rican, faulted by Cassese for being “so pro-civil right and so-Lindsay thinking.” Cassese also said he was “sick and tired of giving into minority groups.” Along with the Protestant Council of the City of New York, the Union of American Hebrew Congregations, the Anti-Defamation League of B’nai B’rith, the Urban League, the Catholic Interracial Council, the New York Liberal Party, the Congress of Racial Equality, the Commonwealth of Puerto Rico Migration Division, the NYCLU had to convince a majority of voters that the presence of civilians on the review board would not hinder the NYPD’s crime fighting. The PBA was prepared “to spend its whole treasury” to defeat Lindsay’s proposal. The NYCLU needed to get white politicians behind its proposal, but no prominent endorsements were forthcoming. “We are going to need the pros,” a civil rights leader admitted. “And they will have to give us more than a few nice words. I mean we need them on the streets and on TV. Then we’ll have a chance. Otherwise we’re dead, believe it.”¹³

The PBA framed the referendum in terms of law and order. Joining the PBA was the Independent Citizens Committee against Civilian Review Boards, a coalition of businessmen and conservatives. Their most prominent supporter was radio commentator Barry Gray, who predicted the city would “become an asphalt jungle” if the NYPD was subjected to civilian oversight. The committee was chaired by fifty-year-old Rodney Ettman, the President of Verde Wallpaper Company. “A lot of us feel that this is the straw that breaks the camel’s back,” Ettman said. “We feel we have to do something to free the policeman from all these encumbrances.” The PBA’s first fundraising appeal showed a young, attractive white woman emerging from the subway on a dark street. Across the bottom of the picture was a warning: “The Civilian Review Board must be stopped! Her life...your life...may depend on it! Send your contribution today!”¹⁴

¹² Eric Pace, “P.B.A. Asks Public to Oppose Board,” *New York Times*, June 3, 1966; Eric Pace, “Police to Guard Suspects Rights,” *New York Times*, June 18, 1966

¹³ Bernard Weintraub, “Lawyers to Back New Police Board,” *New York Times*, July 1, 1966; Bernard Weintraub, “Civic Groups Rally for Review Board,” *New York Times*, July 22, 1966; Sidney E. Zion, “Civilian Review Board: Now a Nasty Campaign,” *New York Times*, July 6, 1966

¹⁴ Thomas R. Brooks, “25,000 Police Against the Review Board,” *New York Times*, October 16, 1966

Lindsay's proposal was defeated by a two-to-one margin. Opposition was strongest in white neighborhoods. In the working-class Irish and Italian neighborhoods of Queens such as Steinway, Jackson Heights, and Woodside, the vote was three-to-one against. The only groups who supported the NYCLU were affluent liberals, blacks, and Puerto Ricans. A precinct in Harlem that extended into Morningside Heights near Columbia University voted 11,044 to 2,656 for. "I'm very philosophical about it," Lindsay said after his resounding loss. "I accept what the people decided. I think it [the board] was right and sound and ultimately history may prove it so."¹⁵

The NYCLU may have been on the losing side of the referendum, but that did not stop it from further scrutinizing of the NYPD. Undercover NYPD officers blended into the crowd at antiwar protests. They could be identified through brightly colored plastic lapel buttons. "I personally witnessed several incidents in which plainclothesman manhandled demonstrators," Neier wrote after a December 1967 rally. "But because I cannot identify the policemen involved, I am unable to file complaints." An April 1968 NYCLU report that reviewed NYPD behavior at six major demonstrations during the previous year concluded that police officers were just as violent—if not more so—than the protestors, for they seemed to be motivated by "a hatred of hippies, yippies, peace demonstrators and assorted leftists and other varieties of non-conformists." The NYCLU recommended a less confrontational approach by the NYPD: the elimination of large-scale "dragnet arrests"; no longer using the "flying wedge" to disperse crowds; avoid using nightsticks; eliminate plainclothesmen; make policemen wear legible name tags and badge numbers; assign more experienced police officers; and use public address systems to communicate with protestors. At the press conference where he announced the NYCLU's findings, Neier did not want to give the impression that his view of the NYPD was strictly negative: "With all the criticisms I have of the New York City police, I must say in fairness that I don't know of any other city that has a better department."¹⁶

But Neier learned that the police made no distinction between him and the protestors. An estimated 87,000 people demonstrated on both sides of Central Park on April 27, 1968, but Neier was not among them. He was one of sixty-six people who had been arrested at Washington Square Park. After hearing that Lindsay might be speaking at one of the city-approved rallies, several radical left-wing organizations such as Youth Against War and Fascism and the United States Committee to Aid the National Liberation Front held what they termed a Coalition for an Anti-Imperialist March. Nearly "400 youths in blue jeans, windbreakers, and fatigue jackets" were surrounded at the park by "knots of rough-looking, shabbily dressed men, who were identifiable as policemen by small red pins on their left lapels." Other policemen disguised themselves as hippies. One group of protestors waved National Liberation Front flags while carrying long banners that read "This Racist System Must Go" and "Support the Liberation of Black and Vietnamese People." With NYPD Chief Inspector Sanford Garelik and mayoral aide Barry Gottherer nervously looking on, the crowd chanted, "Hell no, we won't go" as it turned east towards Fifth Avenue. A police lieutenant then announced through a bullhorn: "Attention...there are two authorized parades today...this parade is unlawful, having no permit...you are in violation of the law..." The marchers were stopped after twenty yards by

¹⁵ Bernard Weintraub, "Civil Liberties Union Considers Legal Action to Save Civilian Review Board," *New York Times*, November 11, 1966

¹⁶ Aryeh Neier, "Plainclothes Police at Demonstrations," *New York Times*, December 14, 1967; John Sibley, "Civic Body Scores Tactics of Police," *New York Times*, April 26, 1968

plainclothesmen locked arm-in-arm. Assistant Chief Inspector Sidney Cooper demanded they join a parade that had already received a permit. Cooper's suggestion was met with yet another chant, "The streets belong to the people." Undercover NYPD officers responded by destroying the banners and pushing the protestors back towards the park. Anyone who resisted was taken to a paddy wagon.¹⁷

On scene as a NYCLU observer, Neier's attention was drawn to a young man who had attempted to escape out of the wagon, but was caught and hit repeatedly as he lay on the ground. "At that point, I violated the rules I had set for the other observers and went to peer over the shoulders of the men surrounding the boy to see exactly what was happening," Neier recalled. "I was promptly arrested myself—and more gently than the others—put into a paddy wagon." A United Press International photographer complained to the police that Neier had bumped into him twice. Soon enough, Neier found himself sitting next to demonstration organizer Walter Teague, who remarked, "I thought you were supposed to be a conservative."¹⁸

After being released on his own recognizance, Neier held a press conference in which he demanded that the NYPD begin an investigation of its conduct at Washington Square Park. Besides filing a request for a departmental hearing, the NYCLU threatened to sue the NYPD in federal court for allegedly depriving protestors of their civil rights. "The time for protests has passed," Neier said. "The time for court relief has come." Garelik and Cooper were present when the undercover policemen "engaged in actual violence." The possibility of a lawsuit tempered the NYPD's reaction to a YAWF protest in May. Expecting Neier to be arrested again, the *Village Voice* followed him around with a camera crew, but the NYPD allowed the demonstration to leave the park.¹⁹

The NYCLU also defended numerous draft resisters. Congress made it illegal to "knowingly mutilate" a draft card in August 1965. Two months later, David Miller burned his card outside of the New York City draft headquarters. At Union Square that November, five more men—Tom Cornell, Marc Edelman, Roy Lister, David Wilson, and David McReynolds—attempted to follow Miller's example, but someone's fire extinguisher rendered their cigarette lighter inoperable. NYCLU lawyers held that burning a draft card was a form of "symbolic speech" protected by the First Amendment. Following the Union Square demonstration, U.S. District Attorney Robert Morgenthau called on leading antiwar figures to testify before a federal grand jury. A professor at the Connecticut College for Women, Gordon A. Christensen, was asked almost exclusively about his political beliefs. A.J. Muste, a pacifist who led the Committee for Nonviolent Action, refused to appear. The NYCLU accused Morgenthau of intimidation: "The Government's utilization of secret proceedings as a vehicle to repress dissent and to channel protest avenues [into] avenues deemed acceptable to Federal authorities is a miscarriage of justice." Neier observed how Morgenthau routinely sought highest possible bail for draft resisters. For instance, the NYCLU opposed the "unparalleled harshness and vindictiveness" with which Morgenthau prosecuted Vincent McGee, a divinity student at Union Theological Seminary. In January 1969, McGee received a two year sentence for draft evasion. After McGee testified that he had torn up his draft cards on two other occasions, Morgenthau charged him with two more felonies. "This piling on of charges can only be likened to a

¹⁷ Michael Stern, "87,000 March in War Protests Here," *New York Times*, April 28, 1968

¹⁸ Neier, *Taking Liberties*, 29

¹⁹ Paul Hoffman, "Conduct of Police at Rally Scored," *New York Times*, April 29, 1968; Neier, *Taking Liberties*, 33-

vendetta against Vincent McGee,” Neier alleged. “The United States Attorney’s office has chosen to prosecute McGee for each and every violation of the Selective Service regulations, as if it were a separate crime.” A parole board released McGee after ten months, a period of time in which he had been adopted by Amnesty International as a Prisoner of Conscience. McGee would become Chairman of Amnesty International USA in the late 1970s.²⁰

The typical NYCLU client was the antithesis of law and order politics: the African-American male harassed by the NYPD; the antiwar demonstrator who yelled in support of Ho Chi Minh; or the long-haired draft evader. “I am for a society which is not oppressed by the dead hand of conformity,” Neier said in June 1966. “We’re not just interested in seeing to it that rights are not abused. We want to see a society in which people use their rights.” The NYCLU had three staff attorneys, each of whom was responsible for handling cases that arrived by phone, mail, walk-ins, or reading the newspaper. To qualify for representation from the NYCLU, a complaint had to answer “yes” to one of the following three questions: Has freedom of expression been violated? Is due process of law affected? Has there been discrimination? “The only other criterion is that we able to make some dent on the law itself by handing a case,” Neier explained. “For example, that was our strategy in the Regents’ Prayer case, which shuttled around state and Federal courts for seven years. We kept at it until, in 1962, the [U.S.] Supreme Court held the prayer in the schools to be unconstitutional.”²¹

One of the NYCLU’s most infamous clients was the neo-Nazi leader George Lincoln Rockwell, represented at state legislative hearing by Henri M. di Suvero, a NYCLU attorney who was of partial Jewish descent. After conferring with di Suvero, Rockwell testified that his American Nazi Party had “about 20 members in New York State and some of them say they want to kill the Jews,” but added “we don’t go along with that.” When a legislator expressed skepticism at this answer, Rockwell responded, “Just the Communist Jews and some of the bad ones.” Neier made sure that the NYCLU’s advocacy was “rational yet principled,” as he said in the following exchange with reporter Gertude Samuels:

[Neier speaking to Samuels at the hearing] “We don’t defend persons. All we want to do is safeguard specific principles from invasion by any government body.”

“Some people call that fuzzy thinking by the liberals,” I [Samuels] explained.

“We think of it as rather precise thinking. We differentiate precisely between speech and association on one hand, and performance and overt acts on the other.”

“Well, supposing the other side doesn’t play the game by your rules?”

“I would hate to think that we would play the game by their rules.”

“Even though you face extremists who may want to try to annihilate others?”

“As soon as they do anything criminal, then they should be dealt with in accordance with proper legal procedures.”²²

²⁰ Neier, *Taking Liberties*, 37; Eric Pace, “U.S. Is Criticized on Draft Inquiry,” *New York Times*, December 21, 1965; Sidney E. Zion, “Morganthau’s Zeal in Draft Cases Hit By Liberties Union,” *New York Times*, January 17, 1969

²¹ Gertrude Samuels, “The Fight for Civil Liberties Never Stays Won,” *New York Times Magazine*, June 19, 1966

²² *Ibid.*

The NYCLU leadership during the 1960s consisted of Neier, Ira Glasser, Burt Neuborne, Alan Levine, and Bruce Ennis. Referring to the military and schools, Glasser wrote, “There are only two public institutions in the United States which steadfastly deny that the Bill of Rights applies to them,” a list to which he added mental hospitals and prisons. Glasser took up the cause of students’ rights. Public school principals had unlimited authority at this time. They could suspend students for their haircuts and off-campus political activities. Institutions like schools thus constituted what Glasser described as “enclaves” of bureaucratic power that remained beyond the reach of the Bill of Rights. The corollary to the “enclave theory” was the “victims’ groups theory,” as there were groups of people who had been systematically denied individual rights throughout American history: the mentally ill, prisoners, women, gays and lesbians. Inspired by the success of the civil rights movement and the Warren Court, the NYCLU hoped to bring them into the legal mainstream. “Nothing seemed beyond the reach of litigation,” Neier remembered. The NYCLU was just one of many ACLU affiliates that used the courts in new ways. Arguing that the public had the right to a pollution-free environment, the Southern California ACLU filed suit against oil-drilling permits granted off the Santa Barbara coast. The Northern California ACLU sought due process for welfare recipients, the mentally ill, and juvenile defendants. “The NYCLU activists developed perhaps the most comprehensive vision of civil liberties as a force for transforming American institutions,” Samuel Walker writes. “They represented the future of the ACLU.” Neier and Glasser each became ACLU Executive Director; Ennis and Newborn switched turns as ACLU Legal Director.²³

In December 1968, Neier announced the beginning of a two year campaign to expand the rights of mental health patients. “Accusations of mental illness provide the rationale for some of the most pervasive and gross deprivations of individual rights suffered by any group in our society,” Neier said. “It is our hope that the test cases that we plan to bring through this project will ultimately benefit thousands of persons who have been locked into mental institutions on the basis of standards and procedures which would be unthinkable in the criminal law.” Litigation offered one of the few available courses of action for the NYCLU. It was only when the issue was raised in the courts that the public became aware of the deplorable conditions at the Willowbrook State School on Staten Island. A WABC television documentary produced by investigative reporter Geraldo Rivera uncovered overcrowding, a lack of sanitation, and physical and sexual abuse of patients by the staff. Taking advantage of the outrage that followed, the NYCLU filed a class action lawsuit in March 1972, and Willowbrook became an issue during the 1974 gubernatorial campaign. Hugh Carey, the eventual winner, promised that he would visit the facility soon after taking office. The lead attorney on the case for the NYCLU, Bruce Ennis, led Carey on the tour. Carey was especially disturbed by “the discovery of a man tied spread-eagled to a bed at a spot in the institution where Ennis predicted he would be because the man had been kept in that position for several years.” The sight of flies crawling on the man’s face compelled an exasperated Carey to ask if the state could afford a fly swatter. One of Carey’s aides began negotiations with Ennis soon afterwards, agreeing to a consent decree issued by Judge Orrin Judd in October 1974. The State of New York was ordered to “take all steps

²³ Samuel Walker, *In Defense of American Liberties: A History of the ACLU* (New York: Oxford University Press, 1990), 299-300

necessary to develop and operate a broad range of non-institutional community facilities and programs to meet the needs of Willowbrook's residents."²⁴

The NYCLU provided similar assistance to prison inmates. In a case brought by the Illinois ACLU, the U.S. Supreme Court's ruling in *Monroe v. Pape* allowed prisoners to sue for civil rights violations in federal court. The NYCLU actively supported prisoners as they demanded improved facilities, due process, and recourse for guard misconduct. In 1969, Neier personally approved funding for a law clinic at Attica State Prison ran by Herman Schwartz, a law professor at the State University of New York, Buffalo. Schwartz served as an intermediary between in the 1971 prison riots that ultimately took the lives of thirty-nine inmates and four guards. The ACLU saw Attica as a warning of what was to follow if prison conditions were not changed. Filing class action lawsuits on behalf of inmates against numerous states, the National Prison Project brought wholesale reforms between 1974-1977 through court-appointed special masters in Alabama, Florida, Louisiana, Mississippi, Nevada, Oklahoma, Rhode Island, and Wyoming.²⁵

Neier was in the forefront of the battle to legalize abortion. At the ACLU's 1964 Biennial Conference, Harriet Pilapel raised the issue of abortion rights. Together with Pilapel, Neier organized a campaign to repeal New York's abortion ban. Meanwhile, Roy Lucas, a student at NYU Law School, had written a paper in a seminar taught by Robert McKay, a NYCLU board member, arguing that the 1965 *Griswold* case giving married couples access to contraception could be extended to women seeking an abortion. In *Roe v. Wade*, the 1973 decision that overturned Texas's strict anti-abortion law, Justice Harry Blackmun incorporated Lucas's reasoning into an opinion that gave women the right to get an abortion during the first trimester. With the backing of the ACLU Board of Directors, which passed a resolution in 1967 affirming "the right of a woman to have an abortion and the right of a physician to perform, or refuse to perform, an abortion without the threat of criminal sanctions," the NYCLU lobbied New York state legislators to decriminalize abortion. State Representatives Constance Cook (R-Ithaca) and Franz Leichter (D-Manhattan) introduced this bill during the 1970 legislative session. As it moved towards a final vote in the New York State Assembly, which had previously voted it down twice, pro-choice advocates found themselves in need of two more votes. With the help of Eleanor Norton Holmes, Neier lobbied Arthur Eve, an African-American who represented a district in Buffalo. Norton and Neier convinced Eve to set aside his suspicions that the law was intended to reduce the number of blacks. State Representative George Michaels (D-Cuyuga County) ultimately casted the deciding vote. Michaels had previously voted against the law twice at the urging of the Cayuga County Democratic Committee, but changed his mind on April 9. "I realize, Mr. Speaker, that I am terminating my political career, but I cannot in good conscience sit here and allow my vote to be the one that defeats this bill." Michael's prediction turned out to be true. Without the endorsement of the Cayuga County Democratic Committee, he would go down to defeat in the June 1970 primary.²⁶

²⁴ Michael Stern, "Civil Liberties Units Expanding," *New York Times*, December 22, 1968; Geraldo Rivera, *Willowbrook: A Report on How It Is and Why It Doesn't Have to be That Way* (New York: Vintage Books, 1972); Aryeh Neier, *Only Judgment: The Limits of Litigation in Social Change* (Middletown, Connecticut: Wesleyan University Press, 1982), 185-186; see also David Rothman and Sheila Rothman, *The Willowbrook Wars: Bringing the Mentally Disabled into the Community* (New Brunswick, New Jersey: Aldine Transaction, 2005)

²⁵ Neier, *Taking Liberties*, 65

²⁶ Walker, *In Defense of American Liberties*, 301-302; Wolfgang Saxon, "George Michaels, 80, Legislator Who Changed Abortion Law, Dies," *New York Times*, December 5, 1992

ACLU

Aryeh Neier belonged to a circle of influential state and regional directors, Eason Monroe of Southern California, Jay Miller of Illinois, and Emily Mazey of Michigan, who had become critical of ACLU Executive Director Jack Pemberton's lack of administrative skill by the end of the 1960s. Even after the NAACP's creation of a tax-deductible foundation for its Legal Defense Fund had proven successful, Pemberton was slow to bring a similar foundation to the ACLU. Neier, in contrast, had used a \$500,000 bequest to create a legal fund at the NYCLU that quickly surpassed the ACLU's Roger Baldwin Fund. Selected to replace Pemberton in 1970, Neier continued the strategy he had developed at the NYCLU: attacking "bureaucratic enclaves," keeping an emphasis on "victims' groups," and convincing philanthropic foundations and wealthy donors to fund "special projects." Showing how much he wanted to shake up national organization, Neier fired most of the office staff immediately after taking over. He then gave presentations to major foundations—Carnegie, Field, Kaplan, Rockefeller, Stern, Norman, and Ford—in which he pitched eleven projects dedicated to racial minorities, women, prisoners, mental health patients, soldiers, gays and lesbians, and migrant workers. The result was three of the most significant fronts in the "rights revolution": the National Prison Project, the Voter Rights Project, and the Reproductive Freedom Project. Against the wishes of his board, Neier preferred to delve into new issues, frame them into questions of individual rights, and only then decide if and how they fit into existing policy. "We are engaged in a great deal of action in defense of prisoners' rights and the rights of mental patients, but with very sketchy policy underpinnings," he said in 1971. Like Roger Baldwin before him, Neier preferred to have as much flexibility as possible—a managerial style that struck some as autocratic, as J. Anthony Lukas of *New York Times* wrote, "[Neier's] substance is left, but his style is right."²⁷

Soon after he was hired as ACLU Legislative Director in 1972, famed civil rights lawyer Charles Morgan began pushing for the ACLU to demand Nixon's impeachment. Responsible for opening the ACLU's Southern Regional Office, Morgan served as lead counsel in *Reynolds v. Sims*, a 1964 ruling by the U.S. Supreme Court which held that Alabama's legislative districts gave disproportionate voting power to rural counties. ACLU President Norman Dorsen disagreed with Morgan regarding Nixon. Dorsen did not want the ACLU to be perceived as anti-Nixon or too closely associated the Democrats. While he could not remember ever voting for a Republican, Morgan denied that his motives were political: "Richard Nixon brought the massive power of the presidency down against individuals who disagreed with him. He himself became an enemy of the people, and the Constitution provides remedies for that."²⁸

The ACLU Board of Directors met in September 1973 to determine how to respond to the ever-growing Watergate scandal. The six-hour debate mostly focused on the possibility that the ACLU would become excessively politicized if it went down Morgan's path. Civil liberties lawyer Burt Neuborne feared the ACLU would be "forever perceived as an arm of the Democratic Party." Law professor Monroe Freeman warned against expressing "our individual feelings through the institution of the ACLU." Morgan overcame these objections by arguing that Nixon was setting a bad example to the American people. The resolution to call for Nixon's

²⁷ Walker, *In Defense of American Liberties*, 315-317

²⁸ Diane Garey, *Defending Everybody: A History of the American Civil Liberties Union* (New York: TV Books, 1998), 167-168

impeachment was approved by a vote of 51-5. Neier and Glasser followed with a full-page advertisement that ran into the *New York Times* on October 14: “Richard Nixon has not left us in doubt. He means to function above the law. If he is allowed to continue, then the destruction of the Bill of Rights could follow.” Readers were asked to write their congressman in support of impeachment and make a contribution to the ACLU. Anticipating the shift in public opinion that led to Nixon’s resignation in August 1974, the ACLU experienced an unprecedented increase in membership. Over 25,000 people joined the ACLU in 1973, which brought its estimated membership to a record 275,000.²⁹

Such gains proved to be short-lived as the ACLU returned to its more familiar role of defending unpopular causes. Located on Chicago’s South Side, Marquette Park was disputed turf in a neighborhood divided between ethnic whites and African-Americans. Named for NYCLU client George Lincoln Rockwell, the headquarters of the National Socialist Party of America (NSPA) were located near the park in a small storefront on West 71st Street. The founder of the NSPA was Frank Collin, the son of a Holocaust survivor who had been moved by “The Twisted Cross,” an anti-Nazi television documentary sponsored by the Jewish Anti-Defamation League. In summer 1976, a local African-American community group, the Martin Luther King, Jr. Coalition, began congregating in the park. “We feel it as important for black men to walk through Marquette Park as it was for men to win the battle of Iwo Jima and Tripoli, or for James Meredith to win the battle to attend ‘Ole Miss’ and graduate, even though it took 20,000 American troops to assure him his rights,” Reverend Edward Jackson said. Armed with bricks, a group of white teenagers confronted 100 black protestors in July. The ensuing violence resulted in sixty-three arrests. In response, the Chicago Park District ordered that any group that wanted to march in Marquette Park had to purchase a minimum insurance policy of \$100,000 and post a \$50,000 bond against property damage—too expensive for the NSPA and the King Coalition. Undeterred, Collin wrote a dozen North Shore suburbs requesting permission for an NSPA protest. The Village of Skokie was the only one to reply to Collin. An October 1976 letter from the Skokie Park District stated that the NSPA would have to post a bond of \$350,000 before marching. Collin notified the Skokie police chief in March 1977 that he would be leading a demonstration against “the Skokie Park District’s un-Constitutional request.”³⁰

On April 25, 1977, the Skokie Board of Trustees heard from Holocaust survivors who opposed Collin’s scheduled protest. “There are thousands of Jewish survivors of the Nazi Holocaust living here in the suburbs,” one survivor told the trustees. “We expect to show up in front of the village hall and tear these people up if necessary.” Another added, “We don’t want to wake up May 2 and find out nothing was done. You must understand our feelings. We might do things we don’t know yet. We are a special breed of people, people who went through unbelievable things. History doesn’t even know the things that happened to us.”³¹

Collin sought legal assistance from the Illinois ACLU in what was shaping up to be a classic First Amendment case. David Hamlin and David Goldberger were assigned the case. Hamlin handled public relations, while Goldberger served as Collin’s lawyer. Hamlin remembered how he and Goldberger were so focused on protecting free speech that they largely dismissed the anger directed towards them: “I was trained, and very good at what I did, to think

²⁹ Garey, *Defending Everybody*, 169; Walker, *In Defense of American Liberties*, 294

³⁰ Strum, *When the Nazis Came to Skokie*, 4-6, 16

³¹ Donald Alexander Downs, *Nazis in Skokie: Freedom, Community, and the First Amendment* (South Bend, Indiana: University of Notre Dame Press, 1985), 32

in terms of Nixonian: 'it's good guys and bad guys.' Along comes this subtle, shaded kind of controversy, which on the first blush was another First Amendment confrontation, and David and I indeed reacted to it in precisely that framework for the first three or four months of the issue." Hamlin fielded an overwhelming number of negative phone calls, some of which were death threats. In 1977 alone, the Illinois ACLU lost thirty percent of its income, cutting the number of employees from thirteen to eight. Self-identified Jews left in droves. Neier later estimated that the ACLU lost about 30,000 members (fifteen percent of the total membership) because of its role in the Skokie controversy.³²

On April 28, Judge Joseph Wosik of the Circuit Court of Cook County granted an injunction prohibiting the NPSA from engaging in any form of protest in Skokie on May 1. The testimony of Sol Goldstein, a Holocaust survivor, deeply affected Wosik. Goldstein predicted the march would be "bloodshed," property damage, and the "loss of lives, maybe." The Nazi-like uniforms of the NPSA reminded him of "my closest family who were sent to death by the swastika"—"a threat that I am not safe with my life." Goldstein could not promise Wosik that he could restrain himself if Collin stood before him. The attorney who represented Skokie, Harvey Schwartz, recalled that "the judge was running away with my case," as Wosik was so one-sided that he risked having his decision overturned on appeal:

He let the ACLU lawyers know in no uncertain terms that he, Joe Wosik, had served in the United States Army, that he had served in the European theatre, he had seen what the Nazis did, and the crimes against humanity—against Jews and Poles—he had relatives, family, in Poland—Warsaw—other places where the Nazis were out...I did all I had to do to restrain Wosik. He wasn't about to be restrained. His face was red and he was sitting on the edge of his chair and he was staring down. Days and weeks later he would always tell me that I was too easy on them—too easy on those Nazis and their sympathizers.³³

But the Illinois Appellate Court refused to stay Wosik's order. Collin tried to get around the injunction by holding the protest on April 30. As a crowd of Jewish residents and left-wing groups gathered at city hall in anticipation of Collin's appearance, Skokie officials made a telephone call to Judge Harold Sullivan, who modified the injunction to read "without limitation as to date or time." Unaware of what Sullivan had done, Collin and his followers got as far as the Skokie exit on the Edens Expressway before a police car turned them back. The sight of counter-protestors visibly shaken at the prospect of seeing a Nazi swastika again seemed "more like a physical assault than an exchange of ideas" to Schwartz. Skokie City Manager John Manzer thought Holocaust survivors were "reliving the whole thing." To keep Collin out of Skokie permanently, the Skokie Village Council unanimously passed three ordinances specifically targeting the NPSA on May 2.³⁴

The ACLU appealed *National Socialist Party of America v. Village of Skokie* to the U.S. Supreme Court. By June, Justice John Paul Stevens had written a short opinion reversing the Illinois judges. As far as Goldberger was concerned, Stevens had indicated that "the legal issue" was "so clear that it could be decided summarily in our client's favor." In July, the Illinois

³² Ibid., 107, 32

³³ Strum, *When the Nazis Came to Skokie*, 52-55

³⁴ Ibid., 57-63

Appellate Court settled on a compromise that permitted the demonstration but did not allow NPSA to display the swastika, which was described as “a personal affront to every member of the Jewish faith, inherently likely to provoke violent reaction...when intentionally brought in close proximity to their homes and places of worship.” In January 1978, the Illinois Supreme Court overturned this last restriction on the NPSA. Six of the seven justices decided that they had “to permit the demonstration as proposed, including display of the swastika.” The wearing of “distinctive clothing” was “symbolic expression of a thought or philosophy” protected by the First Amendment.³⁵

The ACLU’s involvement in the case was better received by jurists than its own membership. In March 1978, the *New York Times* published a letter from economist Abba P. Lerner, who argued that it was not “the unpopularity of Nazism that deprives Nazis of free speech rights,” but “their opposition to that right for all, and their intention to destroy it.” Neier responded to Lerner by referring to the Red Scare of the early 1950s. “Sen. Joe McCarthy and his colleagues who made decisions to deny freedom of speech to enemies of freedom did a lousy job” as many liberals were mistakenly identified as Communists. “Now, as in the McCarthy days, freedom of speech can only be defended by resisting every incursion on the right to speak. The only social order in which freedom of speech is secure is one in which it is secure for everyone.” Neier later admitted that the negative response from ACLU members caught him by surprise. “It took me a long time to realize why a significant number of members had misunderstood the ACLU’s policies,” he wrote. “The fault, it became clear, was in our (my) failure to provide adequate information to the membership. It was not enough, Skokie proved, to say that the ACLU defends everyone’s right to speak.”³⁶

In April 1978, Neier participated in a debate at Brooklyn Law School with a representative from the National Lawyers’ Guild who believed that the ACLU should defend only liberal-minded organizations. Neier was adamant that he had an obligation to defend anyone who had something to say, whether that person was Frank Collin or Martin Luther King Jr.

The right to free speech is always tested at the extremes. Rarely are centrist groups denied their First Amendment rights. It is almost always fringe groups—people who are provocative, who select that pace where they are disliked the most because that is where they can get the most attention. Isn’t that what Martin Luther King did at Selma? For that very reason, it is extremes that have the greatest interest in prosecuting the right of their enemies.

Once the freedom of one group is abridged, their infringement will be cited to deny the rights of others. The people who most need the ACLU to defend the rights of the Klan are the blacks. The people who most need the ACLU to defend the rights of Nazis are the Jews.³⁷

By defending neo-Nazis, Neier claimed, he was actually defending himself. Jewish activists remained unconvinced. Members of the Jewish Defense League confronted Neier at

³⁵ Ibid., 64-66, 78, 100

³⁶ Neier quoted in Ibid., 85; Neier, *Defending My Enemy*, 78

³⁷ Ibid., 86

ALCU headquarters after the debate. They handed him a brass plaque with an engraving that read, “Presented to the A.C.L.U. on Hitler’s Birthday. Our graves are flooded with blood and tears. Our graves are crowded with the bones of our babies and families. Where are you, our brother?” Covered with broken glass and fake blood, the plaque was affixed to a large board on which there were pictures of concentration camp ovens.³⁸

Neier’s solution for hate speech was free speech. “The best consequence of the Nazi’s proposal to march in Skokie, is that it produced more speech, a great deal more,” Neier wrote. “It stimulated more discussion of the evils of Nazism and of the Holocaust than any event since the Israelis captured Adolf Eichmann in Argentina in 1960 and brought him to Jerusalem to stand trial for war crimes.” Skokie may have made others in the ACLU recognize the limits of permissible speech, but not Neier. Collin did not show up to his own demonstration, which had been rescheduled for June 15. Neier believed that Collin did not want to subject the NPSA to ridicule because “their numbers were pathetically small.” The NPSA was far from “the clear and present danger” necessary to satisfy Justice Oliver Wendell Holmes’s test for prior restraint on free speech.³⁹

Neier had faith that Collin’s entry into the marketplace of ideas would be a failure. In the introduction to a 1968 collection of photographs by Benedict Fernández, the subjects of whom were protestors, Neier used a quote from Holmes to begin a discussion of American dissent since World War I:

When men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution.

Norman Thomas, the Socialist who co-founded the ACLU, ran in every presidential election from 1928-1948 not because he expected to win, but to educate the public. A gifted orator, Thomas had to rely upon “technologically primitive media”—his charisma and the printed word—to spread his message. Martin Luther King Jr. had to do more. Though he possessed the same extraordinary powers of speech as Thomas, he first had to go to jail for whites to see that he was capable of “the supreme level of rational discourse”—his “Letter from a Birmingham Jail.” Marches, sit-ins, and pray-ins became a form of “body rhetoric.” Civil rights and antiwar protestors initially “lacked access to the mass media,” so they made the media “turn to them.” Contrasting himself to social theorist Herbert Marcuse, a major influence on the New Left who viewed the media as an instrument through the masses could be manipulated, Neier maintained its coverage of dissent proved Holmes correct: “Whether America gives free range to, or attempts to repress, the dissenters pictured in these pages, their extraordinary skill in making the communications media focus on their activities is the major factor in making the marketplace concept still meaningful.” Instead of worrying about a “power elite,” Neier was far more concerned with the violence seen in inner-cities across the U.S. “A riot is, in some ways,

³⁸ Ibid., 87

³⁹ Neier quoted in Downs, *Nazis in Skokie*, 112; Neier, *Taking Liberties*, 129-130

an abandonment of any hope in the power of ideas,” he wrote with dismay. “Willingness to communicate ideas, whether through rational discourse or otherwise, indicates a certain faith in human rationality. A riot seems an irrational outburst only geared to the production of irrational responses.” With the backdrop of such hopelessness, the Poor People’s Campaign initially organized by King before his assassination in April 1968 stood out to Neier as a creative form of non-violent protest. “People all around the country were told on television that the squalor of life that the cameras recorded in Resurrection City was typical of the squalor of all the years of the lives of poor people in America.” Whether it was getting hit repeatedly with the nightstick of a local sheriff or serving a jail sentence for burning a draft card, Neier admired the courage of these protestors: “Their willingness to face all manner of hardships is essential if the concept of free competition in ideas as the path to truth is to continue to have relevance.”⁴⁰

Neier was committed to a public education program at the ACLU. In 1972, he began publishing a series of handbooks intended for so-called “victims’ groups” or individuals who spent their lives within the “enclaves” of highly-bureaucratic institutions. Edited by Norman Dorsen, *The Rights of Servicemen*, *The Rights of Prisoners*, *The Rights of the Poor*, and *The Rights of Students* were part of a larger strategy of raising rights consciousness among the public. A book that reflected post-Watergate concerns, Neier’s *Dossier* (1975) warned Americans that their personal information was collected by the government and corporations to “invade privacy, limit opportunities to get ahead, and defeat us in our efforts to survive.” Teachers had classified students as “predelinquent” in Yorba Linda, California. On the basis of a short attention span, the occasional theft of pencils, and an “inability to have fun,” a nine-year-old girl was singled out as a likely future criminal. A faculty member at an Ivy League school had her auto insurance policy cancelled because she had received a negative report from the Retail Credit Company for living with her boyfriend. The two million servicemen who had been dishonorably discharged since the end of the Korean War were denied jobs for mistakes they made in their youth. To impress upon readers the extent to which their lives were monitored, Neier cited statistics from a 1974 report by the U.S. Senate Subcommittee on Constitution Rights—fifty-four federal agencies maintained 858 data banks that held more than 1 billion records. The sheer size of this information complex posed a threat to Americans, especially if it gave authorities a mistaken impression of who they were:

Dossier-building is at odds with the idea of a free society. It also brings about just what it tries to prevent—a nation of troublemakers. The dossiers THEY are keeping on you and me follow us everywhere. They violate our private lives; they damage and stigmatize our children. They keep us from jobs, from mortgages, from bank loans. They may put us behind bars even when we are innocent. Dossiers may tell lies about us, and those lies may haunt us all our lives.⁴¹

A pet project of Neier during the mid-1970s was the *Civil Liberties Review*, a scholarly journal whose purpose was to inform policy debates. With the goal was to begin a discussion of

⁴⁰ Aryeh Neier, “Introduction,” in Benedict J. Fernández, *Opposition: Image of American Dissent in the Sixties* (New York: Da Capo Press, 1968)

⁴¹ Walker, *In Defense of American Liberties*, 316; Aryeh Neier, *Dossier: The Secret Files They Keep On You* (New York: Stein and Day, 1975), 16, 12, 36-38, 12, 14, 16

“remedies for our crime problem” among those who shared “my own commitment to civil liberties,” Neier published *Crime and Punishment: A Radical Solution* in 1976, the basic argument of which went as follows: If the law made a distinction between private and public crime, no longer would arrests be made for consensual sexual relations among men, public drunkenness, or drug possession, all of which would enable the criminal justice system to better deal “with people who commit crimes of personal violence and crimes against property.” The police had more important things to worry about than personal morality. “Victimless crimes being out the worst in police, besides diverting their energies from more important things,” Neier wrote. “American police have never been known to take payoffs from murders. Wiretaps are not used against rapists.” This shift in emphasis would stop criminalizing many who might otherwise lead law-abiding lives. Crime was ultimately a product of social dislocation, according to Neier, so one idea to reduce it was to guarantee children “the right to a permanent home.” Another proposal of his was to prohibit gun-ownership—a far less robust interpretation of the Second Amendment than the National Rifle Association. Working against these “radical solutions” was the kind of law and order politics mastered by George Wallace and Richard Nixon. “The most effective government institution in the struggle for racial equality in the 1950s and 1960s was the Supreme Court of the United States,” Neier noted. “Because of fear of crime, the Court has been transformed. It is now a predictable ally of the hard hats in any matter affecting crime. The Supreme Court’s role as a leader of efforts to bring about racial equality has been a casualty of the transformation.”⁴²

In April 1978, Neier announced his resignation from the ACLU effective that fall. He made the decision to step down in late 1977, but waited until the resolution of the Skokie case. Insisting that his decision had nothing to do with the ACLU’s decline in membership during the previous two years, Neier also said that he did not anticipate the backlash it received for defending neo-Nazis. The ACLU lost approximately 75,000 members off its Watergate peak. Even so, an estimated membership of 200,000 was a 60,000 increase over 1970. “By holding firm, and by insisting that government may not assert the power to deny anyone the right to speak, even those we despise most and who despise us, I think the A.C.L.U. has shown itself as it best,” Neier wrote in a letter to ACLU members.⁴³

Neier’s final year at the ACLU might have been his most difficult. “In 1977, the A.C.L.U. was tested by its defense of free speech for the Nazis, by misdeeds of some its former officials, by the hostility of the Supreme Court, and by a growing anti-civil liberties mood in the country,” he wrote in his last annual report. FBI records obtained through a Freedom of Information Act request in summer 1976 revealed a pattern of cooperation between the ACLU leaders and the FBI during the 1950s on identifying suspected Communists. Irving Ferman of the ACLU’s Washington, D.C. Office passed along internal correspondence, minutes of state affiliate meetings, drafts of position papers, list of officers, and gossip to the FBI agent Louis Nichols. Ferman also gave Nichols the names of two ACLU members who wanted to organize a campaign against the House Un-American Activities Committee (HUAC). In a conversation with Nichols, ACLU Executive Director Patrick Murphy Malin expressed concern that Communists were infiltrating local chapters in Detroit, Los Angeles, Denver, and Seattle. ACLU staff lawyer Herbert Monte Levy sought “guidance” from Nichols after suspecting that nine board members in the Maryland state affiliate belonged to the Communist Party. Ferman

⁴² Aryeh Neier, *Crime and Punishment: A Radical Solution* (New York: Stein and Day, 1976), 13, 14, 216, 14, 11

⁴³ Tom Goldstein, “Neier Quitting Post at ACLU,” *New York Times*, April 18, 1978

and Levy believed at the time that they had no choice but to comply with the FBI. The ACLU prohibited Communists and Fascists from serving on any of its governing boards, as Ferman said, “The policy reflected a recognition that particularly during the Cold War period of the ‘50s, there was need for some clear channels to those agencies operating in the political framework similar to that of the union.” In exchange for the information he received from the ACLU, Nichols intervened to stop an “exceedingly irresponsible” report by HUAC and kept “at bay” hostile organizations like the American Legion. Levy’s remembered his conversations with the FBI almost always followed the same script: “I either knuckle under to the F.B.I. position or see the light.” A later generation of ACLU leaders did not accept such explanations. “Whatever their motive, such contacts with the F.B.I. were wrong, inexcusable and destructive of civil liberties principles,” Norman Dorsen stated in a press release. “These incidents took place in a different era and are contrary to the way the A.C.L.U. operates today.” Neier said that the FBI had used what Ferman and Levy had told them to compile dossiers on ACLU members. “We don’t know what use the F.B.I. made of the dossiers, but we do know generally that dossiers have been used [by the bureau] to harm people.” There was some risk for the ACLU to confront its past so openly, but it suffered minimal damage when the FBI story went public. More troubling was that the ACLU was having difficulty finding a powerful enough cause to attract new members.⁴⁴

A January 1978 ACLU membership pamphlet made it seem as though its goals were all-encompassing: “Sexual equality, racial justice, religious freedom, the freedom to control one’s body, the constitutional rights of students, prisoners, mental patients, service personnel, juveniles, the elderly, and the rights of privacy for all of us.” But none of these issues packed the punch of civil rights, the Vietnam War, or Watergate. Nor were recent legal victories were likely to mobilize the public. In 1977, as an example, the ACLU’s South Texas Project won a case that prevented judges from requiring indigent defendants to pay for their court-appointed lawyer as a condition of their probation. As one ACLU leader joked at the time, “Bring back Bull Connor, Richard Nixon and that gorgeous, evil war.” Neier credited with the civil rights movement, the antiwar movement, and mutual opposition to Nixon with helping to form an alliance between the American left and civil libertarians, which was “shattered” by Skokie and other controversial cases unlikely to build political coalitions. “It is getting difficult to find any candidate for public office willing to identify himself or herself as a liberal,” Neier observed in 1979. “One of the most frequently repeated lines around is the definition of a conservative as ‘a liberal who has been mugged.’ Defense of free speech for Nazis in Skokie, many people believe, is a prime example of liberal naiveté, roughly comparable to inviting a mugger home for dinner. Do not defend the enemy.”⁴⁵

Though he had been responsible for steering the ACLU into many of these new areas, Neier called for a reevaluation of this strategy. “I don’t think the A.C.L.U. should further extend its reach,” he said in April 1978. “It must make good on some of the commitments already made.” Litigation was most successful when it was directed towards state institutions—prisons, mental hospitals, and schools. The doggedness of ACLU lawyers ensured that they would have a say in determining the outcome of court-ordered reforms, though it remained to be seen how

⁴⁴ Neier quoted in Tom Goldstein, “The ACLU Finds Another Issue: Itself,” *New York Times*, April 23, 1978; Anthony Marry, “F.B.I. Files Disclose 50s Tie to ACLU,” *New York Times*, August 4, 1977

⁴⁵ Goldstein, “The ACLU Finds Another Issue: Itself”; J. Anthony Lukas, “The ACLU Against Itself,” *New York Times*, July 9, 1978; Neier, *Defending My Enemy*, 9-10

this would be affected by program cuts. A shrinking membership base and reduced foundation grants meant fewer resources. The 1977 budget of \$7.7 million was \$300,000 less than it had been in 1976. By mid-1978, membership renewals were down fifteen percent from the year before, a loss of \$500,000 in income. Some 4,000 members had sent resignation letters in response to Skokie—two percent of the estimated 200,000 total membership. Many more simply let their membership lapse.⁴⁶

An audit by outside business consultants concluded in spring 1978 that the ACLU was “in deep financial trouble,” which they attributed to bad management regarding membership, poor recordkeeping, and a lack of communication within the organization. Neier finished his tenure at the ACLU fundraising as much as he ever had. Leaning heavily on the private foundations, he did what was described as a “superb job” in raising \$2 million for projects on women’s rights, privacy, and censorship. A special fundraising letter signed by David Goldberger, the lawyer on the Skokie case, brought in another \$500,000. A June 1978 free speech convocation attended by 1,700 reportedly added another \$250,000.⁴⁷

Divisiveness among ACLU executives did little to improve things. Neier’s feud with Charles Morgan began in 1973 when ACLU Chairman Edward J. Ennis urged caution in calling for Nixon’s impeachment. Morgan allegedly “felt betrayed” that he did not have Neier’s “absolute loyalty” on the question. An ACLU staff member attributed Morgan’s strong reaction to his experiences in the South, where he developed an “us versus them” mentality in his battles with the Ku Klux Klan and the White Citizens’ Councils. Neier worked closely with Morgan during his first three years at the ACLU, but their personalities were very different. Neier was rational to the point of detachment. His favorite activities outside of work were playing chess and listening to classical music. Morgan was very emotional, so Neier gravitated towards the board members who shared his temperament. What ultimately drove Neier and Morgan apart was the 1976 election. A Southerner by birth, Morgan strongly supported Jimmy Carter, accusing Northern liberals in March 1976 of not lining up behind Carter because “they don’t have their hooks in him.” Morgan had been offended when a *New Yorker* said that he would never vote for a candidate with a Southern accent. Neier criticized Morgan two weeks later for not differentiating his own views from those of the organization. “When you are identified by your A.C.L.U. position in speaking on candidates for public office, you appear to speak for the organization,” he wrote to Morgan. “As you know full well, neither you nor anyone else has a right to do so. You also know very well that it is extremely difficult to get disclaimers printed. You rarely seem to succeed in this.” This rebuke led Morgan to announce in early April 1976 that he would be leaving the ACLU. Accusing Neier of censoring him, Morgan sent a three-page resignation letter to ACLU colleagues: “It is not after confrontation and debate that most Americans are deprived of their liberty. That usually arises from day-to-day decisions made within private corporate bureaucracies. I do not admit the right of any bureaucracy to grant or deny me my rights as a citizen.” Morgan’s highly publicized exit was followed in January 1977 by that of ACLU Legal Director Melvyn Wulf. The “irreconcilable differences” leading to Wulf’s departure had emerged a year earlier when he felt as though Neier and Dorsen had not adequately defended him when a board member criticized his legal acumen. Wulf had been crucial to formulating ACLU’s legal strategy. “Mel was very aggressive,” a colleague said.

⁴⁶ Goldstein, “The ACLU Finds Another Issue: Itself”; Deidre Carmody, “ACLU at a Parley on Free Speech, Defends Its Aid to Nazis at Skokie,” *New York Times*, June 14, 1978

⁴⁷ Lukas, “The ACLU Against Itself”

“The A.C.L.U. may now become less instinctively hostile to government and more compromising and conciliatory.”⁴⁸

Rights Revolution to Reagan Revolution

Of greater significance to the long-term prospects of the ACLU was the shifting political ground beneath its feet. It had to adjust to a new era—post-civil rights, post-Watergate, post-Vietnam—in which various campaigns for individual rights was constrained by more conservative federal judiciary. Aware that the Berger Court was drifting rightward, the ACLU increasingly looked towards lobbying and public education. As John Shattuck, the new Director of the ACLU’s Washington, D.C. Office, remarked in July 1978, “To win these days, we need clout out there in the country.”⁴⁹

Neier realized this as well. Teaching seminars for the next two years as an adjunct professor at NYU, he had time to reflect on the NYCLU and ACLU’s use of litigation during the “rights revolution.” From this period of rumination emerged *Only Judgment: The Limits of Litigation in Social Change* (1982), a book that evaluated the success with which the “public interest bar” had used the courts to transform American society with regard to racial equality, political equality, sexual equality, abortion, poverty, ending war, challenging the national security state, asylums, stopping executions, and the environment. Neier found that litigation was most effective when it shaped a favorable political climate: “The courts, particularly, the Supreme Court of the United States, won greatest acceptance by assuming a charismatic role, speaking as one individual in order an end to school desegregation and demonstrating heroic qualities in steadfastly refusing to be cowed by resistance.” *Brown v. Board of Education*, he argued, made possible landmark decisions such as *Baker v. Carr*, *Griswold v. Connecticut*, and *Miranda v. Arizona*. For African-Americans living under Jim Crow laws, the abused mental health patients at Willowbrook, or poor teenagers like Cora McRae who could not afford an abortion, the courts provided one of the few venues through which the public could understand their lack of freedom. Therefore, the legal system was an aspect of “representative policymaking” that, in its own way, had “proved essential in making American democracy work.” It thus fell upon the ACLU, the NAACP, and other organizations to persuade Americans that their litigiousness was justifiable given the circumstances.⁵⁰

Of course, doing so would be more difficult than it had previously been, for the “[U.S.] Supreme Court’s ventures in distributive and political justice on behalf of discrete and insular minorities were at an end.” Responding to these new circumstances, “cause litigation” had become “more concerned with preserving victories they had won in the decade and a half of the Warren Court era than with trying to extend the bounds of judicial decision making.” The center-right coalition that elected Ronald Reagan in 1980 opposed the ACLU on most issues. Abortion and gay rights fired up the Moral Majority. Police oversight and legal safeguards for defendants were understood by conservatives as coddling criminals. Affirmative actions led to accusations of reverse racism. And that was just the beginning, as Neier wrote,

⁴⁸ Lukas, “The ACLU Against Itself”; Murray Illson, “Washington Chief of ACLU Resigns,” *New York Times*, April 10, 1976; Tom Goldstein, “Melvin L. Wulf Quits as Legal Director of the A.C.L.U.,” *New York Times*, January 13, 1977

⁴⁹ Carmody, “ACLU at a Parley on Free Speech, Defends Its Aid to Nazis at Skokie”; Lukas, “The ACLU Against Itself

⁵⁰ Aryeh Neier, *Only Judgment*, 5, 14, 29, 226-227, 239, 244, 241

The administration, with widespread public approval, began to try to prevent federal judges from promoting school desegregation; it placed in charge of the Equal Employment Opportunities Commission leadership that opposed vigorous enforcement of federal laws promoting equal opportunity; it strenuously opposed the Equal Rights Amendment; it actively supported efforts to overturn *Roe v. Wade* by a constitutional amendment and to get the Supreme Court to reverse itself by a statutory declaration that a fetus is a person entitled to the constitutional protection of the Fourteenth Amendment. In addition, it secured deep cuts in welfare benefits and repudiated the very idea that the poor are entitled to any government assistance. It sought to rid itself of restraints on military intervention in other countries and on the practices of the intelligence agencies. It supported capital punishment and more punitive use of incarceration. It systematically declined to enforce many of the legal restraints on practices of government and industry that adversely affect the environment.⁵¹

As the federal judiciary became more conservative during the 1980s, a Democratic Party-controlled Congress prevented Reagan from implementing many of these objectives. However, the ACLU's role at the cutting edge of the "rights revolution" made it into something of a punching bag for Republicans. Vice-President George H. W. Bush repeatedly called his opponent, Governor Michael Dukakis (D-Massachusetts), a "card carrying member of the ACLU" during a presidential debate in September 1988. Attempting to place Dukakis outside of the cultural mainstream, Bush tied him to some of the ACLU's most controversial positions: "I don't want my 10-year-old granddaughter to go into an X-rated movie...I don't think they're right to try to take the tax exemption away from the Catholic Church. I don't want to see the kiddie pornography laws repealed. I don't want to see 'Under God' come out from our currency. Now, these are all positions of the ACLU and I don't agree with them." The ACLU's opposition to film ratings did not necessarily mean that it favored children watching pornography. Nor had it tried to remove the words "In God We Trust" from the currency, but it had challenged the "under God" phrase in the Pledge of Allegiance. Not taking any chances, the Dukakis campaign issued a press release highlighting the difference he had with the ACLU over the years, whether it was keeping the Catholic Church's tax exemption, approving random checkpoints to catch drunk drivers, or signing an executive order that made it very difficult for gays and lesbians to become foster parents.⁵²

By then, Neier had once again made a name for himself with Americas Watch. As he had noted in *Only Judgment*, foreign policy was one of the least effective uses of litigation. There had been numerous challenges to the legality of the Vietnam War, but none had any "discernible impact." A staunch anti-communist, Reagan prioritized the newest battlefield in the Cold War—Central America: "The wisdom and propriety of American military intervention in El Salvador were extensively debated, but the war powers legislation was rarely mentioned in the public press, and the provisions of the legislation that grew out of antiwar litigation—so far, at any rate—have been of no consequence." Neither the War Powers Act nor the federal courts

⁵¹ Ibid., 232, 225-226

⁵² Kenneth J. Cooper with Ellen Warren, "Dukakis Explains How He Differs with ACLU," *Philadelphia Inquirer*, September 27, 1988

were going to stop the White House from sending military aid to El Salvador. If liberals wanted to stop it, they would have to find another way. The fifteen years Neier had spent defending draft protestors, neo-Nazis, and other unpopular victims at the NYCLU and ACLU prepared him for this task. Unafraid to spar with NYPD union leaders, federal district attorneys, the White House, or even his own membership, Neier's ethos was that of confrontation and accountability. He was not the kind of person to shy away from a debate nor was he someone who preferred to negotiate behind closed doors. Indeed, Neier's combativeness would become Americas Watch's *raison d'être*.⁵³

⁵³ Neier, *Only Judgment*, 230

Chapter 10

Aryeh Neier, Elliott Abrams, and the Truth: Debates over U.S. Human Rights Policy in El Salvador and Nicaragua during the Reagan Era

As a young organizer with the Student League for Industrial Democracy in 1960, Aryeh Neier attended a conference in Maracaibo, Venezuela hosted by the Inter-American Association for Democracy and Freedom, an organization that brought together Latin American politicians with their supporters in the United States. As Roger Baldwin had decades before him, Neier embarked on a second career in international human rights activism after leaving the ACLU. At the request of publishing executive Robert Bernstein, Neier joined U.S. Helsinki Watch in an advisory role at its founding in 1978, but it would be the election of Ronald Reagan in November 1980 that compelled Neier to return back to rights advocacy. Americas Watch intended to be a participant in debates about U.S. foreign policy in Latin America, as this was—in Neier’s words—“where the new administration seemed intent on demonstrating that its stand on human rights would differ sharply from the outgoing Carter administration’s policies.”¹

Fearful that a coalition of Marxist guerilla armies in El Salvador would take power as the Sandinistas had in Nicaragua, President Reagan demanded that the U.S. provide substantial military aid to the government forces. Before it was willing to appropriate funds for weapons and equipment, Congress required the White House to certify that the Government of El Salvador was not committing gross violations of human rights. Responsibility for making the president’s case rested on Assistant Secretary for State Elliott Abrams. A neoconservative who made a distinction between so-called authoritarian and totalitarian regimes, Abrams insisted that Salvadoran leaders were making progress towards democracy even as Americas Watch reported that right-wing death squads were killing civilians. A similar dispute arose over Nicaragua. Americas Watch accused both the U.S.-supported Contras and the Sandinistas of abuses. In challenging the White House’s version of events in Central America, Americas Watch had its credibility impugned by Abrams and other Reaganites, especially the editorial board of the *Wall Street Journal*. Though he was quick to accuse Neier of being a leftist ideologue, it was Abrams’s own anti-Communist zealotry that proved to be his undoing in the Iran-Contra scandal. But the acrimonious relationship between Neier and Abrams was more than a personality clash between two men who loved to debate. In its desire to discredit Americas Watch’s findings in El Salvador and Nicaragua, the Reagan administration shared the stage with an NGO that might have otherwise remained in obscurity.

Americas Watch

Aryeh Neier and Robert Bernstein joined forces twice during the 1970s to challenge publishing restrictions placed on former CIA agents Victor Marchetti and Frank Snepp. In search of someone to run his newly formed U.S. Helsinki Watch Committee (Helsinki Watch), Bernstein called Neier offering him the position of Executive Director in 1978. After fifteen years at the NYCLU and ACLU, however, Neier needed a break from his previous responsibilities—dealing with the board of directors, managing staff, and the “wearying grind” of fundraising—playing a limited role in Helsinki Watch through the November 1980 election of

¹ Aryeh Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (New York: PublicAffairs, 2003), 152-153

Ronald Reagan. Neier concluded soon thereafter that the biggest difference between Reagan and Carter would be seen in Latin America. Staunchly anti-communist, Reaganites were unabashed in their support of the authoritarians who ruled in the Southern Cone, whether General Augusto Pinochet of Chile or General Jorge Rafael Videla of Argentina. Yet the ideological lens through which they saw everything, including human rights, also made them very receptive to Helsinki Watch's criticisms of Eastern Bloc governments. Seeking to take full advantage of the credibility they had earned with Helsinki Watch, discussions between Neier, Bernstein, and lawyer Orville Schell resulted in the formation of the Americas Watch Committee. The three men agreed to a power-sharing arrangement by which Neier would oversee the day-to-day operations of Helsinki Watch and Americas Watch as Executive Vice-Chairman with Bernstein serving as Chairman of Helsinki Watch and Schell as Chairman of Americas Watch. A partner in a prominent New York law firm that represented several major corporations, Schell's presence was highly valued by the Ford Foundation. Neier's experience at the ACLU also helped its program officers give Americas Watch the benefit of the doubt, as he wrote, "I brought my years of experience in promoting rights in the United States, and my grasp, based on that experience, of how to endow the new field of international human rights with a quality of professionalism that it previous lacked." In short, Americas Watch was to be the "bad cop" to Helsinki Watch's "good cop"; an adversary instead of a partner.²

Americas Watch was in a strong position to make an immediate impact. Amnesty International mostly limited its activities to Prisoners of Conscience. The London headquarters was reluctant to involve itself in anything that might be construed as political. Nor did it have many Americans on the International Executive Council. "It did not include efforts to address violations of the laws of war and, from the standpoint of many Americans who were starting to become concerned with the protection and promotion of rights internationally, it had an even more important shortcoming," Neier remembered. "It did not then consider that it should devote itself to influencing the conduct of American foreign policy. Amnesty was so concerned to operate evenhandedly that it would only have turned its focus on American foreign policy if it could do the same with respect to the foreign policy of the Soviet Union, which was impossible."³

The Ford Foundation received a five-page grant proposal from Neier in September 1981 requesting \$973,000 over the next three years. Americas Watch explicitly defined its activities exclusively to defending civil and political rights. A similar debate had occurred at the ACLU a few years before when Neier was Executive Director. Some ACLU board members argued that it was impossible for citizens to fully exercise their constitutional rights if impoverished; or, as board member Ellen Feingold said, "Rosa Parks couldn't have gotten on that bus without a nickel." Other board members criticized Feingold for grouping together civil liberties and social justice when they were different things. Two resolutions were put up for a vote at the December 1977 board meeting. A mildly-worded "when there is a direct and substantial connection between poverty and particularly deprivations of civil liberties and civil rights, the A.C.L.U. will support positive government action to mitigate the effective of poverty" was approved by a vote of 37-30; the stronger "right of gainful employment ought to be recognized as the fundamental right of every American" was defeated 29-16. Neier was opposed to the notion of promoting

² Neier, *Taking Liberties*, 149, 152, 152-153, 153, 154

³ Aryeh Neier, *The International Human Rights Movement: A History* (Princeton, New Jersey: Princeton University Press, 2012), 204-205

economic and social rights on philosophical grounds. He believed that wealth redistribution ought to be pursued through the political system, but the effect of economic rights was to “diminish the protection of political rights” because a government would have to define what constituted an adequate standard of living: “The language of universal rights should be reserved for matters where it is possible to insist on adherence to the same criteria everywhere.” Neier thus viewed himself as upholding a “commitment for democracy not only for its own sake but also because it is preferable in substance to what we can expect from platonic guardians.”⁴

Neier identified how activists needed to confront the U.S. government on its human rights policy. As Helsinki Watch dealt primarily with a region that was under Soviet hegemony, a one-sided approach to human rights would “appear to be a Cold War exercise,” giving the mistaken impression that Americans only cared about the abuses perpetrated by Eastern Bloc governments. In order to give balance to the international human rights movement in the United States, Americas Watch would be made up of a “new constituency” of individuals “well-connected with the congress, the executive branch of government and the press,” so that it would have “clout” in various debates over military aid, economic aid, cultural exchange, trade, or visits by foreign leaders: “We [will] try to see that human rights practices are taken into account.”⁵

Ford program officer Shepard Forman evaluated Neier’s proposal. Before making a recommendation, Forman was curious if Americas Watch had enough connections to Latin America and whether it would impede the growth of other human rights NGOs in the region. Another concern expressed by Forman was the “hefty price tag.” As the proposal made its way up the bureaucratic chain, Forman suggested that Americas Watch receive \$100,000 for a twelve-to-eighteen month trial period. Responding to Forman’s question of just *who* exactly would be joining Americas Watch, Neier’s follow-up proposal named Juan Mendez as Director of the Washington, D.C. Office. An Argentine lawyer who was forced by the military junta to flee to the United States, Mendez’s personal story would prove useful in meetings with congressional staff and State Department officers. The New York Office was to be run by Pamela Falk, a familiar name to Forman. Neier also had to persuade the Ford Foundation’s Latin American Regional Director, Antonio Muñoz-Najar, of Americas Watch’s feasibility. By November 1981, Ford Foundation program officers in Lima determined that Americas Watch “possesses greater knowledge of contacts with human rights groups within the region...than was initially apparent.” Helping Americas Watch were the local activists. “These groups view AWC efforts with some degree of legitimacy” after Neier assured them they would have “veto power” over any programs that might interfere with their own. The two offices in Washington, D.C. and New York, respectively, would fulfill the “obvious function of coordinating and orchestrating efforts to make U.S. foreign policy more responsive to general and specific human rights concerns” and “mobilize ‘clout’” by generating publicity and having access to the “large reservoir of socially concerned lawyers for pro bono legal work frequently required for human rights cases.”⁶

The Ford Foundation eventually awarded Bernstein’s Fund for Free Expression \$180,000 to create “an influential constituency for the Latin American human rights movements

⁴ William Korey, *Taking on the World’s Repressive Regimes: The Ford Foundation’s International Human Rights Policies* (New York: Palgrave Macmillan, 2007), 79; J. Anthony Lukas, “The ACLU Against Itself,” *New York Times*, July 9, 1978; Neier, *Taking Rights*, xxx, xxxi

⁵ Korey, *Taking on the World’s Repressive Regimes*, 79-80

⁶ *Ibid.*, 81-83

in the United States.” Its reasoning echoed that found in Neier’s initial proposal. The foundation believed that human rights had been reduced to “a minor role within the East-West ideological debate.” In contrast to Carter, Reagan did not give “courage” to Latin American activists, which meant that Americas Watch was to use its “clout” to convince Congress and the State Department to be more supportive of them. With “an excellent track record in civil and political activities in the U.S. abroad,” Neier had already “developed the credibility and contacts in U.S. officialdom and media necessary to work effectively” through a strategy of “private suasion with public attention.”⁷

Americas Watch and Helsinki Watch convened on alternate Wednesday mornings in a boardroom at Random House headquarters. Neier wondered at first how a “handful of people in a room in New York could have an impact on decisions by powerful governments thousands of miles away,” but these meetings became “a forum at which important issues were debated and where those who were fresh from conducting investigations, often in difficult or even dangerous circumstances, would present their preliminary findings.” Potential donors to Americas Watch and Helsinki Watch were invited as guests to see what these organizations did. Their contributions supplemented grants from the Ford Foundation.⁸

Financier George Soros was the most prominent donor. To learn how to become a philanthropist, he undertook an “apprenticeship” at Helsinki Watch. “I attended the Wednesday morning meetings where current events and activities were discussed,” Soros wrote. “I also went on a fact-finding trip to El Salvador and Nicaragua, where were at that time in the midst of civil war. I learned a lot but did relatively little on my own.” Born to a Hungarian-Jewish family, he survived the 1944 Nazi occupation by changing his last name from “Schwartz” to “Soros.” His father created false identities for other Jews. “He charged a fee, sometimes quite an exorbitant one, to those who could afford it and helped others for free.” This was what kept the family alive. After escaping communist rule in Hungary, Soros began attending the London School of Economics in 1947, where he became a devoted student of philosopher Karl Popper, whose work helped him understand “the difference between the closed social system I wanted to get away from and the open one I had chosen to live in.” Soros eventually became a trader and investor, making a spectacular fortune running a hedge fund. An initial \$1000 investment in his Quantum Fund in 1970 would have yielded \$500,000 in 1990. By 1979, he was managing \$100 million in assets. “I was making more money than I had use for,” Soros thought at the time. “What really mattered to me was the concept of an open society.”⁹

An open society, according to Soros, was one based upon the notion that “we all act on the basis of imperfect understanding.” Therefore, it followed that nobody possessed “the ultimate truth.” Reworking Karl Popper’s argument that Marxism was not a science because it could not be proven false, Soros’s ideal society was one where there existed any number of competing ideas. More practically, this was Western-style democracy and a free market economy: “We need institutions of and rules that allow people with different opinions and interests to live together in peace; we need a democratic form of government that ensures the orderly transfer of power; we need a market economy that provides feedback and allows

⁷ Ibid., 83-84

⁸ Neier, *Taking Liberties*, 155

⁹ George Soros, “My Philanthropy,” in Chuck Sudetic, *The Philanthropy of George Soros: Building Open Societies* (New York: PublicAffairs, 2011), 12, 5; George Soros, *Underwriting Democracy* (New York: Free Press, 1991), 4, xii, xiii, 3; George Soros with Byron Wien and Krisztina Koenen, *Soros on Soros: Staying Ahead of the Curve* (New York: J. Wiley, 1995), 115

mistakes to be corrected; we need to protect minorities and respect minority opinions.” Soros’s built his philanthropy around these ideas, but he was “very leery” of foundations for two reasons. Their thinking became stilted over time, and they had the tendency to become dominated by narrowly-defined interests. Nor did he agree with making donations indiscriminately. Recipients turned into “objects of charity,” while the giver was constantly flattered and never told the truth.¹⁰

A close friend of Soros’s in New York was Herbert Vilakazi, a black South African who left NYU after accepting a teaching position in Zululand. With Vilakazi as his guide, Soros visited South Africa in 1980, seeing Soweto and talking with former political prisoners who had been at Robbin Island with Nelson Mandela. Soros established the Open Society Fund upon returning to New York. Using the fund as a tax shelter, he set up a scholarship program for black students at the University of Cape Town. Because tuition was paid by the state, Soros intended for his money to be used for room and board. “In this way I would be using the mechanism of a generally oppressive state to subvert it, to widen and expand a small area of interracial activity,” he said. “At the same time I would be helping to build a black elite, and I still think that the creation of elites among persecuted people is the most effective way to overcome prejudice.” Soros was disappointed to learn that the university administrators had not accepted as many black students as he had anticipated. Instead, they used Soros’s contributions to reimburse themselves for tuition. Frustrated that his plans had been thwarted, Soros soon abandoned the project altogether, concluding that he would maintain as much control as possible next time.¹¹

Most of Soros’s earliest philanthropy was directed towards Eastern Europe. His goal was to weaken these regimes “from within by making alternatives available and supporting critical thought.” Soros biographer Michael Kaufman writes how the emergence of the Moscow Helsinki Watch Group, Charter 77, and KOR could be seen as a test of Soros’s theory of reflexivity—the name Soros gave to the process through which perception changes reality:

Was it possible that under the terms of his logic, the extension of human rights beyond sovereign control was establishing a fruitful “underlying trend”? Could the work of activists and dissidents in the East, supported by their allies in the West, help build a “prevailing bias” that viewed Moscow-led Communism as neither immutable nor impregnable? And, as was the case with market booms, might underlying trends and prevailing biases reinforce each other to ignite an explosive surge leading to freedom and democracy?¹²

Soros was brought to the Watch Committee meetings by Svetlana Kostic Stone, a former girlfriend who worked at the New York Academy of Science. Partly due to their similar backgrounds and shared ambition, Soros and Neier quickly developed into close friends. Soros later praised Neier as “a man who achieved things, while keeping out of the headlines.” Besides the financial support he gave to Americas Watch and Helsinki Watch, Soros endowed scholarships at NYU and the New School for Social Research for Eastern European dissidents.

¹⁰ Soros, *Soros on Soros*, 112- 113

¹¹ Michael T. Kaufman, *Soros: The Life and Times of a Messianic Billionaire* (New York: Knopf, 2002), 174; see also Soros, *Soros on Soros*, 114

¹² Kaufman, *Soros*, 174-175

“Their acquaintance helped me a great deal, for at that time I was unfamiliar with the problems of the region,” he remembered. “After all, I had left it many years before.”¹³

The largesse of the Ford Foundation and wealthy donors like Soros meant that Americas Watch and Helsinki Watch had no need for a mass membership base. They were organizations of elites, by elites, and for elites. Neier thrived in this setting. He did not have to contend with a fractious board as he had at the ACLU. Indeed, the Watch Committees were smaller, streamlined, and deferential to the Executive Director. Neither Neier nor Soros wanted to be constrained by bureaucracies. Both preferred to have the flexibility to move quickly and decisively to take advantage of new opportunities whenever they arose.

Ernest Lefever

While answering a question on Soviet influence in Latin America at a January 1981 press conference, Secretary of State Alexander Haig predicted “international terrorism will take the place of human rights in our concern because it is the ultimate abuse of human rights.” And the source of that terrorism—“on both sides of the Iron Curtain”—was the Soviet Union. A National Security Council memorandum written by Carnes Lord a month later warned that the White House had created the impression that human rights was “jettisoned or severely downgraded in favor of countering terrorism or supporting authoritarian allies (South Korea).” To counter this growing perception, Lord argued that the new administration affirm its importance, but also take the occasion to criticize Carter for his lack of “conceptual coherence” on the issue. Supporting regimes that were “less than impeccably democratic” was not the same as disregarding human rights concerns, Lord explained, as “those systems may provide the best protection for human rights that is possible under existing circumstances,” and a return to quiet diplomacy meant there would be less “public lecturing of other nations on their domestic affairs.”¹⁴

In accordance with these deliberations within the new administration, Ernest Lefever was nominated to be Assistant Secretary of State for Human Rights and Humanitarian Affairs. His name had been suggested by Senator Jesse Helms (R-North Carolina). Staunchly conservative, Helms had been displeased with Haig’s appointment of numerous former Kissinger aides to top State Department positions. A conscientious objector during World War II, Lefever received a Ph.D. in Christian Ethics from Yale. As a member of the Congress of Racial Equality (CORE), he participated in marches with James Farmer and Bayard Rustin. He spent 1945-1948 in Western Europe as a volunteer field worker for the World Alliance of YMCAs, helping German prisoners of war find their way home. Influenced by Reinhold Niebuhr, Lefever served as a foreign policy adviser to Senator Hubert Humphrey (D-Minnesota). In addition to writing *Ethics and U.S. Foreign Policy* (1957), he taught courses at Maryland, Johns Hopkins, and Georgetown

¹³ Kaufman, *Soros*, 176; Soros, *Underwriting Democracy*, 5; Soros, *Soros on Soros*, 115, 116

¹⁴ “Excerpts from Haig’s Remarks at First News Conference as Secretary of State,” *New York Times*, January 29, 1981; Claire Apodaca, *Understanding US Human Rights Policy: A Paradoxical Legacy* (New York: Routledge, 2006), 83-84; Carnes Lord to Richard V. Allen, “Interim Policy on Human Rights,” February 17, 1981, Box 1, HU-Human Rights (000001-022999), Human Rights File (HU), White House Official Records Management (WHORM) Subject File, Ronald Reagan Presidential Library (RR)

and was affiliated with the Brookings Institution for over a decade. In 1976, Lefever formed the Ethics and Public Policy Center, a thinktank.¹⁵

“I look upon myself as a great advocate of human rights in a more profound and effective way,” Lefever told the *New York Times* in February 1981 as he listed his many disagreements with Carter. International human rights activists, he contended, had yet to grasp the difference between authoritarian (right-wing) and totalitarian (left-wing) regimes. “In their preoccupation with the minor abridgement of certain rights in authoritarian states they often overlook the massive threat to the liberty of millions,” he said with reference to the Soviet Union. While “public criticism” might be useful against adversaries, the most effective way of getting results with allies was “quiet diplomacy.” This was why he opposed congressional legislation that tied foreign aid to human rights performance. As he testified before the House Foreign Affairs Committee in July 1979, “It shouldn’t be necessary for any friendly state to pass a human rights test before we extend normal trade relations, before we sell arms or before we provide economic or security assistance. We have no moral mandate to remake the world in our own image. It is arrogant of us to attempt to reform the domestic behavior of our allies and even of our adversaries.” But to his critics Lefever seemed to be more forgiving of right-wing dictators like Pinochet, saying to the Inter-American Affairs Subcommittee in 1974 that the use of torture in Chile was part of Hispanic culture, as he paraphrased a State Department official who said that “we must understand the normal level of police abuse which goes on in that part of the world as a residual practice of the Iberian tradition.”¹⁶

And there also were ethical questions that needed to be answered. In 1979, the Ethics and Public Policy Center received \$25,000 from Nestlé S.A., a Swiss food corporation that produced almost half of the infant formula sold in the developing world. Public health experts had found a link between the lack of clean water needed to prepare the formula in poorer countries and an increase in malnutrition and infant mortality. Nestlé did nothing in response to these findings. Lefever paid Herman Nickel, an editor at *Fortune* magazine, \$5,000 to write about the controversy. Nickel authored another piece in the *Wall Street Journal* criticizing a boycott against Nestlé led by the World Council of Churches—the “self-anointed custodians of rectitude.” Lefever denied that his association with Nestlé was a conflict-of-interest.¹⁷

Troubled that the Reagan administration had nominated someone to be Assistant Secretary of State for Human Rights who did not believe that human rights should be a factor in U.S. foreign policy debates, the Ad Hoc Committee of the Human Rights Community announced its opposition to Lefever in late February 1981. Consisting of organizations that agreed that Lefever “represents the antithesis of the congressionally mandated concern for human rights,” the coalition brought together the ACLU, Helsinki Watch, the Lawyers Committee for International Human Rights, the World Council of Churches, the American Friends Service Committee, the National Council of Churches, the Union of America Hebrew Congregations,

¹⁵ E. Michael Myers, *UPI*, January 6, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; Daniel Southerland, *Christian Science Monitor*, February 4, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; U.S. Senate, Committee on Foreign Relations, 97th Congress, First Session, “Nomination of Ernest W. Lefever,” 5, 48-49, 62, 64; *Miami Herald*, February 23, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR

¹⁶ Charles Mohr, “Human Rights Choice Abhors Scolding as a U.S. Tool,” *New York Times*, February 13, 1981

¹⁷ Ernest W. Lefever to Douglas A. Croner, September 20, 1979, CFOA 113, RR; Ernest W. Lefever to Douglas A. Grener, November 16, 1979, CFOA 113, RR; Ernest W. Lefever to Herman Nickel, November 14, 1979, CFOA 113; Charles Mohr, “Human Rights Choice Abhors Scolding as a U.S. Tool,” *New York Times*, February 13, 1981

Americans for Democratic Action, and local groups of exiled Chiles, South Koreans, and Filipinos. Lefever's writings, according to the committee, were "a perversion of internationally recognized human rights values into blind support of authoritarian allies coupled with politically motivated denunciations of perceived United States enemies." Conspicuously absent from this dispute was Amnesty International. "One reason that Helsinki Watch was able to play a key role in the defeat of Lefever is that Amnesty, by far the largest and most influential human rights group at the time, had a policy of not supporting or opposing candidates for elective or appointive office," Aryeh Neier writes. "It did not take a stand on the nomination of Lefever, and it played no role in his defeat. Amnesty's absence from the fray left a vacuum that was filled by Helsinki Watch."¹⁸

Neier, Bernstein, and Schell spent of much their time in spring 1981 lobbying against Lefever's nomination. Argentina loomed over their efforts. Bernstein strongly identified with Jacobo Timerman, a Jewish editor and publisher who had been tortured during his two and half years as a political prisoner. Schell had just been in Argentina with the New York Bar Association to locate disappeared lawyers. Most importantly to Americas Watch, Lefever's nomination was already having an impact on the Argentine Junta. The national police arrested lawyer Emilio Mignone—founder of the Center for Legal and Social Studies (CELS)—on February 27. A few days earlier, Mignone was in Geneva to persuade the UN Commission on Human Rights to continue the Working Group on Disappearances. The United States had supported the working group under Carter, but Lefever advised that the American delegation join Argentina and Soviet Union in opposition. Eventually a compromise was reached. The working group would remain, but its findings would no longer be made public. Activists accused Lefever of signaling to the Argentines that the Reagan administration was no longer concerned with Mignone. Like many liberals, Anthony Lewis of the *New York Times* called for the Senate to reject the nomination. More conservative publications such as the *Chicago Tribune* and the *New York Post* thought Lefever ought to be given the benefit of the doubt.¹⁹

Neier, Bernstein, and Schell met with all seventeen members of the Senate Foreign Relations Committee, most often with Senator Charles Percy (R-Illinois) and Senator Claiborne Pell (D-Rhode Island). Their affiliation with Helsinki Watch—"with its impeccable anti-Communist credentials"—gave them credibility with moderates who privately opposed the Lefever nomination. Neier did not remember being so well-received when he was with the ACLU. Their strategy was to strike an emotional chord with the lawmakers, as Neier put it, "The routine work of legislating provides few satisfactions comparable to meeting a brave dissenter who has stood up to a dictator and tell you that you saved her life." Pell said that he was undecided only days before the hearings were set to begin on May 18, though he mentioned to Neier that he would be reading Timerman's *Prisoner without a Name, Cell without a Number*

¹⁸ Charles Mohr, "Coalition Assails Reagan's Choice for State Dept. Human Rights Job," *New York Times*, February 25, 1981; Philip Geyelin, "Which Ernest Lefever," *Washington Post*, March 6, 1981; Neier, *The International Human Rights Movement*, 208

¹⁹ Neier, *Taking Liberties*, 181; *The Nation*, March 14, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; Anthony Lewis, *New York Times*, March 26, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; Editorial, *Chicago Tribune*, March 20, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; Joseph Sobran, *New York Post*, March 14, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; Suzanne Garment, *Wall Street Journal*, March 6, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR

over the weekend. Pell was also upset that Argentine President Eduardo Viola had yet to live up to a promise he previously made in person about publishing an account of the disappeared.²⁰

Liberals on the Senate Foreign Affairs Committee were against Lefever from the beginning. Senator Alan Cranston (D-California) believed Lefever had “a blind eye to human rights violations by right-wing military dictatorships.” Senator Paul Tsongas (D-Massachusetts) was already on record as a “no.” “Confirming Lefever will confirm the perception that we are denigrating human rights,” Tsongas told *Newsweek*. Realizing that he needed to save his nomination, Lefever admitted to the senators that he had “goofed” when he said in July 1979 that all human rights legislation ought to be repealed. Mentioning how Timerman had written that his prison conditions improved after former Assistant Secretary of State Patt Derian said his name in her discussions with Argentine officials, Pell asked Lefever if he would have done the same. “I have no desire to be looked upon as a saint or a missionary,” Lefever answered. “I believe my job is rather to sensitive the entire foreign policy establishment to the concern for human rights rather than play a Sir Galahad role going around the world on personal missions.” Tsongas read directly from a passage in Timerman’s book describing the electrical shocks he received while his torturers chanted “Jew, Jew.” Others wondered if Lefever would criticize U.S. allies. Cranston feared Lefever would turn his position into “a bully-pulpit for Red-baiting.” Percy wondered aloud whether Lefever could actually be an “outspoken advocate” for human rights.²¹

Even though Lefever received favorable treatment by conservatives such as Helms and Senator S.I. Hayakawa (R-California), Senator Rudy Boschwitz (R-Minnesota) remained concerned about the Ethics and Public Policy Center. Only after being pressed on the issue did Lefever allow the committee to look at financial records. After repeated questioning about the infant formula controversy by Senator Christopher Dodd (D-Connecticut), Lefever admitted that Nestlé had initially given \$5000 to pay for a study and then another \$20,000 upon learning of its favorite results.²²

Timerman may have turned down an opportunity to testify against Lefever, but his presence reminded the senators of the stakes involved. When Timerman entered the room with Bernstein on the second day of hearings, Pell interrupted the proceedings to welcome the former prisoner. “This brought the crowd, including some senators, to their feet for a standing ovation,” Neier recalled. “At that moment, I knew Lefever was defeated.” Timerman credited Derian with his release. Carter had saved “thousands and thousands of lives all over the world.” Quiet diplomacy, in Timerman’s phrasing, was just another word for surrender.²³

As the Reagan administration reaffirmed its support of Lefever after the hearings concluded on May 19, only staunch conservatives like Senator John Tower (R-Texas) were still behind the nomination. Lefever’s prospects suffered a fatal blow the next day when reporters

²⁰ Neier, *Taking Liberties*, 182-183

²¹ Charles Mohr, “Human Rights Choice Abhors Scolding as a U.S. Tool,” *New York Times*, February 13, 1981; Michael Reese with Jane Whitmore, *Newsweek*, March 30, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; U.S. Senate, Committee on Foreign Relations, 97th Congress, First Session, “Nomination of Ernest W. Lefever,” 76, 78, 96; Judith Miller, *New York Times*, May 19, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR

²² John Goshko and Scott Armstrong, *Washington Post*, May 19, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR

²³ Neier, *Taking Liberties*, 184-185; Judith Miller, “Rights Victim Is a Potent Presence As Senators Assess Reagan Choice,” *New York Times*, May 20, 1981

learned that Percy had asked the White House to find a replacement. Percy was angered by Lefever's insistence at a private meeting that the opposition to him was "Communist inspired." When Lefever testified that he had not said anything to that effect, Percy responded, "You did, I heard you." More problems arose for Lefever when a former Nestlé executive claimed that Lefever had not disclosed a secret \$10,000 donation from a company lawyer. An internal Nestlé document also told a different story than that presented by Lefever under oath: "There should be maximum exploitation of the opportunities presented by the Ethics and Public Policy Center's willingness to undertake additional activity."²⁴

The Senate Foreign Relations Committee voted 13-4 against Lefever on June 5. Five Republicans joined all eight Democrats in dealing the White House an unexpected setback. Reagan called at least three Republicans on Lefever's behalf, but to no avail. Following the vote, Senator Howard Baker (R-Tennessee) told Reagan that there was little chance that Lefever would secure the fifty senators needed for confirmation. Hayakawa and Helms agreed that the nomination "probably wouldn't fly." It was only at this point Lefever decided to withdraw himself from further consideration. "I am blameless of the charges and innuendoes against my integrity and my compassion," he wrote in his resignation letter. "I do not wish any longer to put up with the kind of suspicion and character assassination that some of my adversaries have used to besmirch my name." Some Republicans were relieved to see Lefever go. Boschwitz thought a protracted fight over the nomination would "divert attention" from cutting taxes. By raising numerous political, moral, and ethical concerns about Lefever with Democrats and moderate Republicans, international human rights activists successfully thwarted Reagan's first choice nominee for Assistant Secretary of State, a victory that made the White House take notice that its foreign policy decisions would be closely scrutinized by Americas Watch.²⁵

Elliott Abrams

The White House held off naming another nominee until the fall. A memorandum proposing a new human rights policy was leaked to reporters at the end of October: "'Human rights' is not something we tack on to our foreign policy but is its very purpose: the defense and promotion of freedom in the world." If the United States was able to convince the world of its sincerity on human rights issues, the memorandum argued, then it would have a formidable ideological advantage over the Soviet Union. "Why arm, and why fight, if the two superpowers are morally equal?" Drawing a contrast with the Soviets in these terms would do much to prevent "movement towards neutralism" among Western Europeans. Yet, it was important to realize that human rights had to be balanced against other interests. It was "not advanced by replacing a bad regime with a worse one, or a corrupt dictator with a zealous Communist politburo." For any policy to remain credible, it had to be "applied evenhandedly":

²⁴ "Percy Said to Urge New Rights Choice—President Is Reportedly Asked to Withdraw Lefever Nomination," *New York Times*, May 21, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; Anthony Lewis, "Advise and Consent," *New York Times*, May 21, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; Sens. Alan Cranson, Paul Tsongas, and Christopher Dodd, "Press Release," May 22, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR; *Washington Post*, May 22, 1981, Summary of News Stories Re Lefever Nomination, May 31, 1981, CFOA 113, RR

²⁵ Judith Miller, "Rebuffed in Senate, Lefever Pulls Out As Rights Nominee," *New York Times*, June 6, 1981

A human rights policy means trouble, for it means hard choices which may adversely affect certain bilateral relations. At the very least, we will have to speak honestly about friends' human rights violations and justify any decision wherein other considerations (economic, military etc.) are determinative. There is no escaping this without destroying the credibility of our policy, for otherwise we would simply coddling friends and criticizing foes.²⁶

The purported authors of the memorandum were Deputy Secretary of State William Clark and Under Secretary of State Richard Kennedy, but it was actually written by Elliott Abrams, the brash and outspoken Assistant Secretary of State for International Organizations. On the day his nomination for Assistant Secretary of State for Human Rights was announced, Abrams said that the administration had failed "to explain to the American people and other countries that human rights is at the absolute center of our foreign policy." In contrast to Lefever, Abrams supported the annual reports by the State Departments and promised he would consider using economic sanctions against repeat offenders. Just as important to his chances in the Senate, he was still a Democrat. Senator Henry "Scoop" Jackson (D-Washington) praised him as "an excellent choice." Abrams had served as Jackson's Special Counsel from 1975-1977. His next boss, Senator Daniel Patrick Moynihan (D-New York), for whom he had been Chief of Staff from 1977-1979, believed Abrams had demonstrated a "great commitment to the issue of human rights." Predicting an easy confirmation, Tsongas added, "Being a neoconservative does not disqualify you from the job."²⁷

Abrams defined himself in opposition to the excesses of the Sixties. He had been "inoculated," in his words, against the counterculture as a teenager in Greenwich Village: "Marijuana was all over Elizabeth Irwin when I was in high school. That style of dress, radical politics. And it was quite clear to me that this was not a manifestation of individual thought; it was mass thoughtlessness." He supported Senator Hubert Humphrey (D-Minnesota) in the 1968 presidential election as an undergraduate at Harvard. Most of his classmates were drawn to the antiwar candidacies of Senator Robert F. Kennedy (D-New York) and Senator Eugene McCarthy (D-Minnesota). Former roommates remember that Abrams's establishment proclivities stood out against campus unrest. Steven Kelman knew Abrams as a "basically happy, well-adjusted, and unalienated guy" who appeared to have "good relations with his family and was always far more oriented towards success, including monetary, than anybody else we knew." Benjamin Ross recalled that Abrams was the only person who "looked more comfortable in a brand new pair of Levis than worn-out ones." Though he was mainstream liberal who was repulsed by the New Left, Abrams had some misgivings about the Vietnam War, as he wrote in 1968, "This is unfair to me and my generation. Destroy the irreplaceable and you deprive us of our birthright...There are riots in our cities and 10,000 boys are dying in Vietnam and people have the nerve to tell us we object to the president because of his style." But Abrams grew increasingly alienated from the antiwar movement on campus. The Harvard chapter of the Americans for Democratic Action dropped him for his support of Humphrey. When Students for a Democratic Society (SDS) led a

²⁶ Barbara Crossette, "U.S. to Name Human Rights Aide," *New York Times*, October 30, 1981; "Excerpt from State Department Memo on Human Rights," *New York Times*, November 5, 1981

²⁷ Judith Miller, "A Neoconservative for Human Rights Post," *New York Times*, October 31, 1981; see William Safire, "Human Rights Victory," *New York Times*, November 5, 1981, Safire wrote, "I suspect the memo was drafted by Mr. Abrams, who will probably be blamed for being the source; he was not."

strike the next year, Abrams served as Chairman of the Ad Hoc Committee to Keep Harvard Open, which he later said was “one of my proudest moments.”²⁸

Exempt from the draft because of a bad back, Abrams turned into a hawk. In an interview conducted with author Myra MacPherson for her book about the impact of the Vietnam War on the Baby Boomer generation, he derided antiwar protestors for their naiveté: “It always seemed to me that the so-called NLF forces, the Buddhists, were in fact not going to take over, but rather the Communists were going to take over. The notion that if the United States would just leave, the killing would stop was unbelievably foolish.” When asked by MacPherson to consider some of the arguments that he had heard at Harvard, Abrams stood firm in his contention that withdrawing from Vietnam had been a mistake:

One need not to believe wholeheartedly in the domino theory to say, in fact, that ‘If the United States pulls out and abandons South Vietnam, there will be a Communist government in the South and Laos and Cambodia will fall as well.’ That’s exactly what happened. What *nobody* quite predicted was the extent of the bloodbath that took place in Cambodia. We never claimed then that *all* the opposition in the South was Communist. What we *did* claim was that the Communists had the guns and that they would take over if the opposition won. And that if what happened and all the Buddhists and all the Catholics and all the labor leaders and the intellectuals—the ones we used to hear about being in the opposition—are *dead* or they are in jail or they are in exile.²⁹

By the end of his time at Harvard Law School, Abrams had become a full-fledged neoconservative. Living in Nathan Glazer’s attic during these years, he contributed to his landlord’s journal, *The Public Interest*. Glazer introduced Abrams to *Commentary* editor Norman Podhoretz, his future father-in-law. Like Glazer and Podhoretz, Abrams no longer believed the government could solve social problems. The Equal Employment Opportunities Commission (EEOC), he wrote, needed to end its reliance on quotas to determine hiring discrimination because employers were no longer choosing the most qualified candidates. A collection of essays edited by Irving Howe and Michael Harrington made Abrams incredulous at the notion that housing, health care, environmental, and consumer protection programs should receive more funding. “Where is the necessary appraisal of which programs have worked and which failed?” Abrams asked. “Where, amid, all the talk of ‘priorities,’ is an evaluation of which programs are worthy of the political capital at one’s disposal, which merely peripheral? Most of the Great Society programs are now being scrapped and in many cases deservedly so.” Abrams blamed the “New Politics” for alienating him from the Democratic Party. “George McGovern and his supporters committed what, in a two-party system, are capital crimes: they

²⁸ Eric Alterman, “The Teflon Secretary,” *Washington Monthly* (May 1987); William M. LeoGrande, *Our Own Backyard: The United States in Central America, 1977-1992* (Chapel Hill, NC: University of North Carolina Press, 1998), 443

²⁹ Myra MacPherson, *Long Time Passing: Vietnam and the Haunted Generation* (Garden City, NY, Doubleday, 1984), 121

did not compromise, they took hard ideological positions, they alienated a large portion of their party's traditional supporters, and they lost—very, very badly.”³⁰

Abrams was hired out of law school by the prominent New York firm of Breed, Abbot, and Morgan. Bored as a corporate lawyer, he moved to Washington, D.C. in 1975, working for Jackson and Moynihan during the next four years. His final break with the Democrats occurred after the 1976 election, when Carter appointed few neoconservatives to foreign policy positions. “We were completely frozen out,” Abrams complained. “We got one unbelievably minor job. It was a special negotiator position. Not for Polynesia. Not Macronesia. But Micronesia.” Neoconservatives also disagreed strongly with Carter's human rights policy, which they believed was arbitrary, inconsistent, and detrimental to American interests, as Abrams said, “Carter never had a human rights philosophy except that the U.S. was generally a bad place going around the world doing bad things.” Moved by Reagan's strong denunciations of the Soviet Union during the 1980 campaign, Abrams joined Democrats for Reagan.³¹

After the Lefever debacle, the White House went to Leo Cherne of the International Rescue Commission, former Nixon lawyer and Amnesty International USA board member Leonard Garment, and political commentator Michael Novak, all of whom declined but recommended “somebody like Elliott Abrams.” According to William Safire of the *New York Times*, Abrams had been a “tough cookie-pusher” at the State Department, where he worked under Jeane Kirkpatrick, the neoconservative political scientist who accused Carter for taking a “posture of continuous self-abasement and apology vis-à-vis the Third World.” Abrams may have presented himself as more of an advocate for human rights than Lefever, but he held onto the distinction between totalitarianism and authoritarianism that Kirkpatrick had famously made in her 1979 article, “Dictatorships and Double Standards.”³²

Kirkpatrick was sharply critical of Carter for—in her eyes—abandoning the Shah Reza Pahlevi of Iran and Anastasio Somoza of Nicaragua, both of whom had been supplanted by regimes that were openly hostile to the United States. The Shah and Somoza were examples of “moderate autocrats” whose anticommunism, loyalty, and stability in regions of geostrategic significance made them worthy of continued support. Authoritarian leaders left in place “existing allocations of wealth, power, status, and other resources” as they did not “disturb the habitual rhythms of work and leisure, habitual places of residence, habitual patterns of residence, habitual patterns of family and personal relations.” Kirkpatrick described these societies in Hobbesian terms—nasty, brutish, and short. “Because the miseries of traditional life are familiar, they are bearable to ordinary people who acquire the skills and attitudes necessary for survival in the miserable roles they are destined to fill.” By keeping these traditions in place, authoritarian regimes provided an opportunity for reform through favorable political and economic circumstances, charismatic leaders, and popular demand for representative government. In contrast, a totalitarian regime created “social inequities, brutality, and poverty” by completely and permanently restructuring society according to Marxist principles. There was no chance that the party apparatus would ever be displaced from power. This was why a military

³⁰ Elliott Abrams, “The Quota Commission,” *Commentary*, Vol. 54, No. 4 (October 1972); Elliott Abrams, “The Seventies: Problems and Proposals,” *Commentary*, Vol. 55, No. 3 (March 1973); Elliott Abrams, “The Democrats' Dilemma,” *Commentary*, Vol. 59, No. 2 (February 1975)

³¹ Alterman, “The Teflon Secretary”

³² William Safire, “Human Rights Victory,” *New York Times*, November 5, 1981; “Senate Panel Backs Abrams For Post on Human Rights,” *New York Times*, November 18, 1981; Jeane Kirkpatrick, “Dictatorships and Double Standards,” *Commentary* (1979), 45

junta could be seen as a necessary step towards modernization. Some countries, Kirkpatrick implied, were not yet ready for democracy: “Efforts to force complex and unfamiliar political practices on societies lacking the requisite political culture...not only fail to produce the desired outcomes; if they are undertaken at a time when the traditional regime is under attack, they actually facilitate the job of the insurgents.”³³

To neoconservatives, then, authoritarianism was a lesser evil than communism. “Anybody who does not think South Vietnam was ‘freer’ under President Diem or Thieu than it is now it is crazy,” Abrams said to MacPherson. Just as it had been with the Northern Vietnamese, it was wrong to think that the Sandinistas—“who *proclaim* themselves Marxist-Leninists”—were nationalists. Disparaging the previous administration’s attempts to moderate the revolution in Nicaragua, Abrams continued, “Carter *welcomed* the Sandinistas. His administration gave them \$125 million in aid and tried to work with them and they jumped into the hands of the Russians.” Abrams believed that activists ought to be troubled by these facts. “I find it a very odd notion of human rights or morality to be *indifferent* to the victory of Communists,” Abrams said in a broadside against them. “As in Vietnam. Real-live, genuine, Communist party-type Communists who will absolutely destroy liberty in that country! How it can be in the cause of human rights for *that* to be end result is the question the left has never been able to answer for *me*.”³⁴

Reagan fully embraced the language of human rights in a June 1982 address to the British Parliament, as he asked, “Must freedom wither in a quiet, deadening accommodation with totalitarian evil?” While it may not have been easy to see at that particular moment, Reagan believed that history had reached a turning point. Karl Marx had correctly predicted a crisis in which the realities of the economic order were in conflict with the political order. The irony, of course, was that this was occurring in the Eastern Bloc, not in the West. Whether it was East Germany in 1953, Hungary in 1956, Czechoslovakia in 1968, or Poland in 1981, “man’s instinctive desire to freedom and self-determination” had emerged behind the Iron Curtain only to be suppressed by the totalitarian state. Democracy was a “fragile flower” that needed to be cultivated if it was to survive in this part of the world. The West thus had a responsibility to support democratic movements. “We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings,” Reagan said. “So states the United Nations Universal Declaration of Human Rights, which, among other things, guarantees free elections.” In a stunning display of audacity, he predicted that the Soviet Union was doomed to failure, to be swept aside by a “democratic revolution”—“the march of freedom and democracy which will leave Marxism-Leninism on the ashheap of history as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people.”³⁵

Historians, the president noted, had long written of individuals who had been at the forefront of this struggle for freedom: the Spartans at Thermopylae, the revolt of Spartacus, the

³³ David F. Schmitz, *The United States and Right-Wing Dictatorships, 1965-1989* (Cambridge, UK: Cambridge University Press, 2006), 196-199; for a lengthier discussion on Kirkpatrick’s debt to Hobbes, see Greg Grandin, *Empire’s Workshop: Latin America, the United States, and the Rise of the New Imperialism* (New York: Metropolitan Books, 2006), 73-78

³⁴ MacPherson, *Long Time Passing*, 121-122

³⁵ Ronald Reagan, “Address to Members of the British Parliament,” June 8, 1982, *Public Papers of the President*, John Woolley and Gerhart Peters, ed., *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=42614>

storming of the Bastille, and the Warsaw uprising in World War II. This “same human impulse” was on display in El Salvador, as he chided journalists for mistaking who were the actual “freedom fighters”:

Day after day we were treated to stories and film slanted towards the brave freedom-fighters battling oppressive government forces on behalf of the silent, suffering people of that tortured country. And then one day those silent, suffering people were offered a chance to vote, to choose the kind of government they wanted. Suddenly the freedom-fighters in the hills were exposed for what they really are—Cuban-backed guerrillas who want power for themselves, and their backers, not democracy for the people.

Reagan accused the Marxist rebels of threatening death to anyone who voted in the most recent election and destroying hundreds of buses and trucks to keep them from the polls, but well over a million Salvadorans “braved ambush and gunfire and trudged for miles to vote for freedom. Though the Salvadoran Army may have killed civilians in its civil war, the president appeared certain that this would pale in comparison to what would follow if El Salvador went the way of Vietnam and Nicaragua.”³⁶

Abrams testified to Congress in March 1983 how “democracy promotion” was the Reagan Doctrine. A “reactive or negative policy” was no longer adequate. Democratic governments needed to be installed wherever possible, he said, as they were far more likely to respect international human rights standards. “When people can choose their government and dismiss it, that government is less likely to abuse their human rights and will be held to account by the people for any abuses it may commit.” If the United States wanted to go beyond merely treating the “symptoms” of rights violations, it had to promote political systems that did not tolerate this kind of behavior. An authoritarian regime like that of El Salvador at least held out the possibility that it might become democratic, but there was no such hope for Nicaragua if it remained under the control of the Sandinistas. “Support for anti-communist guerrillas was the logical outgrowth, not the origin, of a policy of supporting democratic reform or revolution everywhere, in countries ruled by right-wing dictators as well as by communist parties,” writes Robert Kagan, Abrams’s former deputy. “The intellectual author of this more even-handed approach was Elliott Abrams.”³⁷

But what was consistent to Abrams was a “double standard” to Americas Watch. As Orville Schell and Aryeh Neier testified before Congress in September 1981, Reagan had repeatedly criticized the Soviet Union during his first eight months in office, but Argentina and Chile—“notorious for their gross violations of human rights”—had been “showered with our largesse.” Selective outrage was damaging American credibility in their opinion. “If the United States fails to take strong positions against violations in non-Communist countries,” Schell’s statement read, “it is simply too easy for the Soviet Union and her Eastern Europeans satellites to dismiss our actions as insincere manifestations of cold war politics.” Neier said Reagan was all too willing to associate himself with right-wing military dictators, as his first guests at the White

³⁶ Ibid.

³⁷ Elliott Abrams, “Review of U.S. Human Rights Policy,” U.S. Congress, 97th Congress, 1st Session, Subcommittee on International Organizations and Human Rights and Foreign Affairs Committee, March 1983, 2-3; Robert Kagan, *A Twilight Struggle: American Power and Nicaragua, 1977-1990* (New York: Free Press, 1996), 209

House included President Chun Doo-Hwan of South Korea, President Roberto Viola of Argentina, and Viola's Commander of the Army, General Leopoldo Galtieri, whom activists had identified as responsible for many of "disappearances" of political opponents that had occurred since 1976. Kirkpatrick showed a similar disregard for recent abuses. In Santiago, even though the September 1976 car bombing of Orlando Letelier in Washington, D.C. remained unresolved, she expressed a desire for the United States to normalize its relations with Chile. Less than forty-eight hours after Kirkpatrick's departure, four prominent Chilean opposition leaders were expelled, one of whom was Jaime Castillo, the former Minister of Justice who was President of the Chilean Commission on Human Rights.³⁸

Nevertheless, as Neier wrote in an op-ed in the *New York Times* that November, Abrams's confirmation marked a "beginning step" for the Reagan administration, which had mostly ignored human rights legislation up to that point. Section 502B of the Foreign Assistance Act prohibited the U.S. from sending any "security assistance" to countries that had demonstrated "a consistent pattern of gross violations of internationally recognized human rights." In Guatemala, as the Inter-American Human Rights Commission had found, the government had assassinated thousands of teachers, priests, lawyers, journalists, leaders of Indian and peasant organizations, unions, and opposition parties yet the White House sold it \$3.2 million of trucks and jeeps. Section 701 of the International Financial Institutions Act required the U.S. to oppose loans on human rights grounds at multilateral developmental banks, but American officials approved loans for Argentina, Chile, Paraguay, South Korea, and Uruguay. Americas Watch may have concerned itself with all of Latin America, but its priorities invariably mirrored those of the administration. And very few places on Earth were as important to Reagan as Central America.³⁹

A Most Important Place: El Salvador and Nicaragua

"[The] most important place in the world for us," was how UN Ambassador Jeanne Kirkpatrick described Central America and the Caribbean. To protect its interests in the region, the United States depended upon anti-communist military dictatorships to maintain order. A fall in the price of agricultural exports during the 1970s global economic crisis brought instability to the long-ruling Somoza regime in Nicaragua. Widespread poverty, liberation theology (a movement within the Catholic Church to demand social justice), and corruption exemplified by the government's distribution of aid after the 1972 earthquake fueled popular support of left-wing guerrillas. Citing human rights violations by the government, Carter cut off foreign aid, a decision that neoconservatives blamed for the Sandinista victory in summer 1979. As the Sandinistas implemented economic reforms and took vengeance against former Somoza officials in 1980-1981, they publicly embraced Cuba and the Soviet Union, their longtime allies. "We have to be against the United States in order to reaffirm ourselves as a nation," one Sandinista leader said. Fearing that Nicaragua had become another "Soviet beachhead," Reagan approved \$20 million in December 1981 to secretly organize an anti-Sandinista army of 500 Contras (short for "counterrevolutionary") in Honduras, the core of which had belonged to Somoza's National

³⁸ Orville Schell and Aryeh Neier, "Implementation of Congressionally Mandate Human Rights Provisions," *U.S. Congress, 97th Congress, 1st Session, Subcommittee on International Organizations and Human Rights and Foreign Affairs Committee* (Washington, D.C.: Government Printing Office, 1982), 134-135, 143, 173-174

³⁹ Aryeh Neier, "Of Reagan and Rights," *New York Times*, November 12, 1981

Guard. In Reagan's words, Nicaragua was where the U.S. would "repeal the infamous Brezhnev Doctrine, which contends that once a country has fallen into Communist darkness, it can never be allowed to see the light of freedom."⁴⁰

A similar series of events was underway in neighboring El Salvador. Long ruled by an oligarchy that owned nearly all of the arable land, the overwhelming majority of Salvadorans were extremely poor, but popular memory of La Matanza ("The Killing") kept them in line. In 1932, commanded by General Maximiliano Hernández Martínez, the Salvadoran Army killed tens of thousands to put down a rural insurgency. Jose Napoleón Duarte, a Christian Democrat, won the 1972 election, but military officers prevented him from assuming the presidency. The left-wing opposition coalesced into the Farabundo Martí Liberation Front (FMLN), which received help from the Sandinistas to begin a guerrilla war against the Government of El Salvador. Archbishop Oscar Romero spoke out against the repression of priests and nuns who worked with the poor, but he was assassinated by a right-wing death squad while officiating mass in March 1980. Seeking to prevent another revolution, Carter resumed military aid to El Salvador in hopes of finding a political solution, doing so even after Romero warned that this only helped the government further deprive Salvadorans of their human rights. Military officers welcomed Reagan's arrival in the White House. The murder of four American nuns by another death squad in December 1980 was dismissed by Haig and Kirkpatrick, both of whom falsely accused them of assisting the rebels. Faced with the prospect of the FMLN victory, the Reagan administration increased its commitment to the Government of El Salvador: \$25 million in military aid and fifty-four American military advisors. Unwilling to grant the president a blank check to fulfill his goal of defeating the insurgency, Congress passed legislation requiring the White House to "certify" every six months that El Salvador was making progress towards compliance with human rights standards. Reports of a massacre at El Mozote by the elite, U.S.-trained Atlacatl Battalion in December 1981 might have complicated matters, but American officials reinforced the official lie that the villagers belonged to the FMLN by discrediting reports by journalists Raymond Bonner and Alma Guillermoprieto.⁴¹

Americas Watch thus entered into fierce debate on El Salvador and Nicaragua. The White House was required to assure Congress every six months that fighting communism in these countries was not done at too exorbitant of a human cost. The certification process gave NGOs an open forum to challenge the administration. With Vintage Book printing 25,000 copies in its initial run, Americas Watch and the ACLU released a book-length report about El Salvador on January 26, 1982, two days before the initial January 28 certification. The State Department was taken aback by what it read. In a February 1982 memorandum that he sent to Abrams, Dale Shaffer described the report as "a tough document to attack," for its "moderate and clinical tone" contributed to its "effectiveness and credibility." Americas Watch explained that the political violence repeated so often in Salvadoran history had its basis in deep social inequities. Specific abuses were outlined in individual chapters. "The Right to Life" had been violated by government forces with an April 1981 massacre at Scyopango. A declared State of Siege restricted "The Right to Personal Liberty." Decree #155 was used to arrest trade union leaders who had organized a general strike in August 1980. "The Right to Freedom of

⁴⁰ George Herring, *From Colony to Superpower: U.S. Foreign Relations Since 1776* (New York: Oxford University Press, 2008), 884-886; James Patterson, *Restless Giant: The United States from Watergate to Bush v. Gore* (New York: Oxford University Press, 2005), 207-208

⁴¹ Schmitz, *The United States and Right-Wing Dictatorships*, 203-204; Mark Danner, *The Massacre at El Mozote* (New York: Vintage Books, 1994), 110-139

Conscience and Religion” described how the Catholic Church was routinely subjected to official reprisals for the liberation theology espoused by some of its clergy.⁴²

Shaffer conceded that the report had its basis in fact, but did not think it reflected the current situation in El Salvador. Nowhere was it mentioned that violence had come “from all quarters,” as he believed that the Salvadoran Army and FMLN were equally guilty of “acts of retribution.” Nor did Americas Watch and ACLU try to understand why the government had to impose restrictions on individual rights. Shaffer claimed to expect this kind of bias from Americas Watch since it was highly dependent upon “partisan sources” such as Socorro Jurdico, which had been associated with the Legal Aid Office of the San Salvador Diocese until acting Archbishop Arturo Rivera y Damas expressed concern that it had not listed victims whose deaths could be linked to “leftist violence.” Because of criticism from American officials, Socorro Jurdico was reestablished as Tutela Legal. But, as Neier has written, only focusing on state abuses “was standard in the human rights field at that time.” Most NGOs, including Amnesty International, “limited themselves to reporting on violations of international human rights law, which only applied to governments.” Nevertheless, Shaffer believed the report was “intrinsically flawed” because it had been prepared by a group of people who had “prejudged the GOES [Government of El Salvador].” The lead researcher was Roberto Alvarez, a Dominican lawyer who had previously been affiliated with the Inter-American Human Rights Commission. Alvarez’s criticisms of the State Department’s 1980 human rights report on the Dominican Republic, at least to Shaffer, displayed “apparent partisanship for the left wing of the Partido Revolucionario Dominicano.” A law professor at American University, Robert Goldman—responsible for introducing Neier to humanitarian law (the laws of war)—had been “a constant and severe critic of American policy in the southern cone.” Michael Posner of the Lawyers Committee for Human Rights had obvious “liberal leanings,” having been “generally critical of US foreign policy, particularly regarding Haitian immigration and Central America.” Abrams wholeheartedly embraced an *ad hominem* strategy in his debates with Americas Watch.⁴³

Americas Watch issued another report on El Salvador in July 1982 just in time for the second round of certification. Before the House Foreign Affairs Committee, Abrams expressed some disappointment with the pace of human rights improvements by the Salvadorans, but recommended certification in what he said was a “close call.” A cursory look at the State Department’s reporting on El Salvador showed that it was still “a county filled with violence and confusion, where human rights abuses occur with distressing frequency.” While he could have guessed that Americas Watch would reach a different conclusion than he had, as Abrams wrote to Neier that September, he did not expect “a completely opposing view on all developments in El Salvador.” Reading to him like a lawyer’s brief, Americas Watch’s report was neither apolitical nor objective, but “a broadside by those opposed to every aspect of this Administration’s policy,” as he asked himself how a group so closely affiliated with Helsinki Watch could be so “irresponsible.” Americas Watch alleged paramilitary forces were responsible for the many deaths that occurred at night when a curfew was supposedly in effect, which Abrams attributed to the widespread knowledge that the guerrillas were likely to carry out attacks against government personnel and infrastructure during these hours. Refuting the notion that the U.S. Embassy’s investigation into El Mozote only consisted of a helicopter flyover,

⁴² Dale Shaffer to Elliott Abrams, “Americas Watch/ACLU Report: Human Rights in El Salvador,” February 4, 1982, *El Salvador: War, Peace, and Human Rights, 1980-1994*, Digital National Security Archive (DNSA)

⁴³ Shaffer to Abrams, February 4, 1982; Neier, *The International Human Rights Movement*, 173-174

Abrams claimed that American officials had interviewed army commanders and civilian witnesses, but he never conceded that they had their reasons for not being completely truthful about what happened. Americas Watch's continued reliance on Socorro Juridico, Abrams maintained, ensured that it was presenting a one-sided version of events. When reporting civilian deaths like those in the 1980 Rio Sumpul Massacre and the 1981 Lempa River incident ("in which some 7000 refugees were attacked"), Americas Watch failed to mention that the rebels often hid themselves among civilians. "These casualties are tragic but hardly constitute massacres, in every case your report would have readers believe that wherever civilians have lost their lives in encounters with the armed forces, 'massacres' are the cause," Abrams wrote. The recent decline in casualties during the previous year was not attributable to increased restraint by the military, according to Americas Watch, but to there being fewer people to kill, skillful hiding of dead bodies, and more fighting in rural areas.⁴⁴

Abrams was incensed by how Americas Watch had described the right-wing death squads as "totalitarian" for how they assassinated their political opponents. "I would ask you to name a totalitarian state with an independent church, a free election, several diverse political parties, unrestricted emigration, and wide access by the press," he fumed. "Calling El Salvador 'totalitarian' four months after an election is truly Orwellian." If Neier wanted Americas Watch to join the Soviet Union, Cuba, and Nicaragua in condemning the election, then he should. By releasing "such an unbalanced and unfair report," Americas Watch had risked losing its credibility. "Your report makes me wonder whether this objectivity had been defeated by the bias of some of those upon whom you have chosen to rely."⁴⁵

Neier considered such criticism as consistent with the Reagan administration's attempts to smear the Salvadoran human rights organizations with which it differed. Abrams had misunderstood why it mattered that there were so many murders at night. If the right-wing death squads were acting independently of the security forces, as the White House kept saying, then why were so few squad members shot or apprehended during these hours? "We believe that most political killings during curfew hours are the work of the security forces and of paramilitary forces partially composed of security forces personnel," Neier wrote. "That is why right-wing death squads don't get caught or shot." More evidence that the State Department was protecting the Government of El Salvador was found in the congressional testimony of Assistant Secretary of State for Latin America Thomas Enders, who stated that two U.S. embassy officers had been "sent" to El Mozote, but never specified that they remained in a helicopter as it flew over massacre site. With Congress and the American people being "mislead, whether intentionally, recklessly, or negligently," Neier asked who had been interviewed and what they said. None of these details had been disclosed. By discrediting human rights NGOs, Neier believed the White House was giving death squads license to rid themselves of activists. For example, Patricia Cuellar, an American who worked with Socorro Juridico, had disappeared after being kidnapped by a security force.⁴⁶

To counter Abrams's authoritarian/totalitarian distinction, Neier compared El Salvador to Nicaragua. Indeed, the Catholic Church had been harassed in Nicaragua. In El Salvador, priests, nuns, and volunteers had been murdered with government complicity. What would Abrams have

⁴⁴ Elliott Abrams to Aryeh Neier, "Americas Watch July 1982 Supplement Report on El Salvador," September 10, 1982, *El Salvador: War, Peace, and Human Rights, 1980-1994*, DNSA

⁴⁵ Abrams to Neier, September 10, 1982

⁴⁶ Aryeh Neier to Elliott Abrams, "Response to September 10 letter," September 17, 1982, *El Salvador: War, Peace, and Human Rights, 1980-1994*, DNSA

said if Archbishop Obando of Managua had been assassinated like Archbishop Romero? The Sandinistas had restricted the right of opposition political parties to hold public meetings. In El Salvador, six of the top leaders of the FMLN-aligned Revolutionary Democratic Front (FDR) were kidnapped from a press conference, mutilated, and killed. Yes, the Sandinistas had censored *La Prensa*, an opposition newspaper, but how was that any different than the numerous journalists who had been murdered in El Salvador? Jaime Suarez, editor, and Cesar Nejarro, photographer, both of *La Cronica*, were hacked to death. A Mexican photographer for *Uno mas Uno*, Ignacio Rodriguez, was fatally shot. An American freelance journalist named John Sullivan had disappeared. Four Dutch reporters had been killed under suspicious circumstances. Alan Riding of the *New York Times* believed he would lose his life if he returned to El Salvador. How could there be free elections, as Abrams claimed, when the government murdered leading candidates from the FDR or the Christian Democrats? Would Americans have considered the last presidential election fair if the Green Berets had killed the top six Republican candidates? Concluding with a response to Abrams's insinuation that Americas Watch had aligned itself with the Soviet Union, Cuba, and Nicaragua by denouncing the March 1982 election, Neier wrote, "Given the shameful history of this method of argument, it must have been apparent to you that the only function of such a statement is to smear those with whom you disagree. It is particularly unfortunate that an official charged with advancing human rights should resort to this method of argument. It disgraces you and your office."⁴⁷

Beginning with an acknowledgement that their exchange had left them each "out of sorts," Abrams took umbrage at Neier's dismissal of the elections. The problem, according to Abrams, was that Americas Watch's observer had been British, not American—Lord Pratap Chitnis, a Liberal Party organizer who had won peerage to the House of Lords in 1977. Seemingly unaffected by Neier's rebuke about red-baiting, Abrams thought Americas Watch sounded just like Radio Moscow, Radio Havana, Radio Managua, and Radio Venceremos. Never had he seen "so much brain power around the world devoted to attacking a free election." Apologetic if his previous letter contained "inappropriate language," Abrams agreed that Americas Watch could say whatever it wanted about El Salvador. "Rather, my point was that in your report you left the field of human rights and entered that of politics," Abrams wrote. "I argued that your report seemed to be an attack on the Administration's Central American policy rather than an appraisal of human rights conditions in El Salvador. I stand by that view."⁴⁸

Previously an election observer in Zimbabwe and Guyana, Chitnis spent two weeks in El Salvador on behalf of the British Parliamentary Human Rights Group, producing a 20,000-word report, which compelled Neier to ask, "Do you seriously contend that the superficial report by the official American observers deserves comparable weight to Chitnis's highly detailed examination of the election?" In response to the notion that Americas Watch was not alone in viewing the elections were illegitimate, Neier quoted a phrase from the 1950s: "Just because the communists say 2 and 2 are 4 doesn't make it wrong." He might take the idea of Americas Watch bias more seriously if Abrams could provide more specific instances of when it had been wrong. "I hope you recognize that this is a criticism that would have more weight if you

⁴⁷ Neier to Abrams, September 17, 1982

⁴⁸ Elliott Abrams to Robert Bernstein, Orville Schell, and Aryeh Neier, October 14, 1982, *El Salvador: War, Peace, and Human Rights*, 1980-1994, DNSA

supported it with examples of where we went wrong and if your office compiled a more distinguished record as a neutral and nonpolitical champion of human rights.”⁴⁹

Neier admitted in July 1983 that certification may have been “a charade” but it was slowly improving things in El Salvador. Tutela Legal estimated that almost 9,000 civilians had been murdered, while another 1,000 had been abducted by right-wing paramilitary forces since the certification law was passed, an improvement over the previous eighteen months. Congressional pressure had yielded some results. Before the second certification, American officials made a serious effort at preventing the Red Cross from leaving the country entirely by convincing the Salvadoran Army to take prisoners. On the eve of the third certification, the Government of El Salvador formed its own Human Rights Commission, which had some success in helping families locate relatives who had been abducted and were still alive. In preparation for the upcoming certification, 533 political prisoners were released through a new amnesty law. But this influence only went so far. Because Reagan had placed such importance on fighting communism in Central America, White House officials had to keep insisting that El Salvador was complying with international human rights standards. “For one thing, we have limited our own ability to exercise influence by making it clear to the Salvadoran armed forces that we are in this war to stay, no matter what,” Neier wrote. “Accordingly, they know that even if they keep on abducting and murdering, the United States will put on as good a face on things as possible and certify every time.” But certification affected other Latin American countries as well. Chile and Argentina were also subject to this same process, but the White House had shown little inclination to fight Congress on their behalf. To Neier, this was part of a political strategy meant to keep money flowing to the Salvadorans, “In my view, a principal reason is that the Administration does not want to increase its difficulties with members of Congress who are cynical about the certification of El Salvador. Argentina and Chile are not major geopolitical grounds at present, so human rights considerations can be permitted to prevail.”⁵⁰

The Wall Street Journal was more than willing to continue where Abrams left off. Led by Robert Bartley and George Melloan, its editorial board was a leading voice of the conservative movement. In February 1984, David Asman, the Latin American correspondent, argued that statements of Tutela Legal and Americas Watch ought to be “viewed with a great deal of skepticism—particularly those numbers that imply that the war in El Salvador is a one-sided affair in which the ‘government’ side, loosely defined, is doing most of the killing.” White House spokesman Larry Speakes had said that “perhaps forty percent” of political murders had been committed by leftist guerrillas, while a January 13, 1984 Associated Press story quoted “human rights sources” who said that about eighty percent of them had been done by “government security forces and right-wing death squads.” Human rights NGOs estimated that these killings averaged 500 per month during the last half of 1983, while the State Department maintained that it was only 100 per month. Asman identified the source of this discrepancy as Tutela Legal. In 1983, Tutela Legal attributed 5,142 deaths to the right, only sixty-three to the left, a fourth of that reported by American officials. At issue was a question of methodology—how to distinguish civilians from guerrillas, what could be labeled politically-motivated deaths, and who did the killings. “Many so-called political executions turn out, on closer inspection, to be economic murders or crimes of passion executed with an attempt at masquerading as political

⁴⁹ Aryeh Neier to Elliott Abrams, October 20, 1982, *El Salvador: War, Peace, and Human Rights, 1980-1994*, DNSA

⁵⁰ Aryeh Neier, “Salvador Rights, Some Gains,” *New York Times*, July 20, 1983

murders,” Asman wrote as he restated the official U.S. view that Tutela Legal was mistakenly counting guerrillas who blended into the civilian population. That Tutela Legal had affidavits did not matter to him. All they proved was that witnesses guessed they would be safer if they said someone was a non-combatant rather than a guerrilla. It was true that El Salvador needed a better-trained military, a more reliable police force and judiciary, and a stable government, but to think that all of these would come to fruition after the country was “left at the mercy of guerrilla bands who themselves have shown no regard for human rights life requires a great stretch of the imagination.”⁵¹

Orville Schell defended Tutela Legal in a subsequent letter to the *Wall Street Journal*. Americas Watch Committee members had visited Tutela Legal’s office in San Salvador on several occasions during the previous two years. These trips provided them many opportunities to verify Tutela Legal’s methodology through interviews with staff and victims, comparing their testimony with accounts provided by journalists. At no time did American officials in San Salvador raise any issues to Americas Watch about Tutela Legal. The U.S. Embassy had estimated in January 1983 that there no more than 6,000 guerrillas. If 4,316 had been killed in combat in 1983, as Asman claimed, the government would have been very close to winning. But fighting was still as fierce as ever. So was it not possible that some of those identified as guerrillas by Asman were actually civilians? Schell asked. Asman was just like the Reagan administration in his refusal to see that the death squads were coordinated by the military. The State Department and Americas Watch could agree that they had killed thousands, but there had yet to be a trial or conviction.⁵²

The *Wall Street Journal* editorial board replied to Schell by accusing Americas Watch of left-wing ideological bias, citing a May 1984 report on Nicaragua that referred to the U.S.-sponsored attempts to overthrow the Sandinistas as an explanation for their abuses. Seeking to limit American involvement in another civil war, Congress passed the Boland Amendment in October 1982, which prohibited “lethal aid” for the Contras. Resentful at “those assholes on the Hill” for their oversight of a covert mission, CIA Director William Casey willfully misled Congress about what the U.S. was doing in Nicaragua. CIA operatives provided support for the Contras in their attacks on fuel storage facilities and mined Nicaraguan harbors. More than four thousand American troops practiced military exercises in the neighboring country of Honduras. Lawmakers were furious upon learning of the mining. As the stalwart conservative Senator Barry Goldwater (R-Arizona) wrote in a rebuke to Casey, “This is no way to run a railroad. I am pissed.” To divert attention from what the International Court of Justice ruled was a violation of international law, the Reagan administration promised to negotiate with the Sandinistas, but Congress passed a second Boland Amendment in October 1984.⁵³

To make their case against Americas Watch, the editors interviewed Marta Baltodano, the Director of the Permanent Committee for the Defense of Human Rights (PCDHR), an organization that had been formed by intellectuals to criticize Somoza. Baltodano had urged the Organization of American States to condemn the Sandinistas. “Americas Watch justifies the violations,” she said. “It attributes to the government the intention of improving when in fact the improvement has almost been nil.” The PCDHR had repeatedly been thrown out of its offices and cut off from the press. The Sandinista Defense Committees had warned Nicaraguans that

⁵¹ David Asman, “Behind the Human-Rights Tallies,” *Wall Street Journal*, February 10, 1984

⁵² Orville Schell, “Monitoring El Salvador’s Violence,” *Wall Street Journal*, February 28, 1984

⁵³ George Herring, *From Colony to Superpower*, 889-890; Patterson, *Restless Giant*, 208

making a complaint to the PCDHR would be considered a counterrevolutionary activity. To Baltodano, there was no comparison between the Sandinistas and Somoza. Adopting the authoritarian/totalitarian framework, she believed that the two regimes were “totally different in their forms of violence.” Somoza attacked anyone who threatened him through an institutionalized system of torture and disappearances. However, a worker still “could exist very comfortably” if he kept quiet. The Sandinistas may not have used as much as physical violence as Somoza, but their “system of psychological torture” made it impossible to remain apolitical. Luis Mora Sanchez, a union leader and radio correspondent, was imprisoned for reporting on a complaint filed to the PCDHR. Sanchez then “confessed” under interrogation that he was part of an anti-Sandinista cell.⁵⁴

Americas Watch refused to sit silently as the *Wall Street Journal* continued to raise doubts about its findings. Condemning the abuses perpetrated by both sides, Americas Watch placed some blame on the Contras for forcibly relocating Miskito Indians. Most annoying to Schell, Bernstein, and Neier was that the *Wall Street Journal* editors had seemingly ignored the following passage from the report: “At the same time, we do not believe that the Nicaraguan government is entitled to escape blame for abuses it commits because of the U.S.-sponsored effort to overthrow it. Regardless of the threats it faces, disappearances cannot be justified; the abuse of prisoners cannot be justified; censorship of information about human rights abuses cannot be justified.” Neither did the report on Nicaragua contain any reference to Somoza. Baltodano had stated her objection to the Somoza/Sandinista comparison in a May 17 letter to Americas Watch in which she wrote, “You seem to be judging us by the standards that apply to the old-fashioned, dictatorial, and corrupt states of Latin American history,” an accusation to which Schell, Bernstein, and Neier pleaded guilty because they made no distinction between governments. When measured against these “universal standards,” Americas Watch concluded that Nicaragua was “wanting in most respects.” With the *Wall Street Journal* and Baltodano apparently unable to identify any factual errors, their complaints were grounded in the failure of Americas Watch to devise a new standard with which to evaluate Nicaragua: “In our view, the charge of being political should be turned back against those who do not assess human rights evenhandedly according to universal standards.”⁵⁵

The *Wall Street Journal* editors mocked Americas Watch’s use of the phrase “universal standards.” This time, they went after the most recent report on El Salvador by Americas Watch and the Lawyers Committee for International Human Rights as the occasion for take up some “unsettled business” concerning the “extraordinarily self-righteous letter” that Schell, Bernstein, and Neier had sent in June. To see the hypocrisy of Americas Watch, the editors wrote, all someone had to do was compare some of its statements on El Salvador with those said at the UN by the Sandinistas to refute allegations of mistreatment towards the Miskitos. Juan Mendez was quoted as saying that the massive relocation of the Miskitos in 1982 was “not unreasonable” within the wartime context, but that the Sandinistas had erred by not giving them a voice in the matter or adequate notice. As the editors remarked sarcastically, with the exception of the “harsh transportation” and “the destruction of personal and communal property without compensation,” the Miskitos were “not otherwise mistreated during the move.”⁵⁶

⁵⁴ Editorial, “Whose Watch?” *Wall Street Journal*, May 23, 1984

⁵⁵ Orville Schell, Robert Bernstein, and Aryen Neier, “Response to ‘Whose Watch?’,” *Wall Street Journal*, June 5, 1984

⁵⁶ Editorial, “Universal Standards,” *Wall Street Journal*, August 17, 1984

An analysis of Tutela Legal by the U.S. Embassy expressed doubt about some of its findings, which the editorial quoted at length: “Still, there is an unreal quality to TL [Tutela Legal] reporting. The TL picture is of a conventional Armed Force that regularly takes heavy losses but shoots only innocent civilians on the battlefield; of a guerrilla force that by its own account mounts a sustained military campaign, including increasing use of mines, but nevertheless manages to slay none of the innocent civilians on the battlefield.” More problematic was that Americas Watch and Tutela Legal’s figures had been used by “the American left.” In his address to the 1984 Democratic National Convention, Governor Mario Cuomo (D-New York), described the Government of El Salvador as one that “murders nuns,” a remark that the *Wall Street Journal* complained “no one so much as raised a murmur.” Perhaps that was because Cuomo had stated a fact. Although the *Wall Street Journal* would listen to any evidence Americas Watch had to offer, it refused to accept the statements of Schell, Bernstein, and Neier on the basis of “their moral authority alone.” Whatever credibility that they had won with Helsinki Watch was “squandered” in Central America. “We admit that we are not pristinely apolitical,” the editors admitted. “We tend to give a benefit of doubt to those resisting totalitarianism rather than to those spreading it. Americas Watch does the opposite, and calls it apolitical.”⁵⁷

On September 21, the *Wall Street Journal* published three separate letters by Mendez, Schell, and Neier. Situating his statement on Miskitos within the context of international law, Mendez explained that the decision to clear the border area was “not unreasonable” given the military attacks of the Contras, but that Americas Watch had opposed the manner in which this was done—a legal opinion that was grounded in the Geneva Conventions. The Inter-American Commission on Human Rights and Nicaraguan Catholic bishops had both declared that these were legitimate emergency measures. Like Americas Watch, the clergy did not agree with the way in which the Sandinistas had carried out the relocation. Mendez thought this illustrated that Americas Watch held all countries to the same standard: “We do not give the benefit of the doubt to our friends and deny it to our adversaries, whether we label the former or latter ‘totalitarian.’” On the other hand, as Schell emphasized, the killing of civilians by the Government of El Salvador was not permitted under international humanitarian law. If the editors had bothered to read the report at all, they would have noticed that most of Americas Watch’s information was from its own fact-finding missions. The only part of the report that depended entirely on Tutela Legal was the section on the number of killings and disappearances allegedly committed by the death squads, a “marked decline” in the months after Vice-President George H. W. Bush warned the Salvadoran Army that the U.S. would cut off aid if these acts continued unabated. Neier affirmed that Americas Watch had the “highest respect” for Baltodano. Despite the *Wall Street Journal*’s attempt to “provoke hostility” between Baltodano and Americas Watch, Neier vowed that they would work together.⁵⁸

Alongside the letters was an editorial in which the *Wall Street Journal* summarized its dispute with Americas Watch. From the perspective of the editors, the crux of the disagreement was their reluctance to see Americas Watch “as impartial, selfless, uncommitted, nonpartisan arbiters of morality everywhere.” Praising El Salvador President José Napoleón Duarte for his army’s growing professionalism and effectiveness, the editors took up his explanation as to why

⁵⁷ Ibid.

⁵⁸ Juan E. Mendez, Orville H. Schell, and Aryeh Neier, “The Watch on Central America,” *Wall Street Journal*, September 21, 1984

the the government did not deserve blame for the civilian deaths resulting from its bombing of supposed FMLN positions: “The terrorists are using the masas as shields, and they are the masas to provoke, exposing these people to be killed.” The editors also kept up their criticism of Tutela Legal. A bombing in early March 1984 was reported by Tutela Legal to have killed several civilians. A diary taken from the dead body of a guerrilla on June 29 revealed that some of these “civilians” were actually guerrilla leaders. In response to American officials and media outlets like the *Wall Street Journal*, Tutela Legal introduced new categories in its reports to specify if responsibility for the deaths was “majority possibly civilian” or “majority possibly guerrilla,” a “de fact admission of one-sided reporting and exaggerations in the past.” If “human-rights” groups—an intentional use of quotation marks—kept responding to criticism with “outraged innocence,” they would become increasingly “isolated from freedom loving people,” making them even “more irrelevant to public debate.”⁵⁹

Undeterred by the *Journal’s* efforts to take away its credibility, Americas Watch pressured the Reagan administration regarding the use of American-trained pilots in American fighter jets in aerial bombardments of rural villages thought to be rebel strongholds, a cause of thousands of civilian deaths in 1983. Abrams replied by circulating a cable he received from the U.S. Embassy in San Salvador that described the peasants as “something other than innocent civilian bystanders”—*masas* who “live in close proximity of and travel in the company of armed guerrillas.” After Neier and Mendez went to El Salvador to discuss the cable with Ambassador Thomas Pickering, Americas Watch released *Protection of the Weak and Unarmed*, a report which argued that the embassy’s legal justification for the air strikes was a violation of the laws of war. Its larger point was that the State Department could not simply invent a new category of person—*masas*—so that the Government of El Salvador might circumvent international humanitarian law. Though Americas Watch forced American officials to drop the pretense of legality, the bombings continued as before. In a subsequent trip to El Salvador, Neier learned from Red Cross volunteers that the Salvadoran Air Force had attacked groups of peasants who had gathered outside their clinics. Pickering had to use every bit of influence he had with Salvadoran leaders to end this tactic.⁶⁰

The debate between Neier and Abrams culminated in a February 1985 joint appearance on ABC’s *Nightline*. The most memorable exchange of the evening occurred when Neier confronted Abrams about two massacres that had occurred in El Salvador during summer 1984: in July, at Los Llanitos, where at least sixty-eight civilians had been killed, and another in August, at the Gualsinga River, which took the lives of additional fifty civilians. Host Ted Koppel asked Abrams to explain why the White House had yet to address these allegations.

Koppel: Secretary Abrams, why was neither of those incidents reported?

Abrams: Because neither of them happened. Because it is a tactic of guerrillas every time there is a battle and a significant number of people are killed to say that they’re all victims of human rights abuses.

Neier: That’s why the *New York Times*—

Abrams: Ted, there’s one very important point here.

Neier: —and the *Boston Globe* and the *Miami Herald* and the *Christian Science Monitor* and Reuters and all the other reporters who went to the scene and

⁵⁹ Editorial, “The Mail from Americas Watch,” *Wall Street Journal*, September 21, 1984

⁶⁰ Neier, *Taking Liberties*, 208-209

looked at what took place they were simply being propagandists for the guerrillas? Is that right?

Abrams: I'm telling you that there were no significant—there were no massacres in El Salvador in 1984.

As Neier named a litany of news stories about the two massacres, Abrams insisted that the only credible source of information was the U.S. Embassy.

Abrams: I would have to tell you that the U.S. Embassy is in a better position than a newspaper which has a one man bureau to investigate what is going on in El Salvador.

Neier: The US Embassy says it's not an investigative agency. When I've asked the U.S. Embassy about this; they say they're not an investigative agency; they aren't capable of doing this; they aren't capable of doing this; they don't do this sort of thing. Therefore, they may have more resources. But they don't do it.

Abrams: Well, I think that's false. Where there are accusations like this we do look at them.

Koppel: All right, do you also send out independent investigative teams then to check on something like a report of a massacre?

Abrams: Frequently, we do whenever there is a—

Koppel: Did you in these instances?

Abrams: My memory is that we did, but I don't want to swear to it because I'd have to go back and look at the cablegram.

Following the *Nightline* debate, Americas Watch asked the U.S. Embassy to confirm what Abrams had said. Had it sent any investigators to Los Llanitos or the Gualsinga River? "The answer, as we knew full well, was no in both cases," Neier later wrote. Massacres most often occurred in regions where the FMLN was most active. Because Salvadoran military officers considered local peasants to be guerrilla sympathizers in these areas, no American officials were ever sent to them. Neier refused to believe that Abrams did not know of this policy.⁶¹

In March 1985, Americas Watch went on to accuse the Sandinistas and the Contras of violating international humanitarian law in Nicaragua. The first time that Americas Watch held combatants on both sides of a civil war accountable to this standard was in its 1982 report on Guatemala, as Neier recalled, "This was the organization's most significant innovation, as by far the largest number of severe human rights abuses take place in the context of armed conflict." The most serious violations by the Sandinistas occurred in 1981 and 1982. In December 1981, for instance, they massacred between fourteen and seventeen Miskitos. Another seven were killed and seventy disappeared in 1982. Although there had been a "sharp decline" since then, the Sandinistas had yet "to account publicly" for the disappearances nor had they provided "redress to victims and their families." The Contras had kidnapped, tortured, raped, and murdered civilians for more than a year. The Nicaraguan Democratic Force, one of their largest contingents, systematically executed its prisoners in a "deliberate use of terror." Americas Watch had yet to take a position on whether Congress ought to fund the Contras, but its report

⁶¹ Ibid., 209-210

emphasized how the U.S. was fully behind them: “The United States has aided and abetted the contras in committing abuses by organizing, training, supplying, and financing them.”⁶²

Americas Watch published a CIA guerrilla warfare manual used by both the Government of El Salvador and the Nicaraguan Contras so that the public could see the various forms of physical and psychological torture found within it. In a September 1985 review of Michael McClintock’s two volume history of state terror in El Salvador and Guatemala, *American Connection*, Neier credited the Amnesty International researcher with showing how the Reagan administration was merely following a decades-old strategy of arming anti-communist counterinsurgents. McClintock refuted the White House’s claim that the death squads were “a matter of private enterprise—or the work of ‘extremes of the right and of the left,’” and Neier pointed to all the circumstantial evidence in support of this assertion. Known death squad leaders were never apprehended or prosecuted for their killings, operated with impunity at night when a curfew was in effect, passed through security checkpoints, conducted joint operations with uniformed forces, and always had good intelligence—facts that Americas Watch had learned from government defectors and investigative reporters such as Laurie Becklund of the *Los Angeles Times*, Craig Pyles of the *Albuquerque Journal*, and Allan Nairn of *The Progressive*. Reading McClintock’s book had allowed Neier an opportunity to “gauge the full measure of bad faith” of those in the Reagan administration “who have attempted to deny state responsibility for death squad terror.”⁶³

Americas Watch’s apportionment of blame in Nicaragua was not received well in the State Department. One of the “most tragic” characteristics of this fighting was that it was very difficult to differentiate non-uniformed militia from civilians. Because both might be found in the same vehicle or taking cover in the same ditch, with the soldier only distinguishable by the weapon in his hands, State Department officer P. M. Olson wrote it was “exceedingly difficult” to draw any meaningful conclusions about civilian deaths. “The department does not, for the most part, have independent information enabling it to assess whether the specific accounts of incidents set forth in the Americas Watch report are factually accurate,” as it appeared that “reports of abuses by the anti-Sandinistas have been exaggerated or fabricated.” Americas Watch may have believed its reporting on the Sandinistas was likely “more comprehensive” than on the Contras, but this was simply not true. It alleged abuses by the Contras in Honduras, yet had showed “no awareness” of those committed by the Sandinista-trained FMLN. Nor had it interviewed any of the refugees who fled Nicaragua for Costa Rica and Honduras. “The commitment and sacrifices of the over 15,000 members of those groups cannot be disregarded simply by assertions that these groups are the creation of the United States, or that they are dominated by or made up of former members of the Somoza National Guard.”⁶⁴

But Olson appears to have been unaware of Americas Watch’s criticisms of the FMLN. The Salvadoran rebels had released thousands of prisoners to the Red Cross for the previous six years, a record that compared favorably to the Salvadoran Army and the Contras, but the FMLN executed prisoners on three separate instances during mid-1983. At least 1,500 civilians fled FMLN-controlled areas to avoid forced conscription until this practice was ended in September

⁶² Joel Brinkley, “Rights Report on Nicaragua Cites Recent Rebel Atrocities,” *New York Times*, March 6, 1985; Neier, *The International Human Rights Movement*, 210-211

⁶³ Aryeh Neier, “Exporting Persecution,” *The Nation* (September 7, 1985)

⁶⁴ U.S. State Department to U.S. Embassy Managua, Nicaragua, “Department Comments on Americas Watch Report,” Drafted by P. M. Olson, Approved by J. Becelia, April 9, 1985, *Nicaragua: The Making of U.S. Policy, 1978-1990*, DNSA

1984 in response to criticism from international human rights activists. Since then, however, left-wing violence had risen considerably. Numerous right-wing leaders had been assassinated by the Clara Elizabeta Ramirez Front, a group with which the FMLN denied any association but had not yet denounced so as to avoid “deepening contradictions” on the left. In April 1985, rebels executed unarmed members of the local civil defense in the village of Santa Cruz Loma. They also began kidnapping mayors to be used in prisoner exchanges. On June 19, 1985, they killed four U.S. Marines and nine civilians in an attack on an outdoor restaurant in San Salvador. Americas Watch rejected FMLN’s assertion that the Marines were a legitimate target. “Critics of the Government must not hesitate to condemn the mounting abuses against noncombatants by the Salvadoran guerrillas,” Neier wrote in July 1985.⁶⁵

Nor did all human rights NGOs agree with Americas Watch’s position on Nicaragua. As the White House was applying heavy pressure to the Senate to approve \$100 million in aid to the Contras, the International League for Human Rights released a report on the Sandinistas in July 1986. Unable to interview any high-ranking Nicaraguan officials, the League’s most important source of information was the Permanent Commission of Human Rights (CPDH). Through PRODEMCA, which had taken out advertisements in American newspapers urging lawmakers to vote for the aid package, CPDH received a \$44,000 grant from the National Endowment for Democracy in August 1985 for the “translation and distribution of CPDH reports outside of Nicaragua.” CPDH estimated that 3,500 to 6,500 Nicaraguans were detained for political reasons, but Neier disputed this number because not all of them were human rights victims: former members of the National Guard, draft resisters, and suspected Contras and their collaborators. While it was likely that those in this last category were treated unfairly, they were not really “political prisoners” in the context of a civil war. In Neier’s opinion, the League’s report was “fundamentally wrong in conception, wrong on the law, and, in many places, wrong on the facts.” By not subjecting the Contras to the same scrutiny as the Sandinistas, it had handed “a propaganda tool” to the Reagan administration.⁶⁶

By September 1986, Neier was declaring Americas Watch’s opposition to any U.S. support of the Contras. That Americans ought to devote so many resources to rid the Sandinistas for closing *La Prensa*, exiling a bishop, and silencing dissidents was a “perverse tribute to the human rights movement.” Even if Abrams was correct that the Sandinistas had created a totalitarian state, it did not follow that activists should support their removal through military force. Instead, they should continue to generate “international moral pressure” by condemning human rights violations wherever they occurred. To preserve this impartiality, they had to get the U.S. out of Nicaragua: “Plainly, the United States is not about to sponsor wars against other nations that practice comparable or worse abuses. If the United States were ready to go to war for human rights, we would soon be engaged in combat with the Soviet Union, China, most nations of the Middle East, and much of the rest of the world.” Concerned that administration was co-opting the movement’s language, Neier accused Reagan of using human rights to justify another Cold War proxy war, as Neier warned, “Unless our movement keeps it distance from those who misuse our arguments, and unless we are outspoken in rejecting their efforts, we run

⁶⁵ Aryeh Neier, “Abuses by Salvadoran Guerrillas,” *New York Times*, July 26, 1985

⁶⁶ Alexander Cockburn, “Political Uses of Human Rights,” *The Nation*, September 13, 1986; Morton Kondracke, “Broken Watch,” *The New Republic* (August 22, 1988)

the risk that they will deprive us of our only effective mechanism: that capacity of generating moral pressure.”⁶⁷

But Americas Watch’s willingness to criticize the Sandinistas and the Contras alienated leftists such as Alexander Cockburn, a columnist for *The Nation*. Accusing Neier of political cowardice, Cockburn wrote in February 1987 that it took the “decline of Reagan’s fortunes” for Americas Watch to finally declare that the Government of Nicaragua “does not engage in systematic violations of human rights and the *contras* do.” In actuality, as Neier pointed out to Cockburn, Americas Watch was only describing Sandinista military operations. The Sandinistas still violated “internationally-accepted standards of human rights,” among which were abusive interrogation practices, the mistreatment of detainees, and the denial of due process. Cockburn could not understand why Americas Watch was so reluctant to say whose abuses were worse—the Contras or the Sandinistas. Neier explained that this was how Americas Watch avoided unnecessary controversies: “We decline to identify one party’s abuses of human rights as worse or less bad than those of another, because to do would appear to excuse the abuses of the party identified as less bad. In addition, it would depreciate the suffering of those victimized by the party identified as less bad.” Cockburn saw human rights organizations as “far more politically compromised than they care to admit.” A critique of the State Department annual reports by Americas Watch, Helsinki Watch, and the Lawyers’ Committee for Human Rights in 1986 said little about Amnesty International’s allegations of torture by Israeli soldiers in the West Bank and that Israeli authorities closed two Arab language newspapers in Jerusalem. To Neier, Cockburn was a leftist ideologue who could not see how similar he was to the administration he despised so much: “He could be counted on to deny or explain away abuses by leftist regimes in the same manner that Jeane Kirkpatrick or Elliott Abrams served as an apologist for Central American governments aligned with the United States.”⁶⁸

“An Intellectual in Combat”

Promoted to Assistant Secretary of State for Latin America in July 1985, Elliott Abrams understood the situation in Nicaragua in strictly ideological terms. “I want to be the first guy to reverse a Communist revolution,” he declared soon after taking the job. Abrams abhorred the Sandinistas, but admired their use of propaganda. “They’re awfully good,” he said. “Communists are always better at this than democracies are. They think in terms of manipulating the public opinion, which is absolutely at the heart of Leninism. They understand the importance of it, and some of the most talented people in any communist society are assigned to do it.” Under Abrams’s leadership, the Bureau of Inter-American Affairs (ARA) began to see itself as an anti-communist vanguard. One ARA desk officer bragged of how the Europeanists referred to him and his colleagues as “The Cowboys.” Robert Kagan, one of Abrams’s deputies, credited Abrams with changing the attitude of those around him: “There is this idea that the government is an old dog, and you can walk up and kick it. Well, people in the government do not like being the old dog.” Charles Krauthammer, the conservative political commentator,

⁶⁷ Aryeh Neier, “The Misuse of ‘Human Rights,’” *New York Times*, August 4, 1986

⁶⁸ Aryeh Neier, “Flying Off the Handle,” *The Nation* (May 2, 1987); Alexander Cockburn, “Cockburn Replies,” *The Nation* (May 2, 1987); Neier, *Taking Liberties*, 217

described Abrams as “an intellectual in combat.” Rarely were State Department bureaucrats so aggressive.⁶⁹

As head of the White House’s Restricted Interagency Group (RIG), Abrams’s self-proclaimed role was oversee “everything that has to do with the spending of the \$100 million” in humanitarian aid that the Contras began receiving from Congress in October 1986. “You review the training programs, equipment programs, political and diplomatic strategy.” When asked by *Washington Post* reporter Lloyd Grove if this also meant formulating “battle plans,” he replied, “No comment.” The other principal members of RIG were Lieutenant Colonel Oliver North of the NSC and Alan D. Fiers, Jr., head of the CIA’s Central American Task Force. Abrams would be deeply implicated in North’s illegal scheme to supply weapons to the Contras. Secretary of State George Shultz asked Abrams on September 4, 1985 to “monitor Ollie.” The notes of Shultz’s executive assistant, M. Charles Hill, from that meeting recorded Shultz’s desire to protect the White House:

Abrams: —fundraising continues, arms shipments going up. I have not asked Ollie for any info[rmation] about fundraising for lethal aid.

Shultz: We don’t want to be in the dark. You supposed to be mgr [manager] of overall C.A. [Central America] picture. Contras are integral part of it. So y[ou] need to know how they getting arms. So don’t just say go see the WH [White House]. It’s very risky for WH.

A second set of notes taken that day by Nicholas Platt, another executive secretary, quoted Shultz as saying, “Ollie [North] can go on doing his thing, but you [Abrams] should know what’s happening.”⁷⁰

North convinced former CIA officer Felix Rodriguez to assist the resupply of weapons to the Contras through air flights out of Ilopango Air Base in El Salvador, where Rodriguez was already working with the Salvadoran Air Force under the alias “Maximo (Max) Gomez.” Rodriguez had been hired by Donald Gregg, an aide to Vice-President Bush. Congress unknowingly helped North the previous month when it approved \$27 million in humanitarian assistance to the Contras, which the Nicaraguan Humanitarian Assistance Office (NHAO) began dispersing at the end of August 1985. North made sure that the NHAO hire Rodriguez, Richard Gadd, then assisting Air Force Major General Richard Secord with arms transport, and Robert Owen to fly the cargo planes. The initial plan was to have direct flights to Honduras. The supplies would then be loaded on private aircraft for delivery to the Contras. After an NHAO airplane arrived with a television crew on October 10, angry Honduran officials forbade any more flights from the United States. At a RIG meeting chaired by Abrams, North offered Ilopango Air Base as an alternative landing site, allowing him to use NHAO as a front behind which he could keep supplying the Contras with weapons. By early 1986, after Abrams forced Assistant Secretary of State Robert Duemling to hire Rob Owen, North’s liaison to Contra leaders, the arms supply operation had been folded into the NHAO.

⁶⁹ Lloyd Grove, “Elliott Abrams and House of Combat,” *Washington Post*, January 13, 1987; LeoGrande, *Our Own Backyard*, 444

⁷⁰ Grove, “Elliott Abrams and House of Combat”; Lawrence E. Walsh, *Iran-Contra: The Final Report* (New York: Times Books, 1994), 375-376

The same flight crews that delivered the NHAO humanitarian aid also flew the lethal resupply flights. The same aircraft were used, and the U.S. Government-sponsored humanitarian supplies were stored in the same warehouse as the weapons at the Ilopango airport. Rodriguez was the manager of the resupply effort at Ilopango. He coordinated the arrival and departure of both the lethal and humanitarian resupply flights, controlled the resupply material and arranged for housing for the flight crews.⁷¹

Abrams lobbied Congress to approve a \$100 million aid package to the Contras, but it was defeated in March 1986. To assure neighboring governments that the Contras would still receive U.S. assistance, Abrams, North, and Fiers travelled to Central America. And to conceal the full extent of North's activities from the other RIG participants, Abrams, North, and Fiers held separate conversations from the rest of the group. An entry in North's notebook dated April 25, 1986 describes the topics he covered with Abrams that day:

- Support for S. [Southern] Front
- Air base open in C.R. [Costa Rica]
- A/C for Arias [an aircraft for the brother of Costa Rican President Oscar Arias]
- [Classified] operation
- 100 BP's [Blowpipes] fm. Chile⁷²

Abrams, North, and Fiers were among those present at a National Security Planning Group (NSPG) meeting on Central America held three weeks later at the White House, which was also attended by Reagan, Bush, Shultz, Treasury Secretary James Baker, Secretary of Defense Caspar Weinberger, CIA Director William Casey, and White House Chief of Staff Donald Regan. North reminded the NSPG that the 1986 Intelligence Authorization Bill allowed the State Department to approach foreign governments for non-military aid to the Contras. Minutes taken by NSC staff member Raymond Burghardt reveal how Reagan took to North's suggestion, asking a number of questions that made the president seem very interested in what he heard: What about the private groups who paid for advertisements in U.S. newspapers for the Contras? Had they been contacted? Could they do more than ads? Fiers remembered Reagan wondering aloud if "Ollie's people" could help. Validated by the president's response, North began sharing more details of the Iran-Contra scheme with RIG during summer 1986. At a July 1986 RIG meeting chaired by Abrams, North described the various activities he had undertaken for the Contras, which he also did at an August 28 RIG meeting at the Pentagon (not attended by Abrams):

- UNO [Contras] 60K/QTR
- UNO U.S. travel 30K/mo
- Cruz 10K
- Robello 10K
- Calero [FDN] food 500K/mo

⁷¹ Walsh, *Iran-Contra*, 377; Lawrence E. Walsh, *Firewall: The Iran-Contra Conspiracy and Cover-Up* (New York: Norton, 1997), 106-107

⁷² *Ibid.*, 378

- [Classified Project] 20K
- Hospital
- Air Ops
- 2 C-7's
- 2 C-123's=132K/mo
- 3 Maules 33⁷³

The \$27 million in humanitarian aid was nearly gone by July 1986. Realizing that it might be a few months before Congress would approve the \$100 million that the White House had requested, Abrams and Fiers sought and received \$2 million from North so that the Contras would not run out of food.⁷⁴

Abrams also knew of plans by Contras in northern Costa Rica to open a “southern front” against the Sandinistas. When briefed of a secret airstrip known as “Point West” that had been constructed at Santa Elena, Costa Rica by the Secord-owned Udall Corporation, newly-elected President Oscar Arias ordered that it not be used to resupply the Contras. On the night of September 6, CIA officer Joseph Fernández notified North and Fiers that Arias’s Security Minister was going to hold a press conference linking Points West to the Udall Corporation, information which they then shared with Abrams. The U.S. Ambassador to Costa Rica, Lewis Tambs, implored the Arias to cancel it. Tambs succeeded at first, but Arias spoke to reporters on September 24.⁷⁵

Bigger problems loomed for North, Abrams, and Fiers. A C-123 cargo plane was shot down in Nicaragua on October 5, leading to the capture of Eugene Hasenfus, an American pilot. Reporters quickly linked the downed plane to Southern Air Transport, a Miami-based airline that been contracted by the NHAO. Four days later in Nicaraguan custody, Hasenfus admitted that he had made ten flights, six of which had been out of Ilopango Air Base, and had worked with “Max Gomez” and “Ramon Medina,” alleging them to be CIA operatives. Abrams appeared before congressional committees three separate times over the next week and a half to deny the White House’s involvement in the operation even though the *Los Angeles Times* was reporting that Hasenfus’s plane was one of nineteen that had been used to supply the Contras. In a closed session of the Senate Foreign Relations Committee on October 10, Senator Richard Lugar (R-Indiana) asked Abrams if the story was true. “It is not our supply system,” Abrams said. “It is one that grew up after we were forbidden from supplying the resistance, and we have been kind of careful not to get closely involved with it and to stay away from it.” Before a closed session of the House Permanent Select Committee on Intelligence on October 14, Abrams repeated the false assertion that the U.S. had no involvement in supplying the Contras.

Rep. Lee Hamilton (D-Indiana): Can anybody assure us that the United States Government was not involved, indirectly or directly, in any way in supply of the contras?

Abrams: I believe we have already done that, that is, I think, the President has done it, the Secretary has done it, and I have done it.

⁷³ Ibid., 378-379

⁷⁴ Ibid., 379

⁷⁵ Ibid., 380-382

Hamilton: So the answer is the United States Government was not involved in any way.

Abrams: In the supply. Now again, this normal intelligence monitoring is there, but the answer to your question is yes.⁷⁶

Before the House Foreign Affairs Subcommittee on Western Hemisphere Affairs on October 15, Abrams again maintained that he had no knowledge of how Hasenfus had been up in the air.

Abrams: I do not know the answer to the question who organized and paid for this flight. I don't mean to suggest that the U.S. Government as a whole knows absolutely nothing about the fact that there is material getting in. For two years the Contras have been kept alive by this material, so it is clear it is getting in, but I still don't know—

Rep. Michael Barnes (D-Maryland): Who organized this and who paid for it?

Abrams: That is correct.

Rep. Peter Kostmayer (D-Pennsylvania): You have not been told by our Government, if indeed our Government knows, who organized and who paid for this particular flight?

Abrams: I wouldn't separate myself from the Government. We don't know.

Kostmayer: Do you think there is anyone in the Government who does know?

Abrams: No, because we don't track this kind of activity.⁷⁷

Abrams engaged in the same pattern of obfuscation regarding Felix Rodriguez. Responding to a number of reports that tied Rodriguez to the Office of the Vice-President, Abrams denied that he knew what Rodriguez had actually been doing at Ilopango Air Base only days after chairing an October 8 RIG meeting at which Rodriguez was the main topic of discussion.

Rep. Louis Stokes (D-Ohio): Secretary Abrams, going back to your statement to the Chairman with reference to the fact that there was no involvement on the part of the U.S. Government, taking into account the allegations with reference to Vice President Bush, you are familiar with those.

Abrams: Yes.

Stokes: Does that statement also categorically include him when you say there was no involvement on part of our Government?

Abrams: Yes. I am going to just expand on that.

Stokes: Sure. Go ahead, please.

Abrams: My understanding of it—and it comes from the Vice President's staff—is that, as I think he has said publicly, Mr. Gregg knew Mr. Rodriguez and

⁷⁶ Ibid., 383-384

⁷⁷ Ibid., 384-385

introduced him to the Salvadorans, in I think 1984, to work with the Salvadoran armed forces, particularly the Salvadoran air force. What he was supposed to be a specialist in was air-ground helicopter operations, and he did work with the Salvadoran air force on that, and apparently very well, and he was a great help to them. And that is what the Vice President was aware of his doing and the Vice President has said that. But there was no knowledge that he was, or at what point he had moved off into doing some other things which apparently he has done with the resistance. But that was the initial involvement there.

Stokes: That was the extent of it to your knowledge?

Abrams: That was the extent of it to my knowledge, that is right.⁷⁸

Abrams had to answer for more than just Hasenfus and Rodriguez. Following the May 16, 1986, NSPG meeting at which North impressed Reagan with the idea of soliciting foreign donations for the Contras, Abrams asked Shultz for guidance. Shultz advised Abrams to avoid countries already receiving large amounts of U.S. foreign aid, as any contribution might look as if it were a “kickback.” Nor was Abrams to go Taiwan or South Korea because Shultz did not want them linked with the Contras. One possibility was the Sultan of Brunei, who Shultz was to approach in a visit to the oil-rich Southeast Asian kingdom in June. With the approval of National Security Advisor John Poindexter, Abrams received a Swiss bank account number from North’s secretary, Fawn Hall. U.S. Ambassador Barrington King talked Shultz out of asking the Sultan for the money in person, so Abrams met with the Bruneian Defense Minister in London on August 9. A \$10 million donation was to be wired on August 19, but a typographical error by Hall prevented the completion of this transaction for more than a month. On October 10, the *Washington Post* alleged that Saudi Arabia had given money to North and Secord. This report prompted Senator John Kerry (D-Massachusetts) to ask Abrams if he was aware of any foreign governments that were involved in the plot:

Kerry: Are you aware, any of you, of any deal by which, as part of the AWACS transaction or subsequent to the AWACS transaction, Saudi Arabia is supplying weapons or assistance to the Contras on our behalf?

Abrams: No... [CIA officers Alan Fiers and Clair George also answered “no” to Kerry.]... I think I can say that while I have been Assistant Secretary, which is about 15 months, we have not received a dime from a foreign government, not a dime, from any foreign government.

Kerry: “We” being who?

Abrams: The United States.

Kerry: How about the Contras?

Abrams: I don’t know. But not that I am aware of and not through us. The thing I think I would about it because if they went to a foreign government, a foreign government would want credit for helping the Contras and they would come to us to say you want us to do that, do you, and I would know about that.

Sen. Daniel Evans (R-Washington): Elliott, when you said “not a dime,” I did not hear the rest.

⁷⁸ Ibid., 385-386

Abrams: From any foreign government to the Contras. It would not be to us; it would be to the Contras.⁷⁹

Abrams and George gave similar answers to the House Permanent Select Committee on Intelligence on October 14 under questioning by Representative Lee Hamilton concerning a *Los Angeles Times* article about how the Saudis had funded the supply of weapons to the Contras.

Hamilton: Do you know if any foreign government is helping to supply the Contras? There is a report in the L.A. paper, for example, that the Saudis are.

George: No, sir, we have no intelligence of that.

Abrams: I can only speak on that question for the last fifteen months when I have been in this job, and that story about the Saudis to my knowledge is false. I personally cannot tell you about pre-1985, but in 1985-1986, when I have been around, no.

Hamilton: Is it also false with respect to other governments as well?

Abrams: Yes, it is also false.⁸⁰

Even as the details of the Iran-Contra scheme became public knowledge in October 1986, Abrams continued to deny he had solicited the Sultan of Brunei. When asked by the Senate Select Committee on Intelligence about the diversion of arms sales money to the Contras on November 25, he once again feigned ignorance:

Well, we—after the Hasenfus shutdown we were asked about, you know, what did you know about the finding of Hasenfus and his operation. And the answer here is the same answer. That is, that we knew there were private contributions coming in, because they sure weren't surviving on the money that we were giving them, which at one time was nothing and then the 27 million came along. So there was money coming in. But there was no reason to think it was coming from foreign governments, and I certainly did not inquire as to which individuals it was coming from.⁸¹

Suspecting that something was amiss with Abrams's answer, Senator Bill Bradley (D-New Jersey) asked more questions about funding the Contras:

Bradley: So let me ask it again. Did either one of you ever discuss the problems of fundraising by the Contras with members of the NSC staff? [Bradley also directed the question at Fiers.]

Abrams: No, I can't remember.

Bradley: Well, you would say, gee, they got a lot of problems, they don't have any money. Then you would just sit there and say, what are we going to do? They don't have any money. You never said, you know, maybe we could get the money this way?

⁷⁹ Ibid., 389-390

⁸⁰ Ibid., 391

⁸¹ Ibid.

Abrams: No. Other than the conversation—I have—other than the Middle Eastern thing which I recounted to you. We're not—you know, we're not in the fundraising business.⁸²

On the advice of State Department lawyers, Abrams corrected some of his previous testimony on December 8, but did not refute what he said to the Senate Committee on Foreign Relations two months earlier. When the Office of the Independent Counsel (OIC) inquired as to why he did not inform Congress about his dealings with the Sultan of Brunei, Abrams claimed he was following orders from above, "I can only tell you that my injunction from the Secretary of State is never to lie."⁸³

Abrams's lies would eventually catch up to him. Congress soon learned of the Brunei solicitation, and North testified to Abrams's knowledge of his "full service operation" for the Contras. By late 1990, OIC Special Prosecutor Lawrence Walsh had the Hill and Platt notes in his possession. At around that time, North was clarifying the entries in his notebook that referred to Abrams. The Department of Defense produced the so-called "Crocker Note" from the 1986 RIG meetings at which North itemized his activities for the Contras. Also released were notes that U.S. Ambassador Edwin Corr had taken after talking to Abrams about Rodriguez and Hasenfus. After pleading guilty in July 1991, Alan Fiers told Walsh that Abrams had substantial knowledge of North's activities. With the five-year statute of limitations on congressional testimony nearly over, Walsh was ready to ask a federal grand jury to indict Abrams on multiple counts of perjury before Congress. Walsh and his three associates, Craig Gillen, John Barrett, and Tom Baker, discussed these charges with Abrams and his lawyer, DeVier Pierson, in September 1991. "Essentially they claimed that although he had known of North's operation, Abrams had personally avoided participating in it, except for an occasional assist," Walsh later wrote. "Shultz had directed him to keep track of what North was doing, because the Contras had been an important element in his area of responsibility." Pierson suggested that Abrams be sentenced to 1000 hours of community service without entering a guilty plea (*nolo contendere*), but the OIC refused the offer. Abrams finally agreed to enter a guilty plea to two counts of withholding information from Congress: failing to tell the Senate Foreign Relations Committee on October 10, 1986 that North had developed a secret network to illegally supply weapons to the Contras, and denying to the House Permanent Select Committee on Intelligence on October 14, 1986 that he was aware of the Contras receiving any money from foreign governments when he had personally responsible for soliciting a \$10 million donation from the Sultan of Brunei. At his arraignment in October 1991, Abrams said, "I take full responsibility for my actions, for my failure to make full disclosure to Congress in 1986. I am proud to have given twelve years serving the United States government and of the contribution I made in those years." Convinced he had done the right thing, he wrote in the *Washington Times* of his admiration for Reagan, but wished the president would "have stood up to Congress" until the very end: "He should have made his case to the American people for why it was important to stop communism from spreading through Central America and perhaps into Mexico." Abrams received a sentence of two years probation and 100 hours of community service, but was pardoned by outgoing President George H. W. Bush in December 1992. Abrams found his way back into government

⁸² Ibid.

⁸³ Ibid.

service under President George W. Bush, for whom he served as a special advisor on promoting democracy around the world.⁸⁴

Neier and Abrams described each other in strikingly similar terms—too ideological, too biased, and driven too much by political motives. After initially agreeing with Abrams that human rights had an important place in U.S. foreign policy, Neier described how their relationship deteriorated through the mid-1980s. “I found him increasingly serving as an apologist for gross abuses of human rights, particularly in El Salvador,” he said. Neier ascribed Abrams’s legal troubles to irresponsibility. “I think that he is cavalier with the facts. And he is willing to engage in a level of vituperative attack on other individuals which is quite remarkable. I can’t think of anything good to say about Elliott Abrams.” But Abrams could not think of anything good to say about Americas Watch either: “I wish they wouldn’t hide behind the banner of human rights. Americas Watch is a policy group dedicated to undermining U.S. policy in Central America...What’s interesting about Americas Watch—and this is perhaps their worst single habit—is that the term ‘disagreement’ is not in their lexicon. If you don’t agree with Americas Watch, you are lying.” Abrams remained aggressive until the very end. As Gaddis Smith writes in *The Last Years of the Monroe Doctrine*, Abrams was the last American official to publicly endorse the Monroe Doctrine, which he did at the State Department’s James Monroe Freedom Award Dinner in April 1987: “There is still one European power whose intentions towards Latin America are not benign, indeed, a power that seeks to implant its alien system in the Americas. The czars are gone, but their despotism and colonialist impulses live on in the Soviet Government today.”⁸⁵

With Reagan distracted by his low approval ratings to keep up the fight in Central America, peace negotiations finally gained momentum. In 1983, representatives from Mexico, Panama, Colombia, and Venezuela began working towards a regional settlement. The Contadora Process fell apart because the Reagan administration refused to go along, but its principles became the basis for the Esquipulas II Accords. The driving force behind them was Costa Rican President Óscar Arias, the recipient of the 1987 Nobel Peace Prize. In May 1986 and August 1987, the leaders of five Central American countries held summits at Esquipulas, Guatemala, where they agreed to a framework that had provisions for national reconciliation, democratization, free elections, cutting off aid to guerrillas, arms control, and refugee assistance. “Communists win these kinds of negotiations,” Abrams told Shultz. “This could be the end of our policy.” A major difference this time around was that Abrams no longer had the allies he once did in the White House, which threw its support behind a peace plan advocated by Speaker of the House Jim Wright (D-Texas) that was just like Esquipulas II. The end of U.S. assistance to the Contras marked the beginning of a negotiated settlement in Nicaragua. In the February 1990 election, Violetta Chamorro, whose husband—the editor of *La Prensa*—had been assassinated in 1979 by the Somoza regime, defeated the Sandinista President Daniel Ortega.⁸⁶

⁸⁴ Ibid., 392; Walsh, *Firewall*, 305, 309-310; *United States of America v. Elliott Abrams*, “Government’s Statement of the Factual Basis for the Guilty Plea,” October 7, 1991, Document 95, Peter Kornbluh and Malcolm Byrne, eds., *The Iran-Contra Scandal: The Declassified History* (New York: New Press, 1993), 357-359; Grandin, *Empire’s Workshop*, 5, 223

⁸⁵ Lloyd Grove, “Elliott Abrams and House of Combat”; Lloyd Grove, “From Counterculture Encounters to Conservative Affairs,” *Washington Post*, January 14, 1987; Gaddis Smith, *The Last Years of the Monroe Doctrine, 1945-1993* (New York: Hill & Wang, 1994), 206-207

⁸⁶ Smith, *The Last Years of the Monroe Doctrine*, 207-209

In a deal negotiated by UN Secretary-General Javier Pérez de Cuéllar, the Government of El Salvador and the FMLN agreed to the Chapultepec Peace Accords in January 1992. The agreement called for the Salvadoran armed forces to be reduced by more than half. All “known human rights violators” would be discharged, including the Atlacatl Battalion. The FMLN was to disband its guerrilla army, but some members would be allowed to join a new civilian police force. A Truth Commission was established with the purpose of “investigating serious acts of violence that have occurred since 1980.” In March 1993, it released *From Madness to Hope: The 12-Year War in El Salvador*, a report that documented many of the horrifying civilian deaths Americas Watch had reported years before. The U.S. spent nearly \$1 billion on a civil war that killed 75,000 Salvadorans. However, their survivors would have to wait for justice. Five days after the report was published, the Salvadoran legislature approved a widespread amnesty that protected former soldiers from future prosecution.⁸⁷

Neier wrote in November 1989 how much had changed over the previous eight years. In contrast to the statements of Haig and Lefever in 1981 that minimized the importance of human rights to the new administration, Reagan had accepted two important principles: promoting human rights was “central to U.S. foreign policy” and that this should be done “evenhandedly” if possible. Even as Reagan tried to redefine these principles in terms of democracy promotion, their validity was no longer in doubt. “What made our efforts effective was our insistence on holding the United States accountable for abuses by governments of other countries that held power because of U.S. support,” Neier wrote. “Though U.S. officials were not the authors of those abuses, in circumstances where the United States acted as a apologist for torture, disappearances, of murder, we treated our government, as noted, as ‘surrogate villain.’” But another reason why Americas Watch grew in stature during the Reagan years was Abrams’s unwillingness to walk away from a fight:

By denying or trying to explain away the abuses we documented, it [the Reagan administration] justified our identification of Washington as the target of our denunciations. This made our efforts far more effective than they could have been at another time. Among the facts that contributed to the influence achieved by Human Rights Watch, I place high on the list the inadvertent boost we got from Ronald Reagan, Alexander Haig, Jeane Kirkpatrick, Elliott Abrams, and others who zealously defended the practices of despots aligned with the United States.⁸⁸

Americas Watch was consolidated into Human Rights Watch in 1989. Neier remained as Vice-Chairman of Human Rights Watch until 1993, at which point he was hired by George Soros to the Open Society Fund. A prominent international human rights activist through the 1990s, Neier demanded that offenders be held accountable for their previous crimes. Amnesty laws enacted across Latin America and ethnic cleansing in the former Yugoslavia convinced him that

⁸⁷ Danner, *The Massacre at El Mozote*, 158-159, 10, 272-273

⁸⁸ Aryeh Neier, “Human Rights in the Reagan Era: Acceptance in Principle,” *Annals of the American Academy of Political and Social Science*, Vol. 506 (November 1989), 30-41; Neier, *Taking Liberties*, 169

trials were the only way to assert the rule of law and deter future atrocities, but the U.S. Senate has yet to ratify the 1998 treaty that created a permanent International Criminal Court.⁸⁹

⁸⁹ For more on how Human Rights Watch adopted new issues during the 1990s, see Neier, *The International Human Rights Movement*, 226-232

Chapter 11

“To Our Hopeless Cause!”: The Diplomatic Career of George Lister

“In the case of Chile I was convinced that there would be no transition to democracy without the cooperation of the democratic wing of the Socialist Party,” said George Lister at a November 1992 luncheon given in his honor by the Chilean Ministry of Foreign Relations. “And I pushed my Socialist friends hard, urging them to reject Leninism and to take up an honest and consistent position in favor of democracy and human rights in their visits to the State Department.” By encouraging exiled Chileans to visit with him at the Human Rights Bureau, Lister opened a dialogue with some of Augusto Pinochet’s most prominent political opponents, many of whom were victimized by his repressive government. They, in turn, were invariably sent to Assistant Secretary of State Elliott Abrams, who once grouched, “For God’s sake, George, I’m spending more time on Chile than on all the rest of the world combined.”¹

A mid-level officer who served as a link between the State Department, American international human rights activists, and opposition leaders exiled in the United States, George Lister’s long diplomatic career encompassed the entirety of the Cold War. An assignment in Rome from 1957-1961 taught him the importance of working with the democratic left, a lesson to which he returned in his analysis of Chile, a country he closely followed as an officer in the Bureau of Inter-American Affairs. By the late 1960s, Lister concluded that the U.S. had to move beyond a “sterile anti-communism” if it wished to preserve its image among Latin Americans. Although he had repeatedly warned his superiors against becoming solely identified with right-wing military dictators, the Nixon administration orchestrated the September 1973 coup in Chile that overthrew the democratically-elected Socialist president, Salvador Allende, and replaced him with the brutal dictatorial regime of General Augusto Pinochet.

Repeatedly passed over for higher positions because of what his superiors considered idiosyncratic views for the time, the “anti-bureaucratic” Lister actively promoted human rights at Foggy Bottom. Following the groundbreaking 1973 congressional hearings chaired by Representative Donald Fraser (D-Minnesota), he played a leading role in establishing the Bureau of Humanitarian Affairs and Human Rights. Immersing himself among local international human rights activists in Washington, D.C. to gain information, he gave them a way for them to get their concerns heard by policymakers. Working under Assistant Secretary of State for Human Rights Elliott Abrams (1981-1985) and Richard Schifter (1985-1989), Lister built personal relationships that contributed to the “turnaround” on human rights evident during President Ronald Reagan’s second term, most notably in the Philippines, South Korea, and Chile. This chapter is indebted to a master’s thesis written by Gregory Krauss at the University of Texas. But whereas Krauss’s biographical study of Lister looks at his effectiveness within the State Department bureaucracy, the emphasis here is on Lister’s role within the international human rights movement as it unfolded in the United States during the 1970s and 1980—that is, his interactions with activists, exiles, and other opponents of U.S.-supported military dictatorships.²

¹ George Lister, “Notes for Ministry of Foreign Relations Luncheon,” November 18, 1992, “Chile: Selected Documents,” *The Papers of George Lister: “Mr. Human Rights,”* University of Texas Law School, <http://www.utexas.edu/law/centers/humanrights/lister/chile/chile.php>

² See Gregory Krauss, “Impacting Foreign Policy as a Mid-Level Bureaucrat: The Diplomatic Career of George Lister,” Master’s Thesis, University of Texas, 2007; for a description of Lister as “anti-bureaucrat,” see William D.

“Beyond a Sterile Anti-Communism”

Born in 1913, George Lister claimed that he was “raised on the sidewalks of New York.” In the midst of the Great Depression, he worked at a bank by day and attended night classes at the City College of New York (CCNY), a home for working-class intellectuals, some of whom like Sidney Hook, Irving Kristol, and Norman Podhoretz became leading neoconservatives. After graduation, Lister went to Colombia, hoping to get a job through family friends. By chance, he ran into an American diplomat who hired him as a commercial officer at the U.S. Embassy. Following a stint at the U.S. Consulate in Buenaventura, he was appointed as a Foreign Service Officer in December 1945. Reassigned to Warsaw in February 1946, he spent the next two and a half years in Poland before serving under Ambassador George Kennan in Moscow. These early assignments imparted Lister with a resolute anti-communism that he never abandoned. At a 1949 conference in Geneva, for instance, he was dismayed to hear Walt Rostow speak of Poland’s recent economic growth. Lacking “a full appreciation of the human effort and mister which many of those achievements represented,” Rostow did not fully “realize how cordially the Polish people hate their Government—and how desperately they hope that America will force the Soviet Union out of Poland.” In June 1953, as part of his language studies, Lister wrote a paper on social mobility in the Soviet Union. His goal was to identify potential sources of ideological weakness, so as “to bring greater awareness and clearer perception in the Free World of the very real threat to what we loosely call Western Civilization which is inherent in the Soviet system and which requires that that system be opposed with all possible speech and force.”³

It was as First Secretary at the Rome Embassy during the late 1950s that Lister began rethinking this worldview. Consistently receiving upwards of twenty-five percent of the vote, the Italian Communist Party was a source of anxiety for the Americans, as it led a left-wing coalition that included Pietro Nenni’s Italian Socialist Party. The Soviet invasion of Hungary in 1956 led a faction of Italian Socialists—the relatively more conservative, pro-democratic “Autonomists”—to reassess their support of the Kremlin. Given the responsibility of reporting on the political parties in September 1957, Lister began having informal discussions with Socialists, from which he learned of their growing rift with the Communists. By early 1958, he received approval from Ambassador James Zellerbach to convince the Socialists to join a centrist coalition. “His recent dispatch here under review is undoubtedly the most extensive examination of the Nenni Socialist Party that this office has received in many years from official sources in the field and it demonstrates Mr. Lister’s greater competence in analyzing this intricate sector of Italian politics,” read a July 1960 State Department assessment of Lister. But this courting of

Rogers, “William D. Rogers on Lister as an Anti-Bureaucrat,” Transcript from “The Life and Legacy of George Lister,” held at the University of Texas Law School, December 2006,

<http://www.utexas.edu/law/centers/humanrights/lister/transcripts/Rogers1.pdf>; Tamar Jacoby, “Reagan Turnaround on Human Rights,” *Foreign Affairs*, Vol. 64, No. 5 (1986): 1066-1086

³ Margaret Eubank, “Final Reflections,” *Remembrance and Celebration of the Life of George Lister*, February 21, 2004, “Lister’s Legacy: Selected Documents,” *The Papers of George Lister: “Mr. Human Rights*,” University of Texas Law School, <http://www.utexas.edu/law/centers/humanrights/lister/legacy/legacy.php>; Krauss, “Impacting Foreign Policy as a Mid-Level Bureaucrat,” 12; George T. Lister, “How Soviet Careers Are Made or What Makes Ivan Run,” June 1953, 73-75, “Cold War Diplomacy: Selected Documents,” *The Papers of George Lister: “Mr. Human Rights*,” University of Texas Law School,

<http://www.utexas.edu/law/centers/humanrights/lister/diplomacy/diplomacy.php>

Socialists did not sit well with his supervisor, Outerbridge Horsey, Deputy Chief of Mission, who did not see any difference between them. Not only did Lister disobey Horsey's instructions to cut off all contact with the Socialists, he refused to participate in "the preparation of certain reports and documents based on the conclusions arrived at by the senior officers." He further alienated his superiors by voicing his objections in a lengthy memorandum. To H.G. Tolbert, Jr., another supervisor, such actions indicated "a lack of realization of the necessity of organizational loyalty and discipline and an overly developed degree of self-righteousness which must somehow be reformed if [Lister] is to be a successful member of the Foreign Service at a higher level."⁴

The visit of Ambassador Averell Harriman in March 1961 left Lister with some measure of vindication. A longtime observer of Italian politics, Harriman wanted to know why the Communists and Nenni Socialists received more votes in 1960 than they had in 1948. Did not the economic growth of the 1950s convince Italians to reject leftist parties? Lister impressed Harriman by sharing his strategy of isolating Communists. Believing Lister had a "clear knowledge of communist techniques and an understanding of the manner in which we must attempt to offset them," Harriman informed White House assistant Arthur Schlesinger, Jr., of Lister's activities in Rome. Realizing that he had found someone who also grasped the importance of the "vital center," Schlesinger began working with Lister on finding a way to influence the Italian left. Lister continued to meet with Italian Socialists after returning to Washington, D.C. in late 1961: Paolo Vittorelli on providing the Autonomists with covert assistance or Giovanni Pieraccini on how the Socialists would limit their demands on nationalizing the power industry during the 1962 parliamentary session. When Italian Socialists came to Washington, D.C., Lister would take them to go see Schlesinger.⁵

Kennedy gave Schlesinger wide latitude on Italy. In a gesture that was meant to convey the White House's support for Nenni, Kennedy had a lengthy conversation with him at a July 1963 reception in Rome. The Socialists joined with the Christian Democrats that November. "The Nenni Socialists proved very cooperative in foreign affairs, Italy remained a staunch ally of the U.S., and the largest Communist Party in the Free World had sustained a sharp defeat," Lister

⁴ George Lister, "Recollections of Role in Italy," n.d., "Italy: Selected Documents," *The Papers of George Lister: Mr. Human Rights*, University of Texas Law School, <http://www.utexas.edu/law/centers/humanrights/lister/italy/italy.php>; Foreign Service Political Reporting Appraisal, "Comments on Some Possible Results of a Center-Left Coalition Dependent on PSI [Nenni Socialist] Support," July 11, 1960, "Italy: Selected Documents"; H.G. Tolbert, Jr., "Memorandum: George Lister," December 22, 1960, "Italy: Selected Documents"

⁵ Averell Harrington to Tyler Thompson, February 2, 1962, "Italy: Selected Documents"; George Lister to Arthur Schlesinger, Jr., February 12, 1963, "Italy: Selected Documents"; George Lister to Velletri, "Comments by Paolo Vittorelli," April 5, 1962—GL; George Lister, "Giovanni Pieraccini," June 28, 1962, "Italy: Selected Documents"; Lister to Gretchen Stewart, August 21, 1962, "Italy: Selected Documents"; Lister was especially concerned that Italian President Antonio Segni would convince Kennedy to shun the left altogether. Segni was a Christian Democrat who opposed any alliance with the Socialist Party. Lister was certain that Segni's emissary, Federico Sensi, wanted to "block the center-left." Acting as gatekeeper, Lister recommended to Schlesinger that Italian president Antonio Segni not be invited to see Kennedy, see Lister to Schlesinger, July 29, 1963, "Italy: Selected Documents"; Lister to Averell Harriman, "Personal Comments on Federico Sensi, Segni's Emissary," October 31, 1963, "Italy: Selected Documents"; George Lister to Averell Harriman, November 29, 1963, "Italy: Selected Documents"

recalled. Nenni's acceptance of NATO membership eventually caused a split within the Socialist Party, the main beneficiaries of which were the Communists.⁶

Lister's experience in Italy shaped the rest of his career. Because of the dispute with Horsey, he had damaged his prospects of bureaucratic advancement. The State Department Promotion Board informed Lister in 1961 that he had been recommended for selection out of the Foreign Service. Harriman intervened to save him, and Lister was transferred to the Bureau of Inter-American Affairs, where he soon noticed the parallels between Italy and Chile, a country that also had a multiparty, democratic system that represented a wide variety of ideological perspectives, ranging from the leftist Popular Unity (UP) to the centrist Christian Democrats to the conservative National Party (NP). As Lister wrote towards the end of his career, "I think both the Italian and Chilean stories call attention to the importance of dialogue and distinguishing between the democratic and antidemocratic left."⁷

As early as January 1963, Lister was advocating for American diplomats to persuade the Chilean Socialists to move closer to the Christian Democrats. Showing some flexibility might change their perception of the U.S. as dogmatically anti-leftist. The problem for Lister was that there was no one to implement this policy in Santiago. Ambassador Charles W. Cole considered Chilean Socialists to be "far more Marxist," not nearly as "democratic as the Western European Socialists." But, as Lister argued, by "leaning too heavily on those political combinations which sound and/or are the most reliably anti-Communist," the U.S. was actually "playing into the hands of the Communists," who were in a position to "increase their hold over liberals and leftists and leaving us with allies who may not necessarily be the most effective opponents of the Communist Party."⁸

Unlike Cole, Lister believed American officials would be well-served to approach Chilean Socialist leader Salvador Allende. A British diplomat met with Allende in September 1962 and found him to be "readily accessible," giving off the impression that "his brand of 'Marxism'" was more of "economic technique" than "political goal." A similar observation of Allende was made the next month by Norman Pearson, a political officer in the U.S. Embassy. Pearson's Socialist contacts had told him that there were rumors that the Christian Democrats were thinking of joining the Socialist-Communist alliance (FRAP). Pearson described the Chileans Socialists as "much more pragmatic and less doctrinaire in their Marxism than the Communists and not instructed from abroad." Because of their strict opposition to FRAP, the United States was completely identified with "Chilean conservative interests." Lister was insistent that the best strategy would be to encourage the Socialists to break from the Communists, avoid direct intervention into Chilean politics, and keep covert activities to a minimum.⁹

However, the CIA funneled millions of dollars to Eduardo Frei, the Christian Democrat who defeated Allende in 1964. As Secretary of State Dean Rush wrote to President Lyndon Baines Johnson that August, "We are making a *major covert effort to reduce* chances of Chile

⁶ Nuti quoted in Krauss, "Impacting Foreign Policy as a Mid-Level Bureaucrat," 18; George Lister, "Chile—What Is to be Done?" November 1970, "Chile: Selected Documents"

⁷ Krauss, "Impacting Foreign Policy as a Mid-Level Bureaucrat," 17; George Lister, "Political Lessons: Chile and Italy," in Spencer Di Scala, *Italian Socialism* (Amherst, Massachusetts: University of Massachusetts Press, 1996), 192-196 reproduced in "Chile: Selected Documents"

⁸ George Lister, "What is to be Done?" November 1970; Lister to Carlisle, "Comprehensive Policy Paper for Chile," September 4, 1963, "Chile: Selected Documents"

⁹ George Lister, "What is to be Done?"

being the first American country to elect *an avowed Marxist president*. Our well concealed program embraces special economic assistance to assure stability, aid to the armed forces and police to maintain order, and political action and propaganda tied closely to Frei's campaign." Even after Chile received over \$1 billion in economic aid from the U.S. during the 1960s, Allende was elected in September 1970 with a plurality of the total vote. President Richard Nixon instructed CIA Director Richard Helms on September 15 to prevent Allende from taking office.¹⁰

The White House's most immediate response was to strangle the Chilean economy. Beginning the month after Allende's election, the U.S. denied development loans and pressured American-owned corporations to do business elsewhere. The strategy was to freeze access to foreign credit and increase unemployment in order to weaken Allende from the start. A CIA analysis concluded that a military coup would remain unlikely if General Rene Schneider remained in control of the armed forces. His doctrine of non-intervention in politics was "the main barrier to all plans for the military to take over the government." With a cabal of Chilean generals, the CIA made plans to kidnap Schneider and blame the disappearance on leftist guerrillas. Schneider was shot three times in his car on the morning of October 22. He died three days later. Undeterred, the Chilean Congress ratified Allende as president on October 24.¹¹

"Our main concern in Chile is the prospect that he can consolidate himself and the picture projected to the world will be his success," Nixon said to the National Security Council (NSC) on November 6. "No impression should be permitted in Latin America that they can get away with this; that it's safe to go this way. All over the world it's too much the fashion to kick us around. We cannot fail to show our displeasure." Nixon repeated what Kissinger had written for him in a briefing paper prepared for the NSC meeting. "The example of a successful elected Marxist government in Chile would surely have an impact on—and even precedent value for—other parts of the world, especially in Italy; the imitative spread of similar phenomena elsewhere would in turn significantly affect the world balance and our position in it." National Security Directive Memorandum 93 defined the U.S.'s objective in Chile as maximizing "pressure on the Allende government to prevent its consolidation" while maintaining "a publicly cool and correct posture." To fulfill Nixon's instructions to "make the economy scream," NSDM-93 formalized what Americans officials had been doing since the Allende was elected: reduce and terminate current and future financing for U.S. exports and guarantees for corporate investment in Chile; pressure private investors to limit their economic activity; "bring maximum feasible influence" on multilateral banks to cut lending to the Chile, and end bilateral economic aid. The CIA was to conduct a propaganda campaign to divide Allende's coalition, provide support to non-Marxist political groups, and expand its contacts within the Chilean military.¹²

The CIA gave millions to government opponents over the next three years. With the largest circulation in Chile, the right-wing daily *El Mercurio* received \$2 million. Another \$1.5 million was given to a variety of conservative groups to organize protests and violent actions against the Popular Unity government. Still, Allende's coalition gained seats in the March 1973 congressional elections. With Allende holding onto his supporters, the CIA increasingly looked towards a military solution. A post-election analysis from the Santiago Station explained the

¹⁰ Peter Kornbluh, *The Pinochet File: A Declassified Dossier on Atrocity and Accountability* (New York: The New Press, 2003), 4-5, 8

¹¹ Kornbluh, *The Pinochet File*, 19, 22-29

¹² *Ibid.*, 79-80, 82-83

next course of action: “Consensus by leaders of armed forces (whether they remain in govt or not) of need to move against the regime. Station believes we should attempt to induce as much of the military as possible, if not all, to take over and displace the Allende govt.” A coup planned for July 7 had to be postponed because of opposition from Commander-in-Chief, General Carlos Prats, and problems recruiting “key Army regiments in the Santiago area.” Prats resigned in late August after numerous stories in *El Mercurio* threatened to damage his reputation. He was replaced by General Augusto Pinochet. As the CIA learned from sources within the Chilean Army on August 31, “The army is united behind a coup and key Santiago regimental commanders have pledged their support.”¹³

The instability that the White House and CIA had spent three years orchestrating finally arrived in summer 1973. A strike by the Truck Owners Federation paralyzed the country in August. Allende’s coalition fell apart when the Christian Democrats (PDC) broke off negotiations with the Popular Unity. “There had been increasing acceptance of the part of PDC leaders that a military coup of intervention is probably essential to prevent a complete Marxist takeover in Chile,” the CIA reported in early July. “While PDC leaders do not openly concede that their political decisions and tactics are intended to create the circumstances to provoke military intervention, [Santiago] Station assets report that privately this is generally accepted political fact.” After the military refused Allende’s offer of cabinet posts, a “special coordination group” consisting of representatives from the armed forces and prominent right-wing leaders finalized their plans in early September. Chosen as the leader, Pinochet would have final say over when the coup was to be executed.¹⁴

By 8:00 AM on the morning of September 11, the Chilean Navy had secured the port of Valparaiso. Allende made his way into the capitol, La Moneda, and began making a speech over the radio calling upon Chileans to help him defend their government. As tanks fired from the outside, a fighter jet launched a rocket into Allende’s office at around noon. Accompanied by another aerial attack, the ground forces took La Moneda’s inner courtyard at 1:30 PM. Demanding Allende’s surrender, the military offered to fly him and his family to another country, but Pinochet preferred him to die: “Kill the bitch and you eliminate the liter.” Allende committed suicide in his office.¹⁵

The Junta moved quickly to consolidate power. In late October, the CIA prepared a briefing paper for Kissinger—“Chilean Executions”—that estimated the military had massacred 1,500 civilians, over 300 of whom had been executed summarily. More than 13,500 Chileans had been detained for their political affiliations. They were held at twenty different prisons, the most notorious of which was the National Stadium, where 7,612 prisoners had been processed between September 11 and October 20. Interrogations were held in locker rooms. Skyboxes became torture chambers. The Chilean Truth Commission concluded in 1990 that there were 1,261 cases of death and disappearance during the last four months of 1973. In addition to creating a secret police that targeted suspected leftists, the Junta banned all protests, shut down Congress, suspended political parties, took over universities, and closed down all newspaper and television stations did not express its right-wing views.¹⁶

¹³ Ibid., 88-89, 106-111

¹⁴ Ibid., 112

¹⁵ Ibid., 113

¹⁶ Kornbluh, *The Pinochet File*, 162; Kathryn Sikkink, *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca, New York: Cornell University Press, 2004), 98

The decision to overthrow Allende was made at the highest levels of the Nixon administration, way beyond the purview of a relatively lowly bureaucrat like George Lister. But Lister quickly grasped how it would likely produce anti-American sentiment throughout the region, as he wrote on September 17, "Once again, Chilean developments seem to be playing into the hands of those who want a Latin American left united against us." In June 1974, he urged Ambassador to Chile David Popper to disavow support of the Junta to international non-governmental organizations (NGOs). But the U.S. was busy giving Pinochet the economic aid it had withheld from Allende. The Department of Agriculture approved two separate commodity credits in October-November 1973 totaling \$24 million to help the new regime purchase wheat and feed corn. The Food for Peace program gave Chile \$132 million in the three years following the coup compared to \$14.7 million during Allende's presidency. The World Bank authorized \$66.5 million in loans from 1974-1976 compared to the 1971-1973 figure of zero. The Inter-American Developmental Bank increased its loans to Chile, from \$11.6 million to \$237.8 million.¹⁷

By the mid-1970s, Lister had been advocating for a more constructive policy towards Latin America for nearly a decade. In November 1965, he noted how State Department officers had the tendency to regard anyone who disagreed with the U.S. as "no good." By "writing off" the entire left, American diplomats could not make the case for their policies to Latin Americans in "liberal, democratic ideological terms." As he wrote in a 1966 pamphlet, Lister sought to overcome this suspicion of American power that claiming that the U.S. was not just pursuing a "sterile anti-communism," but wanted to see Latin America filled with "prosperous, well-educated democracies." Of course, Americans had no "monopoly on wisdom," yet the civil rights movements showed the kind of change that was possible in the U.S. In June 1966, Lister proposed creating a "Center for Inter-American Affairs" to reach out to prominent Latin American intellectuals who were "sympathetic to Communism, third worldism, neutralism, or at least to anti-U.S. movement and arguments." While Lister's proposal went nowhere, he personally assisted Chilean poet Pablo Neruda, a Socialist, in obtaining a visa to attend the 1966 International P.E.N. Congress in New York. When Columbia University announced in 1971 that it would be honoring Colombian writer Gabriel García-Marquez, Lister made sure that there were no visa problems. He knew that García-Marquez had once been denied entrance into the United States because of his political views. With that in mind, Lister met García-Marquez and his wife at John F. Kennedy Airport, escorted them through customs, and took them to their hotel.¹⁸

Though he was evolving away from his strident anti-communism, Lister was not a dove, spending much of his time during the late 1960s on an unsuccessful project to persuade Latin American countries to contribute to the Vietnam War effort. For the most part, however, Lister

¹⁷ George Lister to David H. Popper, "Our Chile Policy," June 14, 1974, "Chile: Selected Documents: Kornbluh, *The Pinochet File*, 212-213

¹⁸ George Lister, "Our Tactics and the Rio Conference," November 12, 1965, "Cold War Diplomacy: Selected Documents"; Krauss, "Impacting Foreign Policy as a Mid-Level Bureaucrat," 42-45; George Lister, "United States Foreign Policy: A Sterile Anticommunism?" c. 1966, *Cold War Diplomacy: Selected Documents*"; George Lister to Ambassador Gordon, "This Morning's Conversation with Rogers and MacLeish," June 8, 1966, "Lister's Style: Selected Documents," *The Papers of George Lister: "Mr. Human Rights,"* University of Texas Law School, <http://www.utexas.edu/law/centers/humanrights/lister/style/style.php>; George Lister to Covey T. Oliver, "Status Report on Some Policies and Tactics," September 14, 1967, "Cold War Diplomacy: Selected Documents"; George Lister to Henry Schlaudeman, "Gabriel García Marquez," January 5, 1977, "Lister's Style: Selected Documents"

was in the midst of an intellectual transition that would lead him towards human rights. As he wrote to a supervisor in September 1967, most of his activities were focused on “pro-democratic themes and tactics, not on sterile anti-communism.” A February 1968 lecture also repeatedly what was in the pamphlet, but included a distinction between different kinds of dictatorship. A Communist dictatorship was “more dangerous from the viewpoint of American survival and of world democracy” because of the Soviet Union: “While we were glad when the dictatorships of Trujillo and Batista fell, and we certainly do not wish them to be restored, those dictatorships, because they stood alone, did not represent as great a threat to world democracy as does the Castro dictatorship, which is allied with the other Communist dictatorships.”¹⁹

Lister began to speak out against political repression in Latin America during the late 1960s. He opposed sending military aid to Guatemala in 1968 because of its ongoing human rights violations. On the eve of Nelson Rockefeller’s highly-publicized visit to South America in June 1969, Lister warned a State Department official that the Brazilian government had been “cracking down on students and leftist elements.” He also proposed Rockefeller make an appearance in Uruguay—then a democracy—or else he would just be going to Brazil and Paraguay, both of which were ruled by the military. Such inattention to these important details was sure to “put Rockefeller, the Department and the Administration in a bad light in Brazil, the rest of Latin America and elsewhere, including not least of all the United States.”²⁰

In September 1970, Lister visited the International Police Academy (IPA). Through funding from the United States Agency for International Development (USAID), the Office of Public Safety (OPS) equipped and trained Latin American police officers in interrogation techniques that were often used to silence political opponents. Lister agreed with the IPA’s goal of modernizing policing, but was unsettled by what he had seen.

While we were being shown through the simulated games room, our guide explained how the participants trying to handle a mock riot or revolution have at their disposal various fictitious facilities, squad cars, tear gas, police units, etc., for allocation on the map of the ‘capital city.’ These they flash on the map in response to, or in anticipation of, developments and situations suddenly injected into the ‘game’ by other participants. At about this point our guide remarked that, for example, the students might be swarming out of the university and headed for the capitol. Or the port workers might be coming up another avenue, towards the same destination. ‘Do the good guys win?’ asked the AID Director. No, said the guide, it was sometimes necessary to call in the army and air force.”

The OPS played a major role in the various “wars on subversion” that tore through Latin America during the 1970s. Lister did not like what he heard from the guide. “I am certain than an average U.S. or Latin American liberal or leftist without extensive knowledge of our

¹⁹ Krauss, “Impacting Foreign Policy as a Mid-Level Bureaucrat,” 49; George Lister to Covey T. Oliver, “Status Report on Some Policies and Tactics,” September 14, 1967; George Lister, “Latin American Foreign Policy Lecture,” February 1, 1968, “Cold War Diplomacy: Selected Documents”

²⁰ Gregory Stanton, “Nomination for Warren Christopher Award: George Lister,” 1997, “Lister’s Legacy: Selected Documents”; George Lister to John Hugh Crimmins, “Rockefeller’s Visit to Brazil,” June 12, 1969, “Cold War Diplomacy: Selected Documents”

policies and objectives would have taken that exchange as absolute proof of our desire to maintain the status quo abroad.”²¹

The September 1973 coup in Chile only furthered Lister’s divergence from official U.S. policy in Latin America. His emphasis on democracy compelled him to become increasingly critical of the support given to right-wing military dictatorships in the region. He was frustrated by how the State Department refused to engage with the Latin American non-communist left. All Lister needed was a language through which he could express his anti-communist, pro-democratic worldview.

Human Rights Bureau

Following the groundbreaking hearings chaired by Representative Donald Fraser (D-Minnesota) in 1973, the Subcommittee on International Organizations released *Human Rights in the World Community: A Call for U.S. Leadership*, a report that contained recommendations to “insure a higher priority for human rights in U.S. foreign policy.” The State Department was to establish an Office of Human Rights, assign an Officer for Human Rights Affairs in each regional bureau, and appoint an Assistant Legal Advisor on Human Rights. These institutional reforms were intended to make human rights issues be seen as “legitimate components of the policymaking process, not as external considerations to be avoided in that process.” The congressional aide who organized the hearings, John Salzberg, later described what the Fraser Committee accomplished: “Human rights became a commonly accepted factor in U.S. foreign policy, whether it’s a Democratic or Republican administration.” By June 1974, the State Department had reassigned the following officers to the newly-formed human rights positions: Charles Runyon, Office of Legal Advisor; Julius Walker, Africa Bureau; Robert Walkinshaw, East Asian and Pacific Affairs Bureau; and George Lister, Bureau of Inter-American Affairs.²²

In addition, Congress passed an amendment to the 1974 Foreign Assistance Act—Section 502B—denying military aid to governments that had committed gross human rights violations. As a means of verification, the State Department was mandated to issue annual reports on all recipients of U.S. largesse. Representative Tom Harkin (D-Iowa) then introduced a related amendment—Section 116—that linked economic aid to these reports. Interested lawmakers now had their own in-house source of information to compete with what they read from Amnesty International. In 1975, the State Department created the Coordinator for Human Rights and Humanitarian Affairs. As part of his new human rights policy, President Jimmy Carter raised the position to the level of an Assistant Secretary of State, selecting Patricia Derian as James Wilson’s successor in August 1977. The State Department formalized Derian’s office by establishing the Bureau of Human Rights and Humanitarian Affairs (HA) that October.

²¹ George Lister to John Hugh Crimmins, “ARA/LA and the International Police Academy,” October 1, 1970, “Cold War Diplomacy: Selected Documents”

²² Donald Fraser, “Preface,” in U.S. Congress, Subcommittee on International Organizations, *Human Rights in the World Community: A Call for U.S. Leadership* (Washington, D.C.: Government Printing Office, 1974), xi; “Recommendations: U.S. Foreign Policy,” in *Human Rights in the World Community: A Call for U.S. Leadership*, 3, 12; on Salzberg drafting the report, see George Lister to William Rogers, “Your Meeting with Don Fraser,” October 9, 1974, “Human Rights Bureau: Selected Documents,” *The Papers of George Lister: “Mr. Human Rights,”* University of Texas Law School, <http://www.utexas.edu/law/centers/humanrights/lister/bureau/bureau.php>; John Salzberg, “Legacy of the Fraser Subcommittee,” Transcript from “The Life and Legacy of George Lister”; Donald Fraser to Henry Kissinger, “Re State Dept. Human Rights Assignments,” June 24, 1974, Box 7, File 21, George Lister Papers (GL), Nettie Lee Benson Latin American Collection (NLBLAC), University of Texas at Austin (UT)

As a Human Rights Officer, Lister oversaw the reports on Latin America and the Caribbean region. According to the instructions received by Lister in July 1975, they were to be brief and factual, not to exceed two single-spaced pages. After giving an overview of the U.S.'s interest in a particular country, there was to be a brief summary of the human rights situation with reference to reports "prepared by other organizations," any actions that the U.S. has taken in the country, and an assessment as to what might happen if military aid was reduced. An internal review by the State Department had found numerous countries with terrible records.²³

The reports had to be as accurate as possible. As defined by State Department officer Ron Palmer in March 1976, the goal was "to produce measured reports which will be able to stand up to reasonably critical comparison with available reporting by UN-related agencies (including Non-Government Organizations) and responsible media reports." To this memorandum, Palmer attached a draft outline that specified that the primary emphasis was to be on the "integrity of the person": life, liberty, and security; slavery; torture; arbitrary arrest/detention; fair trial. "Other important freedoms" to be considered were racial discrimination, movement, property, thought and religion, expression, and assembly. In line with remarks said by Secretary of State Cyrus Vance at the University of Georgia Law School the previous month, Lister drafted a June 1977 cable asking embassies in Latin America and the Caribbean to pay attention to "recent trends in governmental policies relating to the fulfillment of basic needs for food, shelter, health care, and education."²⁴

"The early annual Reports were very deficient," Lister remembered. Just before the Latin American Bureau was to send its reports to the Human Rights Bureau, he was confronted with their "basic weakness," the most glaring of which was how right-wing state violence was usually depicted as a response to left-wing radicals. It was just as true, Lister pointed out, that "some left wing violence is a reaction against undemocratic, repressive rule." What about the innocent victims? Another problem Lister identified was how the State Department and Amnesty International disagreed on specific countries ("glaring contrast"). A greater willingness to engage in self-criticism would take the sting out of what activists might say in response to the reports. For his efforts in helping to fulfill this congressional obligation, Lister was recognized by Derian in a February 1978 that made clear the reports would not have been released on time if not for his help.²⁵

Lister was closely attuned to how Carter's human rights policy was received in Latin America. In an April 1977 memorandum for National Security Advisor Dr. Zbigniew Brzezinski, he believed that it was already having a "significant impact." The combination of speeches, diplomatic representations, military aid cuts, veto of development loans, and congressional scrutiny had caused Argentina, Brazil, El Salvador, Guatemala, and Uruguay to reject "security assistance predicated on human rights considerations." Unfortunately in Brazil,

²³ George Lister, "Human Rights Reports for Congress," July 15, 1975, "Human Rights Bureau: Selected Documents"; J. M. Wilson to C. E. Maw, "Report to Congress on Section 502B," July 7, 1975, "Human Rights Bureau: Selected Documents"

²⁴ Ronald D. Palmer to George Lister, "Content and Format of Human Rights Reporting for FY 1977 Security Assistance Congressional Presentation Document," March 17, 1976, "Human Rights Bureau: Selected Documents"; William Luers to All American Republic Diplomatic Posts, June 16, 1977, "Human Rights Bureau: Selected Documents"

²⁵ George Lister, "Draft History of HA-DRL," December 28, 2000, "Human Rights Bureau: Selected Documents"; George Lister to Harry Shlaudeman, "Human Rights Reports," December 10, 1976, "Human Rights Bureau: Selected Documents"; Patricia Derian to Terrence Todman, "Human Rights Reports," February 15, 1978, "Human Rights Bureau: Selected Documents"

President Ernesto Geisel used “alleged Yankee intervention in Brazil’s domestic affairs” to push through a constitutional amendment that weakened his political opponents. But even if a few hardliners used the new policy to their advantage, there were also signs that more leaders had become “increasingly concerned about their human rights image.” Chile, Paraguay, and Haiti had released some political prisoners; Brazil and Nicaragua cautioned security officers against using excessive force. “No government is likely to admit that it is pursuing a more civilized and humane policy towards its own citizens because of outside advice or pressure,” Lister wrote. “But there are indications that some governments hope for public or tangible recognition of positive steps taken.”²⁶

In a September 1978 lecture to the Inter-American Communications Symposium in Endicott, Massachusetts, Lister insisted that the administration’s emphasis on human rights had yielded positive results. Carter may have offended a few military dictators, but he was winning the support of intellectuals, religious leaders, leftist political parties, and labor unions, all of whom tended to be anti-American. Lister claimed that he was seeing fewer reports of torture, murders, and disappearances, the release of more detainees, a reduction in censorship, and greater willingness to work with the Inter-American Human Rights Commission.²⁷

Lister supervised the next set of human rights reports. In Derian’s opinion, he made them “objective, specific, and responsive,” which reflected “his personal dedication to safeguarding and broadening human rights.” Over the objections of Assistant Secretary of State Viron “Pete” Vaky, Lister kept working through his mandatory retirement. He moved onto the Human Rights Bureau in July 1981, where he spent the next two decades as an unpaid consultant.²⁸

State Department veterans had difficulty seeing the Human Rights Bureau as anything more than congressional imperiousness. Derian’s principled stances led to conflicts with other Assistant Secretaries of State, including Terrence Todman (Latin America) and Richard Holbrook (East Asia). Todman and Holbrook accused Derian of alienating important U.S. allies. “Bureaucratic inexperience plus bureaucratic resistance on the part of other Bureaus were a tough combination,” Lister recalled. “Incredibly, one regional Bureau actually ordered its personnel to avoid contact with HA!” HA struggled mightily for resources during its earliest years. In 1977, the staff consisted of three people, one of whom was Derian. By 1979, the number of officers had increased to thirteen, but it had difficulty making a discernible impact on U.S. foreign policy. This was partly due to the Iranian Hostage Crisis and Soviet invasion of Afghanistan. After Derian took a leave of absence in 1980, her position was on an interim basis for the next year by Stephen Palmer. Reagan’s victory that November added more uncertainty, causing numerous staff members to leave at the end of that year. Hanging over those who remained at HA was the question of whether a Republican administration—one with few ties to international human rights activists—would let the bureau survive. Indicative of the anxiety surrounding at the bureau, Derian wrote a letter to Representative Donald J. Pease (D-Ohio) on the eve of Reagan’s inauguration thanking him for his “steadfast support of human rights, the policy, and

²⁶ George Lister to Dr. Zbigniew Brzezinski, “Human Rights Policy Impact: Latin America,” April 24, 1977, “Human Rights Bureau: Selected Documents”

²⁷ George Lister, “Human Rights and the Hemisphere,” September 14, 1978, “Human Rights Bureau: Selected Documents”

²⁸ Patricia Derian to Viron Vaky, “1978 Country Reports: Contribution by George Lister, ARA Human Rights Officer,” February 16, 1979, “Human Rights Bureau: Selected Documents”; see also George Lister to ARA Office Directors, “Latin American Human Rights Progress Reports,” March 19, 1979, “Human Rights Bureau: Selected Documents”

this Bureau.” Derian was very concerned that the Reagan had nominated Ernest Lefever, a vocal opponent of Carter’s human rights policy, but a successful campaign by activists and their congressional allies forced the White House to go with Elliott Abrams.²⁹

“The Movement”

Diane La Voy remembered first meeting George Lister in 1971. While she was working at the Organization of American States (OAS), they frequently had informal discussions about Latin American issues. As a representative with the Friends Committee on National Legislation (FCNL), La Voy attended the meetings organized by the Latin American Strategy Committee (LASC), an umbrella organization of religious groups formed after the 1965 U.S. intervention in the Dominican Republic. Church workers in Latin America provided the LASC with information it needed to publicize human rights abuses in the United States. Reports of torture and killings by Brazilian right-wing death squads in the late 1960s led LASC member Brady Tyson, a Methodist missionary and political scientist at American University, to form the American Committee on Brazil. In 1970, the committee produced *Terror in Brazil*, a compilation of personal testimonies. Its findings were presented to the Inter-American Commission on Human Rights by the U.S. Catholic Conference and the National Conference of Churches.³⁰

Joyce Hill of the Methodists, William (Bill) Wipfler of the National Council of Churches, Tom Quigley of the U.S. Catholic Conference, and John Sinclair of the Presbyterians initiated discussions in spring 1973 about opening a LASC office. Quigley circulated a proposal for a “Washington office for Latin American strategies” on lobbying and public education that May. With missionaries sending back reports of how the Pinochet regime was inflicting unspeakable horrors upon its political opponents, the coup in Chile gave these efforts an added sense of urgency. La Voy persuaded the LASC to establish the Washington Office on Latin America (WOLA) in 1974. “Before there were protestors on the outside, but no conversation or dialogue taking place on the inside,” said WOLA Executive Director Joe Eldridge. “We sought to change that, as the only way to change policy was to engage in dialogue with [policymakers].”³¹

Working out of a desk in the FCNL lunchroom, LaVoy asked Lister for advice on how to become a participant in that dialogue. Convincing LaVoy of the “importance of maintaining open and regular forms of communication with government officials,” Lister helped her formulate three lobbying rules: “never overstate your case”—make sure that all information was credible and could be substantiated, identify the decision-makers, and always realize the importance of timing. LaVoy ultimately left WOLA to pursue a master’s degree at Princeton in August 1974 but not before working with other NGOs to shut down the International Police Academy (IPA). LaVoy interviewed former IPA students and read some of their course papers. After hearing how many of them defended their brutal measures as a necessary evil, she told congressional staff what she learned, highlighting the relationship between the academy and

²⁹ George Lister, “Draft History of HA-DRL”; Krauss, “Impacting Foreign Policy as a Mid-Level Bureaucrat,” 77-78; Patricia Derian to Donald Pease, January 19, 1981, “Human Rights Bureau: Selected Documents”

³⁰ Coletta Youngers, *Washington Office on Latin America: Thirty Years of Advocacy for Human Rights, Democracy, and Social Justice* (Washington, D.C.: The Washington Office on Latin America, 2006), 7, 10

³¹ Krauss, “Impacting Foreign Policy as a Mid-Level Bureaucrat,” 91-92; Youngers, *Washington Office on Latin America*, 2-4

reports of torture in Brazil, Chile, and Uruguay. Congress stopped funding the Office of Public Safety in July 1975.³²

A Methodist minister who had lived in Latin America, Joe Eldridge was chosen as LaVoy's replacement. Eldridge had been sent to Chile in 1970 by the Project for Awareness and Action, a group of missionaries whose purpose was to counteract misinformation about Allende. Chilean security forces raided the project's office following the coup. Stuck at the wrong place at the wrong time, two Maryknoll seminarians were taken to the National Stadium. Fortunately, they were released within a few days, and given twelve hours to leave the country. Fearing for Eldridge's safety, the Methodist Church forced him to return in February 1974. "It was a shock to my system to be put on Capitol Hill," Eldridge recalled. "I would be by myself in the office trembling with fear as I tried to dial a congressional office." Along with WOLA staff members Jo Marie Griesgarber and Bill Brown, Eldridge learned his way around Capitol Hill.³³

Similar to other international human rights NGOs, WOLA benefitted from post-Watergate congressional reforms that reduced the importance of seniority in determining committee assignments. "The redistribution of power allowed nongovernmental organizations proportionally greater access to policy makers," observed former WOLA staff member Virginia Bouvier. One congressman whose doors were open to WOLA was Fraser. WOLA provided him with witnesses for his hearings. Fred Morris, a Methodist minister, was tortured while held incommunicado for seventeen days in Brazil. Philip Devlin and Daniel Panchot, two Holy Cross priests, were arrested and deported by Chilean authorities. Argentine military officers tortured Father Jim Weeks of the LaSalette Mission Society. The leader of Uruguay's Blanco Party, Wilson Ferreira Aldunate, argued that continuing military aid would only perpetrate the "mechanisms of oppression" in his country. His son, Juan Raul Ferreira, joined WOLA in 1976. The younger Ferreira connected WOLA to center-left politicians throughout Latin America—Eduardo Frei of Chile, Hernan Siles Suazo of Bolivia, Jose Napoleon Duarte of El Salvador, and Jaime Roldos of Ecuador. He eventually left WOLA to form his own NGO, El Grupo de Convergencia Democratica, and won a seat in the Uruguayan Congress years later.³⁴

The September 1976 car bombing on Dupont Circle that killed Orlando Letelier, Allende's former Defense Minister, and Ronni Moffitt, his assistant, revealed that Operation Condor was capable of striking its targets anywhere. WOLA was not immune from the threat posed by foreign dictators. Anastasio Somoza put WOLA Co-Director Bill Brown on a hit list. The would-be assassin was arrested in Tallahassee, Florida. Perhaps Chilean officials were concerned that WOLA was close to prominent exiles—Isabel Letelier, Ariel Dorfman, Sergio Bitar, Claudio Grossman, Jose Zalaquett, and Veronica De Negri, and Isabel Mignone, the daughter of Argentine human rights lawyer Emilo Mignone. It was through WOLA that Lister was able to meet with former prisoners who convinced him that the United States needed to break with Pinochet.³⁵

Some of the first advice Lister had for Assistant Secretary of State for Human Rights Elliott Abrams was to talk with organizations like WOLA and Amnesty International. In December 1981, he suggested that Abrams attend a University of Maryland public policy colloquium certain to have a "sizeable turnout of Movement activists." While it was to be

³² Youngers, *Washington Office on Latin America*, 11-13

³³ *Ibid.*, 14-15

³⁴ *Ibid.*, 16-17, 19-20

³⁵ *Ibid.*, 20, 26

expected that they opposed the White House's policy in Central America, the Southern Cone, and South Africa, this was an opportunity to "improve our dialogue with the Movement without, of course, being in any way defensive or ingratiating." When Abrams decided to engage with "the Movement," Lister made sure his boss was prepared. Before a January 1982 meeting with Helsinki Watch and the International Commission of Jurists, Lister anticipated some of the questions Abrams would likely be asked. Did Reagan have a human rights policy? Did Abrams intend to publicly criticize right-wing governments if they committed abuses? While reminding activists that "quiet diplomacy" was not the same as "silent diplomacy," Lister wanted Abrams to solicit their input and cooperation, which, of course, meant that they had a responsibility as well: "In the real world of human rights performance, it contrast to rhetoric, it is not just what we bureaucrats do, or don't do, that counts. Movement performance also counts heavily. I agree with you that we should be accurate, objective, candid, even handed, etc. I trust you will apply the same standards to yourselves." For almost fifteen years, as he shared with Abrams in a separate note, Lister had participated in debates and speaking events with "hostile domestic and foreign left-wing groups." These experiences had taught him that this was precisely what the State Department needed to do more often.³⁶

Lister himself went to as many human rights functions as he could. To get a sense of what the critics were saying about Reagan's foreign policy, he attended a Woman's National Democratic Club dinner in March 1982 that featured remarks by Senator Paul Tsongas (D-Massachusetts) and Roberta Cohen, the former Executive Director of the International League for Human Rights who worked with Derian at the Human Rights Bureau. Tsongas chastised the White House for regarding human rights as "the Jane Fonda issue," an issue of importance only to the left. Reagan was thereby wasting an opportunity to present an ideological alternative to Marxism-Leninism. Cohen accused the administration of attempting to eliminate the issue altogether during its first year. Reagan had little to say about apartheid in South Africa. South Korea was allowed to purchase military equipment that had been previously withheld because of its abuses. "Quiet diplomacy means lots of quiet and little diplomacy," Cohen concluded. "Thus the U.S. has lost its leadership role and it is now easier to violate human rights."³⁷

But there also occasions when Lister could get both sides to see what they had in common. Only days after hearing the State Department's performance slammed at the dinner, Lister credited Abrams for impressing Joan Baez—"one of the big VOICES in the Movement"—at another speaking event. A year later, Lister again praised Abrams for participating in a debate with Derian, for this the only way that the administration could improve its public standing on human rights: "Georgetown is not a very liberal institution, but I believe that, in a vote, a solid majority of the audience would have sided with Patt, partly because this Administration has such a poor image on human rights. Nevertheless there was considerable surprise that you were as pro-human rights and candid as you were." Lister emphasized why it was to Abrams's benefit to have an "open, candid exchange of views" after a September 1983 meeting with various human rights NGOs. Abrams may not have won every argument, but that was not the point to Lister. "It is very valuable, even though they may not be aware of it, for [Joe] Eldridge to hear [Edward]

³⁶ George Lister to Elliott Abrams, "Possible Appearance on Capitol Hill—January 21," December 8, 1981, Box 2, File 6, GL, NLBLAC, UT; on December 17, 1981 Lister attended a going away party for Emilio Mignone at WOLA, to which Abrams asked, "Are you now a Peronista, too?!!" see Lister to Abrams, December 17, 1981, Box 2, File 6, GL, NLBLAC, UT; George Lister to Elliott Abrams, "New York January 6 Trip," January 5, 1982, Box 2, File 6, GL, NLBLAC, UT; George Lister to Elliott Abrams, January 21, 1982, Box 2, File 6, GL, NLBLAC, UT

³⁷ George Lister to Elliott Abrams, "Human Rights Discussion," March 24, 1982, Box 2, File 6, GL, NLBLAC, UT

Lozansky,” the founder of the Andrei Sakharov Institute. Such a meeting allowed Lister and Abrams an opportunity to show that they could work with activists. “I gave everyone who spoke up on Chile (and who did not already have one) a copy of our recent exchange with the 70 House Members regarding our policy,” Lister explained. “And everyone who expressed an opinion on our Philippine policy got a copy of Moscow’s recent broadcast concerning our efforts to overthrow Marcos. (I hope the Soviets do not uncover the current USG/Zionist plot, led by E. Abrams, to get Pinochet).” Eldridge was happy just to have his views heard, as he wrote to Abrams, “Were it not for your inspired leadership, I’m afraid human rights concerns might have completely succumbed to misguided questions about national security and defense.”³⁸

Indeed, there were some issues that no amount of dialogue could solve. A subsequent meeting about Central America with WOLA (Joe Eldridge), AIUSA (Pat Rengel), Americas Watch (Aryeh Neier), Inter-American Foundation (Diane La Voy), and the International Human Rights Law Group (Amy Young) in December 1983 left no one convinced that there was room for compromise. While it was good for these groups to hear and consider viewpoints not normally voiced at their rallies, Lister doubted that anyone left “feeling better about USG policy.”³⁹

With the State Department and the human rights NGOs accusing one another of bias, the result was that governments of all ideological persuasion were criticized at these meetings. Lister hoped that all involved would agree about the importance of maintaining objectivity. “In the Movement it is very easy, and convenient, to forget that human rights issues are not limited to one’s own special geographic and political area of interest,” Lister wrote to Abrams in June 1984. “And it was excellent for left-wingers to hear you criticize right-wing regimes, and for right-wingers to hear the reverse.” From the point of view of the activists, such concerns were overblown. They were already quite certain of their willingness to criticize *all* offenders.⁴⁰

In a May 1985 performance evaluation of Lister, Abrams described how the veteran human rights officer had forged relationships with opposition leaders from all over the world. A friend of Wilson Ferreira and Juan Raul Ferreira, Lister persuaded them to visit the State Department for discussions that proved to be “mutually beneficial” when Uruguay passed from military to civilian rule. Abrams met former Cuban political prisoner Armando Valladares through Lister. A poet who was imprisoned for twenty-two years, Valladares was “a major anti-Castro voice abroad.” Lister also had “extensive contacts” in Solidarity and among Polish-American ethnic organizations. After attending a Solidarity fundraiser in February 1983, Lister initiated discussions within the State Department that culminated in a liberalization of asylum policy towards Polish refugees. The next year he arranged a meeting at the State Department

³⁸ George Lister to Elliott Abrams, “Joan Baez,” March 29, 1982, Box 2, File 6, GL, NLBLAC, UT; Lister was on friendly terms with other women who had been involved in “the Movement”: Frances Grant, Ginetta Sagan and Rose Styron, on Grant, see George Lister to Elliott Abrams, October 12, 1982, Box 2, File 6, GL, NLBLAC, UT, and George Lister to Elliott Abrams, November 2, 1982, Box 2, File 6, GL, NLBLAC, UT; on Sagan, see George Lister to Elliott Abrams, February 18, 1983, Box 2, File 7, GL, NLBLAC, UT, and George Lister to Gary Matthews, “Ginetta Sagan,” May 30, 1984, Box 3, File 1, GL, NLBLAC, UT; on Styron, see George Lister to John Shattuck, “Vaclav Havel—My Last Try,” November 2, 1998, Box 15, File 4, GL, NLBLAC, UT; George Lister to Elliott Abrams, “Human Rights Symposium,” March 23, 1983, Box 2, File 7, GL, NLBLAC, UT; George Lister to Elliott Abrams, “Yesterday’s NGO Meeting,” September 27, 1983, Box 2, File 9, GL, NLBLAC, UT; Joseph T. Eldridge to Elliott Abrams, September 29, 1983; Box 2, File 9, GL, NLBLAC, UT

³⁹ For a complete list of attendees, see attachment to George Lister to Elliott Abrams, “December 1 NGO Meeting,” November 19, 1983, Box 2, File 10, GL, NLBLAC, UT

⁴⁰ George Lister to Elliott Abrams, “NGO Meeting,” June 11, 1984, Box 3, File 2, GL, NLBLAC, UT

with representatives from Solidarity. A congressional hearing on Uganda was held in August 1984 in part because Lister established contact with refugees.⁴¹

One of Lister's more significant friendships during the mid-1980s was with Raúl Manglapus, an exiled former Filipino politician. Held in a Japanese prison camp during World War II, he escaped and joined guerrillas who were with the U.S. Eleventh Airborne Division. He would be there to see the Japanese surrender on the *USS Missouri* as a correspondent in Tokyo. After earning his law degree, Manglapus served as an Undersecretary of Foreign Affairs in the Magsaysay administration. In 1961, with the financial backing of the CIA station in Manila, he was elected a senator, leading the Progressive Bloc at the 1971-1972 Constitutional Convention. "Often referred to as the Adlai Stevenson of Philippine politics, Manglapus in 1968 founded the Christian Social Movement," journalist Raymond Bonner writes. "He fortuously escaped arrest when martial law was declared [in 1972], having left the previous day for a speaking engagement in San Francisco. His wife and daughter eventually escaped in a boat." To challenge President Ferdinand Marcos from abroad, he formed the Movement for a Free Philippines, advancing his arguments in newspaper op-eds as well as *Foreign Affairs* and the *Harvard International Review*. When the Woodrow Wilson Center for Scholars nominated Manglapus for a fellowship in 1974, the State Department used its influence to deny it to him. The department thought it was "inappropriate" for American officials "to appear to be subsidizing a person who was actively engaged in activities directed against a government with which the U.S. Government enjoys friendly relations." Manglapus survived an assassination attempt four years later following the publication of *Philippines: the Silenced Democracy* (1976). He and Lister had similar politics. Not only did Manglapus support the National Endowment for Democracy's funding of pro-U.S. opposition groups around the world, he was a Christian Democrat—anti-Communist and anti-Marcos.⁴²

Going against the wishes of his superiors who did not be too closely associated with Manglapus for fear of offending Ferdinand Marcos, Lister invited Manglapus to speak at the State Department in March 1983. Through Manglapus, Lister brought the United States closer to the democratic opposition in the Philippines, as Elliot Abrams noted, "These relations with the Opposition are crucial as the future of the Marcos dictatorship becomes questionable." Manglapus, in turn, provided Lister with analysis of recent events in the Philippines. Protests in an affluent suburb of Manila prompted Manglapus to warn Lister in September 1983, "You should really start to disengage yourself from the sinking Marcos ship." Lister agreed that Reagan would be making a mistake if he were to visit Marcos as planned. Communist insurgents were eager to take advantage of growing anti-American sentiment. On October 28, Manglapus led a demonstration in front of the White House expressing gratitude that the president had not gone to Manila. Several hundred people carried signs that read "Democracy

⁴¹ Elliott Abrams, "George Lister, Intermittent Expert: Performance Evaluation," May 27, 1985, "Lister's Legacy: Selected Documents"; George Lister to Elliott Abrams, "Solidarity Supper," February 4, 1983, Box 2, File 7, GL, NLBLAC, UT

⁴² Elliott Abrams, "George Lister Performance Evaluation," May 27, 1985, "Lister's Legacy: Selected Documents"; George Lister to Elliott Abrams, "Manglapus Open Forum," April 20, 1983, Box 2, File 7, GL, NLBLAC, UT; Raymond Bonner, *Waltzing with a Dictator: The Marcoses and the Making of American Policy* (New York: Times Books, 1987), 142-144; George Lister to Richard Schifter, "Manglapus Meeting," October 25, 1985, Box 12, File 20, GL, NLBLAC, UT

Yes, Communism No!” The speech given by Manglapus asked Reagan to see that the protestors—and not Marcos—were the “real friends of American democracy.”⁴³

Lister searched for historical analogies to understand these events in The Philippines. In March 1984, Lister referred to several conversations with Abrams regarding lost opportunities in El Salvador and Nicaragua in the 1970s. By supporting its fading allies for too long, the U.S. did nothing to forestall more radical alternatives. If the State Department was willing to work with leftists, Lister implied, perhaps Marxists would be such a threat.⁴⁴

Manglapus repeatedly praised Americans for setting an example to which Filipinos could aspire, advocating that democratic reform was the best way to defeat the communist insurgency. Manglapus’s statements mostly called upon Reagan to take his own rhetorical more seriously. Yet Manglapus remained *persona non grata* at the East Asian Bureau as of October 1985. “After you get to know Manglapus you will appreciate the absurdity of the EA Bureau’s reluctance to receive him,” Lister told Assistant Secretary of State Richard Schifter. “He is invaluable as an authentic, articulate, popular, anti-Communist representative of the democratic alternative to Marcos.”⁴⁵

Under pressure from the Reagan administration to hold elections, Marcos hastily called them for February 1986. His opponent was Corazon Aquino. The widow of Benigno Aquino, an opposition leader who had been assassination upon returning from exile in 1983, Cory was widely believed to have won after it became obvious that the election had been fixed. As millions of Filipinos demonstrated in the streets, a rapidly developing movement known as the “People Power Revolution,” the White House determined—much later than others—that Marcos’s reign was over. Manglapus and Lister had very little to do with a decision that Reagan made with great reluctance, but their friendship demonstrated how it was possible for marginalized policy views to become conventional wisdom. Even though some State Department officers might have shunned him for his views, Manglapus nonetheless found a measure of vindication in Marcos’s forced exile in Hawaii. Just as he had with Manglapus, the Ferreras, and Valladares, Lister brought together the State Department, human rights NGOs, and opposition leaders in countries tied to the United States through Cold War alliances, the two most important of which during the 1980s were South Korea and Chile.⁴⁶

South Korea: Kim Dae Jung

After assuming power in a May 1961 military coup, General Park Chung Hee formed a close relationship with the United States based upon what former Ambassador William Gleysteen described as an “implicit bargain.” Park was expected to provide the political stability needed for economic growth, take a “firm but not provocative stance” towards North Korea, and cooperate with the U.S. on Japan and the Vietnam War. In return, the U.S. was to keep a military presence along the thirty-eighth parallel, send generous economic and military assistance, and not intervene in Park’s domestic affairs. Even as South Korean underwent tremendous economic development during the 1960s, a CIA-authored National Intelligence

⁴³ George Lister to Elliott Abrams, “Manglapus,” September 20, 1983, Box 2, File 9, GL, NLBLAC, UT; George Lister to Elliott Abrams, “Free Philippines Demonstration,” October 31, 1983, Box 2, File 10, GL, NLBLAC, UT

⁴⁴ George Lister to Elliott Abrams, “El Salvador: Philippines,” March 12, 1984, Box 3, File 1, GL, NLBLAC, UT; see attached article, Georgie Anne Geyer, “The Philippines: The Next Hotspot?” *Dossier* (March 1984)

⁴⁵ George Lister to Richard Schifter, “Manglapus Meeting,” October 25, 1985, Box 12, File 20, GL, NLBLAC, UT

⁴⁶ Bonner, *Waltzing with a Dictator*, 385-444

Estimate from December 1970 alluded to the growing restlessness of some citizens as the 1971 presidential elections neared. Kim Dae Jung, a charismatic politician from the South Cholla Province and leader of the opposition National Democratic Party (NDP), was “mounting a surprisingly vigorous campaign” against Park, accusing him of creating an “atmosphere of tension and horror...to prolong the life of [his] regime in the name of national security and anti-communism.” Kim received forty-six percent of the vote, but Park prevailed by a narrower-than-expected margin.⁴⁷

Unnerved by the close election, Park began silencing his political opponents through arbitrary harassment, threats, and arrests. All of these tactics were legally justified by the October 1972 Yushin Constitution, which had been adopted under martial law, and Emergency Measure 9 (EM-9), a presidential decree that essentially forbade dissent. Surviving the first of at least five assassination attempts, Kim’s automobile was rammed by a heavy-load truck.⁴⁸

That was just the beginning for Kim. In August 1973, Korean Central Intelligence Agency agents kidnapped him from a Tokyo hotel. Kim later said that he was taken to a boat, where a weight was attached to him so he would drown if thrown into the sea. Only the intervention of U.S. Ambassador Philip Habib and State Department officer Donald L. Ranard kept him alive. Lacking authorization from above, Habib gathered senior diplomats and military officers in the U.S. Embassy and instructed them to tell the South Koreans that they expected to see Kim again. In Washington, D.C., Ranard and Wes Kribel wrote a statement calling for an “imminent release.” Kribel did not remember how the statement got to the South Koreans without official approval, but somehow it did.⁴⁹

Angered by what they believed to be a breach of national sovereignty, the Japanese pressured the State Department to be more forceful in its criticism of Park, but Habib preferred to work behind the scenes. “Unfortunately I see no easy way for the ROKG to get out of the mess which they are now in,” Habib wrote on August 25. “In the end of the only fully satisfactory solution from outsider’s point of view would be to permit Kim Tae-Chung [Kim Dae-Jung] to leave the country.” At the very least, the U.S. hoped that South Korea would participate in a credible investigation, if only to answer some of the questions being raised by insulted Japanese politicians. A cable sent from the Seoul Embassy on September 14 expressed concern about the abduction’s “corrosive effect” in the region. By early October, after negotiations had been cut off, Japan began a *de facto* suspension of economic aid to South Korea. In an effort at reconciliation, Kim Jong Pil, the Prime Minister of South Korea, apologized to the Government of Japan at a November 2 meeting in Tokyo.⁵⁰

⁴⁷ William Gleysteen, *Massive Entanglement, Marginal Influence: Carter and Korea in Crisis* (Washington, D.C.: Brookings Institution Press, 1999), 12-13; Central Intelligence Agency, “National Intelligence Estimate: Changing Scene in South Korea,” December 1970, *The United States and the Two Koreas, 1969-2000*, Digital National Security Archive (DNSA)

⁴⁸ “Kim Dae-jung: Biography,” *Nobel Peace Prize 2000*,

http://www.nobelprize.org/nobel_prizes/peace/laureates/2000/dae-jung-bio.html

⁴⁹ Donald A. Ranard, “Saving Kim Dae-Jung: A Tale of Two Dissident Diplomats,” *Boston Globe*, August 24, 2009

⁵⁰ U.S. State Department, “Discussions with GOJ on Kim Tae Chung Case,” August 25, 1973, *Japan and the United States: Diplomatic, Security, and Economic Relations, 1960-1976*, DNSA; U.S. State Department, “Kim Tae Chung Abduction,” August 25, 1973, *The United States and the Two Koreas, 1969-2000*, DNSA; U.S. State Department, “Japanese Reactions to Kim Tae Chung,” August 27, 1973, *Japan and the United States: Diplomatic, Security, and Economic Relations, 1960-1976*, DNSA; U.S. State Department, “Kim Tae Chung Affair,” September 14, 1973, *The United States and the Two Koreas, 1969-2000*; U.S. State Department, “Kim Tae Chung Case,” October 2, 1973,

Following a massive demonstration of 30,000 students, Park fired KCIA Director Lee Hu Rak and relaxed some of his emergency measures in fall 1973. When opposition leaders called upon him to return to the old constitution, he issued a decree authorizing military tribunals to enforce a ban on public dissent. Frustrated that the students continued their protests, Park began mass arrests and lengthened sentences for anti-government activities in April 1974. To justify these actions, he retroactively declared the protests to have been the work of Communists.⁵¹

Kim was confined to house arrest during these months. Though South Korean officials insisted that he had the rights of any other citizen, Habib did not think Kim was free: "He seldom ventures from his home and we have heard with increasing regularity reports that he is in ill health and worried about his personal safety." A conversation with Park's chief secretary in March 1974 convinced Habib that Kim would not be allowed to leave the country. The government was afraid of being criticized from abroad. Still allowed to speak with foreign journalists, Kim told the *Los Angeles Times* that he expected his case to be resolved on humanitarian grounds. South Korean Foreign Minister Kim Dong Jo claimed that the Ministry of Justice was conducting an investigation into the kidnapping, but it appeared to the Korean specialists at the State Department that Prime Minister Tanaka had "washed his hands of the matter" by this time.⁵²

Kim Dae Jung was arraigned three months later. The U.S. Embassy could not understand why Park risked provoking international outrage. Kim speculated that this was an attempt to keep him from running for the presidency in 1975, as he was unlikely to be elected as Chairman of the National Democratic Party (NDP) if put on trial. A conviction would give Park a legal basis for keeping Kim in South Korea. Park's goal, according to an American diplomat, was to show all those "agitating for Kim's release that it is fruitless to do so."⁵³

Park's actions were criticized in Washington, D.C. American officials warned him in July 1974 that he was jeopardizing his foreign aid, which, by any measure, was substantial. The U.S. gave South Korea approximately \$320 million in combined economic and military assistance in 1973. The Fraser Committee scrutinized South Korea's human rights record at its July 30 hearing. Secret political trials for eight-nine political opponents had commenced in January, fourteen of whom were to be executed, including one of the country's leading poets, Kim Chi-Ha (eventually reduced to life imprisonment). Thirty-two dissenters were convicted on July 13 alone. Two days later, former President Yun Po Sun was brought before a military tribunal for donating \$1000 to the protestors. Kim Dong Gil, a professor of American history, and Reverend Park Hyong Kyn and Reverend Kim Chan Kook, two Presbyterian ministers, were thrown in jail for encouraging students to use non-violent tactics. Senator Howard Metzenbaum (D-Ohio) seized on news of these trials to join Fraser and Senator James Abourezk (D-South

The United States and the Two Koreas, 1969-2000; U.S. State Department, "Kim Tae Chung Case," November 1, 1973, *The United States and the Two Koreas, 1969-2000*

⁵¹ Don Oberdorfer, "South Korea: The Smothering of Dissent," *Washington Post*, July 28, 1974

⁵² U.S. State Department, "Further Reverberations of Kim Tae Chung Case," February 2, 1974, *The United States and the Two Koreas, 1969-2000*, DNSA; U.S. State Department, "Current Status of Kim Tae Chung Case," March 6, 1974, *The United States and the Two Koreas, 1969-2000*, DNSA; U.S. State Department, "Continuing GOJ Interest in Kim," March 11, 1974, *Japan and the United States: Diplomatic, Security, and Economic Relations, 1960-1976*, DNSA; Richard A. Ericson, DCM, to Donald L. Ranard, April 22, 1974, *The United States and the Two Koreas, 1969-2000*, DNSA; Donald L. Ranard to Robert Dueming, May 10, 1974, *The United States and the Two Koreas, 1969-2000*, DNSA

⁵³ U.S. State Department, Memorandum of Conversation, "Kim Tae-Chung Case and ROK/Japan Relations," June 11, 1974, *Japan and the United States: Diplomatic, Security, and Economic Relations, 1960-1976*, DNSA

Dakota) in calling for an immediate reduction in foreign aid. Senator Edward Kennedy (D-Massachusetts) referred specifically to Kim Dae Jung's upcoming trial. Representative Edward Koch (D-New York) asked, "Is the Park government safeguarding the stability and security of the South Korean people through its policies of torture, silencing dissent, arbitrary arrests and cruel punishments?"⁵⁴

International human rights activists were prepared. On behalf of the International League for the Rights of Man, the International Commission of Jurists, and Amnesty International, New York lawyer William Butler visited with the Prime Minister, Kim Dae Jung, clergy, and a local Amnesty chapter. Butler later told the Amnesty International USA (AIUSA) Board of Directors that the situation in South Korea was "one of the most appalling and shocking" he had ever seen. There was "no evidence of Communist activity," Butler said, just an authoritarian putting down dissent: "The new constitution is, in fact, designed to maintain in power the forces which took control in a military coup in 1961." South Korean officials emphasized that the government was willing to "go to any length to maintain what it deems 'national security.'"⁵⁵

The combined pressure of the media, NGOs, and Congress complicated matters for the State Department. When asked by Kissinger in May 1976 what "these madmen" were doing in South Korea, Habib answered that Park was "determined not let anybody raise a voice against him in any form." As far as Habib could tell, Park had decided to "go for overkill," figuring that he could "get away with it." Kissinger was nervous after Habib had been telephoned by *Washington Post* reporter Don Oberdorfer about making a promise not to interfere in South Korea. Oberdorfer even quoted from a 1973 cable in which Kissinger instructed Habib "not to lean on the Koreans." Habib suspected Oberdorfer's source to have been Donald Raynard, who he alleged had been "feeding the Fraser Committee." Habib predicted that this story would further perceptions that "the Administration has been soft on human rights," which was certain "to stimulate the human rights people to say that we have got to be tough on them [South Korea]."⁵⁶

Senator Alan Cranston (D-California) called for a reevaluation of South Korean aid in February 1976. Led by Cranston and Fraser, over 100 lawmakers signed an open letter warning the Ford administration that continued military support of Park's regime would make Americans complicit in his repression. This relationship became even more strained when reports surfaced in October that South Korea had bribed some members of Congress. Presidential candidate

⁵⁴ Fox Butterfield, "U.S. Aides Voice Concern to Seoul on Political Trials," *New York Times*, July 23, 1974; Don Oberdorfer, "South Korea: the Smothering of Dissent," *Washington Post*, July 28, 1974; Howard Metzenbaum, "The Repression of Democratic Rights in South Korea," *Congressional Record—Senate*, July 23, 1974, (Washington, D.C.: Government Printing Office, 1974), 24727; Edward Kennedy, "South Korea," *Congressional Record—Senate*, July 28, 1974 (Washington, D.C.: Government Printing Office, 1974), 24869-24872; Edward Koch, "On Ceasing U.S. Aid to the Republic of Korea," *Congressional Record—House of Representatives* (Washington, D.C.: Government Printing Office, 1974), August 8, 1974, 26426; for Yun Po Sun's trial, see Fox Butterfield, "Seoul Court Begins Trial of Ex-President," *New York Times*, July 17, 1974

⁵⁵William J. Butler, "Report of Commission to South Korea for Amnesty International," 3, Box 6, Amnesty International—Reports, General, Ivan Morris Papers (IM), Butler Library (BtL), Columbia University (CU); AIUSA Board of Directors Minutes, July 11, 1974, 4-5, Box 4, Amnesty International—Board of Directors—Minutes, IM, BtL, CU; AIUSA Board of Directors Minutes, August 19, 1974, 3, Box 4, Amnesty International—Board of Directors—Minutes, IM, BtL, CU; AIUSA Board of Directors Minutes, May 8 and May 15, 1975, 2-3, Box 4, Amnesty International—Board of Directors—Minutes, IM, BtL, CU

⁵⁶ U.S. State Department, Memorandum of Conversation, "Secretary's Meeting," May 14, 1976, *The United States and the Two Koreas, 1969-2000*, DNSA

Jimmy Carter promised a reduction in the number of American troops on the Korean Peninsula, a proposal that was met with wide disapproval at the Pentagon and the Blue House (the presidential residence in Seoul).⁵⁷

Kim Dae Jung continued his opposition to Park. While under house arrest in November 1974, he joined the National Conference for Democracy Restoration. After leading a protest and signing a “Declaration for Democratic National Salvation” in March 1976, he was arrested under Emergency Measure 9 and sentenced to two and half years imprisonment that May. Amnesty International adopted him as a Prisoner of Conscience.⁵⁸

The White House’s newly-formed Working Group on Human Rights debated what to do about Park. William Gleysteen, the U.S. Ambassador to South Korea from 1978-1981, initially found himself at odds with the Human Rights Bureau: “I tended to consider the views of the human rights specialists as naïve; they in turn tended to consider me as defensive of Asian authoritarianism.” Gleysteen eventually recognized that Carter did not have much leverage over Park. Congress would not let him remove American troops. Carter had already foreclosed the possibility of completely cutting off foreign aid, so all he had was moral suasion. With Vance’s approval, Gleysteen and Holbrook began working towards repairing U.S.-South Korean relations. In October 1978, Gleysteen approached Park about hosting a summit with Carter. Holbrooke emphasized to Park that the Americans needed to see progress on human rights, though he had already made some concessions. His party lost its majority in the December 1978 National Assembly elections, but he accepted the results anyway. That same month, he released 100 political prisoners. Just as Gleysteen was about to finalize the plans for the summit with Park on April 10, the Human Rights Bureau requested that he also ask for the release of Kim Chi-Ha, but Gleysteen did not think that there was “much opportunity for extracting significant progress in human rights.”⁵⁹

In contrast to Gleysteen, the activists preferred confrontation over compromise. Amnesty International provided the White House and State Department with lists of political prisoners in preparation for the summit. AIUSA Executive Director Gerhard Elston applauded the coverage given to South Korea in the American press: “Pressure on embassies and press reporters concerning the U.S. in other parts of the world are always reported to Washington with some nervousness!” Joining AIUSA in encouraging Carter to be more forceful towards Park was Kennedy, who urged the president to meet personally with “those Koreans who struggle for human rights and democracy.”⁶⁰

⁵⁷ Gleysteen, *Massive Entanglement, Marginal Influence*, 21-27; for criticism of Park, see Edward Kennedy, “Amnesty—Political Prisoners,” *Congressional Record—Senate*, February 22, 1977 (Washington, D.C.: Government Printing Office, 1977), 4871-4873; Edward Koch, “The United States Should Not Assist President Park in the Repression of His Own People,” *Congressional Record—House of Representatives*, April 25, 1977 (Washington, D.C.: Government Printing Office, 1977), 12097-12098

⁵⁸ “Exiled South Korean Leader Calls for Amnesty’s Continued Human Rights Support,” *Amnesty Action* (December 1984), 7; Kim Dae-Jung continued his association with Amnesty International up until his August 2009 death, see “Kim Dae-Jung, Human Rights Champion and Former South Korean President, Dies,” *Amnesty International*, August 19, 2009, <http://www.amnesty.org/en/news-and-updates/news/kim-dae-jung-human-rights-champion-former-south-korean-president-dies-20090819>

⁵⁹ Gleysteen, *Massive Entanglement, Marginal Influence*, 33-37; William Chapman, “S. Korea to Free Key Dissidents in Broad Amnesty,” *Washington Post*, December 23, 1978

⁶⁰ Gerhard Elston to A. Tricot-Dubois and Wolfgang Krischer, June 7, 1979, Box 3, Elston, Gerhard A.—Correspondence—“Master File”—1978-June 1979, Record Group II, Series II.2: Gerhard Elston Files, 1967-1983 (GE), Amnesty International USA National Office Papers (AIUSA), Center for Human Rights Documentation and

Carter met with a few religious leaders at the U.S. Embassy, but was intentionally steered away from Kim Dae Jung. The State Department did not want to insult Park. When he learned a few days before the June 1979 summit that Carter had not yet eliminated Kim from his itinerary, Gleysteen sent a strongly worded cable to Washington, D.C. that the “atmosphere would sour immediately” with such a visit. A frustrated Carter complained to Vance that he was thinking of snubbing Park in favor of Kim. Carter’s dislike of Park carried over to the summit itself. Park began their meeting with a lecture on North Korea that Carter found condescending. Instead of reassuring Park that he would maintain the U.S. military presence at the current level, Carter asked Park how a smaller and less prosperous North Korea could have a military advantage over South Korea. Unexpectedly, the tone of the conversation mellowed when Carter brought up human rights. Echoing Park’s concerns about the need to maintain stability and praising him for his recent actions, Carter said that official repression was the biggest problem in how Americans viewed South Korea, asking if Park could find it within himself to lift Emergency Measure 9. Park responded that he would take Carter’s advice into consideration, but he could not foresee removing the law when North Korea still posed a threat to his country. On July 5, Park informed Carter that he planned to release 180 political prisoners over the next six months, which prompted Carter to announce two weeks later that no more American troops would be withdrawn from South Korea.⁶¹

More difficulties awaited Park. He used force to end a strike by textile workers in August. Blaming the unrest on opposition leader Kim Young Sam, Park’s supporters expelled him from the National Assembly. Riots erupted in the cities of Masan and Pusan in October. Even after Gleysteen repeatedly urged him to moderate his response, Park declared martial law and arrested thousands of protestors. On October 26, in a shocking turn of events, Park was assassinated by Kim Chae Kyu. Choi Kyu Ha served as Acting President until he was formally elected on December 7. Five days later, Defense Security Commander Chun Doo Hwan took over the Korean Army. Choi remained in place, but Chun ruled—an arrangement that was formalized in April when Choi appointed Chun as KCIA Director. “Seoul Spring,” the brief period of restraint that followed Chun’s ascension, was characterized by a relaxation of censorship, the reopening of universities, the release of Kim Dae Jung, and the removal of Emergency Measure 9.

Agreeing with military advisors that a crackdown was necessary after the protests turned violent on May 14-15, 1980, Choi declared emergency martial law on May 17. News of Kim Dae Jung’s latest arrest set off student protests the next day in Kwangju, a city in his home province of South Cholla. Korean Special Warfare Forces were sent to quell the uprising, but their presence infuriated local residents, who seized ammunition and weapons, burned vehicles and buildings, and gained control of the city. The military withdrew and negotiated with the citizens. When these talks reached an impasse, the Twentieth Infantry Division retook Kwangju with overwhelming force on May 27. Estimates of the number of civilian deaths varied from the government’s official tally of 200 to 2000. Although Kim Dae Jung had been in custody for the previous ten days, the government insisted that he had been responsible for the Kwangju uprising. After hearing Korean military officers speak openly of execution, Gleysteen asked

Research (CHRDR), Columbia University (CU); Edward Kennedy, “Human Rights Violations in South Korea,” *Congressional Record—Senate*, June 25, 1979 (Washington, D.C.: Government Printing Office, 1979), 16341-16346; see also Don Oberdorfer, “Kennedy Urges Carter to Press for Human Rights in Seoul,” *Washington Post*, June 29, 1979

⁶¹ Gleysteen, *Massive Entanglement, Marginal Influence*, 39-40, 46-47, 50

Chun to spare Kim's life, "You had better turn him over to me, and I will get him out of here." In a letter dated August 27, Carter advised Chun to "take whatever steps are necessary to avoid having the issue of fair treatment erode your nation's relations with the United States," a death sentence for Kim would have "serious repercussions."⁶²

In an outcome that surprised no one, Kim was sentenced to death on September 17. Gleysteen tried one last time to change Chun's mind, but he soon determined that there was nothing more to be done. "I have in mind no further pressures from me, from the Washington end, or from any emissary," he cabled from Seoul. "Our need to make a strident public comment on the issue will be at the expense of Chun's willingness to take into account what we want him to do." Donald Gregg of the National Security Council reached a similar conclusion, "We have already taken the most effective measures to deter Kim's execution."⁶³

The November 1980 presidential election reduced the chances of striking a deal with Chun. Reagan's foreign policy team had not made any public statements on Kim Dae Jung. By mid-November, after he lost the election to Ronald Reagan, Carter became "very concerned" about the case. He was "calmed down" by Secretary of State Edmund Muskie, who showed him cables from Gleysteen indicating that the U.S. was applying "private pressure" on Chun. However, Gleysteen doubted that Kim could be saved, as he sent the following message from Seoul on November 20: "On the basis of all information available to me, including personal contacts with senior officials, I fear President Chun will uphold the death sentence verdict against Kim Dae Jung." CIA analysts predicted that the execution would occur before January 20, 1981, but were sure that Chun had not yet arrived at a final decision.⁶⁴

Quietly and among themselves, the Senior Deputy Assistant Secretary of State for East Asia, Michael Armacost, and Reagan's top foreign policy advisor, Richard Allen, began working together in October after hearing that a prominent Republican told South Korean Ambassador Kim Young Shik and a high-ranking general that Chun could do whatever he wanted with Kim. Armacost was relieved to learn from Allen that this person was not anyone close to Reagan. Allen did not know Kim's status at the time, but considered saving his life to be "a worthy priority on humanitarian and political grounds." His only concern was tying Reagan's hands by promising to fulfill one of Carter's goals.⁶⁵

Afraid that they were running out of time, Holbrooke and Armacost approached Allen in late November. Allen knew he had to do something. The incoming administration did not want to begin with a crisis in South Korea nor did it want to be blamed for Kim's death. Allen declined Muskie's offer to issue a joint statement the next month, but discussed the case at a breakfast with General John Vessey Jr., Vice Chief of Staff for the U.S. Army, and General Lew Byong Hion, Chairman of the Korean Joint Chiefs of Staff. Lew repeated Chun's assertion that South Korea had the right to deal with an insurrection however it wanted. Not immediately

⁶² Ibid., 153-154, 157-158, 166

⁶³ Zbigniew Brzezinski to Jimmy Carter, "Kim Dae Jung," September 16, 1980, *The United States and the Two Koreas, 1969-2000*, DNSA; Gleysteen, *Massive Entanglement, Marginal Influence*, 175; Donald Gregg to Zbigniew Brzezinski, "Kim Dae Jung," September 16, 1980, *The United States and the Two Koreas, 1969-2000*, DNSA

⁶⁴ Donald Gregg to David Aaron, "Kim Dae Jung," November 14, 1980, *The United States and the Two Koreas, 1969-2000*, DNSA; David Aaron to Jimmy Carter, "Kim Dae Jung," November 14, 1980, *The United States and the Two Koreas, 1969-2000*, DNSA; Gleysteen, *Massive Entanglement, Marginal Influence*, 182; Author Redacted to Director of Central Intelligence, "Warning Assessment: East Asia," November 25, 1980, *The United States and the Two Koreas, 1969-2000*, DNSA

⁶⁵ Richard V. Allen, "On the Korea Tightrope 1980," *New York Times*, January 21, 1998

prepared to show his hand to Lew, Allen bought a couple of weeks by questioning Lew's diplomatic credentials. This maneuver gave Allen enough time to hear from Reagan, who also agreed that the execution would be a "moral and political disaster." With Reagan's approval, Allen began negotiating with Chun. To generate external pressure on Chun, Allen told reporters on deep background that the new administration would be upset if Kim was executed.⁶⁶

An emissary from Seoul arrived a few weeks later, Major General Chung Ho Yong. Chung got directly to the point with Allen. The Americans had no business involving themselves in a domestic issue, Chung said, because Kim was a criminal. "The talks, nasty, and direct, nearly broke off," Allen later wrote. "Seeing no flexibility in the Korean position, I made and refused to elaborate on a cryptic remark that killing Mr. Kim would result in an American reaction 'like a lightning bolt from heaven striking you.'" Chung returned the next day with an offer: if Chun received an "official invitation" to Reagan's inauguration, he would reconsider the death sentence. Allen countered that Chun could see Reagan shortly after the inauguration, though this trip would not be considered an official state visit. Announcing that he had lifted martial law, Chun commuted Kim's death sentence on January 24, 1981. Much to the consternation of the human rights community, Reagan received Chun on February 3.⁶⁷

Anticipating that Reagan was going to be criticized for welcoming a military dictator, Allen invited Jamaican Prime Minister Edward Seaga to the White House just so Chun could not be the president's first guest. In his toast to Chun, the former actor went off script. Instead of following what his aides had written for him, Reagan quoted General Douglas MacArthur, as Gleysteen remembered, "Without even a hint of the political agenda we had struggled so hard to advance in Korea, he spoke only of our common struggle to advance freedom and defend against communism."⁶⁸

Kim may have cheated death once again, but he was still facing twenty years imprisonment. Continued pressure by the Reagan administration over the next two years convinced Chun to suspend the sentence in December 1982. Ironically, Kim was very critical of the Reagan administration for what he perceived to be its favorable treatment of Chun. "In the mid-1980s, I met with him and told him the full story," Allen wrote. "He was deeply impressed, and has since expressed his gratitude."⁶⁹

For over two and a half years, Kim had been imprisoned at three separate locations: the Korean Central Intelligence Agency, the Military Penitentiary, and Chong'ju Prison. "During my confinement, my treatment was harsh and cruel," he wrote.

The cell block I stayed in at the Chong'ju Prison consisted of three compartments. The one I was confined in was the one in the center. The wardens who were assigned to watch me stayed in one of the neighboring compartments. There was only one metal bucket in the third compartment which was for me to use for bathing. Thus, I was completely cut off from the other inmates.

⁶⁶ Richard Holbrooke and Michael Armacost, "A Future Leader's Moment of Truth," *New York Times*, December 24, 1997; Allen, "On the Korea Tightrope 1980"

⁶⁷ Allen, "On the Korea Tightrope 1980"; Gleysteen, *Massive Entanglement, Marginal Influence*, 188

⁶⁸ Allen, "On the Korea Tightrope 1980"

⁶⁹ Allen, "On the Korea Tightrope 1980"; Kim Dae-Jung to George Shultz, September 10, 1984, Box 3, File 3, GL, NLBLAC, UT

A small window was his only glimpse of the outside world. The food served to him was likely to be rotten. Yet there were “four pleasures” that Kim “tasted” while locked up. The first was reading: “I devoured and was impressed by such books and authors as Bertrand Russell’s *A History of Western Philosophy*, Arnold Toynbee’s *A Study of History*, Plato’s *The Republic*, Augustine’s *The City of God*, some of the theological works of Pierre Teilhard de Chardin, Reinhold Niebuhr, and Harvey Cox, as well as various literary masterpieces from Europe since the time of the ancient Greeks.” The second was family visits, which were initially limited to once a month for ten minutes. The third was receiving mail. Only his wife and sons were permitted to send him letters. “For two years my wife wrote to me every day, without skipping once,” he remembered. “Post-prison computations revealed that my wife wrote me 640 letters and my sons 200.” Kim was allowed to send only one letter per month, so his handwriting resembled “sesame grains.” The last pleasure was gardening. He was allowed one hour after lunch for recreation, so he used that time to care for petunias, azaleas, dandelions, daisies, salvias, and vinca roses. David McCann writes that Kim’s letters stand as “a remarkable testament to an individual surpassing strength of will in confrontation with a state that has done all it can to destroy him and to a stubborn, human hope that lives on in the most extreme and inhuman circumstances.” With Kim’s devotion to Christianity and unwillingness to give up his struggle, McCann continues, they are much like the flowers that Kim cultivated: “Within a prison, within a brutally oppressive society, and confined to a space too small, one would think, for any significant life to grow—these letters bloom.”⁷⁰

One of the first things that Kim did upon arriving in the United States on December 23, 1982 was to send a letter to AIUSA members expressing gratitude for their “efforts for democracy and human rights in Korea and elsewhere, and, in particular, for the freedom and well-being of our family and myself during one of the most trying periods of our life.” Kim spoke of his experiences as a political prisoner at AIUSA’s June 1983 Annual General Meeting. “I knew only vaguely about the large-scale effort to save my life, which was organized abroad,” he said. “My family had no way of telling me about it in detail either. I thought that, when my family mentioned it to me, they were just making it up to make me feel good. But after I came to the U.S., I found it was real, and learned just how much of an effort Amnesty made all over the world to save my life.” During a visit to AIUSA’s New York headquarters in late 1984, Kim joked, “I hope I will not trouble you again, but there’s a strong possibility I may.” He encouraged AIUSA members not to give up on people like him. “Don’t stop writing. Each individual can have an effect. If you give us moral support, we will do the rest.”⁷¹

Kennedy hosted a reception for Kim at the capitol in February 1983. In his remarks, Kim recalled how he had met Kennedy in 1971. He thanked the senator for working on his behalf for the previous decade. The United States, he argued, had a responsibility to support the

⁷⁰ Kim Dae Jung, “You Will Find Me Tender-Heated,” in *A New Beginning: A Collection of Essays*, edited by George Oakley Totten III, translated by Young Jack Lee and Yong Mok Kim (Los Angeles: The Center for Multiethnic and Transnational Studies, University of Southern California, 1996), 107-111; David R. McCann, “Foreword,” in Kim Dae Jung, *Prison Writings*, translated by Choi Chun-il and David R. McCann (Berkeley, California: University of California Press, 1987), vii-viii

⁷¹ Kim Dae Jung and Lee Hee Ho to John Healey, January 4, 1983, Box 2, Country Related Correspondence—1983, GE, AIUSA, CHRDR, CU; “Kim Dae Jung to Speak at AGM,” *Amnesty Action* (April 1983), 7; Kim Dae Jung, “A Prisoner’s Report,” in *Philosophy & Dialogues: Building Peace & Democracy* (New York: Korean Independent Monitor, 1987), 254; “Exiled South Korean Leader Calls for Amnesty’s Continued Human Rights Support,” *Amnesty Action* (December 1984), 1, 7

democratic aspirations of the South Korean people. No longer should dictatorship be rationalized under the pretense of stability and national security.⁷²

It was at another reception, this one held on March 17 by the North American Coalition for Human Rights in Korea, that George Lister introduced himself to Kim following a speech by Senator Tom Harkin (D-Iowa). Kim said that he would be very interested in talking to Elliott Abrams. As Lister wrote to Abrams before their July 1983 meeting, his goal was to establish contact with leaders of the democratic opposition in South Korea: "I am certain [the meeting] will pay off in terms of dialogue, which is so badly needed."⁷³

After a second meeting with Abrams and Kim in August 1984, Lister suggested Raul Manglapus to ask Kim to join the Christian Democratic International. This attempt at building an international base of support did not go unnoticed by the former presidential candidate. He invited Lister to have dinner with him in September, at which he shared his plans of returning to South Korea within the year. "The more I get to know Kim the more I like him," Lister wrote afterwards. "He is very concerned about the growth of pro-Communist and anti-US feeling among the Korean youth because of the ROKG unpopularity." Seeking access to the upper echelon of the State Department, Kim wanted Lister to help him schedule a meeting with Paul Wolfowitz, the Assistant Secretary of State for East Asia.⁷⁴

Kim spent a little more than two years in the United States, explaining why he had to return to South Korea in a September 1984 letter to Secretary of State George Shultz. The assassination of Benigno Aquino weighed heavily on him, as it was Aquino who told him at Harvard in 1983 that exile might make both of them irrelevant. He was in the U.S. for two reasons: medical care and an invitation to study at the Harvard University Center for International Affairs. As of June, he had completed his treatment and the fellowship had ended. "I now feel a moral obligation to rejoin my people in their struggle for these goals," Kim wrote. "The time has come, I believe, for me to share with them the hardship and suffering of the battle for the restoration of democracy." South Korea could either revert back to dictatorship or begin a new democratic era. But Reagan's unwillingness to publicly break with Chun was a factor in the "growing anti-American and anti-Japanese feeling" among workers, students, and intellectuals. The democratic movement needed the moderate leadership he could provide. In fact, Kim's political goals were nothing radical: a democracy that would represent the interests of all Koreans; a free market economy that protects the rights of workers and consumers; a strong national defense to prevent war coupled with equally strong diplomatic efforts to keep peace in the region; small steps towards eventual reunification with North Korea; and maintaining close relations with the U.S. and Japan.⁷⁵

Following an hour-long meeting with Wolfowitz the next month, Kim predicted what might happen upon his return. Chun was likely to blame any assassination on the North Koreans, though it was also possible that the government put him in jail and say that it was for his own protection. He wanted Lister to convey his gratitude to Manglapus for convincing the

⁷² Kim Dae-Jung, "Address at Reception Hosted by Senator Kennedy, Capitol Building, Washington, D.C.," February 15, 1983, Box 2, Country Related Correspondence—1983, GE, AIUSA, CHRDR, CU

⁷³ George Lister to Elliott Abrams, "Kim Dae Jung," March 21, 1983, Box 2, File 7, GL, NLBLAC, UT

⁷⁴ George Lister to Elliott Abrams, "Korea/Philippines," August 23, 1984, Box 3, File 2, GL, NLBLAC, UT; George Lister to Elliott Abrams, "Kim Dae Jung," September 11, 1984, Box 3, File 3, GL, NLBLAC, UT

⁷⁵ Kim Dae Jung to George Shultz, September 10, 1984, Box 3, File 3, GL, NLBLAC, UT; Christopher Hitchens, "Going Home With Kim Dae Jung," *Mother Jones* (May 1985), 12-14; also see Kim Dae-Jung, "Statement on Returning to South Korea," September 12, 1984, Box 3, File 4, GL, NLBLAC, UT

Christian Democratic International to pass a resolution calling upon South Korean leaders to leave Kim alone. Lister was convinced that Kim would be protected by media attention, which was all the more reason for him to “stay in close touch with Amnesty International.”⁷⁶

In late 1984, an article in the *New York Times Magazine* quoted General John Wickham as saying that South Korea was not yet ready for democracy, while Ambassador Dixie Walker apparently described the student protestors as immature. Referring to Kim, a senior diplomat asked, “How much do we have to do for this guy?” An unnamed American official doubted he still had the popularity that almost elected him president in 1971. Kim made his disapproval of these statements known to Lister. “His personal position is that he is strongly pro-U.S. while critical of some USG policies and tactics,” Lister reported. “He opposes military government in Korea but is not against the military.” Though Lister reassured him that the U.S. wanted to promote an orderly transition to democracy in South Korea, Kim wondered if Lister was “in the mainstream of Department thinking.”⁷⁷

Lister allowed Kim to respond in a speech at the State Department in January 1985. To better connect with American policymakers, he spoke of his admiration for Thomas Jefferson. One of the reasons Kim cited for his death sentence in December 1980 was his use of the famous Jefferson quote: “The tree of liberty must be refreshed from time with the blood of patriots and tyrants.” America had once been his inspiration. But now he wondered if the rest of the world still perceived it in this way. “While U.S. officials have often spoken in general terms about their support of democracy, all too frequently American comments have been disparaging and patronizing,” Kim said with particular reference to South Korea. “An attitude of respect for democracy must include respect for those who struggle for its realization under adverse conditions in the Third World.”⁷⁸

Days before he was to deliver these remarks, Kim asked Lister to look over a draft of this speech. Instead of accusing the United States of siding with Chun against the South Korean people, Lister wanted Kim to say that not many South Koreans were aware that the U.S. wanted democracy in their country. Because he was most interested in persuading high-level American officials to see Chun as a liability in East Asia, Kim did not speak as frankly as he would have preferred. As Abrams wrote in his performance review of Lister, “A few days ago Kim sent word that he regards his Open Forum presentation and the subsequent lunch with Department officials as his greatest success in this country.”⁷⁹

The State Department told South Korean authorities that Kim was to have a “trouble free return.” Conversely, Kim was instructed to avoid any “needlessly inflammatory remarks” to the press. When he arrived in Seoul on February 8, he was immediately placed under house arrest. At Kimpo International Airport, Kim, his wife, and Patricia Derian, Representatives Thomas Foglietta (D-Ohio) and Edward Feighan (D-Massachusetts), and former U.S. Ambassador to El Salvador Robert White were directed to a sealed-off section of the terminal. The Kims were separated from the rest of group because of a physical altercation that involved at least fifty plainclothesmen. They were thrown into a white minibus and driven to their home. Some of the

⁷⁶ George Lister to Elliott Abrams, “Kim Dae Jung,” October 17, 1984, Box 3, File 3, GL, NLBLAC, UT; As a token of their friendship, he sent Lister a ceremonial scroll of Korean calligraphy, see Kim Dae-Jung to George Lister, November 2, 1984, Box 8, File 32, GL, NLBLAC, UT

⁷⁷ George Lister to Elliott Abrams, “Korea: Kim Dae Jung,” December 27, 1984, Box 3, File 3, GL, NLBLAC, UT

⁷⁸ Kim Dae Jung, “The United States and the Prospects for Democracy in the Third World,” January 23, 1985, Box 3, File 4, GL, NLBLAC, UT

⁷⁹ Elliott Abrams, “George Lister, Intermittent Expert: Performance Evaluation,” May 27, 1985

estimated 20,000 supporters began skirmishing with riot police when they learned that they would not be allowed to welcome their hero. Chun did not want to jeopardize relations with the U.S., so he overruled military officers who wanted Kim to be returned to jail, yet he also did not want to be seen as weak. The police closely monitored the Kim and his wife. The only people allowed to leave the house were his son, a daughter-in-law, and a housekeeper.⁸⁰

Kim's New Korea Democratic Party (NKDP) did much better than anticipated in the February 1985 National Assembly elections. To avoid giving hardliners what they wanted, Kim advised the party to be prudent and do its best not to antagonize the government. This call for moderation pleased the State Department and members of Congress. All Kim asked of Lister was that Chun not be allowed to visit the White House until he was released from house arrest and his right to participate in political activities was restored.⁸¹

A group of South Korean opposition leaders who met with Assistant Secretary of State Richard Schifter in February 1986 warned of growing anti-Americanism in their ranks. Lister believed the problem was one of communication. "It is not enough for us to have an intelligent policy," he wrote. "Somehow we have to get our views across to the Korean people, who are continually misled by the ROKG and the Communists." A new strategy was needed in Seoul. Lister advocated for "more effective dialogue with the democratic Opposition, to try and reduce widespread Korean misunderstanding regarding our policy." Ambassador Walker, according to Lister, lacked the "sophistication" to engage with leading opponents—Kim Dae Jung, Kim Young Sam, or Cardinal Kim. Making this point with reference to the Philippines in the *New York Times*, White accused Walker of coming off "as an all-out supporter of the Chun dictatorship."⁸²

The opposition began a petition campaign that month calling for a new constitution. Reformers within the ruling Democratic Justice Party (DJP) began negotiations with the NKDP, but the demonstrations only grew in size, with the largest occurring in Incheon on May 3. The radicalism of the protestors convinced some military officers that they ought to strike a deal with opposition moderates, but Chun was reluctant to fully engage with them. Representatives for Kim Dae Jung and Kim Young Sam both told Lister in May 1986 that they feared "Communist propagandists" were inciting anti-Americanism among protestors when Shultz proved unwilling to apply public pressure to Chun during a trip to Seoul. By early 1987, DJP hardliners were losing their patience, as Chun suspended debate on constitutional reform on April 13. His nomination of General Roh Tae Woo as his successor on June 10 indicated that there was to be no major changes—the media would still be censored and the DJP still had its political slush funds and favorable electoral laws. As massive protests erupted again, a power struggle between DJP moderates and hardliners took place over the next two weeks. Responding a shift of

⁸⁰ George Lister, "Kim Dae Jung Talking Points," January 29, 1985, Box 3, File 4, GL, NLBLAC, UT; George Lister to Elliott Abrams, "Seoul: Kim Dae Jung Cover Sheet," February 20, 1985, Box 3, File 4, GL, NLBLAC, UT; Sensing what was to follow, Kim's assistant, Lee Keun Pal, got off in Tokyo. Lee became an important source of information for Lister on Kim's whereabouts; Kim Dae Jung, "Statement at Kimpo Airport, Seoul," February 8, 1985, Box 3, File 4, Box 3, File 4, GL, NLBLAC, UT; Mark Whitaker, "South Korea's Test of Wills," *Newsweek*, (February 18, 1985); Christopher Hitchens provides a firsthand account of being shoved down an escalator in "Going Home with Kim Dae Jung," *Mother Jones* (May 1985), 13

⁸¹ George Lister to Elliott Abrams, "Seoul: Kim Dae Jung Cover Sheet," February 20, 1985

⁸² George Lister to Dick Schifter, "Korea Update," April 21, 1986, Box 13, File 1, GL, NLBLAC, UT; George Lister to Richard Schifter, "This Morning's South Korea Meeting," February 21, 1986, Box 12, File 22, GL, NLBLAC, UT; George Lister to Richard Schifter, "Korea: Bob White," April 2, 1986, Box 12, File 22, GL, NLBLAC, UT; Robert E. White, "Enough Timidity Toward Seoul," *New York Times*, April 2, 1986

attitudes within the military, Roh distanced himself from Chun's uncompromising stance, announcing on June 29 that a direct and open presidential election would be held at the end of the year.⁸³

A major difference between 1980 Kwangju Massacre and relatively peaceful resolution to the June 1987 crisis, as political scientist James Fowler argues, was that the United States strongly advocated for democratization the second time around. After supporting the February 1986 "People Power" movement in the Philippines, the White House was compelled by its own logic to side with the opposition. Solarz was one of many in Washington, D.C. who made the analogy: "Like the Philippines, South Korea is an example of a country where we can more effectively protect our strategic interests by promoting our political values." Newspaper editorials called upon the White House to "replicate its success" in the Philippines by turning away from "quiet diplomacy." A State Department memorandum admitted the president's difficulties in handling "comparisons that are sometimes made between Korea and the Philippines."⁸⁴

Crucial in this regard were the statements made by the Assistant Secretary of State for East Asia, Dr. Gaston Sigur, who had been sent to Seoul by the Reagan administration. Sigur's message was to encourage all parties to work towards building a stable democracy, a theme he rehashed in a speech to the Foreign Policy Association in July 1987: "We lend our full support—unqualified—to the Korean people and to whichever candidate they choose to be their next president in an open and fair election." In similar remarks to the United Movement for Democracy and Unification in Korea, Lister referred to Raul Manglapus's latest book, *Will of the People* (1986), which stated that democracy is "a value that is native to all races of humankind."⁸⁵

No longer banned from public office, Kim Dae Jung ran in the December 1987 presidential election against Kim Young Sam and Roh Tae Woo. With Kim Young Sam and Kim Dae Jung splitting the opposition vote between them, Roh won with a plurality. Despite his close association with Chun, Roh impressed American officials with how he kept control of the military and permitted investigations of the December 1979 coup and the Kwangju Massacre. A rapidly growing economy during the late 1980s and the successful 1988 Olympic Games only furthered Roh's popularity. In an August 1989 letter to Lister, Kim Dae Jung stated that he was "trying hard to liquidate the evils of the Fifth Republic (the Chun Doo Hwan regime) and make democratic reforms." When Kim Dae Jung ran for president again in December 1992, he narrowly lost to Kim Young Sam. Remembering the advice that Lister had given him a decade earlier, Kim Dae Jung invited Lister to speak to his foundation in May 1994. Lister described this trip to Seoul as "one of the most useful and interesting experiences of my entire diplomatic career."⁸⁶

⁸³ James Fowler, "United States and South Korean Democratization," *Political Science Quarterly* (1999), 270-271, cited in Krauss, "Impacting Foreign Policy as a Mid-Level Bureaucrat"; Okonogi Masao, "South Korea's Experiment in Democracy," in *Korea Under Roh Tae-Woo: Democratization, Northern Policy, and Inter-Korean Relations*, edited by James Cotton (St. Leonards, New South Wales, Australia: Allen & Unwin, 1993), 7-22

⁸⁴ Fowler, "United States and South Korean Democratization"

⁸⁵ Lister reiterated his belief that Communist propaganda was responsible for anti-Americanism among student protestors. Sigur quoted in George Lister, "Korea and the United States Human Rights Policy," October 8, 1987, "Korea: Selected Documents," *The Papers of George Lister: "Mr. Human Rights,"* University of Texas Law School, <http://www.utexas.edu/law/centers/humanrights/lister/korea/korea.php>

⁸⁶ Gleysteen, *Massive Entanglement, Marginal Influence*, 192; Kim Dae-Jung to George Lister, August 10, 1989, Box 8, File 32, GL, NLBLAC, UT; Kim Dae-Jung to George Lister, April 1, 1994, , GL, NLBLAC, UT; George Lister to Kim Dae-Jung, June 1, 1994, GL, NLBLAC, UT

Even though he replaced longtime military officers, allowed for local elections, and sought to reduce the influence of money in politics, Kim Young Sam's government was beset by its own malfeasance and a regional financial crisis. As they pored through old financial documents, investigators found that Chun and Roh maintained illegal slush funds while in office. Kim Young Sam had resisted prosecuting Chun and Roh up to that point, but this revelation changed his mind. In August 1996, Chun and Roh were convicted of crimes associated with their participation in the December 1979 coup and the May 1980 Kwangju Massacre as well as illegal fundraising practices. Chun was sentenced to life imprisonment; Roh for seventeen years.⁸⁷

After narrowly winning his third try for the presidency in December 1997, Kim Dae Jung pardoned Chun and Roh to unify the country as it dealt with the Asian Financial Crisis. Citing the example of Abraham Lincoln in the last days of the American Civil War, Kim had also forgiven Park Chung Hee by this time: "Lincoln has become the president that all the American people, Democrats and Republicans alike, revere, not only because of his Emancipation Proclamation, but even more for his spirit of forgiveness." In a January 1998 interview with the *Washington Post*, Kim referred to the irony of having uniformed security guards outside of his house. "These people are now protecting me; before, they were trying to contain me," he said. "The thought of doing this for five years in the Blue House makes me a little uneasy, even embarrassed." At Kim's invitation, Lister attended the February 1998 presidential inauguration. Lister predicted South Korea would "become a healthier, sounder, and more democratic country" under Kim.⁸⁸

Chile: The Democratic Opposition

In January 1975, George Lister guided Father Renato Poblete around Capitol Hill so the priest could tell lawmakers why they should support a parole program for Chilean political refugees. At one of those meetings, Poblete was asked by Ed Loughran, a top aide to the Senate Immigration Subcommittee, why the United States should "go into the jails of Chile and get people to come to our country, people who have been put in jail by their own Government?" After Poblete corrected Loughran that they were not discussing "terrorists or Marxists," Loughran became visibly disinterested in what Poblete had to say. "Now you answer my question," Poblete said as he pointed his finger towards Loughran's face. "Didn't good people have to leave Ireland when they were in trouble?" When Loughran answered that the Irish had once been politically oppressed, Poblete responded that maybe now Loughran could understand how "good people" might be in danger.⁸⁹

⁸⁷ Gleysteen, *Massive Entanglement, Marginal Influence*, 193

⁸⁸ A historic summit with Kim Jong Il in 2000 as part of his "Sunshine Policy" of seeking a more peaceful coexistence with North Korea won Kim Dae Jung the Nobel Peace Prize in 2001; Andrew Pollach, "2 Ex-Dictators Leave Korea Jails, Pardoned After 2 Years," *New York Times*, December 23, 1997; George Lister to Kim Dae-Jung, December 22, 1997, Box 8, File 32, GL, NLBLAC, UT; Kim Dae Jung, "Wisdom that You Need in This World," *A New Beginning*, 53; Kevin Sullivan, "S. Korea's Kim Blames 'Lies' for Turmoil," *Washington Post*, January 9, 1998; George Lister to John Shattuck, "Kim Dae Jung's Inauguration—Now What?" March 20, 1998, Box 15, File 2, GL, NLBLAC, UT

⁸⁹ George Lister to William D. Rogers, "Additional Information on Poblete Visit," January 24, 1975, "Chile: Selected Documents"

Lister's role in arranging these meetings for Poblete revealed his own disagreements with Kissinger. Not only did he advocate for the State Department to be more aggressive in demanding that Chilean authorities cooperate with the UN Human Rights Commission, but he found the close relationship between U.S. Embassy and the Junta to be "disturbing," as he wrote to Under Secretary of State William Rogers in August 1976, "The USG Executive branch comes through as pro-Junta, trying to deal with the hill and public opinion in the Junta's interests." Rogers conveyed this very point in June to Kissinger, who made a speech to the Organization of American States emphasizing the importance of human rights, but quickly disavowed what he said in a private meeting with Pinochet: "The speech is not aimed at Chile. I wanted to tell you about this. My evaluation is that you are a victim of all left-wing groups around the world and that your greatest sin was that you overthrew a government which was going communist."⁹⁰

The Reagan administration was just as hesitant as Kissinger to criticize Pinochet. As the United States began voting for multilateral bank loans to Chile in July 1981, UN Ambassador Jeane Kirkpatrick voted against appointing a special rapporteur to investigate his various human rights abuses. Kirkpatrick met with military officers and business leaders the following month in Santiago, but conspicuously avoided the regime's opponents. As she told reporters following a "pleasant tea" with Pinochet, "My conversations with the president had no other fundamental purpose than for me to propose to him my government's desire to fully normalize our relations with Chile." The White House successfully lobbied Congress to remove a ceiling on foreign aid to Chile that had been in place since 1975, but now it had to certify that progress was being made on complying with international human rights standards, no longer participating in international terrorism, and cooperating with the Orlando Letelier and Ronni Moffitt investigation. Not satisfied with what he had seen by March 1982, Assistant Secretary of State Elliott Abrams warned Deputy Secretary of State Lawrence Eagleberger against moving forward with certification: "This seems to me to make it impossible to certify, for the only acceptable action on the part of the GOC might put half the government in jail." Already going through a similar process to send military aid to El Salvador, the administration did not want to take an unnecessary risk: "An important question is whether sending the Chile certification will so damage our credibility on human rights as to coalesce the opposition, and therefore have a dangerous spillover effect on our El Salvador policy and serve to discredit the President's upcoming Caribbean Basin initiative."⁹¹

In contrast to the unequivocal public support that the White House gave to Pinochet, Lister preferred to hear oppositional voices. With the help of the Washington Office on Latin America (WOLA), Lister kept in regular contact with Chilean exiles. As one of the few American officials who did not reflexively side with the government, he opened a dialogue with exiles from the political center and left. He used this information to persuade the State Department to rethink its relationship with Government of Chile—first Abrams, then Schifter, and eventually Shultz. By showing his superiors that there was a serious alternative to the Junta, he made it easier for the Reagan administration to finally abandon Pinochet in October 1988.

Describing them as "two old friends" who represented "good elements of Latin American democracy," Lister urged Abrams in February 1982 to see Jaime Castillo and Sergio Bitar, two

⁹⁰ Charles Runyon to George Lister, "Chile," August 14, 1975, "Chile: Selected Documents"; George Lister to William D. Rogers, "USG-Chile Relations," August 15, 1976, "Chile: Selected Documents"; Kornbluh, *The Pinochet File*, 241

⁹¹ Kornbluh, *The Pinochet File*, 415-420

Chilean exiles who were lobbying the Reagan administration to use certification as leverage over the Junta. In their meeting with Kirkpatrick, they discussed the case of Pablo Fuenzalida, a member of the Chilean Human Rights Commission who alleged that he had been tortured with electrical equipment. Kirkpatrick kept insisting that “quiet diplomacy” was working. Castillo and Bitar were told that the White House had very little influence over the Junta, but they pointed to how two labor leaders had been released in January just before a visit by Senators Howard Baker (R-Tennessee), Paul Laxalt (R-Nevada), and Fritz Hollings (D-South Carolina).⁹²

Abrams was intrigued by Castillo and Bitar. At a WOLA reception where Castillo called for the U.S. to be more assertive in Chile, Lister gave him a letter from Abrams requesting his input on the State Department’s human rights report on Chile. Abrams had just reminded Chilean diplomats that lifting their banishment on Castillo would be seen in Washington, D.C. as a “powerful move” towards reform.⁹³

A lawyer-turned-political professor, Castillo had served as Minister of Justice under President Eduardo Frei (1966-1968). As a Christian Democrat who had co-founded the Chilean Human Rights Commission in 1978, he was the kind of opposition leader that Lister felt comfortable embracing. “He had been consistently anti-Marxist and is the author of a well-known (in Chile) book, *The Communist Problem*,” Lister wrote. Castillo had run afoul of the Junta for representing human rights victims, for which he was expelled in 1976. As counsel to the family of Orlando Letelier, he was readmitted when Chile’s involvement in the car bombing was uncovered by the FBI. “It is my country,” Castillo said. “I wish to go back to try to make it a democracy again.”⁹⁴

Bitar had formerly been Allende’s Minister of Mines. He had known Lister for almost a decade, as Bitar testified to Congress following the September 1973 coup. “It was precisely with Bitar that I began my campaign, about four years ago (when he was at the Wilson Center), to bring the USG further away from Pinochet and to cooperate with the democratic Left in opposing Communist efforts to polarize Chile,” Lister wrote in June 1987. Bringing Castillo and Bitar to the State Department was his way of signaling that the Chilean exiles welcome in the Human Rights Bureau. “I favor low key, relaxed, informal dialogue with the Chilean democratic opposition, getting across our hopes for Chilean democracy while avoiding anything dramatic or strident which would suddenly increase tension in our relations with the GOC,” Lister revealed to Abrams in July 1983. “I believe we are doing well in that direction.”⁹⁵

Abrams had become sharply critical of the Junta by this time, responding to a *New York Times* editorial that argued the State Department had not been tough enough on Pinochet. “I recall with some resentment the absolute assurances of many human rights activists that the Administration would no sooner come to office than it would certify human rights improvements in Chile,” Abrams wrote in March 1983. “My own reply that we would not certify until Chile made human rights progress, was usually greeted with sarcasm. Well, the President had been in

⁹² George Lister to Elliott Abrams, “February 9, 1982 Transmittal Slip,” Box 2, File 6, GL, NLBLAC, UT; Mary McGrory, “Chile’s Small Progress Is About to Get a Pat on Back from U.S.,” *Washington Post*, February 9, 1982

⁹³ Abrams comments on February 12, 1982 memorandum, George Lister to Elliott Abrams, February 12, 1982, GL, NLBLAC, UT

⁹⁴ George Lister to Elliott Abrams, March 9, 1982, Box 2, File 6, GL, NLBLAC, UT; McGrory, “Chile’s Small Progress Is About to Get a Pat on Back from U.S.”

⁹⁵ George Lister to Elliott Abrams, “Chile: Socialists/Communists,” September 21, 1983, Box 2, File 9, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile: Sergio Bitar,” June 2, 1987, Box 13, File 7, GL, NLBLAC, UT; George Lister to Elliott Abrams, “Dialogue: Sergio Bitar,” July 22, 1983, Box 2, File 8, GL, NLBLAC, UT

office for 26 months and there has been no certification.” Among themselves, Lister and Abrams wondered why their colleagues in the State Department did not see Chile the same way as they did. When an ARA officer described Chile as “democracy” at an Open Forum event in September 1983, Abrams demanded to know who would use that word, as he scribbled on Lister’s memorandum, “ARA does more damage than CPSU!”⁹⁶

At an AIUSA meeting that June, Lister heard two activists talk about their recent investigation of Chilean torture victims. He made sure that their findings were incorporated into the State Department’s annual human rights report. The detention of former Foreign Minister Gabriel Valdes compelled a State Department spokesman to go on record the next month: “Whatever the legal basis and eventual disposition of these new arrests, such actions illustrate the need for moderate leaders on all sides to find ways to halt the trend toward confrontation and to establish the basic consensus needed for the transition to democracy sought by the vast majority of Chileans.” This statement, as Lister reported a few days later, was well-received by Sergio Bitar and Martin Poblete.⁹⁷

Another exile, Pedro Felipe Ramirez, warned Lister that the Reagan administration needed to do more to convince Chileans of its sincerity on human rights. In Chile, Ramirez said, the United States was still perceived as pro-Junta. Congressional Democrats felt the same way. Harkin reproduced the statement in the *Congressional Record*. “Those who shudder at the idea of saying anything good about the department can console themselves with the certainty that there will be ample opportunities for criticizing us on other subjects in coming weeks,” Lister remarked to Abrams. “And Tom’s applause for the Department will help to show that he is objective and not always critical of us.” A group of seventy members of Congress endorsed the statement.⁹⁸

The Assistant Secretary of State for Latin America, Langhorne ‘Tony’ Motley, testified before the Senate on June 28 that there might be elections “possibly in the next decade,” but what followed in summer 1983 was social unrest. High inflation, high unemployment, and a shrinking economy resulted in large anti-government protests on May 11, June 14, and July 12. In the face of such unprecedented mobilization against him, Pinochet started making concessions: lowering the price of heating and cooking oil, giving a pay raise to state employees and miners, loosening censorship laws, and disclosing a new list of exiles who would be allowed to return to Chile. Between May and September, government forces allegedly killed eight-five and arrested 5,000 protestors. As a Santiago newspaper declared in May, “A new era has begun, encouraged by the high level of public discontent and the government’s loss of support that is acknowledged by practically everyone.” By June, *El Mercurio* was taking notice of the State

⁹⁶ Elliott Abrams to Max Frankel, March 31, 1983, Box 2, File 7, GL, NLBLAC, UT; George Lister to Elliott Abrams, “Petra Kelly,” September 22, 1983, Box 2, File 9, GL, NLBLAC, UT

⁹⁷ George Lister to Elliott Abrams, “Amnesty International: Chilean Torture,” June 3, 1983, Box 2, File 8, GL, NLBLAC, UT; Excerpt from July 11, 1983 press conference attached to George Lister to Elliott Abrams, “USG: Chile,” July 15, 1983, Box 2, File 8, GL, NLBLAC, UT; Lister to Abrams, “Dialogue: Sergio Bitar,” July 22, 1983

⁹⁸ George Lister to Elliott Abrams, “Perceived USG Chile Policy,” July 15, 1983, Box 2, File 8, GL, NLBLAC, UT; Tom Harkin, “State Department Supports Chilean Democracy,” *Congressional Record*, July 29, 1983, E3886 found in Box 2, File 8, GL, NLBLAC, UT; George Lister to Elliott Abrams, “Harkin: Chile,” August 10, 1983, Box 2, File 8, GL, NLBLAC, UT; Michael D. Barnes et al. to George P. Shultz, August 5, 1983, Box 2, File 8, GL, NLBLAC, UT

Department's changing stance, "Even those closest to the regime began to distance themselves and become the regime's most influential critics."⁹⁹

Following a September 1983 WOLA conference on Chile, Lister noted "the lack of any real disagreement" among those who attended. His objective was to convince activists and exiles that they had to do more than simply complain that the United States favored dictatorship; they had to find ways of influencing policy. "Your lack of dialogue with the USG is mutually harmful," Lister scolded Bitar. "This is a wide open society, essentially democratic, and there are many legitimate opportunities for influencing USG policy, as long as you are not allied with the Communists." Lister mentioned to exile Claudio Grossman how he had risked his career with the Italian Socialists. When Bitar returned to Venezuela in November, Grossman became the official representative of the Chilean Socialists in the Washington, D.C. area. Part of the Allende government, Grossman took refuge in the Dutch Embassy and spent several years in the Netherlands before teaching at American University. To put Lister at ease, Grossman assured him that a center-left coalition—the Democratic Alliance—offered the only viable path towards democracy. "He pointed out that both the GOC and the Communists would like to see the violence escalated," Lister said of Grossman, "so that they can oppose the transition to democratic government."¹⁰⁰

Pinochet was stung by the realization that he was losing his biggest ally. Though he stated in a June 1984 interview with *Newsweek* that he had a good relationship with the Reagan administration despite "some misunderstanding about Chile in certain sectors of U.S. public opinion," he was visibly frustrated a few days earlier when Ambassador James Theberge—one of his biggest supporters during the previous three years—observed that the democratization process had stagnated. "We don't like anyone, even the powerful United States, telling us how to run our lives," Pinochet said. "We will never accept it. Besides, what is this sickness for democracy? I do not understand it. I believe in democracy but I also believe that within democracy are the germs for the destruction of democracy because the Marxists know perfectly well how to use the elements of democracy and the freedom it offers to destroy democracy." When pressed about the many reports of torture and disappearances in his country, he attributed them to "a well-mounted campaign against Chile and its government, organized, and orchestrated by international Marxism."¹⁰¹

Showing that he was open to compromise, Pinochet authorized Interior Minister Sergio Jarpa, a moderate conservative, to begin preliminary discussions with the Democratic Alliance. Ratified in a popular referendum that the CIA believed to have been fixed, the 1980 constitution called for a plebiscite on Pinochet to be held in 1989. If yes, he would remain in office for eight more years. If no, he would serve for another seventeen months, at which time there would be an election for a new civilian government. Even if Pinochet lost, he would still control the

⁹⁹ "Chileans Demand Democracy Now," *WOLA Update*, Vol. VIII, No. 3 (July/August 1983) attached to George Lister to Elliott Abrams, "WOLA USG Chile Policy," Box 2, File 8, GL, NLBLAC, UT; Kornbluh, *The Pinochet File*, 424

¹⁰⁰ George Lister to Elliott Abrams, "Chile Conference," September 20, 1983, Box 2, File 9, GL, NLBLAC, UT; Lister to Abrams, "Chile: Socialists/Communists," September 21, 1983; see also George Lister to Elliott Abrams, "Letelier Memorial Ceremony/USG Misinformation," September 20, 1983, Box 2, File 9, GL, NLBLAC, UT; George Lister to Elliott Abrams, "Chile: Claudio Grossman," November 12, 1983, Box 2, File 10, GL, NLBLAC, UT

¹⁰¹ Patricia J. Sethi, "Interview with Pinochet," *Newsweek*, June 19, 1984 reproduced in George Lister to Elliott Abrams, "LASA Forum," June 19, 1984, Box 3, File 2, GL, NLBLAC, UT

military until 1997 as Commander-in-Chief. Not recognizing the validity of this document, the Democratic Alliance used the negotiations with Jarpa to demand Pinochet's resignation, a speedier transition to democracy, and the disbanding of the CNI, the secret police. Not surprisingly, Pinochet refused to consider this proposal. After declaring a state of siege in late 1984, a period during which the CNI assassinated prominent leftists, he fired Jarpa in February 1985.¹⁰²

Such recalcitrance won Pinochet few friends in the State Department. A paper written by Motley circulated among White House officials in December 1984 asked if Pinochet had become a liability. "U.S. interests would be best served by Pinochet's leadership of a real and orderly transition to democracy," Motley wrote. "However, it is increasingly evident that Pinochet is unlikely to lead such a transition. While ostensibly serving U.S. anticommunist interests in the short run, Pinochet's intransigence on democracy is creating instability in Chile inimical to U.S. interests." Echoing what Lister had been advocating for almost two decades, Motley suggested that the United States work on "strengthening the disorganized moderates, specifically, weaning them away from the radical left."¹⁰³

By May 1985, according to Abrams, top-level State Department officials were "working hard" to end martial law. Abrams's promotion to Assistant Secretary of State for Latin America pleased those who knew his opposition to Pinochet, as Lister wrote him, "The Chilean democratic Opposition has been delighted to hear of your appointment, and is now looking forward to much better relations with the USG." It seemed to Pinochet's opponents as if Motley was still behind Pinochet. In an interview with *El Mercurio* the previous February, Motley claimed that the world owed Pinochet a "debt of gratitude" for having overthrown Allende. Privately behind closed doors, Motley was extremely frustrated, telling Pinochet directly, "If he [Pinochet] were writing the script for the Communists, he couldn't write it better than he was doing then." But Motley thought making a spectacle out of human rights was "not in consonance with agreed-to U.S. policy" and would "only to exacerbate the situation," though that did not stop Abrams from abstaining from votes on multilateral bank loans immediately after taking over. Pinochet declared the state of siege to be over in June 1985.¹⁰⁴

Lister continued to work behind the scenes with the Democratic Alliance. With Claudio Grossman and Jorge Molina, the leader of the Socialist Bloc, Lister stressed that the State Department and the Chilean Socialists had to put aside their suspicions of one another. "I was encouraged to hear both Molina and Grossman discuss the Communists' blunder in taking their current hard line position," he reported in May 1985, "thus leaving more room for Socialist maneuver." With Grossman's help, Lister hoped to "exert an intelligent, effective influence" over the Chilean Socialists by paying closer attention to how the U.S. projected its image in Chile. Opposition leader Eugenio Velasco called Lister from Santiago to complain that a U.S. Army Lieutenant General Schweitzer had presented Pinochet with an award for "saving Chile from Marxism." Lister promised look into the matter. Representatives of the Democratic Alliance had "high hopes" about the new Ambassador to Chile, Harry Barnes. When Barnes

¹⁰² Kornbluh, *The Pinochet File*, 424-425

¹⁰³ Tony Motley, "U.S. Policy Toward Chile," December 20, 1984, reproduced in Kornbluh, *The Pinochet File*, 453-454

¹⁰⁴ Elliott Abrams to George Lister, "Chilean Socialists Transmittal Slip," May 13, 1985, Box 3, File 5, GL, NLBLAC, UT; George Lister to Elliott Abrams, "Martin Poblete: Chile," May 8, 1985, Box 3, File 5, GL, NLBLAC, UT; Kornbluh, *The Pinochet File*, 426-427

formally introduced himself to Pinochet, he pointedly said, “The ills of democracy can be cured by more democracy.”¹⁰⁵

By the end of 1985, American officials were openly pushing for democratization. The State Department issued a statement in support of the “National Accord for the Transition to Full Democracy,” a petition signed by eleven political parties that was also sponsored by the Catholic Church. Another statement disavowed Schweitzer’s gift to Pinochet. These actions made it all the more perplexing to Velasco why the United States voted against a UN Human Rights Commission resolution condemning Chile in December, thus making the world witness a “sad spectacle”: “The U.S. joining again a few dictatorships such as Chile (that votes even when there is an ethic impediment), Haiti, and Paraguay, while all its friend[s] and allies in Europe voted for the condemnation.” Mario Calderon, Chile’s representative at the UN, dismissed the resolution as just another way for Pinochet’s enemies to attack him: “Most of this is directed from abroad because the Chilean Opposition has felt that the situation at home is not ripe.”¹⁰⁶

The U.S. delegation had supported a draft resolution a few weeks before, but did not like the language in the final version. Schifter rectified this misunderstanding with Lister’s assistance. Hoping to get the approval of the opposition so that the Venezuelans and Dutch would agree to his resolution in Geneva, Schifter used Lister as an intermediary with Velasco, who sent Schifter a telegram that the Democratic Alliance stood behind it. Jaime Castillo flew to Geneva in a show of support for the resolution. To Lister, this was a significant moment in showing that the State Department had overcome its past identification with the Junta: “We are finally working effectively with the Chilean democrats and there is a good chance it will soon become clear that the USG favors democracy in Chile and that both the Communist and Pinochet are trying to prevent the Chileans from learning that.”¹⁰⁷

The UN Commission on Human Rights passed resolution against Chile in March 1986. Even if Pinochet remained in power, as Velasco said to Lister, Chilean exiles were beginning to change their mind about the United States, “He said that many Chilean democrats feel that the two most important events since Pinochet took power are the National Accord and the acceptance of our Resolution at Geneva.” Because it refused to support what it did not author, the U.S. voted against and/or abstained from similar resolutions before the UN General Assembly over the next two years.¹⁰⁸

¹⁰⁵ George Lister to Elliott Abrams, “Chilean Socialists,” May 13, 1985, Box 3, File 5, GL, NLBLAC, UT; George Lister, “Chile: Socialist Party,” May 30, 1985, Box 3, File 5, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile: Gen. Schweitzer,” October 23, 1985, Box 12, File 20, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile: Democratic Alliance Meeting,” November 1, 1985, Box 12, File 20, GL, NLBLAC, UT; Lister introduced Chilean exiles to Schifter, see George Lister to Dick Schifter, “Jaime Castillo,” November 18, 1985, GL, NLBLAC, UT; Kornbluh, *The Pinochet File*, 427-428; Lister found out about Barnes meeting with Pinochet from Velasco, see George Lister to Dick Schifter, “Chile: Amb. Barnes,” November 21, 1985, Box 12, File 21, GL, NLBLAC, UT

¹⁰⁶ Eugenio Velasco to Elliott Abrams, December 30, 1985, Box 12, File 21, GL, NLBLAC, UT; George Lister to Richard Schifter, “Chile: Calderon Interview,” April 17, 1986, Box 13, File 1, GL, NLBLAC, UT

¹⁰⁷ Text of resolution found in Martin Poblete to George Lister, “Resolution of Question of Human Rights in Chile,” February 18, 1986, “Chile: Selected Documents”; George Lister to Jim Montgomery, “Schifter: Chile Resolution,” March 1, 1986, “Chile: Selected Documents”; George Lister to Jim Montgomery, “Chile Resolution: Schifter Conversation,” March 5, 1986, “Chile: Selected Documents”; George Lister to Jim Montgomery, “Schifter: Chile Resolution,” March 7, 1986, “Chile: Selected Documents”; the news of the resolution in the *New York Times* pleased Edmundo Vargas and Eugenio Velasco, see George Lister to Jim Montgomery, “Chile: Schifter News Conference,” March 13, 1986, “Chile Selected Documents”

¹⁰⁸ George Lister to Jim Montgomery, “Chile: Resolution Impact,” March 15, 1986. “Chile: Selected Documents”; U.S. voted against the resolution at the UN General Assembly, see George Lister to Richard Schifter, “Chile:

Lister returned from a visit to Santiago that May even more convinced the State Department had to engage with the Chilean opposition. Since it was unrealistic to expect the Democratic Alliance to shun the Communists, American officials had to be more flexible or perhaps lose control of the situation if Pinochet were to fall. “The risks involved in making the effort are small compared with those involved in not making the effort,” Lister warned Schifter. Very concerned with not offending the opposition, Lister requested the transfer of a military attaché at the Santiago Embassy who did not believe that the U.S. should be promoting human rights.¹⁰⁹

The Reagan administration finally reached its breaking point with the death of Rodrigo Rojas, a teenager who had fled Chile in 1977 with his mother, Veronica De Negri, and a younger brother. Raised in Washington, D.C., he dropped out of his last semester at Woodrow Wilson High School to return to Chile in the hopes of photographing the anti-Junta protests. On July 2, 1986, Rojas and Carmen Quintana were surrounded and beaten up by Chilean soldiers at a student demonstration in Santiago. As the doctors who treated Rojas and Quintana wrote in a report that was sent to the U.S. Embassy, “The soldiers then sprayed them with a flammable substance and set them on fire. The soldiers then wrapped blankets around them, threw them into a military vehicle, drove them to the town of Quilicura, just north of Santiago, where they threw them out of the vehicle into a ditch. They were then sighted by a passerby.” Under pressure from the military, a local doctor prevented them from being taken to a hospital with a burn unit, thus depriving them of the medical assistance they so badly needed. Rojas died on July 6. Quintana survived. She and her family fled to Canada.¹¹⁰

Although DINA acknowledged that the Chilean Army was involved, Pinochet continued to insist that Rojas and Quintana were “terrorists” and “victims of their own Molotov cocktails.” Meant to be a rebuke to Pinochet, Barnes stood with De Negri at Rojas’s funeral, where the military sprayed the 5,000 mourners with water cannon and tear gas. Showing that he did not care what the White House thought of him, Pinochet vowed to remain in power through the end of the century. Along with Harkin and Kennedy, Lister attended a memorial service for Rojas in Washington, D.C. After speaking personally with DeNegri, Kennedy promised exiled writer Ariel Dorfman that he would do his best to stop all U.S. aid to Chile. “I did not realize I knew Veronica de Negri, but apparently I have talked with her before,” Lister wrote the next day. “She came over, shook my hand warmly, and called me by my first name. Many Chileans expressed their gratitude for Department attendance.”¹¹¹

Abrams used the Rojas murder to highlight the State Department’s differences with Pinochet. “Fundamentally, the most important thing to say is that this is not an elected

Resolution Status,” December 3, 1986, “Chile: Selected Documents”; George Lister to Richard Schifter, “Chile: Resolution Status,” December 5, 1986, “Chile: Selected Documents”; in March 1988, the U.S. abstained from a Mexican resolution at Geneva, see George Lister to Richard Schifter, “Geneva: Chile Resolution,” March 1, 1988, “Chile: Selected Documents”; George Lister to Richard Schifter, “Poblete: Chile Resolution,” March 8, 1988, “Chile: Selected Documents”; George Lister to Richard Schifter, “Geneva: Chile Resolution,” March 10, 1988, “Chile: Selected Documents”

¹⁰⁹ George Lister to Dick Schifter, “Today’s Chile Meeting,” May 6, 1986, Box 13, File 1, GL, NLBLAC, UT; George Lister to Dick Schifter, “Santiago Embassy,” May 8, 1986, Box 13, File 1, GL, NLBLAC, UT

¹¹⁰ Kornbluh, *The Pinochet File*, 428-429

¹¹¹ Kornbluh, *The Pinochet File*, 429; “A Memorial Service for Rodrigo Rojas De Negri,” July 17, 1986, Box 13, File 2, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile: Rodrigo Rojas Memorial Service,” July 18, 1986, Box 13, File 2, GL, NLBLAC, UT; see David K. Shipler, “Chilean Exiles Hurt and Angry,” *New York Times*, July 18, 1986 and Lisa Leff, “Rally Honors Memory of Teen Slain in Chile,” *Washington Post*, July 18, 1986

government,” he said during a July 10 appearance on ABC’s *Nightline*. “I think there are very good grounds to be very skeptical that President Pinochet wants any kind of transition... We don’t want to see it happen in the next millennium. We’d like to see it happen a little bit sooner than that.” As Abrams wrote to Shultz, now was the time to confront Pinochet: “I used my appearance yesterday on ABC Nightline to stress our commitment to eventual free elections in Chile, making the point we want this to occur sooner rather than later. But more than verbal volleys will be required to get Pinochet to agree to leave, or persuade the Army to persuade him.” Congress was already prepared to take strong action. Representative Michael Barnes (D-Massachusetts) had a bill requiring the U.S. to veto all multilateral bank loans to Chile. On ABC’s *This Week*, Abrams participated on a discussion panel with Dorfman and Senator Jesse Helms (R-North Carolina), Pinochet’s biggest supporter on Capitol Hill. Helms criticized the State Department for undermining a “bulwark against the Communist Party.” Dorfman, according to Lister, argued that the Chilean leftists—including the Communist Party—had a democratic tradition. Taking a middle position in their debate, Abrams disagreed with Helms and dismissed Dorfman’s statement as “baloney.” Nevertheless, the distance between the State Department and Chilean exiles had narrowed considerably. When *Nightline* producers arranged a debate between Abrams and Isabel Letelier two months later, they found that there was very little difference in their views. Lister termed them “the Odd Couple,” as Letelier never imagined she would be in agreement with Abrams. The consensus that had emerged by late 1986 was captured by Peter Hakim of the Inter-American Dialogue who said at a WOLA conference that it was almost impossible to find an American leader willing to defend Pinochet.¹¹²

Lister still took exception when his department was accused of sending mixed messages on Chile. In March 1987, *New York Times* columnist Anthony Lewis wondered why the U.S. was merely abstaining from votes on World Bank loans instead of opposing them and had weakened the resolution at the UN Human Rights Commission before joining everyone else. “Is it really too hard for the United States Government to be coherent in its attitude towards such a regime?” Lewis asked. “Too complicated to condemn evil? Too afraid to oppose loans to torturers?” Claiming Lewis was “greatly influenced” by Americas Watch, Lister was disappointed that its report on *Human Rights Concerns in Chile* had been critical of official U.S. policy. If Schifter was to meet with Aryeh Neier and Robert Bernstein, Lister suggested, he should say that Americas Watch had not made a single reference to the “harmful role of the USSR, Cuba, or the Chilean Communist Party in blocking the peaceful transition to democracy.” Lister’s frustration could be expressed in the following question: Why was Americas Watch incapable of seeing all that he was doing for the Chilean opposition? It was along these lines that Lister circulated a political cartoon that showed an exasperated military leader failing after many attempts to keep closed a box with the Statue of Liberty inside. Lister wanted the State Department to send a copy to Americas Watch.¹¹³

¹¹² Elliott Abrams to George Shultz, “Strategy Paper on Chile,” July 11, 1986, reproduced in Kornbluh, *The Pinochet File*, 457; George Lister to Dick Schifter, “Chile: Brinkley TV Sunday Discussion,” July 21, 1986, Box 13, File 2, GL, NLBLAC, UT; George Lister to Dick Schifter, “Abrams/Leterlier: The Odd Couple,” September 18, 1986, Box 13, File 2, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile: WOLA Conference,” September 24, 1986, Box 13, File 2, GL, NLBLAC, UT

¹¹³ Anthony Lewis, “To Speak Against Evil,” *New York Times*, March 27, 1987; George Lister to Dick Schifter, “Chile: Anthony Lewis,” March 27, 1987, Box 13, File 6, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile: Americas Watch,” April 20, 1987, Box 13, File 6, GL, NLBLAC, UT; George Lister to Dick Schifter,

Yet, at the same time, Lister was growing confident that the State Department had finally learned from its past mistakes. Unlike Nicaragua during the 1960s (or Chile after 1973), the U.S. was embracing pro-democracy elements in Chile. “In contrast [to the past], we have had a politically sophisticated policy in Chile since the departure of Ambassador Theberge (former Ambassador to Nicaragua) and since Shultz began supporting HA against ARA three or four years ago,” Lister wrote to Schifter in July 1987. “We are no longer identified with the Pinochet regime, despite all out efforts by Moscow to continue to so portray us.” The State Department needed to maintain a “healthy respect” for the Chilean Communist Party, but it seemed to him that American officials were open to working with the center-left if only to prevent a more radical alternative. “I am not sure we could not have changed our Chile strategy without our human rights policy,” Lister concluded.¹¹⁴

Lister was not the only who took notice. At a hearing on the 1987 Human Rights Reports, Representative Gus Yatron (D-Pennsylvania) noted how much their “quality and objectivity” had improved. Jerome Shestack of the International League for Human Rights also thought they reports had improved, achieving “many good things” albeit in a “Cold War tone.” Even Holly Burkhalter of Americas Watch conceded that the White House had “improved its human rights position on Chile,” but should have done more at the UN.¹¹⁵

Fourteen Chilean political parties announced on February 2, 1988 that they had formed the Concertación de Partidos Para el NO, a coalition that would contest Pinochet in a plebiscite scheduled for October. Beyond the blatantly pro-Junta campaign laws, the “NO” had to face down the military and secret police. “NO” members were routinely arrested. Their rallies broken up; their offices burned down. Mainly consisting of the center-left of Chilean politics, the “NO” leadership consisted of two Christian Democrats, Patricio Aylwin and Genaro Arriaga, and Ricardo Lagos, a Socialist. Excluded were the Chilean Communist Party and some factions within the Socialist Party, but individual Marxists could participate. In addition to registering an unprecedented number of voters, “NO” organizers also recruited monitors at all 22,000 polling sites and set up a secret computer system so that vote totals could be transmitted to Santiago for independent verification.¹¹⁶

Reversing what the CIA did in the 1960s and 1970s, the National Endowment for Democracy, AFL-CIO, and National Democratic Institute contributed more than \$1.6 million to “NO.” Barnes was fully behind the campaign. Americas Watch was also highly supportive. A temporary office in Santiago allowed Americas Watch to coordinate with the Vicariate of Solidarity and the Chilean Human Rights Commission. The presence of American human rights activists assured Chileans that the referendum would be closely scrutinized.¹¹⁷

“Poland-Chile,” June 3, 1987, Box 13, File 7, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile: Liberty,” July 16, 1987, Box 13, File 7, GL, NLBLAC, UT

¹¹⁴ George Lister to Dick Schifter, “Chile-Nicaragua,” July 29, 1987, Box 13, File 7, GL, NLBLAC, UT; Lister attached a *Washington Star* article following the 1966 elections in Nicaragua, Jeremiah O’Leary, “Somoza Victory Greeted With Quiet Satisfaction,” *Washington Star*, c. 1966

¹¹⁵ George Lister to Richard Schifter, “Human Rights Reports: NGO Hearing,” February 19, 1988, Box 13, File 9, GL, NLBLAC, UT

¹¹⁶ Kornbluh, *The Pinochet File*, 430

¹¹⁷ Kornbluh, *The Pinochet File*, 431; Lawyers Committee for Human Rights/Human Rights Watch, *The Reagan Administration’s Record on Human Rights in 1987* (New York: Lawyers Committee for Human Rights and Human Rights Watch, 1987), 34-38; George Lister to Dick Schifter, “Chile: Cynthia Brown,” September 8, 1988, Box 13, File 11, GL, NLBLAC, UT; Cynthia Brown to Americas Watch, August 22, 1988, Box 13, File 11, GL, NLBLAC, UT

A “jubilant” Martin Poblete called Lister on the evening of October 5 with news of a “NO” victory. As confirmed by the U.S. Embassy the next morning, the “NO” votes totaled 54.7 percent. Most encouraging to Poblete was that two members of the Junta, Air Force General Fernando Mattei and leader of the elite Carabineros, General Rodolfo Stange, had made public statements that indicated they would uphold the result. As he arrived at La Moneda for an emergency meeting with Pinochet in the early morning hours of October 6, Mattei said that it seemed as if “NO has really won.” The Defense Intelligence Agency learned from Chilean sources of Pinochet’s desperation. Angry and humiliated, Pinochet requested that the Junta give him “extraordinary powers to meet the crisis of the electoral defeat.” His plan was to use this authority to perform a military takeover of Santiago. It was at this moment that Mattei rebuffed him, as the U.S. Defense Intelligence Agency reported, “Mattei told Pinochet he would under no circumstances agree to such a thing...he had had his chance as the official candidate and lost. Pinochet then turned to the others and made the same request and was turned down.”¹¹⁸

Thousands of Chileans took to the streets in celebration of Pinochet’s defeat. A week later, as the U.S. Embassy reported on October 13, Amnesty International’s “Human Rights Now!” tour held a concert just across the Chilean border in Mendoza, Argentina that was essentially “a massive NO rally.” Chilean exiles in Washington, D.C. had the same reaction as well—“ecstatic” said Lister. With many of them returning to Chile to cast a vote against their tormenter, they had been “very moved and impressed with what they saw and heard in their native land.” Lister reflected on some of the exiles he had befriended during the previous decade. A few years earlier, he met a married couple with three children, Gloria Loyola and Mario Artaza, a Christian Democrat who had just been expelled from the Chilean diplomatic service. Lister eventually found a job for Artaza at the Inter-Developmental Bank. Though Loyola and Artaza divorced in 1985, Lister mentioned them in an October 24 memorandum to Schifter, “All of us have worked together, over the years, for Chilean democracy.”¹¹⁹

Patricio Aylwin, a leading Christian Democrat, assured Lister in May 1988 that his party was committed to an orderly transition of power. Aylwin saw no reason why the fight for democracy had to be synonymous with chaos. Lister attended an off-the-record meeting that December with Arriagada and Molina, who told him that now a “very high percentage” of Chileans understood that the United States wanted to see a democracy in their country. Arrigada remarked just how much had changed during the previous four years. He still remembered how Kirkpatrick had refused to see any of the opposition in 1981.¹²⁰

Joseph Eldridge of WOLA appreciated Lister’s persistence on Chile. “Very few people have the sweep of history on their side when they speak of the human rights movements,” Eldridge wrote to Lister in August 1989. “That’s what I found most satisfying about your speeches.” Lister saw the events in Chile as an affirmation of non-violent reform. At Lynchburg College in February 1990, he spoke of walking with a Catholic human rights activists through a poor neighborhood in Santiago, whereupon they saw a painted sign that read, “La Unica

¹¹⁸ George Lister to Dick Schifter, “Chile’s Plebiscite,” October 6, 1988, Box 13, File 11, GL, NLBLAC, UT; Defense Intelligence Agency, “Chilean Junta Meeting: The Night of the Plebiscite,” January 1, 1989, reproduced in Kornbluh, *The Pinochet File*, 459-460

¹¹⁹ U.S. State Department, “Mendoza Human Rights Concert Sounds Sour Note for Chilean Government,” October 24, 1988, reproduced in Kornbluh, *The Pinochet File*, 461-463; George Lister to Dick Schifter, “Local Chileans,” October 24, 1988, Box 13, File 11, GL, NLBLAC, UT

¹²⁰ Patricio Aylwin Azocar to George T. Lister, May 18, 1988, Box 13, File 10, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile: USG Policy,” December 7, 1988, Box 14, File 1, GL, NLBLAC, UT

Solucion—Revolucion” (“The Only Solution—Revolution”). From the hammer and sickle, Lister determined that Communists were encouraging the use of violence to overthrow Pinochet. “There was a much better solution than revolution,” Lister said. “The State Department worked hard, in cooperation with human rights activists in Chile, to make clear our strong support for human rights and a democratic solution.” With Pinochet constitutionally obligated to resign the presidency, Aylwin won the elections held in December 1989. Aylwin invited Lister to his inauguration in March 1990, and the Chilean Foreign Ministry honored Lister with a special human rights award in November 1992.¹²¹

Shultz credited Abrams and Schifter with changing the White House’s policy towards Chile. Schifter, in turn, gave “special credit” to Lister. Because the Reagan administration had taken such a pro-Junta stance during the first term, the Chilean democratic left “tended to ally themselves with the political groupings which were under the influence of Moscow and Havana.” Lister had been crucial in identifying “authentic democratic leaders,” as he had “a great many contacts in Chile’s democratic left.” It was only after Lister was able to “break the ice” with the opposition that Abrams, Barnes, and Schifter realized that they had found a suitable alternative to Pinochet. “Lister played a key role in bringing regularly to the State Department key personalities in Chile’s Christian Democratic Party and members of the democratic wing of Chile’s Socialist Party,” Schifter wrote. “He stayed in touch with developments in Chile and proved a most useful link in our work with the U.S. Embassy in Santiago and with Chile’s democrats. His role in Chile’s peaceful transition to democracy was truly profound.”¹²²

In a 1963 letter to Averell Harriman, Lister asked if it was possible for the State Department to create a position for him that was not tied to a specific region. While he was aware that such a request was unusual, he needed flexibility to implement a “global, activist anti-Communist approach,” which consisted of “watching carefully for opportunities “to take the initiative against the Communists.” He further clarified what he meant by the term “global anti-communist activist” to Ambassador Benjamin Stephansky. Lister planned on “talking quietly, informally, alone and individually with the people closest to scene,” with the objective of seeking “peaceful, democratic resolutions” to the political crises of Latin America. Almost thirty years later, Lister was still an anti-communist though that was no longer as relevant as what he was doing in Human Rights Bureau. The mid-level bureaucrat was now a global human rights activist. “We have come a long way,” he wrote in November 1992. “Sometimes I cannot believe how far we have come since Congressman Don Fraser started his human rights hearings in Washington, in 1973. And now there are opportunities for human rights work which would have been unbelievable a few years ago. Now I receive fax messages from Moscow, telephone calls from Warsaw, and human rights visitors from China. Incredible.”¹²³

¹²¹ Joseph Eldridge to George Lister, August 1, 1989, Box 14, File 2, GL, NLBLAC, UT; George Lister, “The Human Rights Cause: How We Can Help,” c. February 1990 attached to George Lister to Dick Schifter, “Lynchburg Speech,” February 16, 1990, Box 14, File 3, GL, NLBLAC, UT; George Lister to Dick Schifter, “Wollemberg’s Book: Socialists/Communists,” April 17, 1990, Box 14, File 3, GL, NLBLAC, UT; George Lister to Dick Schifter, “Chile Invitation,” February 28, 1990, “Chile: Selected Documents”

¹²² Richard Schifter, “To Whom It May Concern,” January 31, 1994, Box 14, File 6, GL, NLBLAC, UT

¹²³ George Lister to Averell Harriman, c. 1963, “Lister’s Style: Selected Documents”; George Lister to Benjamin Stephansky, November 8, 1963, “Lister’s Style: Selected Documents”; for Lister’s job description, see George Lister to Bureau of Inter-American Affairs, July 29, 1965, “Lister’s Style: Selected Documents”; George Lister, “Notes for November 18 U.S. Embassy Supper Comments,” November 19, 1992, “Chile: Selected Documents”

“He’s been at the bureau since it began during the Carter administration, knows everybody in the human rights business, is trusted by both the left and the right, and can separate the true human rights activists from the political pretenders,” wrote *Washington Post* reporter Guy Gugliotta in October 1993. A draft report by the State Department Inspector General had recommended that Lister be fired, as Human Rights and Humanitarian Affairs (HA) “has come to resemble a bureau of solo performers” beyond “management control.” Indeed, “one unpaid consultant” was accused of working too much, making speeches, accepting awards, and attending meetings where he “purported” to speak for the bureau. “One source described HA has a ‘parking orbit for unassigned senior officers, political protégés, and human rights junkies,’” the report stated. The cause of Lister’s difficulties appeared to be his inability to get along with John Shattuck, the new Assistant Secretary for Human Rights. Lister rallied his former colleagues to save his job. Schlesinger dubbed him “Mr. Human Rights.” Abrams complemented his “balanced commitment [to human rights]—he was concerned about Cuba and Poland as well as Chile and El Salvador.” Representative Bill Richardson (D-New Mexico) wrote a letter to State Department counselor Timothy Wirth to “make good use of George’s unique talents and experience.” In 1997, Gregory Stanton, a Foreign Service Officer, nominated Lister for the inaugural Warren Christopher Award for Outstanding Achievement in Global Affairs. “George Lister still comes in daily to work in the State Department,” Stanton wrote. “He is unpaid. But he is still working for human rights, the passion of his life. For those of us who work with him, he is a source of inspiration.” One of Lister’s favorite things to do when saying goodbye to his friends was raise his arm, and say, “To our hopeless cause!” As Abrams wrote in a book of remembrances for Lister’s memorial service in February 2004, the “hopeless cause” was less about human rights than convincing American officials to do the right thing:

The many times Administrations and senior officials—and they were Administrations of both parties and officials of all races, creeds, and political leanings—the many times people tried to force George out of his job, out of his office, and out of the building would certainly have taught him that this cause was a difficult one. George was an inconvenient guy for the Department of State; he did not believe in *raison d’etat*, in relativism, in putting human rights first next week or next year or in the next country to the east or west. There has never been a regional bureau in the history of the State Department that espoused George’s principles with the consistency he would have desired.¹²⁴

¹²⁴ Guy Gugliotta, “Risky Work at the State Department,” *Washington Post*, October 19, 1993; Gregory Stanton, “Nomination for Warren Christopher Award: George Lister,” 1997, “Lister’s Legacy: Selected Documents”; Elliott Abrams, “Tribute to George Lister,” *Remembrance and Celebration of the Life of George Lister*, “Lister’s Legacy: Selected Documents”

Chapter 12

The Making of a Professional Human Rights Activist: Jeri Laber

“In 1978, when I was forty-six years old, my illusions were shattered,” Jeri Laber wrote in her memoir. “My father was sick and bankrupt; my children were growing up and leaving home. I was a freelance writer and editor at the time, with a Russian-studies background and a commitment to human rights. But my marriage and family had always come first. Suddenly I was on my own.” The rare woman at Columbia University’s Russian Institute during the 1950s, Laber developed more than just an academic interest in the plight of Soviet dissident writers, as she remained a committed anti-communist for the rest of her career. At the urging of a friend, Rose Styron, Laber joined an Amnesty International USA local group, which served as her introduction to international human rights activism. At a December 1974 demonstration outside of the Soviet consulate on behalf of dissident Vladimir Bukovsky, she encountered Robert Bernstein, a publishing executive at Random House. With Bernstein’s encouragement, Laber gradually transformed into a professional human rights activist at the International Freedom to Publish Committee and the Fund for Free Expression, both of which had the financial backing of the American publishing industry.¹

Laber brought the skills she developed at these organizations to Helsinki Watch, where she served as Executive Director from 1979 to 1995. Underwritten in its earliest years by the Ford Foundation, whose program officers were looking for a new philanthropic cause separate from domestic civil rights, Helsinki Watch was founded by a small circle of New York professionals who included Laber, Bernstein, former ACLU Executive Director Aryeh Neier, and lawyers Orville Schell and Adrian DeWind. Formed in the aftermath of the CSCE Belgrade Review Conference, Helsinki Watch’s highest priority was exposing human rights violations in Eastern Europe and the Soviet Union. The next four chapters tell a story that is similar to that found in two books about the role of the “Transnational Helsinki Network” in the dissolution of the Eastern Bloc: *The Helsinki Effect* by Daniel Thomas and Sarah Snyder’s *Human Rights Activism and the End of Cold War*. As its primary objective is to situate a specific human rights non-governmental organization within the larger international context described by both Thomas and Snyder, this dissertation focuses on how a small number of American activists—the most important of whom was Jeri Laber—who formed the core of Helsinki Watch helped shape and, in turn, were also shaped by events that occurred behind the Iron Curtain.²

The Education of Jeri Laber

Born in 1931 to an upper-middle class Jewish family, Jeri Lidsky was raised in the Jamaica Estates, a small enclave on the outskirts of Queens, New York. An immigrant from Brest Litovsk, her father, Louis Lidsky, owned the L&P Electric Company, which won a major contract during the Great Depression from the Brooklyn Edison Company to transition the

¹ Jeri Laber, *The Courage of Strangers: Coming of Age with the Human Rights Movement* (New York: PublicAffairs, 2002), 4

² Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton, New Jersey: Princeton University Press, 2001) and Sarah B. Snyder, *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network* (New York: Cambridge University Press, 2011)

electric grid from direct to alternate current. He also controlled the wholesale distribution of Fedders air conditioners in the Northeast. His 85,000 square foot warehouse in Brooklyn supplied the growing demand for air conditions in New York during the postwar decades. General Electric reported in January 1954 that Lidsky had placed his second \$1 million order for packaged air conditioning equipment just as the city was hit with what the *New York Times* described as “the worst snowstorm of the season.” Inundated with requests from retailers in New York City, Long Island, and Westchester County in July 1955, Lidsky filled more than 1,700 orders in a single day. He sold nearly 8,500 air conditioners over a three-day period in June 1957. By May 1959, Fedders was the largest producer of room air conditioning units in the country. L&P survived through most of the next decade, but went bankrupt in the years after the death of Jeri’s mother, Mae, in October 1967.³

Encouraged her mother “to marry ‘well’ and warned by her father that potential suitors would be turned off by if she was too educated, Jeri felt pressured into becoming a wife and mother. “I was—I *had* to be—the healthy one: pretty and vivacious like my mother, interested in clothes and boys like other girls my age,” she wrote. “I could be smart, but not too brainy; competent, but not intimidating.” Her desire to fit in meant that she downplayed her Jewish identity as a youth, asking her parents if she could sing Christmas carols like her friends. “I didn’t know about the millions of Jews in Europe being sent to their deaths. I worried about not belonging.” Even so, she was a standout student at Jamaica High School, attending New York University (NYU) beginning in 1949. Following a summer trip to Europe the next year, she returned with a desire to study Russian literature, particularly Tolstoy and Dostoyevsky, two authors who she remembered “called to me, perhaps, because of their social consciousness and humanitarian ideals.” Among her most memorable professors at NYU was philosopher Sidney Hook. Apparently on very familiar terms with some of his students, Hook apparently told Jeri that he disapproved of her relationship with an older graduate student who supported the Soviet Union. Hook also gave her a book he promised would reveal “the truth about Communism,” Hubert Ripka’s *Czechoslovakia Enslaved*, which detailed the 1948 coup that brought the Communist Party into power. Though initially dismissing Ripka’s book as propaganda, she later rediscovered it decades later while on a fact-finding mission for Helsinki Watch.⁴

Laber’s pursuit of a master’s degree was not completely understood by her family or some of her mentors. Louis refused to pay for her tuition at Columbia University’s Russian Institute, and her advisor wondered aloud why resources were being squandered on women, a

³ Laber, *The Courage of Strangers*, 15; Display Ad. 8—No Title, “L&P Advertisement,” *New York Times*, August 17, 1949 for Bedford Avenue, Brooklyn; Display Ad. 144—No Title, “L&P Advertisements for Electric Fireplace,” *New York Times*, February 20, 1966 when it appears L&P’s warehouse had relocated to Maspeth, Queens; “Sidelights on the Financial and Business Developments of the Day,” *New York Times*, January 12, 1954; “Air Conditioners a Hot Sales Item,” *New York Times*, July 7, 1955; Alfred R. Zipser, “Heat Wave Brings Big Business to Air Conditioning Industry,” *New York Times*, June 23, 1957; “Sidelights: Stores Stocking Room Coolers,” *New York Times*, May 30, 1959; Alfred R. Zipser, “Sales of Air Conditioners Surge as Heatwave Hits Northeast,” *New York Times*, August 23, 1959; “Deaths,” *New York Times*, October 17, 1967; for L&P’s bankruptcy and its relation to Mae’s death, see *Courage of Strangers*, 70

⁴ Laber, *The Courage of Strangers*, 17, 25, 23, 20, 10, 28; “Jeri Laber ’49—A Founder of Human Rights Watch,” *Jamaica High School Noteworthy Alumni*, updated November 24, 2008, <http://www.jamaicahighschool.org/ALUM/laberm.htm>; Hubert Ripka, *Czechoslovakia Enslaved: The Story of the Communist Coup d’Etat* (London: Gollancz, 1950); Hook famously described Communism as a “conspiracy” and a threat liberals could not abide in his “Heresy, Yes—Conspiracy, No!,” *New York Times Magazine* (July 9, 1950), which formed the basis of *Heresy, Yes—Conspiracy, No!* (New York: J. Day, 1953)

statement he made after Jeri had won a scholarship. Only in retrospect did she fully grasp why she had been drawn to the Soviet Union:

Years later, when I began working with dissidents in Russia and Eastern Europe, I understood and identified with their role as outsiders. That there were many Jews among them seemed natural to me: Jews, as the long time pariahs of the region, would be especially sensitive to abuse. My own long-standing attraction to Russia began to make sense. It seemed like destiny that I ended up working against repression in the place where my ancestors had suffered.⁵

Founded in 1946 with the support of Columbia University and the Rockefeller Foundation, the Russian Institute reflected its Cold War origins. Students learned that Communism was a failed ideology. “I came to see that one of the things I valued most—the right to question authority—was impossible under Stalin,” she remembered. “I learned that no government should be trusted when it evokes a blissful future to justify its repressive actions in the present.” Concluding that it was impossible for people to voluntarily renounce their personal freedoms for “the Communist cause,” her thesis cited disagreements among Soviet literary critics over the concept of the Socialist Realism in order to disprove the notion of the New Soviet Man, the idealized citizen who was stronger and more determined than his Western counterpart.⁶

Perhaps the most defining experience of Laber’s youth was a visit to the Soviet Union with three other Russian Institute students in August 1954. Their arrival in Moscow on August 11 was announced in an Associated Press wire report, as they hoped to stay for the entire month “if our money holds out.” Their state-approved itinerary took them to Moscow, Leningrad, Tiflis (Tbilisi), Tashkent, Bukhara, and Samarkand. *New York Times* reporter Harrison Salisbury thought this trip was remarkable given the criticism that the Russian Institute had received in the Soviet press for allegedly training CIA spies. The students toured the Kremlin and model collective farms and factories. They also met for two and a half hours with two Soviet writers, Anatoly Surkov and Anatoly Safronov. In her attempt to impress Surkov and Safronov with her knowledge of Russian literature, Laber later regretted not listening enough to what they had to say. “I had wasted an exceptional opportunity to showing off rather than getting the writers to talk,” Laber recalled. “This experience would stay with me over the years. I learned to be low key when interviewing, even to appear stupid. When people are at ease, their words are often unconsciously revealing.”⁷

Laber was most surprised at the relative isolation of the Soviet people. “Fearful of being punished for talking with Americans, shockingly ignorant of the outside world, full of misinformation and prejudice, they were at the same time eager, oh how desperately eager, to talk to us and to learn about life outside their limited sphere,” she remembered. “Their sense of deprivation was almost tangible.” Yet, after participating in a debate with Moscow State University’s Young Communist League, Laber was struck by their drive to surpass the United

⁵ Laber, *The Courage of Strangers*, 29

⁶ Philip E. Mosely, “The Russian Institute of Columbia University,” *Proceedings of the American Philosophical Society*, Vol. 99, No. 1, Ideology and Reality in the Soviet System (January 1955), 36-38; Laber, *Courage of Strangers*, 32

⁷ “U.S. Students in Moscow: Four From Columbia Seek Facts on the Soviet,” *New York Times*, August 12, 1954; Laber was identified in this article as Jerry Litzky; Harrison Salisbury, “4 Columbia Students Tour Soviet,” *New York Times*, August 25, 1954; Laber, *Courage of Strangers*, 37-38

States. “Are we individuals the last remnants of a dying world?” Laber asked herself at the time. “As Dostoyevsky said, why wish a terrible freedom on people who have no desire for it, who fear it and do not know what to do with it?” In contrast to how Soviet officials and students viewed their country, Laber left convinced that the “real” USSR was a “backward country.” Consumer goods were nowhere to be found, most housing was substandard, and the tap water ran brown.⁸

After graduating from the Russian Institute, Laber took a job at the *Current Digest of the Soviet Press* translating news articles from the Soviet press for readers who included regional experts, journalists, and government officials, and reviewed works of Soviet literature in her spare time. Her review of Ilya Ehrenberg’s *The Thaw* appeared in an October 1955 issue of the *New Republic*. Praising *The Thaw* as “without doubt the most important literary work published in post-Stalin Russia,” Laber wrote that it offered the most revealing depiction of the ordinary Soviet citizen in nearly two decades. Breaking with party demands, Ehrenberg succeeded at showing Soviet life “candidly, with all its hardships, hypocrisy, doubts and dissatisfaction.” A major theme of the book was frustrated love, which can be seen in his characters: the brilliant engineer, Dimtri, who publicly criticizes a novel for portraying the “absurd bourgeois survival” of a man’s love for another man’s wife all the while he himself is inwardly tormented by his love for Lena, the wife of Juravliov, a factory director who allows his workers to sleep in hotels so they can keep up their production levels. The emotional conflict between these characters was far from the ideal of the New Soviet Man. Describing how Dimitri’s father had been murdered during the 1936 purge, Laber noted how “Ehrenberg is one of a number of writers who have seized the opportunity this opportunity to express their criticisms of the Stalin regime and their aspirations for the future.”⁹

Something close to an expert in this post-Stalinist literature, Laber also reviewed Vladimir Dudintsev’s *Not by Bread Alone*, Vera Panova’s *The Seasons*, and Leonid Zorin’s *Guests*, all of which she praised for their “boldness and candor.” But this “thaw” turned out to be only a brief moment of artistic freedom. In 1957, Boris Pasternak published *Doctor Zhivago* abroad, but was not allowed to accept the 1958 Nobel Prize for Literature in person. Two years later, a group of dissenters—Aleksandr Ginzburg, Yuri Galanskov, Edward Kuznetsov, Vladimir Osipov, and Vladimir Bukovsky—began holding public readings of banned literature in Moscow’s Mayakovsky Square, protests for which they were confined in prisons and mental hospitals.¹⁰

A relaxation of travel restrictions by Soviet authorities in the mid-1950s resulted in numerous travelogues by American visitors. Laber reviewed that written by U.S. Supreme Court Justice William O. Douglas for the October 1957 issue of *The American Slavic and Eastern European Review*. *Russian Journey*, she wrote, was an “intelligent and often perceptive book” that was intended more for a general audience than the regional specialist. Some of the anecdotes provided by Douglas such as a group of poorly dressed women objecting to his taking a photograph of them and his blurting out, “May I have this dance with you?” were colorful, but more revealing of him than of his hosts. Douglas deserved credit for his awareness of “political undertones so often missed by the uninitiated foreigner”: the constant policing by the KGB and

⁸ Laber, *The Courage of Strangers*, 39, 42, 48; Salisbury, “4 Columbia Students Tour Soviet,” reported that “the Americans felt they more than upheld their end of the friendly but sharp argument.”

⁹ Jeri Laber, “This Side of Paradise,” *The New Republic*, Vol. 133, No. 15 (October 10, 1955), 19-20

¹⁰ Laber, *The Courage of Strangers*, 54

the MVD, the use of forced labor, rampant discrimination against non-Russian ethnic minorities, and “the underlying purposes of the Soviet peace offensive,” the intention of which Laber believed was to lull the West into a position of weakness.¹¹

With her view of Soviet leaders as duplicitous, Laber internalized the basic assumptions of the Cold War. By the early 1960s, she was working in New York for the Institute for the Study of the USSR, an anti-communist thinktank based in Munich. Her job was to look for any indication of discontent in the Eastern Bloc. Closely following the response of Soviets to Prague Spring, Laber produced a short research paper for Radio Liberty, *Czechoslovakia: Some Soviet People Protest—An Analysis of Dissent in the Soviet Union* (1968). Her stint there ended in 1970 after it was publicly revealed that the CIA had been covertly funding Radio Liberty, the Institute’s sole benefactor.¹²

According to her memoir, the most important part of Laber’s life during the 1950s and 1960s was raising her family. While at the Russian Institute, Jeri had met her husband, Austin Laber, a Wall Street tax lawyer and real estate developer. Busy raising three children and working a part-time job, Jeri did not have time to participate in civil rights and antiwar protests. Instead, she turned inward, replacing politics with psychology: “Family togetherness became our ideology, psychotherapy the answer to all problems.” Unfortunately, her marriage became increasingly distant over time. In an acknowledgment of “my desire to do more with my life than she had with hers,” Mae Lidsky gave Jeri a copy of Betty Friedan’s *The Feminine Mystique*.¹³

Laber kept up her interest in Soviet writers when she could, contributing a short piece to a March 1966 issue of the *New Republic* about Andrei Sinyavsky and Yuli Daniel. The duo had been sentenced to hard labor in February for publishing satires of Soviet authorities abroad under pseudonyms. Forty years old when he was arrested in fall 1965, Sinyavsky was a highly respected literary critic at the Gorky Institute of World Literature, where he was a specialist on post-Revolution era poetry. He followed party orthodoxy as Andrei Sinyavsky, but not when he assumed the pen name of Abram Tertz. In one of Tertz’s stories that poked fun at the censorship imposed upon him, he describes how rough drafts and finished versions of novels that an author had torn into bits and flushed down the toilet were caught in a “special dragnet or sieve underneath each house,” pieced together by the KGB, and delivered to the prosecutor’s office. Daniel wrote similar stories under the name of Nikolai Arzhak. Denounced as traitors by the state media, Sinyavsky and Daniel pleaded not guilty on grounds of artistic free expression, a line of argument that a Soviet judge found incomprehensible.¹⁴

In Laber’s reading, Sinyavsky/Tertz had foretold this fate in *The Trial Begins*, a 1959 novel in which the narrator is arrested for allegedly producing works that Party officials deemed slanderous, pornographic, and treasonous: “In the course of the interrogation it was established that everything I had written was pure invention, the product of a morbid and malicious mind.” In an essay written in 1959, “What is Social Realism?” Sinyavsky/Tertz confirmed Laber’s suspicion that the New Soviet Man was an ideological construct. Drawing a parallel between religion and politics, Sinyavsky/Tertz admitted that his belief in Communism had been shaken. The fortunate were those who remained faithful in the Party, for they avoided the anguish of

¹¹ Jeri L. Laber, “Review of William O. Douglas, *Russian Journey*,” *The American Slavic and Eastern European Review*, Vol. 16, No. 2 (April 1957), 210-211

¹² Laber, *The Courage of Strangers*, 58-65; Jeri L. Laber, *Czechoslovakia: Some Soviet People Protest—An Analysis of Dissent in the Soviet Union* (New York: Radio Liberty Committee, 1968)

¹³ Laber, *The Courage of Strangers*, 9, 51, 17

¹⁴ Jeri Laber, “The Trial Ends,” *The New Republic*, Vol. 154, No. 12 (March 19, 1966), 26-27

doubt. Like Christianity, he wrote, Communism succeeded in defining itself as “the sole purpose of all Creation, as splendid as eternal life and as compulsory as death.” He took this comparison a step further by comparing Stalin’s dictatorship to God’s omnipotence, “our Commander, our Ruler, our High Priest,” whose word was truth. Though the “city of man” replaced the “city of God” and bourgeois materialism had made it so “individuals tore out each other’s guts,” Communism had also been corrupted: “So that prisons should vanish, we built new prisons. So that all frontiers should fall, we surrounded ourselves with a Chinese wall. So that work should become a rest and a pleasure, we introduced forced labor. So that not one drop of blood be shed any more, we killed and killed and killed.”¹⁵

“Indictment of Soviet Terror,” Laber’s review of Aleksandr Solzhenitsyn’s *The First Circle*, was published by the *New Republic* in October 1968. In May 1967, Solzhenitsyn sent a letter to the Fourth Congress of Soviet Writers demanding an end to the “intolerable oppression that our literature has been enduring from censorship”:

It has been nearly two years since my novel *The First Circle* was taken away from me by the state security service, and this is delaying its open submission to editors. On the other hand, during my lifetime, against my will and even without my knowledge, this novel has been published in a closed edition for a select, anonymous circle. My novel has become accessible to literary officials, but is being hidden from the majority of writers.

The writers’ union granted Solzhenitsyn a hearing that September at which he urged that “the publication of literature should be permitted in our country and not left to foreign publishing houses for their profit.” Whatever fear he once had of Soviet authority was gone after spending eleven years in prison. For his refusal to compromise on *The First Circle*, his most recent novel, *The Cancer Ward*, was removed from the December issue of *Novy Mir*. The Soviet press condemned Solzhenitsyn as “psychologically imbalanced,” “a psychopath,” and “a willing tool of Western propaganda.”¹⁶

Set in a secret scientific research complex outside of Moscow known as the Mavino Institute, where the inmates work on a voice-scrambling device for Stalin, *The First Circle* depicts Soviet society as a “vast prison, where terror strikes arbitrarily both guilty and innocent, ruler and subject.” Nearing the end of his life, Stalin is paranoid and vengeful, “trapped at the top of his own pyramid of fear.” Solzhenitsyn’s characters represent different Soviet archetypes: Lev Rubin, a Jewish intellectual, remains a committed socialist even after an unjust prison sentence; Dimitri Sologdin is willing to barter his scientific knowledge for freedom, but receives taunts from the guards and Rubin for his lack of moral principles; Ruska Doronin, a double agent who is eventually killed; Major Adam Roitman, Deputy Director of the Institute, who falls victim to an anti-Semitic purge; and the principled Illarion Gersimovich, who says that he is unwilling to “set traps for human beings.”¹⁷

¹⁵ Laber, “The Trial Ends,” 27-28; for Laber’s criticism of the “New Soviet Woman,” see her review of Xenia Gasiorowska, *Women in Soviet Fiction, 1917-1964*, *Slavic Review*, Vol. 29, No. 4 (December 1970), 754-755 as well as her review of a translated edition of Alexandra Kollontai, *The Autobiography of a Sexually Emancipated Communist Woman*, *Slavic Review*, Vol. 31, No. 3 (September 1972), 678-679

¹⁶ Jeri Laber, “Indictment of Soviet Terror,” *The New Republic*, Vol. 159, No. 16 (October 19, 1968), 32

¹⁷ Laber, “Indictment of Soviet Terror,” 32-33

The protagonist of *The First Circle* is Gleb Nerzhin, a mathematician and former Red Army artillery officer like Solzhenitsyn. Though he had served with distinction during World War II, Nerzhin had been imprisoned for his outspokenness. When Nerzhin is offered a pardon if he works on a special project, he refuses: “Let them admit first that it’s not right to put people in prison for their way of thinking, and then *we* will decide whether we will forgive *them*.” Nerzhin is thus sent to a harsher prison, a second circle of hell. But Nerzhin destroys his work before leaving. “Perhaps more great thoughts have been burned than published,” Nerzhin says. Evidently referring to Nerzhin and himself, Solzhenitsyn wrote, “If he managed to survive, he could probably do it all over again from memory,” for this was what Solzhenitsyn had done in prison. He composed entire stories in his mind, which he would memorize, edit, and re-memorize; these stories would be shared with other prisoners and repeated on and on.¹⁸

Laber found herself struggling to understand Solzhenitsyn’s *August 1914* a few years later. The first volume of a projected trilogy that chronicled the destruction of General Samsonov’s army at the Battle of Tannenberg during World War I, a defeat in which 70,000 Russian troops were either killed or captured, *August 1914* exposes a disastrous attempt at modern warfare. Laber very much disagreed with the historical determinism that Solzhenitsyn appeared to have borrowed from Tolstoy: “There might appear to be some consolation in Tolstoy’s conviction that it is not generals who lead armies, not captains who command ships or companies of infantry, not presidents or leaders who run states or political parties—were not that all too often the twentieth century has proved to us that it *is* such men who do these things.” She speculated that Solzhenitsyn was reconciling himself to his very difficult life thus far. “Like Job, he has suffered and survived a series of afflictions that must have tested his strength and belief to the utmost, and he may very well feel that he has been ‘chosen’ in some way to play a dominant role in the history of his people,” Laber wrote. “He has certainly grown to this task, surmounting a modest, retiring personality and assuming the mantle of advocate, saint and prophet, the voice of truth, the consequence of the Russian people.”¹⁹

Causing a stir among Western scholars of Soviet literature, Laber argued that many of them had misinterpreted Solzhenitsyn. The character who spoke for Solzhenitsyn in *August 1914* was not Colonel Vorotyntsezh, the enlightened officer who looked to the West for answers, but “The Stargazer,” a religious prophet whose mysticism was tied to his nationalism. Therefore, Solzhenitsyn ought to be seen as “a Russian nationalist with strongly conservative leanings,” a martyr who feared for his life. In late 1973 and early 1974, he repeatedly told Western correspondents that the KGB was going to assassinate him. The publication of *The Gulag Archipelago* occurred only after the suicide of a Leningrad woman who had turned over the manuscript to the KGB after five days of interrogation but which did nothing to prevent its release. “In this act of seizure, I saw the hand of God,” Solzhenitsyn said. “It meant the time had come.” After his shockingly detailed historical exposé of the Soviet system of forced labor camps was published in Paris, Solzhenitsyn was “ready for anything,” as he had “fulfilled my duty to those who perished and this gives me relief and peace of mind.” Solzhenitsyn fled to safety in West Germany before immigrating to the United States.²⁰

With its Western origins, atheism, and rejection of spiritual values, Marxism was the antithesis of everything Russian to Solzhenitsyn: “The murky whirlwind of progressive ideology

¹⁸ Ibid., 32, 34

¹⁹ Jeri Laber, “Muted Echo of a Masterpiece,” *The New Republic*, Vol. 167, No. 13 (October 7, 1972), 27, 29, 30

²⁰ Jeri Laber, “The Real Solzhenitsyn,” *Commentary*, Vol. 57, No. 5 (May 1974), 33

swept in on us from the West at the end of the last century and has tormented and ravaged our soul quite enough.” Instead, Solzhenitsyn proposed that Russians turn away from Western-style democracy, dissolve the Soviet Union so that they would no longer have to be associated with other nationalities, and look inward to find their “own particular path.” If Marx believed Communism would culminate in the withering away of the state, Solzhenitsyn called for an “authoritarianism based on love.” The “real Solzhenitsyn,” Laber wrote, was “reactionary, authoritarian, chauvinistic,” not what his supporters in the West wanted him to be. But Solzhenitsyn was also clever enough to use the Western media for his own purposes. Aware that Soviet officials hated criticism from the West, Solzhenitsyn shaped a heroic image of himself. “It is important to understand that the East is not indifferent to protests from public opinion in the West,” Laber pointed out. “On the contrary, it has deadly fear of them—and only of them—but this is the case only with the united, mighty voice of hundreds of prominent personalities, with the opinions of the whole continent [Europe].” Laber’s view of Solzhenitsyn seemed to be confirmed in June 1974, when Americans learned of his sharp disagreement with physicist Andrei Sakharov. A Western-style liberal who championed democracy, Sakharov separated himself from Solzhenitsyn in the *New York Review of Books*:

His opinions are alien to me. I consider the democratic path of development the only possible one for any country. The service, slavish spirit which existed in Russia for centuries, combined with a scorn for people of other countries, combined with a scorn for people of other countries, other races and other beliefs, was in my view the greatest of misfortunes. Only under democratic conditions can one develop a national character capable of intelligent existence becoming increasingly complex.²¹

As part of Amnesty International USA’s (AIUSA) Campaign for the Abolition of Torture, Rose Styron wrote an article in a December 1973 issue of the *New Republic* that characterized torture as a “worldwide epidemic.” “Never did I expect to find out what I did.” Laber remembered. “I wanted to put the pages aside, but I felt compelled to read on.” She was especially moved by Styron’s description of a young Greek prisoner with long black hair who had been forced to sit motionless for hours in the corners of the cell. Witnesses testified that the prisoner was kept naked on the prison roof for two consecutive nights. “The second night they pushed a wooden rod up her anus and another in her vagina and hung her with handcuffs from a hook on the wall, stark naked like that with the rods still in her, all night,” Styron wrote. Already forty-two years old, married, and the mother of three girls, one of whom was a “teenager with long dark hair,” Laber was disturbed at the idea that this victim was someone’s daughter. “It was my daughter’s face I saw on that tearful Greek girl as I thought of her, constantly, in the weeks that followed. I was obsessed by what I had read. I had to do something about it.” Through a mutual friend, Laber contacted Styron. The Labers had a country home in Connecticut near where the Styrons lived. Styron invited Laber to join Amnesty International USA (AIUSA).²²

²¹ Laber, “The Real Solzhenitsyn,” 34-35; Jeri Laber, “The Selling of Solzhenitsyn,” *Columbia Journalism Review*, Vol. 13, No. 1 (May/June 1974), 6-7; Sakharov quoted in Laber, *Courage of Strangers*, 66; for Laber’s views of Sakharov, see her review of his *My Country and the World* and Rudolf L. Tokes, ed., *Dissent in the USSR*, “Freedom Fighters,” *Commentary*, Vol. 61, No. 1 (January 1976), 94-98

²² Rose Styron, “Torture,” *The New Republic*, Vol. 169, No. 23 (December 8, 1973), 17-21; Laber, *Courage of Strangers*, 70-71, 7, 7-8

The Riverside Group

Chairman of the AIUSA Board of Directors from 1973-1976, Ivan Morris founded the Riverside Group in 1966. An important site of grassroots international human rights activism in New York, the Riverside Group provided AIUSA with much of its formative leadership. Rose Styron sat on the board for many years. Barbara Sproul also served the board in various capacities, ranging from Fundraising Director to Chairwoman of the Death Penalty Committee. The Riverside Group taught Labor how to persevere on behalf of distant political prisoners, as most cases were like that of Lillian Ngoyi.

One of the first Prisoners of Conscience assigned to the Riverside Group, Ngoyi was a black South African garment worker who had been confined to a one mile radius of her home in the Orlando Township outside of Johannesburg, a punishment known as a “banning order” that was justified under the Suppression of Communist Act. For her vocal opposition to apartheid, Ngoyi received her first banning order from the Ministry of Justice in 1962 and a second five years later. On neither occasion was she granted a hearing, trial, or an opportunity to appeal. Ngoyi joined the ANC following its 1952 Campaign for the Defiance of Unjust Laws. “I said my myself, Ah, this is the real stuff, I’ve been wanting to draw the attention of the ruling people to our deeds,” Ngoyi remembered. “I also thought this Apartheid was most stupid. We peel the European’s potatoes, we bring up their children, but when it comes to wages, to employment, we are called kaffirs.” Soon advancing to a leadership position within the ANC, Ngoyi became President of the Women’s League, whereupon she established the Federation of South African Women. In August 1956, Ngoyi led 20,000 women on a protest in Pretoria against the pass laws, knocking on the Prime Minister’s door to present him with petitions opposing restrictions on the movement of black South Africans (no one answered). Ngoyi was thrown into solitary confinement after the 1960 Sharpsville Massacre.²³

The Riverside Group worked in “close liaison” with a British Amnesty group in Liverpool on the Ngoyi case. Amnesty International researchers learned that Ngoyi was forbidden to participate in any “social gathering”—defined as Ngoyi plus one more person. South African secret police followed her every move. The Riverside Group was advised by the International Secretariat to treat any letter it received from Ngoyi as “CONFIDENTIAL—however tempting it may be to use it in any public way.” Stuck in her township, she barely learned a living as a seamstress. In between the renewal of her banning order in the mid-1970s, Ngoyi gave an interview in which she called for South Africa to become a multiracial democracy: “You can tell my friends all over the world that this girl is still her old self, if not more mature after all the experiences. I am looking forward to the day when my children will share in the wealth of our lovely South Africa.” Suffering from heart trouble, Ngoyi died at the age of sixty-eight in March 1980. Her funeral was attended by an estimated two thousand people. As a pro-ANC newspaper wrote of Ngoyi upon her death:

As a black woman in South Africa, Lillian Ngoyi found herself—as do millions of black women across the land—the victim of both race and sex discrimination. As a person she demonstrated that it was possible not only to transcend the limits

²³ “Lillian Masediba Ngoyi,” *South African History Online*, <http://www.sahistory.org.za/pages/people/bios/ngoyi.l.htm>

imposed on her this way, but that the struggle in South Africa could not be successfully waged unless women and women's issues constituted a central part of liberation strategy. She dedicated her life to that demonstrating that neither the State with all its might nor morality could really silence this phenomenal woman.²⁴

But the Riverside Group also had the chance to celebrate the rare success. In February 1972, Julio de Peña Valdes, Secretary-General of the Dominican National Workers Confederation (FOUPSA-CESITRADO), was sentenced to ten years for arms trafficking. Dominican trade unionists denied that Peña Valdes had committed any such crime, but had actually been arrested for his links with a left-wing party that opposed the government. Because "El Jefe" Rafael Trujillo had suppressed organized labor in his dictatorship, the Dominican Republic lacked a trade union movement through the 1960s. Following Trujillo's assassination in 1961, the new president, Juan Bosch, encouraged their growth as part of his leftist coalition. That year, the Popular Socialist Party (PSP) created FOUPSA (Frente Unido pro Sindicatos Autonomos). When CIA agents were suspected of having infiltrated FOUPSA, Marxists formed their own splinter group, FOUPSA-CESITRADO, by far the most radical of the three largest trade union confederations. FOUPSA-CESITRADO struggled without Bosch's support after he was removed from power by the military in September 1963. A complaint sent from FOUPSA-CESITRADO to the International Labor Organization in July 1972 stated: "The government, in particular President Belaguer, had viciously attacked the National Workers' Confederation FOUPSA-CESITRADO and its leaders Julio de Peña Valdez and Fernando de la Rosa, both arbitrarily imprisoned, the first since January 1971 and the other since April 1971."²⁵

Along with several members of the Movimiento Popular Dominicano (MPD), Peña Valdes had been arrested by the National Police in January 1971. After a lengthy process that lasted over a year, Peña Valdes was given his ten-year sentence. De La Rosa was released and deported to France in fall 1972, but Peña Valdes remained in prison. Allegations surfaced in the Dominican press the next year regarding torture at La Victoria, which were verified with photographic evidence.²⁶

The Riverside Group learned in July 1974 that Peña Valdes had been released. A letter from Peña Valdes thanked group members for their concern and actions on his behalf, reminding them that there were more political prisoners in the Dominican Republic. In Washington, D.C., lawyer Arnold Price, voiced the Riverside Group's concerns to the Dominican Ambassador, who admitted that his country was susceptible to international pressure. This was the major difference between the outcomes of the Ngoyi and Peña Valdes cases. The South Africans did not care about the many letters they received from Amnesty International members whereas the Dominicans did.²⁷

²⁴ Amnesty International, "Case Sheet for Lilian Ngoyi," March 12, 1967, Box 5, Morris, Ivan—Amnesty International—Riverside Group, Ivan Morris Papers (IM), Butler Library (BtL), Columbia University (CU); Hilda Bernstein, "Isitwalandwe for Ma-Ngoyi," *Sechaba* (August 1982), <http://www.anc.org.za/ancdocs/history/people/Ingoyi.html>

²⁵ Amnesty International, "Case Sheet for Julio de Peña Valdez," March 4, 1973, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

²⁶ *Ibid.*

²⁷ Riverside Group, June 1974 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

Waldemar Rossi, a Brazilian, was also assigned to the Riverside Group in 1974. He had been arrested for his membership in a left-wing metalworkers union. Pastoral Operaria and the São Paulo Regional Justice and Peace Commission, both of which were affiliated with the Catholic Archdiocese of São Paulo, reported that the prisoners detained in this wave of arrests had been “ill treated.” Whether it was because of pressure applied by Amnesty International or Brazilian authorities determined Rossi posed no threat to them, Rossi was released in November 1974, news that Barbara Sproul shared with the Riverside Group at its monthly meeting.²⁸

Rose Styron gave an update on Jose Luis Verdejo Duarte of Chile at that same meeting. Styron heard from “reliable sources”—several recently freed Chileans—that Verdejo was most likely going to be kept in prison. The group decided in January 1975 to go ahead with the “usual letter-writing and visits to Chilean authorities.” An imprisoned Verdejo informed the Riverside Group in March that he wanted it to keep sending letters on his behalf. The group also planned to keep lobbying Senator James Eastland (D-Mississippi) to “liberalize immigration policies so that more Chileans may be allowed to enter the United States.” Though he doubted Amnesty International’s objectivity, the Chilean Ambassador promised to keep the organization updated on the case. Verdejo was released in August 1975.²⁹

A list of the forty-five Prisoners of Conscience (POCs) assigned to the Riverside Group between September 1966 and December 1975 reveals its concern with prisoners all around the world. The first prisoner was from East Germany; the last was from Spain. Released POCs often were re-arrested. Some cases had been returned to the International Secretariat for reclassification or reassignment.³⁰

Riverside Group, Assigned POCs, September 1966-December 1975

1. Heidemarie Schutter (East Germany), September 1966
2. Pedro Pinto Pereira (Portuguese Guinea), August 1967
3. Zuhir Naji (Iraq), case returned to London, May 1967
4. U Kyaw Nyein (Burma), March 1968
5. Teresio Asilvera (Paraguay), case returned to London, May 1968
6. Anna Solomou (Greece), August 1969
7. Dr. Jan Hoffenberg (South Africa), emigrated to England, December 1967
8. Jan Benes (Czechoslovakia), emigrated to England, December 1967
9. Vladimir Bukovsky (USSR), January 1970, readopted December 1971
10. Mohammad Ali Raza (Pakistan), March 1968
11. Dr. Mario Soares (Portugal), October 1968
12. Theodoras Karabesinis (Greece), case returned to London, October 1968
13. Daniele Bonfitto (Italy), March 1969
14. S. Jesu-Sheriff (Sierra Leone), March 1969
15. Munira Kilikova (USSR), January 1970

²⁸ Riverside Group, November 1974 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

²⁹ Riverside Group, November 1974 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU; Riverside Group, January 1975 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU; Riverside Group, “List of Prisoners,” January 1976, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

³⁰ Riverside Group, “List of Prisoners,” January 1976

16. Francisco Salgado Zenha (Portugal), May 1970
17. Opanas Polikapovych Zalyvakha (USSR: Ukraine), April 1970
18. Rudolf Battek (Czechoslovakia), released October 1970, readopted September 1972, released May 1974
19. Dr. Antonin Lopes d'Almeida (Brazil), January 1971
20. Dr. Sam Ndugwa (Uganda), January 1971
21. Dr. Caio Prado (Brazil), September 1971
22. Chen Yu-his (Taiwan), October 1971
23. Vladimir Mijanovic (Yugoslavia), July 1971, reimprisoned July 1974, released March 1975
24. Bena Eleni Keltemlidis (Greece), December 1971
25. Dimitrios Keltemlidis (Greece), December 1971, reimprisoned and readopted February 1974
26. Lilian Ngoyi (South African), November 1972, readopted February 1976
27. Dr. Luis Zabala Herrera (Colombia), April 1973
28. Dr. Chung-tung Chen (Taiwan), case returned to London, April 1973
29. Dr. Sutanto Dirjosuparto (Indonesia), released November 1974
30. Fr. Joaquim Pinto de Andrade (Portugal), May 1973
31. Luis K. Taruk (Philippines), February 1973
32. Ocholo Ogoye Mak'Anyengo (Kenya), March 1974
33. Quang Tuyen Tang (South Vietnam), released to North Vietnam, March 1974
34. Thu Nga Tang (South Vietnam), released to North Vietnam, March 1974
35. S.A. Gorinwa (Malawi), case returned to London, June 1974
36. Julio de Peña Valdes (Dominican Republic), June 1974, rearrested and readopted in June 1975, and released October 1975
37. Pedro Armacanqui Flores (Peru), June 1974
38. Ben Mohammad Lahbib (Morocco), October 1974
39. Waldemar Rossi (Brazil), May 1974
40. Riza Cenabi Nuhrat (Turkey), July 1974
41. Vu Quang Hung (South Vietnam), case returned to London, April 1975
42. Ju Whan Park (South Korea), April 1975
43. Luis Aravena (Chile), April 1975
44. Jose Luis Duarte (Chile), August 1975
45. Luis Escorcia (Spain), December 1975

The Riverside Group was thus well established when Laber joined it in spring 1974. “My Soviet studies background made me immediately welcome: There were two Soviet prisoners among the five for which the group was working, and I was asked to take charge of both cases,” Laber wrote. “I agreed, though not without some misgivings. It seemed like a hopeless project to me. Soviet officials, unlike the leaders of some other countries, were notoriously inaccessible and intransigent.”³¹

The two prisoners were Vladimir Bukovsky and Valentin Moroz. Laber was given responsibility for them in June 1974 after Riverside Group member Renata Cardinal moved to Canada. An important source of information on Bukovsky's condition was his mother, Nina

³¹ Laber, *The Courage of Strangers*, 71

Ivanova Bukovskaya. An AI-Sweden member regularly called Bukovskaya for updates on her son. Cardinal had also cultivated sources in Rome. With Bukovsky in ill health, Soviet authorities returned medicine sent to him by his mother. The Riverside Group reproduced a letter from Bukovskaya to prison officials.³²

Similar efforts were underway for Moroz. With a hunger strike by Moroz to begin on July 1, the *New York Times* reported on June 25 that Sakharov had appealed to Brezhnev to transfer Moroz to a regular prison camp. Repeatedly attacked by regular convicts at the maximum-security Vladimir Prison, Moroz had been moved to solitary confinement at his request two years earlier. Afflicted with blood and liver disorders, he feared that the drugs given to him were damaging his brain.³³

Bukovsky had been thrown into prison following the Sinyavsky and Daniel trial in 1966. He served eight months in prisons for organizing a protest in Moscow on their behalf. Bukovsky credited Amnesty International with helping to secure his release. He was arrested again in January 1967 for organizing another demonstration, this time for Yuri Galanskov, Aleksandr Ginzburg, and other convicted dissidents. Bukovsky continued these protests against the Soviet government even after his second release from prison in January 1970. Employed as a secretary to a dissident writer who eventually fled to Israel, he gave foreign correspondents information about the human rights abuses in the Soviet Union. For his refusal to stay silent, Bukovsky was routinely harassed, interrogated, and beaten up by KGB operatives. Arrested again in March 1971, he was charged with anti-Soviet agitation and propaganda, and sent to the Serbeky Institute of Forensic Psychiatry.³⁴

This punishment carried no small measure of irony for Bukovsky. In January 1971, he had sent copies to the West of the official diagnoses made by Soviet psychiatrist of political prisoners. The International Psychiatric Association responded with an open letter condemning the Soviets for literally declaring dissidents to be insane. This letter was published by *The Times of London* that September. He would be found guilty after Bukovsky was declared fit to stand trial later that fall.³⁵

Trained as a historian, Moroz was best known in the West for his samizdat prison memoir, “Notes from Beria Reserve.” Born in the western Ukraine city of Volynia in 1934 (then under Polish control), Moroz attended the University of Lvov, graduating in 1958. He then returned to Volhynia to teach history and geography. Beginning in 1964, he taught modern history at pedagogical institutes in the Ukraine, all the while completing a dissertation on the 1934 Lutsk Trial, what he argued was “an example of revolutionary collaboration of the Polish and Ukrainian peoples in their joint struggle against the fascist regime of bourgeois Poland.” Moroz was charged with anti-Soviet agitation and propaganda in August 1965. He was one of about thirty Ukrainian intellectuals who were arrested for their opposition to Soviet policies.

³² Riverside Group, June 1974 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

³³ “Sakharov Says Issue of Rights Should be on Summit Agenda,” *New York Times*, June 25, 1974; Riverside Group, June 1974 minutes

³⁴ Amnesty International, “Case Sheet for Vladimir Bukovsky,” November 26, 1971, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

³⁵ *Ibid.*

Moroz was sentenced to four years of hard labor in January 1966. He began serving his sentence in a labor camp in Mordovia, approximately 500 kilometers southeast of Moscow.³⁶

But Soviet authorities were not done with him. In May 1968, Moroz was placed in solitary confinement at Vladimir Prison for writing “Notes from Beria Reserve.” Serving his sentence alongside Moroz, Daniel reportedly said to his fellow prisoners: “Comrades, what a mockery of a trial is this! Moroz has not yet been convicted but his isolation quarters have already been prepared.” Moroz was released in September 1969. Under constant surveillance, he had difficulty finding employment because of his criminal record.³⁷

Among the items taken from his house in a police search a few months later were unpublished manuscripts that were critical of the Soviet Union’s treatment of ethnic minorities. Moroz briefly eluded the authorities in a small village in the Carpathians, where he had come to tape record a religious service, but was yet again charged with anti-Soviet agitation and propaganda in June 1970. This time, his authorship could be proven. Convicted for the second time that November, Moroz’s sentence was six years imprisonment—three years in the most severe form of labor camp—and five years internal exile. The trial was closed. Only Moroz’s father and wife were in the courtroom when the verdict was read.³⁸

Openly contemptuous of the KGB, Moroz was a Ukrainian nationalist. His writings stressed the need for Ukrainians to preserve their culture. By the early 1970s, draconian punishments like that given to Moroz were more the exception than the rule, which led Amnesty International researchers to conclude that his sentence may have reflected “the insecurity of the Soviet regime when faced with opposition from non-Russian authorities; the opposition of Ukrainians both to Tsarist and Soviet rule is well-known, in particular.”³⁹

Laber wrote to as many Soviet officials as she could on behalf of Bukovsky and Moroz: the Minister of Justice, the Minister of State Security, and the Commander of Vladimir Prison. To increase the number of letters sent to them, the Riverside Group used a chain letter strategy, whereby each person would ask three others to write letters, who then would ask three more people and so on. In fall 1974, Laber received an update on Moroz’s condition from a former prisoner:

The gaunt figure in the striped uniform of a repeater, sick and ghastly, reminded one of the frightful photographs of the surviving victims of Auschwitz. The prison rags hung on him as if on a wire skeleton. Short, stubby hair on his dried scalp, and greenish, parchment-like skin, terrifying as that of a mummy, covered his high forehead and prominent cheekbones. And the eyes—no I cannot convey what I saw in his eyes during this short encounter.

Laber was “heartbroken” to read this about a stranger to whom she now felt a sense of responsibility.⁴⁰

³⁶ Amnesty International, “Valentin Moroz,” March 30, 1971, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Laber, *The Courage of Strangers*, 72; Jeri Laber, “The Wire Skeleton of Vladimir Prison,” *New York Times*, November 9, 1974

To make others to take notice of Moroz, Laber contributed a short opinion-editorial (op-ed) piece to the *New York Times*. Getting the piece published quickly required her to call on old acquaintances. She contacted Harrison Salisbury, then editor of the Op-Ed page, who she had met two decades earlier when he was a correspondent in Moscow. Salisbury approved of “The Wire Skeleton of Vladimir Prison.” Making reference to Moroz’s hunger strike the previous July, Laber wrote, “Mr. Moroz’s message was delivered to a world he has never known—a world beyond the reach of the secret police where people are free to believe in their own humanity and to express outrage at the torture to which Mr. Moroz and thousands like him, not only in the Soviet Union but in many countries, are being subjected for questioning their governments’ policies.” Pleading for readers to care about what was occurring inside of Vladimir Prison, she concluded by reaffirming the importance of media coverage: “The press has the power to promote, reveal, destroy. It might be able to save the life of Mr. Moroz, who symbolizes the agony of countless others—and then save those others as well.”⁴¹

Together with Andrew Blane, the rare American on the International Executive Council, Laber sought political allies in Washington, D.C., especially Senator Henry Jackson (D-Washington). As Laber reported to the Riverside Group in January 1975, Jackson’s staff “confirmed that President Ford had specifically interceded with Brezhnev on behalf of Moroz and this appears to have led directly to his release from solitary confinement.” A month after he had been moved out of solitary confinement, the Riverside Group received a report that the KGB investigators who failed to “break” Moroz during a recent hunger strike had faced disciplinary action. The International Secretariat encouraged the Riverside Group to continue its pursuit of Moroz’s release “most energetically.”⁴²

The Riverside Group received sporadic updates of Moroz’s condition over the next year. A letter from Moroz dated January 19 was read at the April meeting, by which time Moroz had been moved to a special punitive cell. Soviet officials were becoming increasingly hostile to the attention Moroz had generated in the West. In fact, the Soviet embassy appeared to be most receptive to those who did not explicitly identify themselves as Amnesty International members. By February 1976, some members were starting to believe that Moroz would never be freed: “It is discouraging that our group has been involved with the case of Valentin Moroz since March 1971, but we consoled ourselves with the thought that on occasion just such faithful involvement may be what keeps certain prisoners alive.”⁴³

Representative Millicent Fenwick (R-New Jersey) and Representative Edward Koch (D-New York) informed AIUSA representatives in March 1976 of their joint resolution calling for the release of the “renowned Ukrainian historian.” Both of their offices had been working with the Soviets to grant Moroz the necessary visa so that he could come to the United States. Moroz would be imprisoned for another three years. He was finally released in April 1979 as part of a prisoner exchange deal. Along with four other political prisoners, Aleksandr Ginzberg, Eduard

⁴¹ Ibid.

⁴² Riverside Group, November 1974 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU; Riverside Group, January 1975 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU; Riverside Group, February 1975 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

⁴³ Riverside Group, April 1975 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU; Riverside Group, February 1976 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

Kuznetsov, Mark Dymshits, and Georgy Vins, Moroz was handed over for two Soviet spies that had been arrested and convicted in New Jersey.⁴⁴

In contrast to Moroz, Bukovsky was released by the Soviets at the Zurich Airport in December 1976 as part of a prisoner exchange for Chilean communist leader Luis Corvalán. Bukovsky later wrote that he had never heard of two countries exchanging their own citizens. He moved to Great Britain.⁴⁵

The Riverside Group devised a number of different tactics to show their concern for Bukovsky to Soviet officials such as sending birthday cards to him. Through his mother, Bukovsky routinely requested reading material such as advanced biology textbooks. Because Laber had become totally consumed with the Moroz case by early 1975, Riverside Group member Margaret Wreschner took over the Bukovsky case. Wreschner urged the group to write Soviet authorities as “outraged private citizens,” making reference to stories about Bukovsky in the American press: “As in the case of Moroz, all our Bukovsky appeals should be based on humanitarian grounds all of the prisoner’s ill health; we should not base ourselves on legalistic arguments, which may be counter-productive.”⁴⁶

Laber had learned from her two years in the Riverside Group. It was important to cultivate a personal network of friends and acquaintances at major media outlets, many of which were located in New York. These relationships could be used on behalf of victims, all of whom needed to be publicized in some manner. Producing action required inflaming the moral sensibility of readers, so no detail could be spared in her op-eds:

I began with a detailed description of a horrible form of torture, then explained where it was happening and the political context in which it occurred; I ended with a plea to show the offending government that the world was watching. The names and places were different, but the abuses were depressingly similar...I began to be known for my graphic, upsetting articles. At the time, it was important merely to reveal what was happening because the facts of abuse were just not known.⁴⁷

Robert Bernstein

On December 30, 1974, Vladimir Bukovsky’s birthday, AIUSA activists, Soviet exiles, and celebrities demonstrated outside of the Soviet consulate in New York. “I recognized several actors holding placards—Joel Grey, Tammy Grimes, Dustin Hoffman, Celeste Holm—and found myself walking alongside a youthful-looking man in a sheep-line trench coat, his freckled face red from the cold,” Laber remembered. Thrilled to be walking behind Holm, the actress who had

⁴⁴ Representative Millicent Fenwick (R-New Jersey) and Representative Edward Koch (D-New York) to Andrew Blane, March 9, 1976, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU; for more on Moroz’s release, see Martin Tolchin, “U.S. Frees Two Spies for Five Dissidents Jailed by Russians,” *New York Times*, April 28, 1979

⁴⁵ Vladimir Bukovsky, *To Build a Castle: My Life as a Dissenter* (New York: Viking Press, 1979), 435

⁴⁶ Riverside Group, November 1974 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU; Riverside Group, February 1975 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU; Riverside Group, January 1975 minutes, Box 5, Morris, Ivan—Amnesty International—Riverside Group, IM, BtL, CU

⁴⁷ Laber, *The Courage of Strangers*, 73

starred in *Oklahoma!*, one of his favorite plays in his youth, he introduced himself to Laber. His name was Robert Bernstein, President of Random House, Inc.⁴⁸

Several months after this protest, Laber attended a dinner party thrown by her friend Jill Kline. Jill's husband was Ed Kline, a businessman who had devoted himself to assisting Soviet dissidents by publishing samizdat in English. Also there that evening was Bernstein. "He remembered meeting me at the Bukovsky demonstration and had read my op-ed articles on human rights abuses," Laber recalled. "He immediately began generating ideas for other articles I might write." When her husband Austin mentioned that Jeri was editing the *Fannie Farmer Cookbook* for Knopf, a division of Random House, Bernstein suggested that they meet for lunch.⁴⁹

Bernstein's advocacy grew out of his publishing career. While on a visit to Moscow with a group of American publishing executives to urge the Soviet Union to agree to the Universal Copyright Convention in 1971, Bernstein reacted strongly against the censorship he encountered firsthand. "They asked me to publish their books," he complained to Laber. "Then they told me which books I was allowed to publish." Another trip to Moscow in 1976 convinced him that it was impossible to do business with Soviet officials. Random House was not permitted to communicate with authors on its own terms. The KGB monitored all contact. In response to these restrictions, Bernstein began publishing works that were banned in the Soviet Union. When other members of the Association of American Publishers expressed displeasure with Random House's defiance, Bernstein looked to Andrei Sakharov for inspiration. When Sakharov was awarded the 1975 Nobel Peace Prize, the Soviet government refused to let him accept it in person. His wife, Elena Bonner, who was abroad for medical treatment, accepted it. On hand to express their support were Bernstein and Kline.⁵⁰

Bernstein also criticized censorship in the United States. In July 1972, he denounced the Department of Justice for investigating Beacon Press for publishing Senator Mike Gravel's (D-Alaska) four-volume version of the Pentagon Papers. At an emergency meeting of the American Association of Publishers (AAP), Bernstein warned that this situation posed "a huge threat to book publishing in the United States—and to our basic freedoms." The U.S. Supreme Court ruled in June that Gravel could enter the papers into the public record without fear of prosecution because of the Speech and Debate Clause in the Constitution, but Beacon Press was entitled to no such immunity for publishing them.⁵¹

Bernstein also worked with Aryeh Neier of the ACLU to publish a memoir by Victor Marchetti, a former CIA agent. After learning that Marchetti had signed a contract with Random House, the CIA sought a court-ordered injunction against the book's publication, citing a secrecy agreement signed by its employees. *CIA and the Cult of Intelligence* literally embodied this struggle. There were blank spaces where the judge had ordered the passages removed and bold-faced print for the passages that the CIA specifically targeted. With Random House owned at

⁴⁸ Ibid., 75

⁴⁹ Ibid., 76; see Marion Cunningham and Jeri Laber, *The Fannie Farmer Cookbook, Twelfth Edition* (New York: Knopf, 1979)

⁵⁰ "Random House Names Bernstein President; Cerf Becomes Chairman," *Wall Street Journal*, December 7, 1965; Robert L. Bernstein, "A Publisher Looks at Helsinki," *Index on Censorship*, Vol. 6, No. 6 (November 1977), 37; Laber, *Courage of Strangers*, 79

⁵¹ Henry Raymond, "Publisher Calls Beacon Press Case Threat to Freedom," *New York Times*, July 18, 1972

the time by RCA, a major defense contractor, Neier admired how Bernstein stood firm for free expression.⁵²

When Bernstein received the NYCLU's Florina Lasker Civil Liberties Award for his dedication "to the rights of men and women everywhere to speak and publish freely" in October 1976, he lamented that a concern for human rights had yet to become "an integral part of our foreign policy." The United States continued to support "certain governments that are committing far worse wrongs than the A.C.L.U. protects us against at home." Bernstein donated his \$1000 award to four political prisoners: Vladimir Bukovsky; Nelson Mandela; Kim Chi Ha, the South Korean poet; and Mihajlo Mihajlov, a Yugoslav writer who had been imprisoned for publishing in foreign newspapers.⁵³

Bernstein returned to the topic of human rights in another address to the NYCLU two months later. Warning Americans against self-righteousness and complacency, Bernstein said, "We allow our government—in the name of 'interests' of the United States—to present us abroad as having minimal concern for the fate of individuals who are being persecuted by repressive governments." Not only was this morally wrong, but the U.S. was hurting its image abroad:

How are our relations with Greece since Spiro Agnew embraced the junta? Were we right to back the Portuguese dictatorship? Isn't it ironic that that one people's party in Angola looked to Moscow and another to Peking? In Latin America human beings are tortured in increasing numbers—in Paraguay, Uruguay, Brazil, Chile—and yet we support the people who can do this...Reports of torture come from Iran, yet American diplomats, journalists, and businessmen swarm to Ambassador Zahedi's lavish Washington parties, and few use their position with him to improve human rights in Iran.⁵⁴

When the USSR joined the Universal Copyright Convention in February 1973, Bernstein became Chairman of the AAP's Committee on Soviet-American Publishing Relations, renamed the International Freedom to Publish Committee in 1975. When Knopf published a collection of Sakharov's essays in 1974, it was still possible to contact him by phone. But when Sakharov sent his next book, *My Country and the World*, for publication in July 1975, he was cut off from all foreign communication. Sakharov told Bernstein in 1976 that he had not received a letter or phone call from outside the Soviet Union in over two years, even after the signing of the Helsinki Final Act and winning the Nobel Peace Prize. Other dissidents were punished as well. Valentin Turchin, Vladimir Voinovich, and Lev Kopalev also had their phones shut off. Yuri Orlov, Sergei Kovalev, and Aleksandr Ginzburg were in prison. Andrei Tverdokhlebov was exiled in another part of the Soviet Union. Sakharov's son-in-law, Efrem Yankkelevich, had been forced to leave Moscow State University. When Bernstein brought up these names with Soviet officials, he was warned by the State Department that he risked damaging U.S.-USSR relations. At an AAP-sponsored seminar in Moscow, Boris Stukalin, a state publishing functionary, delivered an important message to AAP President Townsend Hoopes: the Soviets would cancel the seminar if Americans specifically referred to any dissidents by name. Both sides agreed to

⁵² Aryeh Neier, *Taking Liberties: Forty Years in the Struggle for Rights* (New York: PublicAffairs, 2003), 150

⁵³ "Notes on People: 4 Dissidents Abroad Named By Winner to Share Aware," *New York Times*, October 15, 1976

⁵⁴ Robert L. Bernstein, "For the Record," *Washington Post*, December 26, 1976

what Bernstein believed to be an “unsatisfactory compromise.” The Americans would make no mention of Soviet dissidents in public, but could inquire about them in private. “Freedom of expression is the *inalienable* right of every man and every woman, and, as a citizen and publisher, I urge that the United States government make plain that it does not condone the denial of this right anywhere, or at any time,” Bernstein wrote in November 1977.⁵⁵

Impressed by Laber’s involvement in AIUSA, Bernstein encouraged her to seek a position with the International Freedom to Publish Committee. After her initial interview ended with a disagreement over salary, Laber received a phone call from Bernstein that illustrated some of her difficulties winning the acceptance of male colleagues. In a “manner that seemed both paternal and patronizing” Bernstein told Laber that she was expected to work year-round. The second interview with Winthrop Knowlton went better. One thing they had in common was an interest in Soviet dissidents. Knowlton had written feature-length article on writer Lev Kopalev and his wife, Raya Orlova, for the February 1978 issue of the *Atlantic Monthly*, a trip that included a pilgrimage to Boris Pasternack’s grave and to the room where Solzhenitsyn once wrote.⁵⁶

Bernstein had formed his own organization by this time—the Fund for Free Expression (FFE). Fully immersing herself in activism, Laber took a second job with FFE. The fund’s most prominent members included publishers, famous writers such as Kurt Vonnegut and John Hershey, and influential journalists like Anthony Lewis and Sidney Gruson. Laber’s main task at the FFE was to promote the *Index on Censorship*, a British journal. “We saw *Index* as a vehicle for getting our message out.”⁵⁷

The International Freedom to Publish Committee congratulated itself when Iranian writer Dr. Gholamhossein Sa’edi was released from prison. One of Laber’s first encounters with a victim occurred when she interviewed Reza Baraheni, an Iranian poet who had been arrested by SAVAK in 1973 after publicly opposing the Shah. “He was relentlessly tortured, with beatings that tore apart the soles of his feet and broke his fingers, threats to rape his wife and daughter, and a mock execution in which he expected to die,” Laber remembered. Before her meeting with him, Laber wondered if she was capable of understanding what Baraheni had endured: “I felt almost panicky, wondering if I had the emotional strength to do the work I had chosen. *I have to stop reacting so personally. To get the details without absorbing the pain. Part of me, the feeling part, has to turn off. But do I want to become so hardened? What kind of person will that make me?*”⁵⁸

Laber compiled her research into a September 1976 *Washington Post* op-ed, “The Torturers.” Referring to the many documents on her desk showing “officially sanctioned acts of torture as brutal as those of any Nazi war criminal,” Laber identified some of the world’s most notorious torturers:

A young woman jailed in Turkey in 1972 described “a person by the name of Umit Erdal” who “attacked me and forced me to the ground, stood on my back and with the assistance of somebody else forced a truncheon into my anus.” An Iranian writer has described the Shah’s chief torturer, a man named Atapour who

⁵⁵ Bernstein, ““A Publisher Looks at Helsinki,” 39-41

⁵⁶ Laber, *Courage of Strangers*, 81; Winthrop Knowlton, “A Day in the Country,” *Atlantic Monthly*, Vol. 241, No. 2 (February 1978), 87-89

⁵⁷ Laber, *Courage of Strangers*, 83

⁵⁸ *Ibid.*, 85

wears a suit and a tie, smokes two packs of cigarettes a day and grinds each one out on the back of a human hand. A recent Soviet émigré reported that Major Pavel Aleksandrovski was the chief interrogator whose threats of violent death finally broke his will and caused him to betray a fellow dissident.

Torture was spreading “through the world like an uncontrollable disease.” These “sadistic criminals” insisted on being addressed by prisoners as “doctor”—except that their specialties were in rape, fingernail-plucking, and whipping. For a torturer to do his job, Laber wrote, he had to deny his own humanity. But to do nothing while knowing torture *existed* in many countries was just as dehumanizing, “Those who refuse to believe the facts—who shield themselves from the almost unbearable knowledge of what is happening right now to human beings like themselves—become silent accomplices to the torturer’s deeds, prisoners of the nightmare.”⁵⁹

Two prisoners who left a lasting impression on Laber while she was at the International Freedom to Publish Committee were South African black leader Steve Biko and Argentine journalist Jacobo Timerman. Donald Woods, a newspaper editor exiled from South Africa, told the committee how Biko was murdered by the Bureau of State Security. Editor of the Buenos Aires daily *La Opinión*, Timerman was tortured after publishing the names of the “disappeared,” which he recounted in his *Prisoner without a Name, Cell without a Number*, a book published by Knopf. The committee eventually persuaded the Columbia School of Journalism to invite Timerman as a guest lecturer, at which time he was allowed to leave Argentina but not before being stripped of his citizenship.⁶⁰

Hoping to make a career out of her passion, Laber interviewed for the position of Executive Director at the International League for Human Rights, but was turned off by arguments among some of the “stodgy” board members. “They seemed to lack the inventiveness and spontaneity that I valued in the members of the Freedom to Publish Committee and the Fund for Free Expression.” In addition to becoming a professional human rights activist, Jeri was dealing with the end of her marriage to Austin, who said in March 1978 that he would be filing for divorce. At the age of forty-six, she was now free to do what she wanted with her life.⁶¹

The Ford Foundation

The September 1973 military coup that overthrew Chilean President Salvador Allende transformed the Ford Foundation into a crucial source of funding for international human rights NGOs. With many leftist intellectuals forced into exile by the Pinochet regime, the foundation gave \$375,000 in 1974-1975 to universities and thinktanks in Great Britain, Canada, and the United States so that they would have somewhere to go. A similar rescue plan was implemented for nearly 300 Argentine social scientists after that country’s March 1976 military coup. The

⁵⁹ Jeri Laber, “The Torturers,” *Washington Post*, September 25, 1976; Laber appeared with another op-ed piece on the Philippines six weeks later in the *New York Times*, see Jeri Laber, “Philippines Torture,” *New York Times*, October 30, 1976

⁶⁰ See Donald Woods, *Biko* (New York: Paddington Press, 1978); Jacobo Timerman, *Prisoner without a Name, Cell without a Number* (New York: Knopf, 1981), translated from the Spanish by Toby Talbot; The committee also heard from the two women who had founded the Mothers of the Plaza de Mayo. Laber found out that she was distantly related to Maria Antikoletz, see Laber, *Courage of Strangers*, 88

⁶¹ Laber, *Courage of Strangers*, 89-90

Ford Foundation spent nearly \$1.7 million on graduate fellowships for exiled scholars during the mid-1970s. Previously, it had mostly been interested in promoting economic development. One of its major programs was bringing Latin American economists to American universities. The technocrats responsible for implementing Chile's neoliberal economic program were known as Los Chicago Boys. They were the group of young Chilean economists who had studied under Milton Friedman and Arnold Harberger at the University of Chicago's Program of Latin American Research and Training.⁶²

The program officer responsible for bringing international human rights to the Ford Foundation was David Heaps, who expressed regret in July 1974 that his organization had "never displayed any systematic concern with the pervasive abuse of human rights." Following a visit to Latin America in May 1975, Ford Foundation Vice-President David Bell had been "much struck by the significance of human rights organizations," particularly the Chilean Committee of Cooperation for Peace, which had provided him with documentation of human rights abuses perpetrated under the Junta. Now that he had a valuable ally in Bell, Heaps circulated his *Draft Report on Human Rights* later that summer. Using information gathered from Amnesty International, the Red Cross, major news organizations, and Andrei Sakharov, Heaps estimated the number of political prisoners around the world. With this "growing proliferation of political prisoners," human rights NGOs needed more resources so they could continue the "essential effort of energetic exposure and mitigation of human rights abuses." Heaps then evaluated several potential grant recipients: Amnesty International (AI), the Red Cross, the International Commission of Jurists, the International Association of Cultural Freedom, Minority Rights Foundation, and the International League for Human Rights. Heaps thought some NGOs were more viable than others. Because of its "severely limited resources and staff," for instance, the International League for Human Rights lacked the "capacity to achieve serious implementation of programs."⁶³

As Heaps explained to Amnesty International's Research Director Stephanie Grant in April 1975, the Ford Foundation was not interested in making any "structural contributions" towards covering administrative costs. In accordance with these guidelines, Grant came up with three ideas: a documentation center, where information could be stored and retrieved; a research program that would produce a comprehensive worldwide report on political imprisonment; and more funding of the Campaign for the Abolition of Torture. Heaps immediately rejected the last option, but liked the first two. Heaps specified that the money would be given to the International Secretariat, not AIUSA. Of course, the International Secretariat was not as keen on the Ford Foundation as AIUSA. "I explained that we were in no position to make an application, since there existed considered reluctance within the organization to the idea of receiving American foundation money," Grant wrote of her meeting with Heaps.⁶⁴

The signing of the Helsinki Accords in August 1975 spurred dissidents in the Eastern Bloc into organizing informal monitoring groups. The formation of Moscow Helsinki Group in

⁶² William Korey, *Taking on the World's Repressive Regimes: The Ford Foundation's International Human Rights Policies and Practices* (New York: Palgrave Macmillan, 2007), 26-27; Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Metropolitan Books, 2007), 151-155; also see Juan Gabriel Valdés, *Pinochet's Economists: The Chicago School in Chile* (Cambridge, United Kingdom: Cambridge University Press, 1995), 189-200

⁶³ Korey, *Taking On the World's Repressive Regimes*, 36-45

⁶⁴ Stephanie Grant to Martin Ennals, April 14, 1975, Box 5, Morris, Ivan—Amnesty International—Fundraising, IM, BtL, CU

September 1976 led Czech dissidents to establish Charter 77 and Polish intellectuals and trade unionists to form KOR. The stated purpose of all three groups was to help their respective governments implement the human rights provisions found in Basket Three of the Final Act. Their very existence compelled American activists to form their own U.S.-based NGO, an opportunity for the Ford Foundation to make a big splash in the field of international human rights.

One potential organization was Bayard Rustin's National Conference on Human Rights (NCHR). A former aide to Martin Luther King, Jr., Rustin assisted with the August 1963 March on Washington. Openly gay and a pacifist, he was a strong advocate for labor unions. His anti-communism brought him to human rights issues during the late 1970s. With Carl Gershman of the Social Democrats USA, Rustin authored a 1977 pamphlet that pointed to the victory of the Soviet-supported MPLA in the Angolan Civil War as evidence that Africa was threatened by Communism. He signed a petition that called upon Prime Minister Indira Gandhi to restore full political rights after declaring a State of Emergency in India, the language of which echoed King: "Experience shows that when human rights are suppressed anywhere they are threatened everywhere, and that the longer they are suppressed the longer it takes to restore them." Concerned with the plight of the so-called "Boat People" from Vietnam, Laos, and Cambodia, Rustin participated in a February 1978 International Rescue Committee mission to Thailand, after which he lobbied for Hmong refugees to be allowed into the U.S. As Rustin wrote in his newspaper column, "A new 'invisible man'" has been born within our midst—the Southeast Asian refugee. Shunted from country to country, over 150,000 of these 'invisible people' cling to a precarious existence in scores of refugee camps that dot non-Communist Asia. They have a simple and solitary message for the international community: 'Do not forget us!'"⁶⁵

With funding from the Ford Foundation, Rustin held an organizational meeting for the NCHR in October 1977 that was attended by 200 people. A panel on "Human Rights as an Issue and as a Movement" included Jerome Shestack, President of the International League for Human Rights; William Korey, Director of B'Nai B'rith International Council; Leo Cherne, Chairman of International Rescue Committee; Clarence Mitchell, Director of the NAACP's Washington Bureau; and Leon Shull, Executive Director of Americans for Democratic Action. With Martin Garbus of the Lawyers Committee for Chile and the Lawyers Committee for Soviet Jewry and AIUSA Executive Director David Hawk, Rustin sat on the "Toward an American Coalition for Human Rights" panel. Rustin framed the NCHR as an outgrowth of the civil rights movement. "There are, in fact, some significant parallels that can be drawn between the human rights movement of today and the civil rights movement of the previous decade," Rustin said.

The new movement is rooted in the same moral concern with individual human dignity as was the movement for racial justice in the U.S. And where the civil rights movement sought to mobilize support in the North for the struggle against Jim Crow in the South, the human rights movement seeks to build support among

⁶⁵ Bayard Rustin and Carl Gershman, *Africa, Soviet Imperialism, and the Retreat of American Power* (New York: Social Democrats, USA), a reprint of an article that first appeared in the October 1977 issue of *Commentary*; "India Protest [Revised Final Draft, Hertzberg and Mehta, 12276]," Reel 2, Frame 435, Bayard Rustin Papers (BR) [Microform], (Frederick, Maryland: University Publications of America, 1988); Ernest E. Lee to Bayard Rustin, January 30, 1978, Reel 16, Frame 475, BR; Charles Sternberg to Members of the Southeast Committee, "IRC Memo," January 26, 1978, Reel 16, Frame 476, BR; for La Her, see Robert DeVecchi to Bayard Rustin, June 13, 1978, Reel 16, Frame 492, BR; Bayard Rustin, "Do Not Forget Us!", n.d., Reel 16, Frame 497 (?), BR

the democracies of the world—the United States above all—for those now struggling in countries that deny their citizens basic rights.⁶⁶

The conference mostly revolved around how to establish a steering committee to bring together international human rights NGOs with civil rights, labor, and religious organizations. But problems with Rustin's ecumenical appeared early on. The Coalition for a New Foreign and Military Policy's Human Rights Working Group, the most important lobby in Washington, D.C. on human rights issues, was not invited. Some participants complained about the absence of Chicanos and American Indians. And there was widespread concern that human rights would become Cold War propaganda if all the activities were aimed towards the Eastern Bloc, not to mention basic disagreements over how this loose coalition would pursue its goals.⁶⁷

In a letter intended to bridge some of these differences, Rustin described how the Final Act had "become a rallying point for dissidents in totalitarian countries." It was the "duty of those who have waged these struggles" to help others do the same abroad. In December, Rustin followed up by meeting with representatives from Amnesty International, the International League for Human Rights, the Council on Religion and International Affairs, and the Center for War and Peace Studies to share his vision of a Helsinki-oriented "steering committee" to be modeled on the Leadership Conference of Civil Rights (LCRC). Like the LCRC, the NCHR would issue statements only after reaching a consensus. While the human rights NGO representatives were "generally favorable" towards Rustin's proposal, they pointed to the "greater complexity" of international politics.⁶⁸

Rustin first requested funding for NCHR in March 1977. Felice Gaer, a Ford Foundation specialist on Eastern Europe, was concerned about Rustin's associations with Social Democrats USA and Freedom House, both of which she perceived as too anti-Soviet to have much credibility. Nonetheless, Gaer recommended that the foundation provide the \$9000 for the one day conference in October. The biggest obstacle preventing further involvement in the NCHR was that it lacked a clearly defined role, as Gaer considered Rustin's plan to be "very sketchy indeed." The NCHR would be eliminated as a serious candidate for permanent funding by the end of the year.⁶⁹

The Ford Foundation received a second proposal from Morton Sklar, a law professor at Catholic University. Sklar and Aviva Kempler co-founded the Legal Committee of the Human Rights Working Group, a coalition of human rights organizations in Washington, D.C., in spring 1978. "We plan to carry out a survey of documented findings of domestic human rights problems," stated its introductory statement. "Opinions or decisions by courts, civil rights agencies, or other officially recognized fact-finding bodies on current matters would be especially useful." Sklar and Kempler made plans to work with the U.S. Helsinki Commission on two initiatives: "(1) seek the broaden membership of the agency to include representatives of private human rights groups; (2) have the commission pay more attention to domestic human rights needs, which it has largely ignored." Sklar held an organizational meeting in September

⁶⁶ "National Conference on Human Rights, 'Toward an American Coalition for Human Rights,' October 6, 1977, Park Sheraton Hotel, New York," *Human Rights Internet*, Vol. 3, No. 1 (September 1977), 33

⁶⁷ "National Conference on Human Rights, October 6, 1977," *Human Rights Internet*, Vol. 3, No. 2 (October/November 1977), 2-3

⁶⁸ Korey, *Taking On the World's Most Regimes*, 94

⁶⁹ Program officer Bruce Bushey did not understand why the Ford Foundation should fund activities related to the Helsinki Final Act if it technically was not legally binding, *Ibid.*, 95

for his group with representatives from the Indian Law Resource Center, MALDEF, the ACLU's National Prison Project, and Americans for Democratic Action. Not surprisingly, they agreed to work on extending the rights of women, Chicanos, American Indians, and prisoners. Primarily concerned with domestic compliance with the Helsinki Accords, Sklar wanted the United States to be "a model" to the other signatories. Though she found Sklar's proposal "impressive," Gaer had a "negative view" regarding its prospects at attracting widespread support. Whereas Sklar had conceived of his legal committee as a domestic Helsinki monitor, the Ford Foundation very much preferred an *international* human rights NGO.⁷⁰

Former U.S. Supreme Court justice and head of the U.S. delegation to the Conference on Security and Cooperation in Europe (CSCE), which began the first of its reviews of human rights implementation by Helsinki Accords signatories at Belgrade in October 1977, Arthur Goldberg concluded that American public opinion had yet to be sufficiently mobilized against the Eastern Bloc. If the U.S. delegation wanted to put the Soviets on the defensive over their human rights practices, then Americans had to understand the ways in which dissidents were being repressed behind the Iron Curtain. A U.S.-based Helsinki Watch would spread awareness of the next CSCE review conference and serve as a model for Western Europeans to create their own Helsinki groups so that the West could more effectively apply international pressure on the Soviets, the Czechoslovaks, and Poles. Familiar with Ford Foundation President McGeorge Bundy from their service in the Kennedy administration, Goldberg asked Bundy if this proposed organization was worth funding. Bundy then sought Bernstein's opinion. Well connected to the type of opinion-shaping institutions that would be needed to educate the public, the Fund for Free Expression quickly moved past the proposals from Rustin and Sklar as the leading candidate for permanent funding. Indicative of what the program officers wanted from the leader of their new organization, Gaer said, "Sklar was not a leader of the same quality and stature as Bob."⁷¹

Per Goldberg's request, Bernstein talked with Alfred Friendly, Jr., a senior consultant to the U.S. Helsinki Commission, which had been formed by Congress in response to the signing of the Helsinki Accords. A former correspondent in Moscow for the *Washington Post* and *Newsweek*, Friendly was managing the commission's media relations. In late April, Friendly received a letter from Goldberg describing the steps that already had been taken towards the formation of a U.S. Helsinki Watch, including the possibility that Bernstein would be selected as the chairman. As the "private counterpart" to the U.S. Helsinki Commission, this new organization would put "pressure" on the White House and State Department to act more forcefully on human rights issues by persuading "the press to take the subject more seriously than it has now." Friendly was also impressed with Ed Kline and Jeri Laber.⁷²

Bundy was adamant that any U.S.-based Helsinki group report on "domestic" and "international" compliance to counter any accusation that Americans were ignoring their own problems. A strong NGO would demonstrate to the rest of the world "that a free society allows private groups to investigate, report, and criticize shortcomings." By acting as a "liaison with Helsinki Watch groups in other countries and in exile" and "encourage the formation of such Committees in any of the signatory countries," its presence might "offer moral support, a feeling

⁷⁰ "Legal Committee of the Human Rights Working Group," *Human Rights Internet*, Vol. 3, No. 7/8 (April/May 1978), 7-8; "U.S. Helsinki Watch Committee for the U.S. Just Formed," Vol. 4, No. 1/2 (September-October 1978), 16; Korey, *Taking On the World's Repressive Regimes*, 95

⁷¹ Korey, *Taking On the World's Repressive Regimes*, 98; Laber, *Courage of Strangers*, 97-98

⁷² Korey, *Taking On the World's Repressive Regimes*, 99-100

of legitimacy and perhaps some small protection to Helsinki Watch Committees in the Soviet Union and Eastern Europe.”⁷³

Laber talked with Goldberg at a State Department function just before he was to leave for Belgrade. While most of the attendees consisted of ethnic groups who advocated for an end to Soviet control over the Baltic States or Eastern Europe, Laber stood out to him because she did not serve a specific constituency. Goldberg asked Laber to prepare a short paper on the problem of free expression in Helsinki signatory countries. Focusing heavily on the founder of the Moscow Helsinki Group, Yuri Orlov, she briefed Goldberg a few weeks later.⁷⁴

Bundy asked the Fund for Free Expression to submit a grant application in May 1978. Mostly written by Laber after she had talked to “dozens of people in the government and in the nonprofit sector to get their views on the feasibility of a U.S. Helsinki Watch,” the grant concentrated on describing the functions that Bundy and Goldberg had already identified. Through the “consciousness-raising” of the U.S. Helsinki Watch, “U.S. delegation to Madrid could not feel as isolated in its human rights stand as did the U.S. delegation to Belgrade.” It would achieve this objective by cultivating “good relations with the press,” for an “influential Board” of prominent cultural, intellectual, and business leaders would generate media attention.⁷⁵

The Ford Foundation awarded a \$25,000 planning grant to the Fund for Free Expression the next month. After the grant was formally approved on June 6, Bernstein quickly formed a “Steering Committee” of close associates who included himself; Ed Kline; former ACLU Executive Director Aryeh Neier; former President of the New York Bar, Orville Schell; two prominent New York lawyers, Adrian DeWind and John Carey, a law professor at NYU; Jack Greenberg, Director of the NAACP’s Legal Defense Fund; and Robert McKay, former Dean of the NYU Law School and head of the Aspen Institute’s Justice Program. These individuals formed the nucleus of the U.S. Helsinki Watch Board of Directors once it became operational. Neier and Schell met repeatedly through summer to begin assembling a staff. Laber was hired in October to develop the international program. Although Neier declined to take the Executive Director position, he recommended David Fishlow from the ACLU’s Northern California chapter.⁷⁶

Activist newsletter *Human Rights Internet* announced the formation of WATCH in the fall. Described as an “independent, non-governmental organization, composed of a representative group of private U.S. opinion leaders, the concern of which will be monitor domestic and international compliance with the human rights provisions of the 1975 Final Act,” WATCH was to serve as a “bridge between domestic and international rights concerns within a Helsinki context.” Domestically, WATCH promised to monitor U.S. compliance with the Helsinki Accords “by eliciting the cooperation of the many well-established private human rights organizations in this country”; educate the public about what was in the agreement; and join with other organizations to urge Congress to ratify the International Human Rights Covenants. Internationally, WATCH intended to establish correspondence and personally visit with Helsinki groups in signatory countries and encourage their formation in countries where they did not

⁷³ Ibid., 100

⁷⁴ Laber, *The Courage of Strangers*, 97

⁷⁵ Laber, *The Courage of Strangers*, 98; Korey, *Taking On the World’s Repressive Regimes*, 100

⁷⁶ Laber, *The Courage of Strangers*, 103

exist; bring to the public's attention "any official mistreatment or repression of Helsinki Watch groups"; and publish a semi-annual newsletter similar to the *Index of Censorship*.⁷⁷

In its January 1979 introductory press release, Helsinki Watch declared that it was responding to a call from the Moscow Helsinki Group for similar committees in all Helsinki signatory countries. But it had already narrowed the scope of its activities. "Our interest was mainly in what was happening over there, where citizens who spoke out were thrown into prison," Laber wrote. "In the United States, there was no such problem. There were myriad citizen groups already in place and functioning without pressure from government." Helsinki Watch simply did not have the resources to duplicate what the NAACP and ACLU were already doing. This was one reason why Fishlow only stuck around until May 1979. According to a memorandum by the Ford Foundation Program Officer Bruce Bushey,

Bernstein hired a Committee staff director before functions and objectives were defined. This proved harmful because he was a specialist on American minority problems whereas the Committee subsequently developed largely along international lines. As a result, conflict arose and the director was fired several months after he began work—with considerable disruption of activities.⁷⁸

Not much progress was made over the next few months. While this was partly due to staff vacations, Gaer and Bushey feared Laber was uncertain about how to proceed. Much of this confusion was due to differences in how to define the organization's purpose. Neier believed it to be "a mini ACLU," while Fishlow wanted it to "principally raise domestically generated complaints of violations to the U.S. Government in the context of the Helsinki act" as well as "field foreign generated criticisms of violations." Laber made it known that her primary focus would be "on the international, specifically East European and Soviet aspects."⁷⁹

Soon after joining U.S. Helsinki Watch in October 1978, Laber visited with many of her colleagues. On October 10, Laber met with Sidney Liskofsky of the American Jewish Committee, an expert on the Helsinki process. To draw a sharper contrast with the Soviets, Liskofsky urged her to emphasize political rights. She then visited Washington, D.C. two weeks later, meeting with officials from the White House, the State Department, and the U.S. Helsinki Committee. Most of her time was spent with Eastern Europe and the Soviet Union specialists who were very receptive to the idea of Helsinki Watch.⁸⁰

The Ford Foundation was increasingly growing anxious. Gaer and Bushey articulated these concerns to Bundy in November 1978. Discussions with "regular contacts" in the human rights community had led them to doubt if Helsinki Watch had the "range of expertise required to deal with the complicated domestic and international issues raised by the Final Act." As of July 1980 Bushey had yet to be convinced that Helsinki Watch had succeeded in defining its role. Concluding that the 1978-1979 planning grant had been a "dismal failure," Bushey criticized the firing of Fishlow. Regardless of the memoranda Bushey had sent him, Bundy "pushed ahead against our objections," using his authority to circumvent the usual deliberation process on Helsinki Watch. Unlike the program officers, Bundy was hardly interested in the

⁷⁷ "WATCH: U.S. Citizens' Helsinki Monitoring Committee Being Formed," *Human Rights Internet*, Vol. 4, No. 1/2 (September-October 1978), 10-11

⁷⁸ Korey, *Taking On the World's Repressive Regimes*, 100, 105

⁷⁹ *Ibid.*, 105

⁸⁰ Laber, *The Courage of Strangers*, 105-106

specifics. That he had Bernstein as chairman was good enough for him. “In the United States, a group of private citizens has organized Helsinki Watch, Inc., to monitor U.S. compliance and to call public attention to cases of official mistreatment of watch groups in other countries,” stated the Ford Foundation’s *1979 Annual Report*. Bundy’s commitment was a crucial factor in the \$400,000 given to Helsinki Watch in January 1979, a two-year grant that was renewed in subsequent years. In 1983, for example, the Ford Foundation allotted Helsinki Watch another \$150,000.⁸¹

Still in search of a successor to Fishlow, Winthrop Knowlton asked Laber in May 1979 to consider applying for the position of Executive Director. After considering how this new job might impact her youngest daughter, she concluded that she was the most qualified candidate. “I’ve been around since the beginning,” she wrote in a cover letter addressed to Bernstein on June 3. “I already know the people involved, I’ve struggled through the issues, been part of the consensus we’ve reached. Moreover, I know the kinds of demands made on the office and have probably given more thought to the specifics of staffing than anyone else.” Although she received a positive response from Bernstein, some male board members—especially Ed Kline and Orville Schell—were hesitant about putting a woman in charge. But Bernstein’s insistence that Laber had the experience to do the job ultimately won them over. Even if some in the Ford Foundation were initially skeptical of this decision, Laber realized that she could advance the cause in ways men could not:

Slowly, as I became more self-assured, I discovered that I could contribute a lot by virtue of being a woman. I used the skills I had acquired while my children were young, taking useful photos of the dissidents I met and opening my home to newly arrived émigrés—cooking and entertaining came easily to me. I could travel inconspicuously in repressive countries where the police saw little threat in a woman. I developed personal relationships with victims of human rights abuses. I could speak about them publicly with the kind of emotion that many men suppress in themselves. My reports on my human rights missions would become high points at our committee meetings.⁸²

Laber took full advantage of her background over the next decade as she helped build a transnational network that brought together Eastern Bloc dissidents with Western human rights activists. Through the AIUSA Riverside Group, International Freedom to Publish Committee, and Fund for Free Expression, Laber became a professional activist by following her passion for Soviet literature. This path would be repeated by many more American human rights activists during the 1980s and 1990s who also found ways to make a career out of their most deeply held moral principles.

⁸¹ Korey, *Taking On the World’s Repressive Regimes*, 107-109; Ford Foundation, *1979 Annual Report* (New York: Ford Foundation, 1979), 45-46. Also receiving grants from the Ford Foundation was Columbia University’s Center for the Study of Human Rights; Human Rights Internet, a newsletter that sought “to improve the flow of information among the growing number of scholars and activists in this field”; the International League for Human Rights on behalf of a group of New York-based lawyers who investigated cases of repression and seek redress through national and intergovernmental bodies; and the International Rescue Committee for its efforts to convince the U.S. government to admit more Indochinese refugees; Ford Foundation, *1983 Annual Report* (New York: Ford Foundation, 1983), 45

⁸² Laber, *Courage of Strangers*, 105-108

Chapter 13

“The Disintegration Will Not Happen Overnight”: Jeri Laber and the Making of the Transnational Helsinki Network, April 1979-October 1985

Newly appointed by Robert Bernstein as Vice-Chairman of the Watch Committees, Aryeh Neier asked Jeri Laber in September 1981 about her plans for Helsinki Watch. Before Laber even had a chance to think over the question, Neier was already saying his answer. No longer would Helsinki Watch rely on information provided by others. Instead, it would go out into the field and meet personally with dissidents. But the only person capable of performing this task, Neier insisted, was Laber. Her father’s health problems made her hesitate at first, but she ultimately decided to go on “the first *real* mission in our organization’s history.”¹

In late October 1981, Laber left New York on a twenty-five day trip through Czechoslovakia, Poland, Hungary, and Yugoslavia. Unlike Amnesty International, which usually gave government officials advance notice of their missions, Helsinki Watch was less inclined to engage in such niceties. It was more interested in building relationships with dissidents, relying upon them for information, and using these findings to enter into foreign policy debates in the United States. Laber defined her objectives on this particular visit as finding out who were the leading dissidents in each country, what they thought of plans to organize an international human rights conference, if they kept in contact with dissidents in the region, and their views of the Solidarity movement in Poland.²

Through its many fact-finding missions, articles, press conferences, news releases, and reports, Helsinki Watch quickly established itself as a conduit of information from Eastern Bloc dissidents, giving them the visibility they needed to rouse international public opinion when confronted with state repression. Helsinki Watch worked closest with the very groups that served as its model—the Moscow Helsinki Group, Charter 77, and KOR (Solidarity). Following the strategy employed by Arthur Goldberg, the head of the U.S. delegation at the CSCE Belgrade Review Conference, Max Kampelman, Goldberg’s successor, and Helsinki Watch used the follow-up meeting in Madrid to confront the Soviet Union, Czechoslovakia, and Poland about their abysmal human rights records. To receive complaints from dissidents and coordinate media outreach, Helsinki Watch set up an office in Madrid. With the KGB successfully harassing the Moscow Helsinki Group into oblivion by September 1982, Laber believed that the only way dissidents would be safe was if they belonged to a transnational network that connected them to Western activists. What resulted from her organizing was the International Helsinki Federation for Human Rights (IHF), which included Final Act-oriented groups in the U.S., Western Europe, and Eastern Europe. As dissidents in the Soviet Union, Czechoslovakia, and Poland struggled against a sustained campaign of state repression in during the late 1970s and early 1980s, the monitoring of Helsinki Watch and the IHF assured them that they were not alone.

The First Year

¹ Jeri Laber, *The Courage of Strangers: Coming of Age with the Human Rights Movement* (New York: PublicAffairs, 2002), 132-133

² *Ibid.*, 135

In coordination with the Committee for Public Justice, the Indian Law Resources Center, the International Human Rights Law Group, the Lawyers Committee for International Human Rights, the NAACP, the NAACP Legal Defense and Education Fund, and the National Organization for Women's Legal Defense and Education Fund, Helsinki Watch testified in hearings on domestic compliance of the Final Act held by the U.S. Helsinki Committee in April 1979. Helsinki Watch wrote the introduction to a report that criticized the discrimination of African-Americans, American Indians, and women, for it was evident that "minority groups in this country bear the brunt of the United States' failure to live entirely up to its Helsinki commitments." Another report released the next year dealt with free speech, race and sex discrimination, and prisoner rights. But, as Helsinki Watch's *Second Annual Report* made sure to emphasize, these findings "in no way implied an equation between human rights practices in the United States and the egregious violations that exist in the USSR and certain East European signatories." These reports turned out to be effective at Madrid. By giving copies to the Soviet delegation, Orville Schell felt he had blunted any criticisms they might have had about American hypocrisy. In its semiannual report to the Helsinki Commission, the White House reserved special praise for Helsinki Watch's activities: "While the reports identify a number of areas in which they authors believe improvement is warranted, Helsinki Watch representatives also noted that prospects are good for improving U.S. compliance because the freedom to monitor implementation is firmly established in the United States."³

The U.S. Helsinki Commission offered Helsinki Watch a receptive audience for its findings. When the commission discussed the case of Soviet dissident Aleksandr Ginzburg, Robert Bernstein was featured as an introductory speaker. Ginzburg had been arrested in 1977 for his membership in the Moscow Helsinki Group. Under questioning by the judge at his trial, Ginzburg claimed to be "born in the Gulag Archipelago." His nationality was "zek"—prisoner. The third time he had been arrested for "anti-Soviet activity," he was sentenced to eight years at hard labor. Much to the annoyance of Brezhnev, President Jimmy Carter wrote Ginzburg an open letter of support. Released as part of a prisoner exchange in April 1979, he and his family moved to France where he was a human rights activist until his death in 2002.⁴

Helsinki Watch also made use of its access to the American media. Days before Carter was to meet with Brezhnev at the June 1979 Vienna Summit, a *New York Times* op-ed written by Robert Bernstein and Orville Schell urged the president to demand the release of fourteen imprisoned Moscow Helsinki Group members: "Soviet leaders should be told in Vienna that until the legitimate rights of the Helsinki monitors are restored, the fulfillment of another goal of the Helsinki Accords—the granting of most-favored nation status—is out of the question." After Andrei Sakharov was banished to Gorky in January 1980, Helsinki Watch and the International League for Human Rights held a press conference to announce that they were initiating a public campaign for Sakharov's release. Speeches were given by Tanya and Yefrem Yankelevich, Sakharov's step-daughter and son-in-law, respectively; Robert Bernstein; Sol Chaiken, President of the International Ladies Garment Workers Union (ILGWU); Leo Nevis, Vice-President of the International League for Human Rights; Bayard Rustin, President of the A. Philip Randolph Institute; Andrei Tverdokhlebov, former Soviet dissident; and Jerome Weisner,

³ Helsinki Watch, *First Fifteen Months* (New York: Helsinki Watch, 1980), 13, Box 70, Miscellaneous: HW Annual Reports—1979-1985, Record Group 7, Series I.1, Files of Jeri Laber (JL), Country Files: USSR (USSR), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Helsinki Watch, *Second Annual Report* (New York: Helsinki Watch, 1982), 11-12

⁴ "Aleksandr Ginzburg: Soviet Dissident Expelled from His Homeland," *The Independent* (UK), July 22, 2002

President of MIT. A statement of support for Sakharov signed by over 100 Americans was read aloud. Even at this early stage in its development, Helsinki Watch was implementing a publicity strategy that would be utilized on an even larger scale as it grew into prominence during the 1980s. But its most significant task was to establish direct links with Eastern Bloc dissidents—a process that began with a Soviet exile, Ludmilla Alexeyeva.⁵

Alexeyeva worked on Helsinki Watch's first report about the Moscow Helsinki Group. Originally from the Crimea, Alexeyeva graduated with a degree in archaeology at Moscow State University before attending graduate school at the Moscow Institute for Economics and Statistics. At the age of twenty-five, she joined the Communist Party in 1952, but would be shaped more by the Khrushchev Thaw than Marxist ideology. She worked as an ethnography and archaeology editor for most of the 1960s. In 1966, she expressed support for Yuli Daniel and Andrei Sinyavsky, two writers who were imprisoned for publishing satire abroad. Expelled from the party in April 1968, Alexeyeva eventually found work at the Institute of Information on Social Sciences while secretly typing *The Chronicle of Current Events* from 1968 to 1972. A founding member of the Moscow Helsinki Group in 1976, she collected information, edited a number of its documents, and hid the copies from the authorities. After she was banished from the Soviet Union in February 1977, she moved to Bethany, West Virginia, thereupon becoming the official Western representative of the Moscow Helsinki Group. A spokeswoman for Soviet dissidents in the United States, Alexeyeva wrote about the activities in which she and her colleagues had participated, including the full-length history, *Soviet Dissidents* (1985). Bernstein asked Alexeyeva to serve as a consultant to Helsinki Watch in July 1979. The Board of Directors authorized \$2,500 for her to use towards any "expenses incurred in connection with your work, including telephones, travel, postage, Xerox, etc." The first transaction between Helsinki Watch and Alexeyeva was the \$180 in airfare she paid for Yuri Orlov's attorney, John Macdonald, to come to New York.⁶

Exiles like Alexeyeva made dissidents aware of Helsinki Watch. As if to announce their partnership, Helsinki Watch and Moscow Helsinki Group held a joint press conference on July 31, 1979 that was briefly linked by telephone before the line was cut off. Jeri Laber followed up by going to Eastern Europe just over a month later. Using the 1979 Moscow Book Fair as a cover, she visited with representatives of the Moscow Helsinki Group and Ukrainian Helsinki Group. Along with Helen Sen of Helsinki Watch, she then met with Charter 77 in Prague and KOR in Warsaw. The significance of winning their trust cannot be understated. "Contacts established during that trip were continued by mail and telephone, as well as subsequent trips by [U.S. Helsinki] Committee members John Carey and Orville Schell and by others," Helsinki Watch wrote in its first annual report.⁷

1979 Moscow Book Fair

⁵ Robert L. Bernstein and Orville H. Schell, "Why Moscow Harries the Helsinki Monitors," *New York Times*, June 19, 1979; Helsinki Watch, *First Fifteen Months*, 12-13

⁶ Ludmilla Alexeyeva and Paul Goldberg, *The Thaw Generation: Coming of Age in the Post-Stalin Era* (Boston: Little, Brown, 1990); Ludmilla Alexeyeva, *Soviet Dissent: Contemporary Movements for National, Religious, and Human Rights*, translated by Carol Pearce and John Glad (Middletown, CT: Wesleyan University Press, 1985); Robert L. Bernstein to Ludmilla Alexeyeva, May 9, 1979, Box 42, Alekseyeva, Ludmilla [Correspondence]—1979-1985, JL, USSR, HRW, CHRDR, CU

⁷ Helsinki Watch, *First Fifteen Months*, 15; "Helsinki Watch," *Human Rights Internet*, Vol. 4, No. 9 (June/July/August 1979), 26

To fulfill the “free flow of ideas” provision in the Helsinki Final Act, the Soviet Union hosted the inaugural Moscow Book Fair in 1977. Held biannually, the purpose of the event was to give the Soviet people a glimpse at what the rest of the world was reading. The displays were set up by major foreign publishers. Though the book fair was ostensibly based upon the idea of cultural exchange, its terms were heavily dictated by Soviet authorities, for they had final say over which books would be allowed. These restrictions bothered American publishers, none more so than Robert Bernstein who refused to attend.⁸

Bernstein began preparing for the second Moscow Book Fair months in advance. In December 1978, he requested to see the “rules” of the book fair to see if Helsinki Watch could make the event useful. At the very least, he could use the occasion to make a point about censorship. Random House received official approval to participate in March 1979.⁹

With the Moscow Book Fair scheduled to open on September 4, 1979, Bernstein was informed on August 28 that his entry visa had been cancelled. The Soviet embassy had no explanation, but the timing corresponded with the August 22 defection of Aleksandr Godunov, a dancer with the Bolshoi Company who secured Orville Schell as his lawyer. “Their decision is both morally offensive and fraudulent,” Bernstein said to the *Washington Post*. “The Soviets accepted our application, accepted our fees, and, as recently as two weeks ago, accepted payment for a dinner for Soviet writers that I was to have hosted with another publisher.” The State Department could not persuade the Soviets to relent. Not wanting to put itself in the “position of blocking the free flow of ideas,” Random House stayed in the fair. Bernstein suspected that this incident was retaliation for his involvement with Helsinki Watch. He had given an interview with TASS—the state news agency—three weeks earlier in which he criticized the refusal of Soviet authorities to let Sakharov make telephone calls to his son in the United States.¹⁰

Only a day after telling Bernstein that their decision was final, the Soviets changed their mind: the visa would be reinstated if Bernstein agreed “not to abuse Soviet hospitality.” Pointing out that these conditions were too vague, Bernstein rejected the offer, so the visa was cancelled once again. All of this left Bernstein frustrated. “The Soviet government action has been insulting to and intimidating to me, to Random House, and to all publishers going to Moscow next week,” he protested. “No American publisher should have to do business with the Soviets in this way, particularly when many Soviet writers are not free to see and talk with their American publishers.”¹¹

The Association of American Publishers (AAP) display was “America through American Eyes,” 321 titles that had been chosen by a committee of writers and librarians chaired by Kurt Vonnegut (Sophie Silverberg and Jeri Laber were the coordinators). In his introduction to the catalog, Vonnegut wrote that he had been instructed to make a representative list of current, popular, and readily available books from the likes of Saul Bellow, Eudora Welty, Woody Allen, and E.B. White that “will give our friends in the Soviet Union some notion of America’s amusements and arts and concerns right now.” Soviet customs officials banned eleven Random

⁸ “Moscow Book Fair,” *CSCE Digest*, September 14, 1979, Box 58, USSR—Moscow Book Fair—1978-1979, JL, USSR, HRW, CHRDR, CU

⁹ Robert Bernstein to David Fishlow, December 1, 1978, Box 58, USSR—Moscow Book Fair—1978-1979, JL, USSR, HRW, CHRDR, CU

¹⁰ “Learning the Book Fair Lesson,” *New York Times*, September 2, 1979; Lee Lescaze, “Soviets Cancel U.S. Publisher’s Trip for Book Fair,” *Washington Post*, August 29, 1979

¹¹ Lee Lescaze, “Russians Back Off On Publisher Visa; He Refuses Terms,” *Washington Post*, August 30, 1979

House titles following their inspection of Pavilion No. 2. The books ranged from biographies of Baryshnikov and Bukharin to Menachem Begin's memoirs of his years in Stalin's prison camps (*White Nights*) and Solzhenitsyn's *Gulag Archipelago* and *First Circle*. Nine other titles were taken for "review by higher authority," five volumes of political cartoons as well as assorted books on Judaism, Nazi Germany, U.S. foreign policy, and visitor impressions of the Soviet Union. In all, nearly forty books were confiscated from seven different American and British exhibitions. Some of the decisions were baffling. George Orwell's *Animal Farm* was taken from the New American Library collection, but *1984* was approved even though it had been banned at the 1977 book fair. Anticipating that their displays would be censored again, several American publishers had purposely sent more controversial books this time around. As one of them remarked to the *Los Angeles Times*, "Why should we do the censoring for them?"¹²

Soviet publishing official Boris Stukalin defended the government's actions at a press conference on September 3, "This is highest affirmation of freedom of speech since freedom to propagandize fascism is the kind of freedom that all honest people in our country and in other countries must oppose." The books had been removed in the interest of preserving U.S.-USSR relations. "Books of that nature do not bring people closer together and do not serve the cause of détente," he continued. "Instead, they stir up hatred and hostility between people and hamper the process of détente." AAP Chairman Alexander Hoffman threatened a boycott of future book fairs unless the Soviets stopped censoring foreign publishers.¹³

When the Moscow Book Fair opened to the public on September 4, *New York Times* correspondent Anthony Austin described how "thousands of Russians"—predominantly young and well-educated—looked through the thousands of American books. David Willis of the *Christian Science Monitor* thought the Soviets looked as though they were "starved for outside books." American publishers were surprised at the "eager, almost desperate" way in which visitors touched, picked up, and read through the books. One man looked through John F. Kennedy's *Profiles in Courage* for three hours, while another in a black beret and camera around his neck studied a collection of Ansel Adams photographs. Books on karate and jujitsu were stolen from one display.¹⁴

With Bernstein stuck in New York, Laber tried her best to bring attention to instances of Soviet censorship. The AAP display remained relatively unscathed, only having a book of caricatures by David Levine removed because of an unflattering sketch of Leonid Brezhnev, but Laber began compiling a list of which titles had been confiscated. After learning from publishers

¹² Herbert Mitgang, "Moscow Book Fair May Set Off Literary Fireworks," *New York Times*, September 2, 1979; Dan Fisher, "U.S. Cancels Reception for Moscow Book Fair," *Los Angeles Times*, September 3, 1979; Kevin Klose, "Moscow Book Fair Marred by Censorship, Visa Disputes," *Washington Post*, September 3, 1979; Dan Fisher, "More Books Banned at Moscow Exhibit," *Los Angeles Times*, September 4, 1979; Kevin Klose, "Moscow Official Defends Ban of U.S. Books at Fair," *Washington Post*, September 4, 1979

¹³ Kevin Klose, "Moscow Official Defends Ban of U.S. Books at Fair," *Washington Post*, September 4, 1979; Anthony Austin, "Soviet Union Seizes More Books From American Exhibits at Fair," *New York Times*, September 4, 1979; Anthony Austin, "Americans Protest Curbs as Soviet Book Fair Opens," *New York Times*, September 5, 1979; Dan Fisher, "U.S. Publisher Warns Soviet Censors," *Los Angeles Times*, September 5, 1979

¹⁴ Anthony Austin, "U.S. Books in Soviet Draw Large Crowd," *New York Times*, September 6, 1979; David K. Willis, "Soviets Starved For Outside Books," *Christian Science Monitor*, September 11, 1979, found in Box 58, USSR—Moscow Book Fair—1978-1979, JL, USSR, HRW, CHRDR, CU

which books had been removed, she asked Soviet officials each morning to confirm these titles. She then sent the list to Western journalists who used it in the reports they filed from Moscow.¹⁵

Lacking Bernstein's notoriety among Soviet authorities, Laber was able to meet personally with dissidents. She brought Sakharov and Bonner photographs of their two grandchildren. Sakharov would be cut off completely from Western contact in January 1980 after publicly denouncing the Soviet invasion of Afghanistan. After arranging for Laber to meet Moscow Helsinki Group members, Bonner warned that any contact with them would be closely followed by the KGB. American journalists put Laber in touch with more Soviet dissidents. Anthony Austin and *Washington Post* reporter Kevin Klose introduced her to writer Lev Kopalev, who had served ten years in prison for criticizing the pillaging of German towns by the Red Army during World War II. He had been the inspiration for the character of Lev Rubin in Solzhenitsyn's *The First Circle* as Rubin refuses to denounce his country "even after suffering its greatest brutalities." Kopalev's works were banned in the Soviet Union, but his memoir, *To Be Preserved Forever*, was published in the West. As a symbol of friendship, Laber brought Kopalev and his wife, Raya Orlova, gifts from their daughter who had been forced to leave the USSR with her husband five years earlier. Kopalev became very emotional when Laber played a tape recording of his granddaughter's voice. Orlova, in turn, assisted Laber with planning a private dinner for Soviet writers, many of whom were no longer allowed to publish in their own country.¹⁶

The dinner was held at a Georgian restaurant in Moscow on September 7. One of Laber's goals was to pair Soviet dissidents with Western journalists and publishers. Sakharov, Bonner, Larissa Bogaraz-Daniel, Anatoly Marchenko, Yvegeny Pasternak, Georgi Vladimov, and Vladimir Voinovich sat alongside Austin, Klose, Willis, Dan Fisher of the *Los Angeles Times*, ABC's Charles Bierbauer, and William Schmidt of *Newsweek*. Representing the American and British publishing industries were Laber, Townsend Hoopes, Robert Baensch of Harper & Row, Peter Carson of Penguin, and Michael Foyle of John Wiley & Sons.¹⁷

Following Bonner's advice, Laber held off on meeting with the rest of Moscow Helsinki Group until just before she was to leave the Soviet Union. She introduced herself by explaining how Helsinki Watch had been founded in response to what the Moscow Helsinki Group had done. In the months leading to the 1980 Olympic Games, the KGB engaged in a yet another *psikhushiki*—a concerted effort to silence potentially embarrassing dissent. Describing how thoroughly the Soviet government repression had decimated the Moscow Helsinki Group, Laber remembered, "Only a dozen of them were left, mainly women, and elderly women at that." Malva Landa and Oksana Meshko asked Laber to photograph them together as a symbol of Ukrainian-Russian solidarity and Ukrainian-Jewish friendship. A concentration camp survivor and member of the Ukrainian Helsinki Watch, the seventy-five-year old Meshko had the previous seven years campaigning for the release of her son, Oleksandr Serhiyenko, who had been imprisoned for "anti-Soviet agitation." Banished from Moscow for supporting Sakharov, Landa, a retired sixty-two-year old geologist, had assumed Aleksandr Ginzburg's responsibility of distributing funds for prisoners sent from abroad. Also present was a seventy-three-year-old

¹⁵ See Anthony Austin, "American Protest Curbs as Soviet Book Fair Opens," *New York Times*, September 5, 1979; Laber, *Courage of Strangers*, 112

¹⁶ Jeri Laber, "Grim World of the Soviet Dissidents: Rare Views of the Fate of Those Who Dare to Disagree," *Life* (April 1980), 106, 100; Laber, *Courage of Strangers*, 112-115

¹⁷ "Writer's Reception," September 7, 1979, Box 58, USSR—Moscow Book Fair—1978-1979, JL, USSR, HRW, CHRDR, CU

retired defense lawyer, Sofiya Kalistratova, who had also condemning the Afghanistan invasion. A leader within the Jewish emigration movement, the recently fired senior scientist at Moscow's Institute of Theoretical and Experimental Physics, sixty-nine-year-old Naum Meiman, was denied an exit visa. A married couple in their twenties, Ivan Kovalev and Tatiana Osipova stood out because of their relative youth. Finally allowed to see Yuri Orlov in August, two years after a judge sentenced him to twelve years for "political agitation," Irina Orlova talked to Laber for more than an hour about how her husband's red hair had turned gray and the numbness in his limbs.¹⁸

Dissident writer were subjected to even harsher repression during the next eighteen months. By the time Anatoly Marchenko was arrested in March 1981, Vasily and Maya Askyonov and Vladimir and Irina Voinovich had been exiled to the West. Pyotr Yegides had fled to Paris. Georgi Vladimov had died of a heart attack after a KGB interrogation. More attendees at the dinner, Viktor Erofeyev, Vladimir Kornilov, Semyon Lipkin, Inna Lisnyanskaya, Yevgeny Popov, and Feliks Svetov had either resigned or been expelled from the Soviet Writers Union. And as her punishment for meeting with the Moscow Helsinki Group, Laber was no longer allowed to enter the Soviet Union.¹⁹

Laber stopped in Prague and Warsaw before returning to New York, informing Charter 77 and VONS of Helsinki Watch's existence. At a KOR meeting that occurred in Jacek Kuron's home, Laber suggested the possibility of forming a Helsinki committee in Poland. Excited at the idea, Kuron assigned leadership of the committee to Zbigniew Romaszewski. Within a year, the Polish Helsinki Committee produced *Prologue to Gdansk*, a report that Helsinki Watch translated into English.²⁰

In a July 1980 op-ed piece for the *New York Times* that put forth Helsinki Watch's position on the upcoming CSCE Madrid Review Conference, Laber explicitly argued against State Department officer Albert Sherer. Sherer had written in *Foreign Policy* that the United States should not repeat the mistake it had made at Belgrade in "hammering away at the cause of Soviet dissidents." To Laber, Madrid presented an opportunity for human rights issues to be placed front-and-center on the international stage: "The American delegation, while freely acknowledging its own shortcomings in complying with the Helsinki accords, should enlist all the support it can get to demand that the Soviet Union and Czechoslovakia release their imprisoned Helsinki monitors as well as countless others being punished for their religious or political beliefs."²¹

Madrid

Under the direction of New York University Law School Dean Robert McKay, a member of the Helsinki Watch Committee, the Aspen Institute sponsored symposia on Madrid. The thirty-four participants at the December 1978 "The Road to Madrid" conference represented a cross-section of what constituted the international human rights movement in the United States during the late 1970s. Roberta Cohen was there from the State Department. The U.S. Helsinki Commission sent Spencer Oliver. Former Representative Donald E. Fraser (D-Minnesota)

¹⁸ Laber, *Courage of Strangers*, 115-118; Laber, "Grim World of the Soviet Dissidents," 100, 104

¹⁹ Laber, *Courage of Strangers*, 119

²⁰ *Ibid.*, 136, 148

²¹ Jeri Laber, "Moscow v. Rights," *New York Times*, July 31, 1980

attended as did Bruce Bushey of the Ford Foundation. Among the law professors present were Louis Henkin, whose wife, Alice, was Associate Director in the Aspen Institute, Oscar Schacter, Virginia Leary, and Tom J. Farer. Non-governmental organizations (NGOs) had a noticeable presence as well: Stephanie Grant of Amnesty International, Jerome Shestack of the International League for Human Rights, and Helsinki Watch's Robert Bernstein, Jeri Laber, and Aryeh Neier.²²

The Road to Madrid report had more than a few criticisms of the American delegation's performance at the CSCE Belgrade Review Conference: inadequate advance planning, a late-in-the-day appointment of the head of delegation, insufficient communication with the State Department, and a lack of coordination with Western allies. "The promotion of human rights abroad depends heavily on nongovernmental institutions and actions," the report stated. "The United States should take account of nongovernmental activities, coordinate with them, support them, without compromising their independence." Activists were described an important source of information and skills that could be used in building the necessary pressure for Western delegates to be more forceful at Madrid.²³

Helsinki Watch had already set its sights on Madrid by fall 1979. At its Board of Directors meeting in October, Helsinki Watch allocated \$5000 to plan for "organizing a citizens' conference in Madrid at the time of the opening of the governmental follow-up conference on the Helsinki Accords," a committee that included Neier; Laber; Dr. Vratislav Pechota, a visiting law scholar at Columbia University who was the Western representative for Czech dissidents; Jan Gross, a sociology professor at Yale and Oxford philosopher Leszek Kolakowski, both of whom served as the Western representatives for Polish dissidents; Ludmilla Alexeyeva, the Western representative for the Moscow Helsinki Group; and two Helsinki Watch staff members, Helen Sen and Denise Shekerjian. The initial plan was for monitoring to submit reports on human rights practices within their respective countries. A question-and-answer session on "the rights of the individual to know and act upon his rights and duties" would be followed by an expert panel that would hear testimony from victims. Another discussion would revolve around compliance in three crucial areas: discrimination, confinement, and free speech. Even at this early stage of planning, Helsinki Watch recognized the importance of generating publicity for its findings: "It may be deemed desirable to maintain a small press office in Madrid for the remainder of the official conference."²⁴

Laber spent the next few months making this happen. She dropped the parallel conference in favor of having a temporary office in Madrid, but still was thinking of ways "at improving the plight of the Soviet, Czech, and Polish dissidents" without completely abandoning the "lesser concern" of identifying areas where the "United States has failed to measure up to its human rights commitments." Helsinki Watch would continue to file reports on domestic compliance, but mostly as an example to other Final Act signatories. Because these reports could be released at any time before the opening of the conference, the Madrid Office should not be used as a "platform for domestic groups to voice their grievances," but instead be "made

²² Robert B. McKay to Griffin Bell, May 1, 1980, Box 37, Madrid Conference Pre-Plans—1979-1980, Series VIII: New York Office Files (NYO), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Aspen Institute for Humanistic Studies, *The Road to Madrid* (New York: Aspen Institute, 1979), 8-9, Box 37, Madrid Conference Pre-Plans, NYO, HRW, CHRDR, CU

²³ Aspen Institute for Humanistic Studies, *The Road to Madrid*, 4-7

²⁴ "Preliminary Report of the Planning Group to Explore the Possibility of Holding a Citizens' Conference in Madrid in November 1980," December 3, 1979, Box 37, Madrid Conference Pre-Plans, NYO, HRW, CHRDR, CU

available” to “the Soviet and Eastern European groups which had been the Committee’s major concern over the last year and a half.” The office would be a central location for human rights spokespersons and a clearinghouse for written materials to be distributed at the conference.²⁵

Helsinki Watch also developed a list of expectations for the U.S. delegation. A May 1980 meeting produced “talking points” to be used on the State Department. Its most important suggestion was to “name names”: “The Watch should make clear its position on this practice, first established by Ambassador [Arthur] Goldberg. We should urge Mr. Bell to raise the names of the monitors during his speech at the opening plenary session, and ask whether the State Dept., in its consultations with the Allies, has urged them to do so as well.” Helsinki Watch wanted to see progress on high-profile cases. “We consider the release from detention of Yuri Orlov and the other Helsinki Monitors to be a fundamental prerequisite for true progress at the Madrid meeting.”²⁶

These demands were communicated to Griffin Bell, a federal judge from Atlanta who was President Jimmy Carter’s first choice as lead American delegate. Bell received a briefing from Helsinki Watch at the Harvard Club in July 1980. At the top of Helsinki Watch’s list were Moscow Helsinki Group members: “We believe that this goal must be forcefully pursued by the U.S. and other delegations at the opening plenary session and throughout the conference.” In its guidelines for the Madrid Conference issued that same month, Helsinki Watch stated, “The Watch believes a fundamental objective of the Madrid meeting to be the release from imprisonment and end to the harassment of the East European and Soviet Helsinki monitors.”²⁷

Never enthusiastic about his appointment to Madrid, Bell eventually would be replaced by Max Kampelman, who remembered being asked by Bell, “Why do I want to do this?” Busy enough with his docket of cases, Bell “couldn’t figure out what he could contribute that was so special, or, more importantly, what could be accomplished in Madrid.” Kampelman convinced Bell to stay on as a co-leader, but Bell was unable to attend the September 1980 preparatory sessions, so Kampelman assured him that he would not be needed until the conference opening that November.²⁸

Kampelman spent the next few months building unity among NATO allies, persuading Western European leaders to be more confrontational on the human rights. West German Foreign Minister Hans Dietrich Genscher pointed out to Kampelman that more than 50,000 Germans had been repatriated from the Soviet Union in 1979 without it becoming public knowledge, thus proving the usefulness of quiet diplomacy. Genscher made it clear that he was more interested in saving lives, not shaming the Soviets. But Kampelman was ready with a response, noting that an equal amount of Soviet Jews had been permitted to emigrate in 1979 only after public protests on their behalf. The two approaches did not necessarily need to be in opposition to one another, Kampelman argued, for they were directed towards the same goal.

²⁵ Jeri Laber, “The Madrid Office,” March 19, 1980, Box 37, Madrid Conference Pre-Plans, NYO, HRW, CHRDR, CU

²⁶ Jeri Laber and Helen Sen, “Specific Proposals for Madrid,” May 13, 1980, Box 37, Madrid Conference Pre-Plans, NYO, HRW, CHRDR, CU; “Recommendations for Madrid Conference,” May 30, 1980, Box 37, Madrid Conference Pre-Plans, NYO, HRW, CHRDR, CU

²⁷ Robert Bernstein to Griffin Bell, July 15, 1980, Box 37, Madrid Conference Pre-Plans, NYO, HRW, CHRDR, CU; also see “U.S. Helsinki Watch Policy Guidelines for the Madrid Conference, July 9, 1980, Box 38, Madrid—General—1980-1981, NYO, HRW, CHRDR, CU

²⁸ Max M. Kampelman, *Entering New Worlds: The Memoirs of a Private Man in Public Life* (New York: HarperCollins, 1991), 227-228

Kampelman then made visits to a dozen U.S. cities in summer 1980, meeting with Eastern European and Baltic ethnic groups.²⁹

Another constituency Kampelman wanted behind him was the activists. He believed Helsinki Watch was “easier to approach” because it was “less suspicious” of Carter than other NGOs. Though he had a good relationship with Robert Bernstein (“a New York publishing executive whom I respect”), some Helsinki Watch Committee members would have preferred Schell to have been chosen as the head of the U.S. delegation. “As much as I thought of myself as a human rights supporter, the professionals did not identify me as a champion or advocate,” Kampelman wrote of his toughest critic, Ed Kline. “That label, in their eyes, applied to people who shared their passion and their singular focus. I had not been an active participant in any of their groups, and that was a basic measure, an ideological litmus test.”³⁰

Kline, according to Kampelman, convinced a friend on the editorial board of the *Wall Street Journal* to express reservations about the appointment. Depicting Kampelman as inexperienced, “Stalled in Madrid” expressed fear that he would not be tough enough to stand his ground with the “seasoned Helsinki hands” from the Soviet Union, making it all the more likely that “they may trap him on some significant nuance hidden in the Helsinki jargon.” In January 1981, Kline contributed an op-ed to the *Journal* that called upon the Reagan administration to replace Bell and Kampelman. Even as he praised Bell’s opening speech and Kampelman’s effectiveness in “coordinating American and Western European tactics,” Kline believed that Reagan had to have his own man in Madrid to “confer credibility on U.S. positions.” Helsinki Watch, however, had become very comfortable with Kampelman by this time. Bernstein and Schell defended him in a letter to the editors. Keeping Kampelman in place would show the world that the American position at Madrid was bipartisan, the only way of effectively using “the stature” he had gained in the months since the conference opened.³¹

No longer obligated to Carter after the November 1980 election, Bell returned to Georgia. When the conference adjourned just before Christmas, the NATO delegations threw Kampelman a farewell party, not expecting him to return under a new administration. Kampelman met with Reagan advisor Richard Allen upon returning to Washington, D.C. Allen surprised Kampelman with his prediction that Reagan would ask him to stay in Madrid. Kampelman may have been a lifelong Democrat, but his affiliation with the Committee on Present Danger, an organization set up primarily by neoconservatives, had made him trustworthy in the eyes of Reagan’s national security team.³²

The only child of Jewish immigrants from Romania, Kampelman attended night classes at NYU Law School while working for the Knit Good Workers Union, an affiliate of the International Ladies Garment Workers Union. Kampelman moved to Minnesota during World War II and became an instructor in political science at the University of Minnesota before serving as legislative counsel to Minneapolis mayor Hubert Humphrey from 1949 to 1955. After leaving Humphrey’s staff, Kampelman decided to practice law in Washington, D.C., becoming an influential figure within the Democratic Party. Vice-President Walter Mondale, a fellow Minnesotan, and National Security Advisor Zbigniew Brzezinski were behind Kampelman’s

²⁹ Kampelman, *Entering New Worlds*, 229-230

³⁰ *Ibid.*, 231

³¹ Editorial, “Stalled in Madrid,” *Wall Street Journal*, October 14, 1980; Edward Kline, “Madrid Conference: Reagan’s Diplomatic Debut,” *Wall Street Journal*, January 16, 1981; Robert Bernstein and Orville Schell, “Kampelman Is Needed at the Helm in Madrid,” *Wall Street Journal*, January 22, 1981

³² Kampelman, *Entering New Worlds*, 252-254

appointment to Madrid. Though he maintained his party identification as a Democrat, he shared some ideological affinities with Reagan: “I strongly supported his foreign policy. Like him, I felt it was imperative that the United States take a strong stand vis-à-vis the Soviet Union in the Cold War.”³³

Kampelman had tried to move the Democratic Party towards a more aggressive foreign policy during the 1970s. “George McGovern’s candidacy for the presidency in 1972 left me reluctantly lukewarm, mostly because I felt his program for reducing our military spending, coupled with what I perceived to be a third-world foreign policy that ignored the totalitarian nature of the Soviet Union, was dangerous,” he wrote. With other disaffected Democrats such as Lane Kirkland, Richard Schifter, Ben Wattenberg, Jeane Kirkpatrick, Kampelman formed the Coalition for a Democratic Majority (CMD). He then had a number of discussions with Yale law professor Eugene Rostow about forming a nonpartisan foreign policy group that would advocate for a stronger national defense, what would become the Committee on the Present Danger (CPD). With its media connections, the CPD sought to influence foreign policy debates during the late 1970s, as Kampelman explained, “Our purpose was to persuade the country that international stability and peace with freedom required a strong America, one that could and would deter Soviet adventurism and aggression.”³⁴

Given his background, Helsinki Watch did not have to talk Kampelman into being confrontational. He was unafraid to name names, seeing it as a crucial part of making the idea of human rights less of an abstraction: “My view was that we had to specify the names in Madrid, talking of specific people jailed or otherwise abused by Soviet and other Eastern European authorities. Suffering is not faceless or impersonal. Families kept apart were flesh and blood cruelly separated by artificial boundaries and capricious political restrictions.” Only six specific cases had been brought up at Belgrade, not early enough in his opinion. So Kampelman was committed to raising as many cases in Madrid as possible. “We had to go from statistics to people and beyond the most illustrious and well known of them to less known people and causes as well.” In an interview with the Ukrainian-American magazine *Smoloskyp* shortly before the conference, Kampelman chastised the media for not paying more attention to the imprisoned Helsinki monitors: “Sometimes the things we want reported in the media don’t get reported in the media, but we want them because we think they’re important.”³⁵

Now on the same page with Kampelman, Helsinki Watch was well-prepared to make a statement at Madrid. “A series of small dinners/discussions” were arranged to bring together delegates and dissidents with journalists: “The Madrid Office will assiduously cultivate the international press corps, seek a correct and professional relationship, and will initiate press-related events as the situation in Madrid dictates.” Jeri Laber wrote Flora Lewis of the *New York Times* on October 22, 1980, telling her that Helsinki Watch would be able to provide any “information you might need should you be going.” For the first two weeks of the conference, Helsinki Watch made Ludmilla Alexeyeva available to give interviews about the imprisoned Helsinki monitors in the Soviet Union. This was all part of a strategy to bring the closed-door negotiations out into the open. As staff member Bruce Alan Kiernan wrote, “While I fully understand the importance of ‘quiet diplomacy,’ I feel strongly that the Committee should reject

³³ “Legends in the Law: A Conversation with Max Kampelman,” *Washington Lawyer*, February 2006, accessible at: http://www.dcb.org/for_lawyers/resources/legends_in_the_law/kampelman.cfm

³⁴ Kampelman, *Entering New Worlds*, 232-233

³⁵ *Ibid.*, 229; Andrew Fedynsky, “On the Eve of the Madrid Conference: An Interview with Max Kampelman,” *Smoloskyp*, Vol. 2, No. 9 (Fall 1980), 6-7, Box 37, Max Kampelman, NYO, HRW, CHRDR, CU

out of hand 'quiet diplomacy' if it does not meet our stated guidelines for a meaningful and thorough review of the human rights record."³⁶

Kampelman thwarted repeated attempts by the Soviets and the Eastern Europeans to limit discussion on human rights during the preparatory session. Under the heading of "Press Inquiry" on October 7, he accused them of playing the "waiting game," which was revealing of "their desire to cripple implementation review." Kampelman said he was willing to wait as long as possible until assurances could be made that "adequate time" would be set aside for compliance. With the help of the Western Europeans, Kampelman successfully resisted Soviet attempts to rid the conference of its review function, even if he had to compromise on the amount of time dedicated to implementation—a reduction from seven to six weeks.³⁷

To *Le Monde*, the opening of Madrid Review Conference on November 11 turned the Spanish capital into a "city of dissidence." Exiled dissidents, refuseniks, and their relatives and spouses stood alongside Western human rights NGO representatives. Dissent was on display everywhere, whether on leaflets, signs, banners, films, or books. Hastily organized press conferences were held for the likes of Raoul Wallenberg's half-sister and Avital Scharansky. "Especially active in arranging for public exposure of Soviet and East European activists who were present was the US Helsinki Watch, which leased office space and staffed it with a highly skilled professional," William Korey writes.³⁸

Kampelman stuck to his objective of keeping the Soviets on the defensive. On January 27, 1981, he observed that there had been a "large number"—more than twenty—of arrests, trials, and prosecutions in violation of the Final Act: "Indeed, the Moscow Helsinki Watch Committee, whose activities should never have been interfered with and whose personnel should have been respected rather than persecuted, has now been reduced in number to two individuals willing to identify themselves openly with that organization." Among those who had been arrested in recent weeks were Helsinki monitors Feliks Serebrov (Moscow) and Oksana Meshko (Ukraine).³⁹

Most of the correspondence between Helsinki Watch and Kampelman revolved around publicizing individual cases, like the two telegrams regarding Vyacheslav Bakhmin, a dissident who had helped expose the Soviet government's abuse of psychiatry. Kampelman promised to act on the information Helsinki Watch provided to him: "I can assure you that when the Main Meeting opens we shall speak forcefully to the problem of imprisoned Helsinki Monitors such as Bakhmin. Their cases go to the heart of the CSCE process." When Aryeh Neier visited the conference in late November 1980, Laber gave him thirty brochures on Poland intended for distribution by the Madrid Office and a list of names for Kampelman headlined by Yuri Orlov. Concerned about her husband's increasingly frail health, especially after he held a two-day hunger protest in May, Irina Orlova sent a letter to Madrid. Denied family visits, access to the commissary, and mail privileges, Orlov was punished with repeated six-month periods in solitary

³⁶ Jeri Laber to Flora Lewis, October 22, 1980, Box 37, Madrid Conference Pre-Plans, NYO, HRW, CHRDR, CU; Bruce Alan Kiernan, "Program for Madrid," October 9, 1980, Box 38, Madrid—General—1980-1981, NYO, HRW, CHRDR, CU

³⁷ Max Kampelman, "October 7, 1980," Box 37, Max Kampelman, NYO, HRW, CHRDR, CU; Max Kampelman, "October 9, 1980," Box 37, Max Kampelman, NYO, HRW, CHRDR, CU; William Korey, *The Promises We Keep: Human Rights, the Helsinki Process, and American Foreign Policy* (New York: St. Martin's Press, 1993), 127-128

³⁸ Korey, *The Promises We Keep*, 123

³⁹ Max Kampelman, "CSCE Plenary Session: January 27, 1981," Box 37, Max Kampelman, NYO, HRW, CHRDR, CU

confinement. Also on the list were Tatyana Osipova, a twenty-seven-year-old computer engineer, who had been detained since May 1980, and Leonard Ternovsky, a forty-seven-year-old physician, who was “widely known among human rights activists for the medical treatment he has administered in dissident circles.”⁴⁰

Helsinki Watch made a point of referring Kampelman to dissidents in poor health: Mykola Rudenko and Vasyl Stus of the Ukrainian Helsinki Watch Group and Otta Bednarova and Jiří Dienstbier of Charter 77/VONS. A decorated World War II veteran who founded the group, Rudenko was a leader within the Ukrainian Writers Union before he was convicted of “anti-Soviet agitation and propaganda” in July 1977. With a serious spinal injury, Rudenko’s appeared unlikely to survive his sentence. Stus, a writer like Rudenko, had been in prison almost continuously for the previous eight years. His heart trouble made it unlikely he would ever be free again. A fifty-three-year-old journalist with a chronic liver disease, Bednarova was sentenced to three years imprisonment for “subversion” in October 1979. Her condition had steadily deteriorated through 1980. Dienstbier was ailing behind bars as well: “He is in poor health and suffers from a chronic spine and leg problem which has grown worse in prison due to the exhausting work he is required to do.” Helsinki Watch asked for his release on humanitarian grounds.⁴¹

With Helsinki Watch’s cooperation, Kampelman had up-to-date information for his speeches. In April 1981, immediately after learning of Osipova’s sentencing and the conviction of seven Romanian Baptists for protesting their lack of exit visa, Helsinki Watch contacted Kampelman: “These actions, as well as the numerous other arrests and trials carried out since the start of the Madrid proceedings last September, demonstrate an unmistakable disregard for the Helsinki principles and an absence of good will that cause us great alarm.” In a follow-up letter dated April 21, Laber suggested to Kampelman that he use his May 12 speech “to dramatize in Madrid the fate of the imprisoned Soviet monitors” as that date was the fifth anniversary of the Moscow Helsinki Group’s founding, which he did. Kampelman contrasted how Helsinki Watch were included as part of the U.S. delegation while its counterparts in the Soviet Union remained in prison or exile before mentioning all of the Moscow Helsinki Group members by name. He also reported that about thirty Helsinki monitors had been arrested in Czechoslovakia.⁴²

Helsinki Watch staff sent Laber updates on their activities in Madrid. When Orville Schell visited during the first week of March 1981, he gave a number of interviews with the press, ranging from the small Spanish paper *Nuestro Tiempo* to ABC News. Schell’s presence helped Helsinki Watch gain credibility among the delegates: “It became very obvious during his visit that the members of the U.S. delegation, but even more importantly, the other delegations regard the U.S. Helsinki Watch Committee as a force to be reckoned with.” Staff assistant Marta Williams de Díaz met with Lucy Flam (Oblenski), a Latvian who was married to an American

⁴⁰ Max Kampelman to Robert Bernstein and Orville Schell, October 17, 1980, Box 37, Max Kampelman, NYO, HRW, CHRDR, CU; Sarah Snyder, 215ff; Jeri Laber to Aryeh Neier, “Orlov,” November 24, 1980, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU

⁴¹ Jeri Laber to Aryeh Neier, “Rudenko”/“Stus,” November 24, 1980, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU; Jeri Laber to Aryeh Neier, “Bednarova”/“Dienstbier,” November 24, 1980, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU

⁴² Robert Bernstein, Orville Schell, and Jeri Laber to Max Kampelman, April 3, 1981, Box 37, Max Kampelman, NYO, HRW, CHRDR, CU; Jeri Laber to Max Kampelman, April 21, 1981, Box 37, Max Kampelman, NYO, HRW, CHRDR, CU; Jeri Laber, “Memorandum: Max Kampelman’s May 12 Speech,” c. May 1981, Box 37, Max Kampelman, NYO, HRW, CHRDR, CU

delegate. A correspondent for Voice of America, Flam was invaluable to Helsinki Watch because she knew “the Russian dissident community very well, both inside and outside the USSR.”⁴³

Helen Sen described some “recent breakthroughs” that occurred in July 1981. “Impressive progress” had been made on emigration and family visits. The Soviets had made a number of concessions that included the expediting of visa applications in emergency situations, reducing the required fees in proportion to the applicant’s monthly wage, and greater protection afforded to applicants during the emigration process. Laber was very impressed with Kampelman by this point: “Max Kampelman has delivered a series of outstanding, forceful speeches on human rights in the course of the conference.” Kampelman, for example, had begun a speech by highlighting the reduction in the number of Soviet Jews who were allowed to emigrate, from 24,754 in the first half of 1979 to 6,668 in the first half of 1981. “My files are filled with names and letter reflecting individual human tragedy inflicted by an insensitive bureaucracy,” Kampelman said. Two Soviet Pentecostal families had been living inside of the U.S. Embassy in Moscow for almost three years, exemplifying how believers lacked religious freedom. At least 250 Christians had been imprisoned for openly practicing their faith. Kampelman then moved onto other violations. Mining engineer Aleksei Nikitin was committed to a psychiatric ward after protesting unsafe working conditions. The psychiatrist who declared Nikitin sane, Anatoly Koryagin, was sentenced on June 3 to seven years of labor plus five years of internal exile. Kampelman reminded the conference that he had not forgotten about those who he had named on May 12: “This is the occasion to remember that the health of the Moscow Group’s founder Yuri Orlov, and of founding member Anatoly Scharansky, continues to worsen in prison.” Also named that day by Kampelman were monitors who had been arrested in Estonia, Ukraine, Lithuania, and Latvia as well as Czechoslovakia. Charter 77 signee Jiří Gruntorad had been sentenced to four years for “subversion” on July 3. A similar trial was underway for Czechoslovak dissident Rudolf Battek. As Kampelman concluded his denunciation of the Soviet delegation, he wondered why its government was “so afraid” of dissent, “Has it so little confidence in itself that it cannot tolerate the activities of a handful of people?”⁴⁴

When the second phase of the Madrid Review Conference began on October 27, 1981, the British picked up where the Americans left off. In a press conference after the first plenary session, the lead British delegate decried the worsening Soviet human rights record, specifically with reference to the Helsinki Monitors, the Working Commission to Investigate the Use of Psychiatry for Political Purposes, Jews, and Baptists. He then mentioned how Battek had been sentenced to five and a half years in Czechoslovakia. Marta Williams de Diaz had been “assured that almost all the information came from HW” in this speech. Helsinki Watch had done a “special package for the Brits last June.”⁴⁵

⁴³ Marta Williams de Diaz, “Report from the Helsinki Watch Madrid Office, March 1 through April 3, 1981,” c. April 1981, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU

⁴⁴ Helen Sen to Robert Bernstein and Aryeh Neier, “Recent Breakthroughs in Madrid,” July 10, 1981, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU; Jeri Laber, “Max Kampelman’s Speech,” July 31, 1981, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU; U.S. State Department Cable, “Text for Ambassador Kampelman at CSCE Plenary,” July 29, 1981, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU

⁴⁵ Marta Williams de Diaz, “Report from the Helsinki Watch Madrid Office, October 27, 1981 through November 11, 1981,” c. November 1981, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU

Laber arrived in Madrid two weeks later. Her interviews with Voice of America and Radio Free Europe went well. At a high-powered luncheon with most of the Western delegates, she described her firsthand experiences with Eastern European dissidents, particularly those from Czechoslovakia. Helsinki Watch was pleased that Finland, Sweden, and Switzerland—all neutral countries—were very interested in what she had to say. Before leaving for the airport, Laber held press briefings with EFE (Spanish News Agency), ABC News, *Christian Science Monitor*, AP and UPI on the telephone, *El Pais*, Reuters, and the *New York Times*.⁴⁶

She returned in February 1982 to publicize Helsinki Watch's release of *Polish Violations*, a report hastily put together following General Wojciech Jaruzelski's declaration of martial law in December 1981. Helsinki Watch set up a table in the conference hall—the Palacio—to give copies to anyone who wanted them. It arranged numerous interviews for two Solidarity leaders. By the end of the week, they had spoken Spanish and Mexican television, German radio, ABC News, French Presse, Voice of America and Radio Free Europe. On February 9, the Eastern Bloc delegations stalled the proceedings, causing the Spanish Foreign Minister to remark, "The only person chairing this meeting today was Kafka." Secretary of State Alexander Haig criticized their unwillingness to discuss the "Polish situation." Helsinki Watch did not mind these "fireworks," as Williams de Díaz wrote, "It was a good thing that the general public could at last see how the Soviet bloc treats [the] democratic process, and that they had shown their 'true face' in the blocking tactics." The ongoing events in Poland cast a large shadow in Madrid that winter. Tensions between West and East stood at "maximum stress." Both sides eventually agreed to adjourn on March 12, with the next session not to begin until November.⁴⁷

Helsinki Watch was far from discouraged by the impasse. Kampelman had named his one-hundredth name on March 5. Jerry Warner was just one of numerous American delegates who had urged Kampelman to refrain from mentioning specific victims, but Warner lost out. There had been "far more time spent on implementation in Madrid than at Belgrade." A representative of Helsinki Watch had attended every major press conference since November 1980. Only Radio Free Europe and Voice of America were at the Palacio more often than Helsinki Watch. "At this point, every delegation knows of the Helsinki Watch presence at the conference, as do all major press," Williams de Díaz noted.⁴⁸

As the Madrid Review Conference headed towards a conclusion in July 1983, Kampelman took stock of its achievements. Because there was no "enforcement mechanism" within the Final Act, the CSCE review conferences served as the "appropriate forum at which to exert political and moral pressure into the process." This was only possible because of the widespread agreement among the Western delegations to speak of individuals, not just statistics. In Madrid, fourteen countries mentioned the names of 123 victims of repression, many of them Helsinki monitors. Even if the Soviets, Czechs, or Poles would not admit that their treatment of

⁴⁶ Marta Williams de Diaz, "Report from the Helsinki Watch Madrid Office, "Report on the Visit of the Executive Director to Madrid, November 12-14, 1981," c. November 1981, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU; U.S. Helsinki Watch, *Third Annual Report* (New York: Helsinki Watch, 1982), 12, Box 70, Miscellaneous: HW Annual Reports—1979-1985, JL, USSR, HRW, CHRDR, CU

⁴⁷ Marta Williams de Diaz, "Report from the Helsinki Watch Madrid Office, "Reopening of the CSCE—Visit of the Executive Director, January 3-February 17, 1982," c. February 1982, Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU; Marta Williams de Diaz, "Report from the Helsinki Watch Madrid Office, February 18-March 13, 1982," Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU

⁴⁸ Marta Williams de Diaz, "Report from the Helsinki Watch Madrid Office, February 18-March 13, 1982," Box 38, Madrid Office—Correspondence—1981-1982, NYO, HRW, CHRDR, CU

dissidents contradicted the very principles to which they had agreed at Helsinki, Kampelman believed that an important message had been sent to them: “Conform to the promises made in 1975 if you wish to be recognized as a responsible member of the international community. Continuing violations of promises made put into question the validity of the new promises offered.”⁴⁹

The International Helsinki Federation (IHF)

To mock the Third Moscow Book Affair in September 1981, Helsinki Watch put on an event for banned Soviet writers at the New York Public Library, “The Third Moscow Book Fair Reception.” Bernstein had come up with the idea only a few weeks earlier, but received instant support from other New York publishers. The original date was to have coincided with the opening of the Moscow Book Fair, but was postponed to accommodate the arrival of the very recently exiled Lev Kopalev and Raisa Orlova. Bernstein chose not to apply for a visa this time after being accused of using “the language of Zionist scum to slander the Soviet Union” in the July 1 issue of *Literaturnaya Gazeta*, an attack that prompted the American Association of Publishers (AAP) to immediately announced its boycott of the fair. Numerous American publishers saw little point in going to Moscow after the censorship of two years earlier. Only eight had displays when the Moscow Book Fair opened on September 1. As Bernstein wrote in a *New York Times* op-ed three days later, “Moscow’s Un-Fair,” Soviet officials had turned the book fair into “a Potemkin Village, a ludicrous event” when considering that Soviet Union was a place where writers were still being punished for having their own thoughts: Vyacheslav Chernovil, five years labor, four months internal exile or Viktor Nekipelov, seven years labor, five years internal exile.⁵⁰

Helsinki Watch’s alternative book fair displayed a wide variety of works, ranging from the fiction of Vladimir Voinovich (*The Ivankiad*) and Ilya Suslov (*Here’s to Your Health, Comrade Shifrin*), to the selected poems of Natalia Gorbanevskaya, to memoirs by Lev Kopelev (*The Education of a True Believer*), Edward Kuznetsov (*Prison Diaries*), Leonid Plyushch (*History’s Carnival: A Dissident’s Autobiography*), to the more political works of Valery Chalidze (*To Defend These Rights: Human Rights and the Soviet Union*) and Andrei Sakharov (*Alarm and Hope*). This selection was intended to be a Soviet version of the AAP’s 1979 exhibit, “America through American Eyes”: “If Soviet writers today were free to assemble a truly representative ‘Soviet Union through Soviet Eyes’ exhibit for the United States, the books included here would be an important part of it.” About three dozen Soviet exiles mingled with 150 guests; the only conspicuous absence was that of Solzhenitsyn. Kopelev took the occasion to explain why he had been willing to sacrifice himself in the name of self-expression: “For us, the word is also our weapon in resisting brutal tyranny; we cannot decide problems of armament and big politics, but we can defend peace by working for human rights. Our freedom in speaking and publishing which we now enjoy is also our duty.” Aksyonov accused the “Moscow

⁴⁹ Jeri Laber to Robert (Bob) Bernstein and Aryeh Neier, July 18, 1983, Box 38, Madrid Conference—Correspondence [2 of 2], NYO, HRW, CHRDR, CU; Max Kampelman, “The Madrid CSCE Follow-Up Meeting: The Final Balance,” c. July 1983, attached to Laber memorandum to Bernstein and Kampelman, Box 38, Madrid Conference—Correspondence [2 of 2], NYO, HRW, CHRDR, CU

⁵⁰ Harold C. Schonberg, “A Book Fair is Planned for Exiles from Soviet,” *New York Times*, August 31, 1981; Serge Schmemmann, “U.S. Shunned Book Fair Opens,” *New York Times*, September 3, 1981; Robert L. Bernstein, “Moscow’s Un-Fair,” *New York Times*, September 4, 1981

apparatchiks” of “creating a new, oxygen-less civilization.” Voinovich offered a reminder of what brought together the writers, activists, and publishers that evening: “Needless to say, in our books Soviet reality does not look very appetizing. It has too many prisons, labor camps, interrogators and guard dogs. It has sobering-up stations, madhouses, squabbles in communal kitchens and lines for potatoes. But the people responsible for this aren’t writers but those who built this existence and who want it to stay that way forever.”⁵¹

Hanging over the proceedings was the news that dissident Anatoly Marchenko had just been sentenced to ten years imprisonment and five years in exile for “anti-Soviet agitation and propaganda,” his second such conviction. “The irony of the latest sentence at the very time the Moscow Book Fair was going on is incredible,” Laber told a reporter. Helsinki Watch might not have been able to stop Marchenko’s sentence, but it could give dissidents hope. Yuri Druzhnikov, who had recently been expelled from the Writers Union for filing an application to emigrate, asked that those in attendance not forget about others like him.⁵²

It was the next month that Laber embarked on Helsinki Watch’s first fact-finding mission to Eastern Europe, a test of her resolve and improvisational skill. Her first stop was Prague. Without a local guide but accompanied by her daughter, Laber sought out Charter 77 members. Taking precautions like avoiding taxis and not calling ahead by phone, she wanted to bring as little attention to herself as possible. One of the first dissidents with whom Laber established contact was Ivan Havel, Václav’s brother, who told her that the increase in repression during the past year was a preventative measure taken by Czechoslovak authorities in response to Solidarity. But not all dissidents were as eager to talk to Helsinki Watch. Fearful of losing her scientific research job, Kamila Bendová, the wife of Václav Benda, did not want to put herself in the position of reporting contact with an American. Laber had better luck with Jirina Kynclová, whose husband was the imprisoned journalist Karyl Kyncl. Kynclová spoke of Kyncl’s health problems and their desire to join their son in England. Real or imagined, StB—the secret police—was always hovering in the background of these clandestine meetings. Radios were turned up, voices were lowered, or notes were passed. Some preferred to meet outdoors in park benches, where they would become quiet with people walked by them.⁵³

Lawyer Josef Danisz introduced Laber to Anna Grušová, the rare dissident who spoke English. Grušová’s father was Edward Goldstucker, a Kafka scholar and Ambassador to Israel before he was purged from the Communist Party during the 1950s only to reemerge in the leadership of the Writers Union during Prague Spring. With her first husband, Jiří Grusa, exiled in West Germany, Anna had custody of their two teenage children. She then married Danisz even though he had lost his law license in 1978 for his Charter 77 activities. Laber and Grušová quickly became friends. On a tour of Prague she gave to Laber and her daughter, Grušová asked many questions about the world outside of Czechoslovakia: How strong was Solidarity? How did Laber feel about Israel? What was the U.S. doing in Central America? The only source of news was the state-run *Rude Pravo*. Fearful that her notes would be confiscated by StB agents

⁵¹ “Soviet Books in Exile,” September 1981, Box 58, USSR—Moscow Book Fair—1981-1982, JL, USSR, HRW, CHRDR, CU; Kevin Klose, “Exiled Soviet Writers Convene,” *Washington Post*, September 15, 1981

⁵² Edwin McDowell, “Exiled Soviet Writers Hold Own Book Fair,” *New York Times*, September 15, 1981

⁵³ *Ibid.*, 135-140

or customs officials, Laber wrote them down in extremely tiny script that needed a magnifying glass to be read. She rolled up these strips of paper and kept them within reach at all times.⁵⁴

Looking to affirm Helsinki Watch's ties to the Polish Helsinki Committee, Laber sought out the same circle of KOR members she had seen two years earlier, some of whom had joined the Solidarity leadership. Now that they were able to travel abroad, a number of Laber's contacts were away. Helena Łuczywo, who had guided Laber in 1979, was at the Madrid Review Conference. Underground publisher Mirosław Chojecki was at the Frankfurt Book Fair. After returning from negotiations with the government concerning a strike at Radom, Zbigniew Romaszewski showed up at Laber's hotel room with his wife and activist Barbara Różycka. Although KOR had been more or less incorporated into Solidarity, Romaszewski continued to document indictments against hundreds of trade union leaders, police beatings of Solidarity members, and harassment in the form of searches, interrogations, and forty-eight hour stints in jail. Hearing repeatedly from Polish dissidents that the country was on the verge of upheaval, Laber warned in the introduction to *Prologue to Gdansk*, "Unless the laws themselves are revised—as well as the ways in which they are implemented—the conditions which are described in this report might return at any time the government feels strong enough to reinforce impression." The release of *Prologue* was timed with Chojecki's arrival in New York to organize a local Solidarity support committee, the very day that Jaruzelski declared martial law. Helsinki Watch helped produce two more reports that were sent to Madrid and the UN Human Rights Commission in February 1982, *Violation of the Helsinki Accords in Poland since December 13, 1981* and *Violations of the Universal Declaration of Human Rights and the International Covenants in Poland since December 13, 1981*. Romaszewski went underground to work with Radio Solidarity in December 1981, but he was arrested in August 1982 and convicted of treason. He was released almost two years later in an amnesty for political prisoners.⁵⁵

Laber stopped in Budapest after Belgrade. With her previous inquiries yielding little in the way of potential contacts, she did not expect to find many dissidents, but a Hungarian philosopher who visited Helsinki Watch offices about his green card had given her a name—Ágnes Erdélyi. Erdélyi introduced Laber to her husband, Vilmos (Vili) Sós, and their friends, Maria Kovacs and György Bence. Kovacs was quickly won over when Laber promised her that Helsinki Watch wanted to help them. Sós had not been allowed to teach philosophy, publish, or travel for the previous thirteen years after signing a petition against the 1968 Soviet invasion of Czechoslovakia. Bence had been unemployed for about a decade. Erdélyi and Kovacs managed to hold onto their research jobs, but their passports had been revoked. All four were part of the Democratic Opposition, which consisted largely of intellectuals, a sizable number of which were Jewish like Bence. But most dissidents belonged to the larger Nationalist Opposition, which was openly Christian and deeply concerned with the treatment of Hungarian minorities in neighboring countries. The Democratic Opposition and Nationalist Opposition held each other in mutual suspicion, each surviving by not speaking publicly against the government's abuses.⁵⁶

⁵⁴ Laber, *Courage of Strangers*, 142-145, 146; Helsinki Watch, *Third Annual Report*, 7-8; Helsinki Watch, *1982 Annual Report* (New York: Helsinki Watch, 1983), 6, Box 70, Miscellaneous: HW Annual Reports—1979-1985, JL, USSR, HRW, CHRDR, CU

⁵⁵ Laber, *Courage of Strangers*, 147-153; Jeri Laber, "Introduction," to *Prologue to Gdansk* (New York: Helsinki Watch, 1982); Helsinki Watch, *Third Annual Report*, 4; Helsinki Watch, *1982 Annual Report*, 9-10

⁵⁶ Laber, *Courage of Strangers*, 154-156

Hungary may have lacked the naked repression found in other Eastern Bloc countries, but, as Laber emphasized in a December 1981 op-ed for the *New York Times*, it had a “well developed form of police control” that she saw with her own eyes. While taking Erdélyi, Kovacs, and Bence to lunch, Laber noticed that two undercover policemen ate a nearby table and followed them by car. At the airport, Laber was stopped in line and told to wait while her suitcase was inspected by four customs officers. All they found was a map of Warsaw that they “opened in triumph and passed around with satisfaction,” not the notes that Laber hid in her coat. Only in retrospect was it evident to Laber what was going on: “They’re not really trying to find anything incriminating. This search is punitive, a warning to me about my new friends.” So, in contrast to the image Hungarian Communist Party General-Secretary János Kádár had cultivated in the West as more liberal than other Eastern Bloc rulers, Laber thought he offered nothing besides the “freedom to conform and consume,” as those who spoke their conscience found themselves locked up in the “goulash archipelago.”⁵⁷

In a letter received after Laber returned to New York, Erdélyi, Sós, Kovacs, and Bence promised to go public in their opposition to Hungarian government if they could visit the United States. Their request prompted Laber to see Elliott Abrams, Assistant Secretary of State for Human Rights. Abrams’s persistence and Kádár’s desire to appease the Reagan administration ensured that all four received passports in 1982. A program at NYU’s Institute for Humanities for exiled Eastern European scholars endowed by George Soros allowed them to escape Hungary.⁵⁸

These face-to-face interactions with dissidents allowed Laber to come away with a different picture of the Eastern Bloc than those who believed that it was impervious to historical change. As she wrote in the *Village Voice*, Jaurzelski’s heavy-handed response to Solidarity was a sign of weakness:

The Soviet Union’s East European empire is crumbling. The disintegration will not happen overnight, nor will it progress at the same speed in each country. Putting Poland in ‘quarantine’ will not prevent contagion, for Poland is not the source of the disease, nor does it have the cure. The upheaval in Poland is a virulent eruption of a deep-seated malady that had afflicted Eastern Europe for many years—a reaction to Soviet domination and its concomitant evils: the suppression of national aspirations, economic mismanagement, and political repression.⁵⁹

The November 1981 mission also advanced Helsinki Watch’s goal of building a coalition of similarly-minded NGOs across Europe. Having established relationships with monitors in the Soviet Union, Czechoslovakia, Poland, and Hungary, it could start building an organizational structure in Western Europe to more effectively apply pressure on recalcitrant leaders. As Laber argued in Helsinki Watch’s January 1982 *Third Annual Report*, the stalemate at Madrid necessitated an international movement to “ensure that Helsinki ideals remain alive regardless of the outcome of the governmental talks.” An organization built around citizen participation

⁵⁷ Laber, *Courage of Strangers*, 156-159; Jeri Laber, “Hungarian Dissidents’ Trouble, *New York Times*, December 22, 1981

⁵⁸ Laber, *Courage of Strangers*, 159-160; Helsinki Watch, *Third Annual Report*, 8; Helsinki Watch, *1982 Annual Report*, 7-8

⁵⁹ Jeri Laber, “Eastern Europe: Dreams that Died,” *Village Voice*, December 23-29, 1981

would “demonstrate that concern for human rights is neither ephemeral nor a peculiarity of the United States and will reaffirm the faith those in Eastern Europe whose lives are now being spent in prison and exile because they attempt to defend Helsinki principles.”⁶⁰

The idea for an International Helsinki Federation had been discussed within Helsinki Watch as early as April 1980. Laber prepared a report on European human rights NGOs for a meeting that month between Robert Bernstein and Ford Foundation Vice-President Francis Sutton. Sutton found the lack of potential collaborators “discouraging,” even if he doubted Laber was in touch with the most “significant groups.” Similar comments were made by Roz Ridgeway, Assistant Secretary of State for European and Canadian Affairs, who told Ford program officers that the Europeans appeared to be “much more interested in security than pressing human rights issues.” Helsinki Watch had to find Helsinki monitors in Western Europe.⁶¹

Laber and Neier travelled extensively “seeking out groups and individuals interested in forming an International Helsinki Foundation.” With a Ford Foundation grant funding these organizing activities, a one-day planning meeting was held in Paris on June 21, 1982. “The idea was not new—we had been talking about forming an international organization for some time,” Laber remembered. “But I had assumed that it would be a lengthy process, that Helsinki committees in Western Europe would form over time at their *own* initiative and that our role would be to set an example for them to follow. Now Neier was urging me to *make* it happen, and soon.” Targeting “people of influence” who had an “established record” of international human rights activism, Helsinki Watch wanted “private citizens” not closely identified with their governments or a specific political party. To make sure there was agreement on fundamental principles, Neier circulated a “Mandate of Helsinki Watch Committees” that restated the founding statement of the Moscow Helsinki Group. By linking existing Helsinki Watch groups, an “International Committee” would fulfill several purposes: stimulate the formation of additional national committees; maintain contacts between these committees; act as an international secretariat; conduct research on abuses of human rights and publicize them; and when authorized by national committees, speak on their behalf at CSCE Review Conferences.⁶²

Laber had to choose between already existing organizations in Norway and the Netherlands, but she could not find her ideal candidate from Italy, a “liberal and anti-Communist” who had heard of Helsinki Watch. For Austria, she relied on Jana Starek, originally from Czechoslovakia who remained in Vienna after the 1968 Soviet invasion. Through meetings set up by Starek, Laber eventually found Anton Pelinka, a professor at the University of Innsbruck. To bolster its ranks for an organizing conference at Bellagio, Italy, Helsinki Watch established committees that existed mostly on paper. Canada consisted of one member, Irwin

⁶⁰ Helsinki Watch, *Third Annual Report*, 13; Paul Goldberg, *The Final Act: The Dramatic, Revealing Story of the Moscow Helsinki Watch Group* (New York: Morrow, 1988), 278; Helsinki Watch, *1982 Annual Report*, 13

⁶¹ Korey, *Taking on the World's Most Repressive Regimes*, 110

⁶² Aryeh Neier, “Mandate of Helsinki Watch Committees,” c. September 1982, Box 2, IHF—Bellagio Conference—Report—1982, IHF, HRW, CHRDR, CU; Between February and June 1982, Laber went to Geneva, Zurich, Paris, London, Madrid, Milan, Florence, Rome, Vienna, Innsbruck, and Amsterdam, while Neier assisted by going to Oslo, Stockholm, and Brussels. Helsinki Watch, *1982 Annual Report*, 19; International Citizens Helsinki Watch Conference, “Report: September 6-10, 1982,” 2, Box 2, IHF—Bellagio Conference—Report—1982, Series X: Files of the International Helsinki Federation (IHF), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Laber, *Courage of Strangers*, 175; International Citizens Helsinki Watch Conference, “Report: September 6-10, 1982,” 3, Box 2, IHF—Bellagio Conference—Report—1982, IHF, HRW, CHRDR, CU

Cotler, a law professor who had been engaged on behalf of Anatoly Scharansky, while poet Pierre Emmanuel led what Laber described as a “nonfunctioning Paris Helsinki Committee.” Observers from England, Sweden, Belgium, Italy, and Finland attended even if it remained to be seen if Helsinki committees would be formed in these countries. Also invited were representatives of dissidents in Czechoslovakia, Poland, Romania, and the Soviet Union, including Ludmilla Alexeyeva and Mirosław Chojecki, and three more secret participants, Mümtaz Soysal, an Amnesty International activist in Turkey; Srdka Popović, a Yugoslav lawyer from Belgrade who was involved in human rights cases; and, on his way to NYU, György Bence. Laber and Soros worked together to get Bence to the conference. In May 1982, as he was about to visit his native Hungary, Laber asked Soros to tell Bence that his passport issues had been brought to the attention of the State Department. Besides Soros, the American delegation—the largest by far—consisted of Laber, Neier, Bernstein, Schell, Helsinki Watch researcher Catherine Fitzpatrick, Laber’s assistant Elizabeth Wood, and Svetlana Stone of the New York Academy of Science.⁶³

Held the week of September 6-10, 1982, the Bellagio Conference was divided into three parts: updates from Helsinki groups, human rights reports, and future plans. The Chairman of the Norwegian Helsinki Committee, Stein Ivar Aarsaether, said that his organization had a functioning executive board, a council of fifty members from all five major political parties, and a membership of two thousand. Hoping to liberalize political asylum laws, the Norwegian Helsinki Committee received sixty percent of its funding directly from the government of Norway. The Netherlands Helsinki Committee was formed by the Dutch chapter of the International Commission of Jurists. Law professor Pieter van Dijk explained that its main goal was to produce information for use at the CSCE Review Conferences. Speaking for Helsinki Watch, Bernstein was hopeful that the Ballagio Conference would lead to more Helsinki groups and increased communication between them. He wanted the participants to remember why they became activists in the first place, asking, “What did Yuri Orlov have for dinner tonight?” Neier reminded them that the International Helsinki Federation was designed to work outside the conventional structure of world politics. Because the “diplomatic process” in Madrid may well “prove to be a failure,” their goal was to create “a permanent movement more effective than governmental diplomacy.”⁶⁴

The second day looked closely at some of the implications of the Helsinki Final Act. In contrast to Jiří Pelika, a former Czech diplomat exiled in Rome, who advocated for Helsinki groups to help their “East European colleagues,” the Italian law professor Gaetano Arangio-Ruiz was not so sure if national sovereignty could be dismissed as easily as everyone seemed to think. Neier, Laber, and Bernstein each responded to Arangio-Ruiz. Neier pointed out the “symbolic significance” of individual cases, their publicity value, and how Helsinki Watch could play a “positive role” in alleviating the suffering of political prisoners like Orlov. Laber told participants that the CSCE Review Conferences were one of the few multilateral forums in which the “West is in the ascendancy,” where it was possible to make gains on family reunification and freedom of travel, and had become a “source of moral encouragement for East

⁶³ Laber, *Courage of Strangers*, 175-178; Laber also sought out Theo Van Boven on the possibility of him “taking the lead” in forming a Dutch Helsinki group or be part of an “international steering committee,” Jeri Laber to Theo Van Boven, May 6, 1982, Box 2, IHF—Bellagio Conference—Planning—1982, IHF, HRW, CHRDR, CU; Jeri Laber to George Soros, May 25, 1982, Box 2, IHF—Bellagio Conference—Planning—1982, IHF, HRW, CHRDR, CU

⁶⁴ International Citizens Helsinki Watch Conference, “Report: September 6-10, 1982,” 5-6

European human rights activists.” Bernstein added that the Helsinki process provided “one way to keep human rights issues in the news.”⁶⁵

This discussion was followed by news of recent abuses. Mümtaz Soysal explained how Turkish authorities used national security to justify taking action against individuals and organizations deemed “not pro-West.” Members of the Turkish Peace Committee were thrown in prison for cooperating with the World Peace Council, an organization that had Soviet ties. Because Turkey held geopolitical importance for the United States, the State Department was unwilling to openly criticize the Turkish government. Indeed, as we saw earlier in Chapter 7, Laber spent much of her time on Turkey during the mid-1980s.⁶⁶

Bence said Hungary was a “closed political environment” that used economic incentives to quell dissent. Chojecki reviewed the thousands of arrests that followed the December 1981 declaration of martial law in Poland. Meanwhile, according to Czechoslovak exile František Janouch, President Gustáv Husák was busy trying to prevent “another Poland.” Nearly thirty Chartists were arrested in May 1981, eight of whom were held until March 1982, at which time they were released to correspond with a visit by Husák to Austria. Janouch spoke at length about the “Catch 22” case of Karel Kyncl, the journalist whose wife had assisted Laber in Prague: “He had been told he cannot emigrate until he gives the authorities the results of the criminal investigation against him, but, of course, he cannot produce the results of that investigation until it is completed which could take years.” Through his Stockholm-based Charta 77 Foundation, Janouch provided Helsinki Watch with another channel to Czechoslovak dissidents. A professor of theoretical physics, Janouch had been designated as the Western representative of VONS in 1978. VONS was a legal defense organization set up by Chartists. Charta 77 provided money to relatives of imprisoned writers, artists, and intellectuals.⁶⁷

Similar testimony was heard about Romania and Yugoslavia. Mihnea Berindei, a historian exiled in Paris, outlined how dictator Nicolae Ceaușescu maintained his grip on power: disappearances, displacement, and mass imprisonment. A Romanian could be thrown into prison for belonging to a trade union, practicing one’s religion, attempting to cross the border, or holding more than the prescribed allotment of food. Popović estimated the total number of political arrests in Yugoslavia during the previous seven years to have been from 300-600 on charges of “hostile propaganda” and “terrorism.” The legal system gave Yugoslavian authorities wide discretion to define these crimes. The similarities in violations across countries apparently had a “great emotional impact” on the conference participants.⁶⁸

Ludmilla Alexeyeva began the proceedings on the third day by describing how the Moscow Helsinki Group was been decimated through an aggressive campaign of state repression. More than ever, the Soviet human rights movement depended on the West in “its continuing struggle for survival.” Cathy Fitzpatrick followed with an account of her visit to Moscow earlier that week. After sneaking her way into a psychiatric hospital to see how dissidents had been falsely declared insane to silence them, she met with independent Soviet peace activists who wanted to work with their Western counterparts on nuclear disarmament. These presentations took on greater urgency when Laber announced that she had learned from Voice of America that the Moscow Helsinki Group had dissolved itself on September 6 and

⁶⁵ Ibid., 7-8

⁶⁶ Ibid., 9

⁶⁷ Ibid., 9-11

⁶⁸ Ibid., 11-12

Zbigniew Romaszewski of the Polish Helsinki Committee had been apprehended on August 31. With the demise of the first Helsinki monitoring group hanging over the participants, the rest of the conference was devoted to establishing the International Helsinki Federation (IHF). It was decided that the IHF would publicly announce its establishment at a press conference at the CSCE Madrid Review Conference reconvened on November 9. Final preparations were made at a subsequent meeting in Oslo on October 18.⁶⁹

Laber arrived in Oslo after attending a conference in Romania sponsored by the East-West Institute. She caused a stir among the attendees after complaining that no one seemed to care about human rights: “We all know that around this table there are people representing countries in which human rights monitors—members of Helsinki groups—are languishing in prisons under dreadful conditions.” Laber’s words were met with silence, but a State Department officer reassured her that such concerns had been raised in private discussions. When given an opportunity to meet Ceaușescu, Laber went directly to the airport instead. There, as she wrote in the *Los Angeles Times*, the chief militia officer accused her of making the lives of Romanian dissidents worse. “Your program of intimidation has worked,” she imagined herself saying to this “Mr. Militia Man.” “I am not writing about the pathetically few visits that I was able to arrange in Bucharest, from which I learned nothing that hasn’t already been well documented in the West. Instead I am writing about my meeting with you. It reveals more about the state of free expression in Romania than any report that I might have written about my conversations with your countrymen.” Helsinki Watch was hampered by its lack of contacts in Romania. Philosopher Paul Goma was arrested and expelled from the country when he tried organizing a Helsinki committee. But that did not stop Laber from helping as many Romanian dissidents as she could. Ovi Florea showed up unannounced to her office asking how he could get his brother, Mircea, out of Romania. Mircea had begun a hunger strike on September 23 in the hope that he could persuade authorities to give him the exit visa he wanted so badly. Assistant Secretary of State Elliott Abrams proved to be of great help to Laber. His involvement ensured that Mircea and his family received permission to emigrate.⁷⁰

The IHF was fully formed when the Madrid Review Conference resumed in November 1982 after months of adjournment. Consisting of eight representatives from six different countries, Laber (U.S.), Starek (Austria), Emmanuel (France), Aarsaether (Norway), Arie Bloed (Netherlands), Lennart Froll and Gerald Nagler (Sweden), the IHF contingent talked with delegates and reporters. It received news coverage after releasing a list with the names of 349 Polish political prisoners who had been detained since December 1981. “The goal of the conference had been fulfilled, an International Helsinki Federation for Human Rights had been formed, pledged to defend victims of human rights abuse in the Helsinki signatory states,” Laber wrote in December 1982.⁷¹

⁶⁹ International Citizens Helsinki Watch Conference, “Report: September 6-10, 1982,” 12-13, 15; Laber, *Courage of Strangers*, 181; Jeri Laber to International Citizens Helsinki Watch Conference Participants, September 1, 1982, Box 2, IHF—Bellagio Conference—Report—1982, IHF, HRW, CHRDR, CU; Jeri Laber, “Memorandum for the Record: Meeting in Oslo, Plans for Madrid,” October 18, 1982, Box 38, Madrid Conference—Preparations—1982, NYO, HRW, CHRDR, CU

⁷⁰ Laber, *Courage of Strangers*, 193, 195-196; Jeri Laber, “Mr. Militia Man Shows Romania’s Colors,” *Los Angeles Times*, December 15, 1982

⁷¹ International Citizens Helsinki Watch Conference, “Report: September 6-10, 1982,” 15-16, 18-20; James M. Markham, “West Bloc Bids East Accept Free Unions,” *New York Times*, November 10, 1982; see also “New ‘International Helsinki Federation for Human Rights’ Formed,” *CSCE Digest*, December 20, 1982, Box 8, IHF—Publicity Receive—1982-1983, IHF, HRW, CHRDR, CU

The IHF took this momentum into 1983. IHF representatives drafted a position paper in June that expressed disappointment at the concluding statement from the Madrid Review Conference and appeals on behalf of Andrei Sakharov, Yosif Begun, Ladislav Lis, and the Polish Helsinki Committee. A second organizational meeting focused on expanding the IHF to France, West Germany, and Belgium. Returning from a fact-finding mission to Turkey, Laber reported that she had found people interested in forming a Helsinki committee. While constantly looking for potential IHF members, she admitted that Helsinki Watch played an outsized role in its earliest years: “The International Helsinki Federation may have looked good on paper, but it was a façade, a ‘Potemkin village’ propped up by me and my colleagues at Helsinki Watch in New York.” By early 1985, Helsinki committees could be found in Austria, Denmark, France, the Netherlands, Norway, Sweden, Switzerland, West Germany, and the United States.⁷²

The IHF finally moved beyond the initial planning stage in November 1983 when it established an office in Vienna under the direction of Gerald Nagler of the Swedish Helsinki Group. Almost like a continuation of the Bellagio Conference, the IHF became a forum where violations were openly discussed from the perspective of those who experienced them. Subsequent IHF conferences in September 1984 and February 1985 hosted speakers from Czechoslovakia, Poland, Romania, Turkey, USSR, and Yugoslavia. A series of CSCE-related events during the next two years gave IHF an opportunity to exert some influence. As stipulated in the Final Act, a CSCE Cultural Forum was scheduled for October 1985 in Budapest, the purpose of which was to encourage more East-West exchange.⁷³

The IHF worked with Hungarian dissidents to make a scene at the Budapest Cultural Forum. Their objective was to test the promise made by the Hungarian government that private citizens would be allowed to meet freely for as long as it was in session. For its shadow forum at the Duna Hotel, IHF had invited fifty people from thirteen countries, including Hungarian intellectual György Konrád, Hungarian poet Sándor Csoóri, Yugoslavian writer Danilo Kiš, West German author Hans Magnus Enzensberger, British historian Timothy Garton Ash, Czech writer Jiří Grusa, American writer Susan Sontag, and AIUSA activist Rose Styron. Under pressure from the Soviet delegation, Hungarian authorities claimed that the hotel’s conference rooms were in disrepair. IHF filed a complaint with the Foreign Ministry. A deputy minister

⁷² Jeri Laber, “Minutes of the Coordinating Committee Meeting of the International Helsinki Federation for Human Rights, Oslo, Norway, June 18-20, 1983,” Box 2, IHF—Coordination Committee Meeting—Oslo—1983, IHF, HRW, CHRDR, CU; Jeri Laber, “Oslo Notes (Typewritten Draft),” c. June 1983, Box 2, IHF—Coordination Committee Meeting—Oslo—1983, IHF, HRW, CHRDR, CU; International Helsinki Federation for Human Rights, “Statement on Conclusion of Helsinki Review Conference in Madrid,” c. June 1983, Box 2, IHF—Coordination Committee Meeting—Oslo—1983, IHF, HRW, CHRDR, CU; International Helsinki Federation for Human Rights to Yuri Andropov, “Andrei Sakharov,” June 23, 1983, Box 2, IHF—Coordination Committee Meeting—Oslo—1983, IHF, HRW, CHRDR, CU; International Helsinki Federation for Human Rights to Yuri Andropov, “Dr. Yosif Begun,” June 23, 1983, Box 2, IHF—Coordination Committee Meeting—Oslo—1983, IHF, HRW, CHRDR, CU; Jeri Laber, “Notes from Oslo Meeting (Handwritten),” c. June 1983, Box 2, IHF—Coordination Committee Meeting—Oslo—1983, IHF, HRW, CHRDR, CU; International Helsinki Federation for Human Rights, “Minutes of the Coordinating Committee Meeting of the International Helsinki Federation for Human Rights, Vienna, Austria, November 12-14, 1983,” Box 2, IHF—Coordinating Committee Meeting—Vienna—1983, IHF, HRW, CHRDR, CU; Laber, *Courage of Strangers*, 240

⁷³ International Helsinki Federation for Human Rights, “Final Narrative Report: August 1983-March 1985,” c. March-April 1985, Box 7, IHF—Nagler, Gerald—Correspondence—1985, IHF, HRW, CHRDR, CU; Helsinki Watch, *1983 Annual Report* (New York: Helsinki Watch, 1984), 26-27, Box 70, Miscellaneous: HW Annual Reports—1979-1985, JL, USSR, HRW, CHRDR, CU; Helsinki Watch, *1984 Annual Report* (New York: Helsinki Watch, 1985), 21-22, Box 70, Miscellaneous: HW Annual Reports—1979-1985, JL, USSR, HRW, CHRDR, CU

then clarified that they were not to meet in “public,” which meant that they could do so in “private.” This may have been the smallest of victories, the IHF had engaged in an act of defiance that set the stage for much larger ones over the next few years.⁷⁴

In the six years from the 1979 Moscow Book Fair to the 1985 CSCE Budapest Cultural Forum, Helsinki Watch had taken substantial steps towards forming a transnational network dedicated to exposing human rights abuses in the Eastern Bloc. In addition to working with exiles such as Alexeyeva or Janouch, Laber gained access to dissidents in the Soviet Union, Czechoslovakia, Poland, and Hungary through fact-finding missions. With the latest information in its possession, Helsinki Watch could promote media coverage, participate in foreign policy debates, and help American diplomats like Max Kampelman embarrass the Soviet Union and Eastern European delegations. Nowhere was this more evident than at the CSCE Madrid Review Conference. Helsinki Watch’s Madrid Office became a venue where dissidents showed that they could not be silenced. But such a display was not enough for Helsinki Watch if it wanted to fulfill its goal of pressuring leaders who consistently violated the Final Act. By taking a leading role in the formation of the International Helsinki Federation (IHF), Laber found Western European activists to maintain a coherent message about accountability in their respective countries. The IHF may have just another front for Helsinki Watch in its earliest years, but the two organizations ensured that the names Yuri Orlov, Andrei Sakharov, Václav Havel, Adam Michnik, Zbigniew Romaszewski, and countless others would not be forgotten in the West.

⁷⁴ Laber, *Courage of Strangers*, 242-243; Helsinki Watch, *1985 Annual Report* (New York: Helsinki Watch, 1986), 11-13, Box 70, Miscellaneous: HW Annual Reports—1979-1985, JL, USSR, HRW, CHRDR, CU

Chapter 14

Helsinki Watch in the Last Years of the Soviet Empire, 1985-1991

Part I: “Everything’s Changed, and Nothing’s Changed.” (March 1985-January 1988)

With the tenth anniversary of the Helsinki Final Act nearing, PBS’s *MacNeil/Lehrer NewsHour* invited Jeri Laber of Helsinki Watch and Harvard professor Richard Pipes to assess its effectiveness thus far. A member of the Committee on the Present Danger, Pipes led the 1976 Team B intelligence analysis that found the CIA had consistently underestimated the Soviet economic and military strength, which subsequently led to a position with the National Security Council in 1981-1982. When asked by co-host Robert MacNeil if the United States ought to abandon the CSCE review process, Pipes answered yes. It seemed to him that the Soviets were not “terribly concerned” about what the West thought of their abuses. “Now, we knew that the Soviet Union couldn’t abide by these terms, and by signing this sort of a treaty with them, even though it’s an accord rather than a treaty,” Pipes contended, “we in a sense prostituted our own values by winking at the Russians and receiving Russian winks to the effect that we know that of course nobody is going to enforce it.” Laber disagreed. Reneging on the Final Act, in her words, would be to hand the Soviets a “tremendous ideological victory.” Nor was it true that the American diplomats “winked” at their Soviet counterparts. “If you read the speeches of Ambassador Kampelman at Madrid and Ambassador Schifter at Ottawa, they have taken a lot of abuse at those review conferences, and what is amazing to me is the fact that they have not walked out,” Laber said. “It means something to them to stay there.”¹

The one thing on which Laber and Pipes agreed was that compliance in nearly all Warsaw Pact countries was worse than it had been in 1975. Fifty-one Helsinki monitors in the Soviet Union were either imprisoned or exiled. In Czechoslovakia, over 1000 signatories of Charter 77 faced constant harassment from state police, many of whom were barred from employment or sending their children to school. The Polish Helsinki Committee had been driven underground after martial law was declared in December 1981. But these facts did little to shake Laber’s belief that the Helsinki Accords still meant something. She told co-host Jim Lehrer that Helsinki was still an important “symbol of hope” to people who had nothing else: “Many people took these accords seriously in these countries and they’ve sacrificed their freedom for it and often their life. I think it’s tremendously important as long as that symbol remains something that can be looked up to that people in the West continue to support it as well.”²

Pipes was not alone in his criticism. To Aleksandr Ginzburg and Vladimir Bukovsky, it had failed to protect Soviet dissidents like them. The conservative *New York Times* columnist William Safire claimed Helsinki Watch was advocating merely out of self-interest, not because it could actually make a difference, an accusation he repeated to Laber on NBC’s *The Today Show*. Though she held her own with the former Nixon speechwriter, she too had her doubts: “Sometimes, however, I found myself wondering if our work was doing any good. I knew we were important to the small groups of dissidents in the Soviet Union and Eastern Europe—we

¹ PBS Transcript, *The MacNeil/Lehrer NewsHour*, July 31, 1985, accessed through LexisNexis

² Ibid.

were publicizing their arrests, speaking out on their behalf, and visiting them, when possible. But was that enough?”³

While difficult to imagine during those low moments in summer 1985, Laber would find some signs of encouragement over the next two and a half years. The resumption of bilateral summits at Geneva in October 1985—following a six year hiatus—introduced what Soviet Premier Mikhail Gorbachev termed the “human factor” in his one-on-one negotiations with President Ronald Reagan, who had realized its importance when U.S.-Soviet relations hit a low point in late 1983. Although their disagreement over Reagan’s proposed Strategic Defense Initiative prevented a major breakthrough on arms control at Reykjavik in October 1986, the two leaders showed an increasing willingness to discuss human rights issues with each other. Gorbachev may have resented how Reagan put him on the defensive with the repeated insistence that he needed to do more on religious freedom and Jewish emigration, but he also knew that his plan to reform the Soviet Union was predicated upon greater openness—*glasnost*. The death of Anatoly Marchenko compelled him to release Andrei Sakharov in December 1986, the first of many Soviet political prisoners to be freed in 1987-1988.

For those removed from the highest levels of geopolitical maneuvering, the most important consequence of the Reykjavik Summit was the release of Moscow Helsinki Group founder Yuri Orlov. Brought to the opening of the CSCE Vienna Review Conference by Helsinki Watch and the International Helsinki Federation (IHF), Orlov was just one of many who used this ongoing forum to raise awareness of what dissidents had experienced in a decade-long campaign of repression that had been directed against them. Like Madrid of the early 1980s, Vienna thus became a beacon that gave Václav Havel and Zbigniew Romaszewski the chance to speak from the underground. One of the more surprising developments at this conference was Soviet Foreign Minister Edward Shevardnadze’s proposal to host a human rights meeting in Moscow, the very prospect of which made Western delegates, Helsinki Watch, and the IHF think of what reforms would have to be implemented for them to participate. At the 1987 Moscow Book Fair, Laber saw for herself that *this* Moscow was a very different place than the Moscow she last seen eight years earlier, the last time she had been permitted into the Soviet Union, as newer dissidents like Sergei Grigoryants and Lev Timofeyev were publishing alternative magazines and forming unofficial discussion clubs. With Soviet officials finally willing to engage directly with Western activists, the IHF was invited to sit with the Soviet Public Commission for Humanitarian Affairs and Human Rights in January 1988.

Two Summits: Geneva and Reykjavik

The death of Premier Leonid Brezhnev in November 1982 began a period of instability in the Kremlin that lasted for the next three years. KGB Director Yuri Andropov was chosen as Brezhnev’s successor, remaining in power for all of fifteen months until he died in February 1984. Andropov was followed by the ailing Konstantin Chernenko who died in March 1985. The Politburo replaced Chernenko on March 11 with one of its youngest members, the fifty-four-year old Mikhail Gorbachev. Born in 1931 to a rural family, Gorbachev first became active in the Communist Party (CPSU) as a student at Moscow State University, where he studied agricultural economics. As First Party Secretary of the Stavropol Kraikom in 1970, Gorbachev

³ Jeri Laber, *Courage of Strangers: Coming of Age with the Human Rights Movement* (New York: PublicAffairs, 2002), 238-239

improved the local standard of living by expanding the size of privately held plots and giving farmers more of a say in planning decisions, a success that attracted the attention of high-level party functionaries. After his appointment to the CPSU Central Committee in 1971, he quickly rose through in Moscow with the help of Mikahil Suslov, the Chief Ideologist of the CPSU. Gorbachev became a full member of the Politburo in 1980. As a trusted deputy of Andropov, he replaced nearly twenty percent of top ministers and regional governors with younger reformers like himself. His extensive travels to the West only reaffirmed his belief that the Soviet Union needed major reforms if it was to remain competitive in the Cold War. “We are living through a very complex and transformative time,” he said to the Politburo upon his selection. “Our economy needs more dynamism. This dynamism is necessary for our democracy, for the development of our foreign policy.”⁴

Though he had been in the White House since January 1981, President Ronald Reagan did not meet personally with a Soviet head-of-state during his first term. The last president to do so was Jimmy Carter six years earlier, just months before the December 1979 Soviet invasion of Afghanistan that led him to impose a grain embargo and boycott the 1980 Moscow Summer Olympics. Reagan was nothing if not a stronger critic of détente than Carter. Reagan had almost won the 1976 Republican Party nomination by criticizing President Gerald Ford and Secretary of State Henry Kissinger for embracing the Helsinki Final Act. A prominent theme in his successful 1980 presidential campaign was that the United States needed to more actively confront the Soviet Union around the world. In addition to expanding the defense budget, including the wildly imaginative space anti-missile shield known as the Strategic Defense Initiative (SDI), Reagan went on the rhetorical offensive. Before the National Association of Evangelicals in March 1983, he accused Soviet leaders of seeking to “enslave their fellow man.” If American religious leaders were to support nuclear disarmament (or even a freeze), thereby removing themselves from “the struggle between right and wrong and good and evil,” they would be ignoring “the facts of history and the aggressive impulses of an evil empire.”⁵

Relations between the superpowers reached a nadir later that year. On September 1, 1983, Korean Air Lines Flight 007 was shot down over the Sea of Japan after it had veered into Soviet airspace. All 269 passengers were killed. The deployment of Pershing II missiles in West Germany worried Soviet military officers. A ten-day NATO military exercise in November only furthered their suspicions that they were about to be attacked. Able Archer 83 was a simulated war game that culminated in a pretend nuclear strike. Not sure what NATO was doing, the Soviets readied their nuclear forces, and fighter jets in East Germany and Poland were put on high alert. “Six minutes to decide how to respond to a blip on a radar scope and decide whether to unleash Armageddon! How could anyone apply reason at a time like that?” Reagan asked himself after he was briefed on Able Archer 83. Reagan had also been disturbed by what he saw in *The Day After*, a television movie set near Kansas City that showed the horrific impact nuclear warfare would have on ordinary Americans, as he wrote in his diary on

⁴ CC CPSU Politburo Session, March 11, 1985, “To the Geneva Summit: Perestroika and the Transformation of U.S.-Soviet Relations,” *National Security Archive Electronic Briefing Book No. 172 (NSAEBB)*, November 22, 2005, National Security Archive (NSA), <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB172/index.htm>

⁵ Reagan’s explanation for the lack of summits was that the Soviet leaders “kept dying on me,” see Ronald Reagan, *An American Life* (New York: Simon & Shuster, 1990), 611; Ronald Reagan, “Remarks at the Annual Convention of the National Association of Evangelicals in Orlando, Florida,” March 8, 1983, *Public Papers of the President*, John Woolley and Gerhart Peters, ed., *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=41023>

October 10 that these images had left him “very depressed”—and made him want to do all he could “to have a deterrent and to see there is never a nuclear war.”⁶

A memorandum written by senior adviser Alexander Yakovlev on March 12, 1985, argued for Gorbachev to meet face-to-face with Reagan. To Yakovlev, Reagan was very interested in “raising [his] political stock” through diplomacy: “[Reagan] does not lose anything if we refuse to meet [with him] (‘you see, I wanted to, but...’), just the same if the meeting is a failure (‘the Russians are uncooperative as always, as always...’).” Yakovlev outlined a set of objectives for Gorbachev at the summit. After getting a “personal impression” of the president, Gorbachev needed to signal that the USSR was willing to negotiate with the U.S., but only under terms of “strict reciprocity.” Chernenko’s funeral presented Gorbachev with an opportunity to meet with Vice-President George H. W. Bush and Secretary of State George Shultz, who impressed upon him Reagan’s desire for a summit. Gorbachev’s initial impression, as he shared with the CPSU Central Committee on March 15, was that Reagan’s team was “quite mediocre”—Bush appeared lost without his prepared text.⁷

Reagan and Gorbachev corresponded with one another through spring 1985. Even as he repeatedly protested the fatal shooting of U.S. Army Major Arthur Nicholson by a Soviet guard in East Germany (Nicholson had been part of a joint Military Liaison Mission), Reagan maintained that there were “new opportunities opening up in Soviet-American relations,” not just on arms control, but regional and humanitarian issues as well. Gorbachev felt very much the same way. The differences between their two countries did not necessarily have to make them enemies, as he wrote, “Each social system has a right to life, and it should prove its advantages not by force, not by military means, but on the path of peaceful competition with the other system. And all people have the right to go the way they have chosen themselves, without anybody imposing his will on them from outside, interfering in their internal affairs.” Gorbachev would echo this phrasing when holding off Reagan’s efforts to raise human rights issues with him. At the end of a letter dated April 30 that described the many questions they would discuss over the next few years, Reagan turned towards an “issue of great importance” to Americans: “As the Vice President informed you in Moscow, we believe strongly that strict observance of the Universal Declaration of Human Rights and of the Helsinki Final Act is an important element of our bilateral relationship.” Needless to say, Gorbachev did not take too kindly to any suggestion his country had a problem with human rights. “There should be no misunderstanding concerning the fact that we do not intend and will not conduct any negotiations relating to human rights in the Soviet Union,” Gorbachev responded. “We, as any other sovereign state, regarded and will regard these questions in accordance with our existing laws and regulations.”⁸

On July 1, 1985, Soviet officials received a letter from Soviet dissident Andrei Sakharov requesting that his wife, Elena Bonner, be allowed to leave the country to receive medical

⁶ See Beth A. Fischer, *The Reagan Reversal: Foreign Policy and the End of the Cold War* (Columbia, Missouri: University of Missouri Press, 1997); James Mann, *The Rebellion of Ronald Reagan: A History of the End of the Cold War* (New York: Viking, 2009), 41-42; Ronald Reagan, *The Reagan Diaries*, edited by Douglas Brinkley (New York: HarperCollins, 2007), 186

⁷ Alexander Yakovlev to Mikhail Gorbachev, “On Reagan,” March 12, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA; Minutes of Gorbachev’s Meeting with CC CPSU Secretaries,” March 15, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA

⁸ Ronald Reagan to Mikhail Gorbachev, April 4, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA; Mikhail Gorbachev to Ronald Reagan, March 24, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA; Ronald Reagan to Mikhail Gorbachev, April 30, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA; Mikhail Gorbachev to Ronald Reagan, June 10, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA

treatment. Confident that Sakharov was no longer the threat he once had been—“Sakharov as a political figure has basically lost his image of late and has been saying nothing new”—KGB Director Viktor Chebrikov proposed that the Politburo grant her three months abroad. The Politburo suspected Bonner of influencing Sakharov. Gorbachev believed “real Zionism” was at work. Mikhail Zimyanin, the former editor of *Pravda*, termed her “a beast in a skirt, an imperialist plant.” They were under the mistaken impression that Bonner’s removal would somehow neutralize Sakharov. “If she stays there [in the West], of course, there will be a lot of noise,” Nikolai Ryzhkov stated. “But we will be able to influence Sakharov. He even escaped to the hospital to feel freer.” While it was very important to the Politburo that Bonner’s release not be seen as concession to the Americans before the upcoming Geneva Summit, Gorbachev decided that he would compromise with Sakharov.⁹

Very little was said about human rights in Geneva that November. However, Gorbachev had been convinced their two countries could begin improving their relations after reading some of Reagan’s most recent statements on the Soviet Union, and Reagan was confident that the Soviet and American people would realize their profound similarities the more they learned of each other. But even as they disagreed vehemently on SDI, they agreed that they needed to keep talking. At a dinner on the evening of November 19, Gorbachev quoted a Bible verse—Acts 16—that declared there was a time to throw stones and a time to gather them; now was that time to gather the stones that had been thrown in the past. Reagan explained that this specific passage referred to how “we are all of one blood regardless of where we live on Earth,” the sentiment of which he had just conveyed to Soviet Foreign Minister Edward Shevardnadze rather bizarrely: “If the people of the world were find out that there was some alien life for that was going to attack the Earth approaching on Halley’s Comet, then that knowledge would unite all the peoples of the world.”¹⁰

Not much had changed in Geneva yet everything had changed because of Geneva. The November 24 diary entry of Anatoly Chernyaev, a senior CPSU official, mentioned how it marked “a turning point” in international relations: “[We] came close to the recognition that nobody will start a war, to the understanding that one should not continue provoking it either in the name of communism or capitalism.” In a speech to the CPSU Central Committee on November 28, Gorbachev described the summit as part of a new foreign policy strategy—“a broader approach, a larger constructiveness”—that he believed was supported by the Soviet people and “reasonable” Western leaders. U.S. foreign policy may still have been that of “the military-industrial complex,” but the “pressure of public opinion” forced Reagan to be more receptive towards him.¹¹

⁹ Excerpt from Minutes of Politburo Session, August 29, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA

¹⁰ U.S. Department of State, “Geneva Summit: Memorandum of Conversation, November 19, 1985, 10.20-11.20 AM, First Private Meeting, “To the Geneva Summit,” NSAEBB No. 172, NSA; U.S. Department of State, “Geneva Summit: Memorandum of Conversation,” November 19, 1985, 3.40-4.45 PM, Second Private Meeting, “To the Geneva Summit,” NSAEBB No. 172, NSA; U.S. Department of State, “Geneva Summit: Memorandum of Conversation, November 19, 1985, 2.30-3.40 PM, Second Plenary Meeting, “To the Geneva Summit,” NSAEBB No. 172, NSA; U.S. Department of State, “Geneva Summit: Memorandum of Conversation, November 20, 1985, 2.45 -3.30 PM, Fourth Plenary Meeting,” “To the Geneva Summit,” NSAEBB No. 172, NSA; U.S. Department of State, “Geneva Summit: Memorandum of Conversation, November 19, 1985, 8-10.30 PM, Dinner Hosted by Gorbachev,” “To the Geneva Summit,” NSAEBB No. 172, NSA

¹¹ Anatoly Chernyaev, “Diary Excerpt,” November 24, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA; Mikhail Gorbachev, “Speech at Conference at the CC CPSU on Preparation for the XXVII Congress of the CPSU,” November 28, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA

Gorbachev desperately wanted to reinvigorate a Soviet Union beset by political sclerosis and economic stagnation. Alexander Yakovlev outlined one such path to reform in December. Turning to the writings of Vladimir Lenin to give his ideas ideological legitimacy, Yakovlev justified the increased accountability of deputy party officials with the quotation, “We can rule only when we correctly express what people think.” However, democratization had to be more than opening up the political process, as Yakovlev once again borrowed from Lenin, “The state is only strong when the masses know everything, and make judgments about everything, and take action consciously,” which meant that Gorbachev had to embrace “all-around *glasnost*”—openness that would give Soviet citizens access to “thorough and timely information” so they could participate in civic affairs. It was thus imperative that the “educational process” move beyond propaganda. Books, lectures, plays, and films were once thought of as decisive in the formation of ideological consciousness, but Yakovlev operated from a different premise: “It is not the consciousness of a propaganda official, writer, and so on, that forms the consciousness of the public, when the power belongs to the public,” but—returning to Lenin once again—“participation in the daily struggle of life.” The upshot was that Soviet authorities had to exercise power far differently if Yakovlev’s vision was to become a reality: “There should be a law on individual rights and their guarantees, a law on personal integrity, personal property and domicile, on privacy of correspondence, telephone conversations and personal life. [There should be] organizational forms of practicing the right to hold rallies, freedom of speech, religious, press, assembly, and the right to free travel. We want everybody to have great civic responsibilities, but that is only possible if there are great civil rights.” Such was the basis of the reforms Gorbachev introduced over the next few years.¹²

Facing a midterm election in November 1986, the White House hoped to meet with Gorbachev before the end of the year. Reagan’s decision to not go forward with SALT-II prompted Congress to pass an amendment to the Defensive Authorization Act that kept funding for SDI at the previous year’s level. Gorbachev was reluctant to hold another summit unless he saw movement on arms control. Negotiations between arms experts in Moscow and regional specialists in Washington, D.C. during the last two weeks of August did not produce any meaningful progress.¹³

The arrest of Gennardi Zakharov on August 23 in New York threatened to derail these plans altogether. A Soviet physicist who was assigned to the UN Secretariat as a scientific attaché, Zakharov was caught paying for classified documents taken from an American defense contractor. One of Zakharov’s contacts had been a Guyanese student who had been also working with the FBI as an informant. Zakharov was charged with espionage. A week later, the KGB announced the arrest of American journalist Nicholas Daniloff, the Moscow correspondent for *U.S. News & World Report*, for allegedly receiving a packet of classified materials on Afghanistan. Reagan wrote in his diary on September 3 that the Daniloff arrest was a “frame up,” the usual Soviet response whenever a KGB agent was caught. Shultz may have dismissed the possibility of a prisoner exchange two days later, but secret negotiations were already underway. Reagan assured Gorbachev in a personal letter that Daniloff was not a spy, but Gorbachev accused him of repeatedly engaging in suspicious activities, so Daniloff would be

¹² Alexander Yakovlev to Mikhail Gorbachev, “The Imperative of Political Development,” December 25, 1985, “To the Geneva Summit,” NSAEBB No. 172, NSA

¹³ Frances FitzGerald, *Way Out There in the Blue: Reagan, Star Wars, and the End of the Cold War* (New York: Simon & Schuster, 2000), 341

tried for espionage unless Zakharov received an unconditional release. Describing himself as “mad as h--l,” Reagan publicly criticized the Soviets for the first time on September 8: “Whatever the Soviet motive, their action violates the standards of civilized international behavior. There will be no trade.” Zakharov and Daniloff were handed over to their respective embassies on September 12. Conservative commentators like George Will were dismayed at the equal treatment afforded to Zakharov and Daniloff, but they did not know that Reagan had decided on September 9 to broaden the negotiations to include dissidents: “If it’s possible we’ll do something like an exchange but only if they’ll release some dissidents like Sakharov etc. Once we have them back I propose we kick a half hundred of the U.N. KGB agents out of the country if there can’t be a repeat of this hostage taking.” Reagan expelled twenty-five members of the Soviet UN delegation for their alleged KGB ties. This was one reason why he bristled at critics who accused him of not standing up to the Soviets. “Most of the [Sunday news] shows dealt with the Daniloff matter and a number of the media & press involved launched a campaign that I had blinked and softened—giving in to Soviet demands,” he wrote on September 14. “That’s a lot of crap & they don’t know what they are talking about.”¹⁴

Gorbachev sent a letter to Reagan the next day proposing a “quick one-on-one meeting, let us say in Iceland or in London” to end the mutual recriminations that had arisen during the previous three weeks and resume negotiations that had been at an impasse since Geneva. Shevardnadze told the Politburo on September 22 that Reagan had agreed to meet Reykjavik if Gorbachev accepted two conditions: resolving the Daniloff issue and a “positive response” to the idea of releasing some dissidents. “On Daniloff-Sakharov, we should stand firm, not to lose face,” Gorbachev replied. “Let [Yuri] Orlov [founder of the Moscow Helsinki Group] go in a month.” Worried about being perceived as weak going into the summit, Gorbachev would only agree to Daniloff and Orlov. That was all. “We also have our limits.”¹⁵

Negotiations between Shultz and Shevardnadze had produced the framework of an agreement by September 25, as Reagan explained in his diary, “The deal cooking is Daniloff free—Zakharov free in exchange for Orlov + others if possible. I think we’ll have to settle for Orlov but I recommend only if Orlov comes here as Z. [Zakharov] leaves. The Soviets want Z. first & then Orlov about 15 days later. Of course we hold fast that the 25 KGB’s [sic] leave the U.N. & go home.” The Soviets wanted to make it look like a one-for-one trade, but the Americans were adamant that Zakharov would go only if Orlov was included as part of the deal, which Shultz announced on September 30. Reagan complained that evening how Orlov’s release had been completely overlooked. “Already it’s [sic] plain the press is going to declare that I gave in & the trade was for Daniloff for Zakharov,” he fumed. “By the end of the day the network anchors were laying into me for having given up.” Reagan was pleased to have secured Orlov’s release, as he wrote to a political supporter on October 17: “We told the Soviet Union, everything, their spy, their invitation to a meeting etc. was on hold until Daniloff was freed. When they did that [arrested Daniloff] we told them we’d do what presidents before had done three times before in similar cases, exchanging their guilty spy for Soviet dissidents. Our choice

¹⁴ Fitzgerald, *Way Out There in the Blue*, 341-342; Reagan, *The Reagan Diaries*, 434-435, 436, 437, 440

¹⁵ Mikhail Gorbachev to Ronald Reagan, September 15, 1986, “The Reykjavik File: Previously Secret Documents from U.S. and Soviet Archives on the 1986 Reagan-Gorbachev Summit,” *National Security Archive Electronic Briefing Book No. 203 (NSAEBB)*, January 13, 2006, National Security Archive (NSA), <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB203/index.htm>; Anatoly Chernyaev, “Notes from Politburo Session,” September 22, 1986, “The Reykjavik File,” NSAEBB No. 203, NSA

was Orlov and his wife. By pleading no contest their spy acknowledged his guilt and we were saved months of trial while the Orlovs remained victims of Soviet cruelty.”¹⁶

With the Reykjavik Summit scheduled to begin on October 10, Shultz warned in an October 2 memorandum that Reagan needed to “produce substantive progress” on arms control and human rights—the “two big issues”—for it to be viewed as a success. Though he mentioned a ceiling on ballistic missile warheads that could be the basis of a strategic arms reduction agreement in the future, Shultz did not expect any major breakthroughs at Reykjavik, but that did not have to stop Reagan from taking a more forceful stand on human rights: “Gorbachev must go home with a clear sense that Moscow’s continuing insensitivity to the humanitarian dimension of the relationship will assume greater significance as prospects open up in areas of mutual concern.”¹⁷

Anticipating that he would have deal with criticism on this topic, Gorbachev instructed his Reykjavik Preparation Group to give him “more assertive” material so he could highlight the various ways in which the United States had failed to live up to international human rights standards. He already had worked out this conversation in his head, as he told the Politburo: “I could say that I, Mr. President, am also very concerned about the state of affairs in the United States. And present a concrete list of issues, in particular: homelessness, unemployment, gangs, lack of safety on the streets, treatment of colored people, violation of human rights in third world countries.” Gorbachev’s goal was to convince Reagan that this entire discussion was based in “misinformation,” so he would offer to stop jamming the Voice of America radio signal only if Soviet media was guaranteed the same access to Americans. Yet there were some concessions that could be made, as he shared with the Politburo on October 8. Foreshadowing how he would release many political prisoners over the next two years, Gorbachev wanted “some acceleration” on the human rights issue if only to take “this problem off the Central Committee’s shoulders.” With what seems to be a lack of self-awareness about why so many wanted to leave his country, Gorbachev ordered, “Open the way back to the USSR for thousands of emigrants. Get the return flow in motion; there are already some who came back.”¹⁸

But nothing was more important to Gorbachev than avoiding another arms race: “Tridents, Minutemen, entering space with weapons. Then [we will face] a degradation of our economic, strategic, and political security—a loss on all sides, because first and foremost it lead to a wearing-out of our economy. This is impermissible.” SDI threatened to pull the Soviet Union in an unsustainable direction: “Our goal is to prevent the next round of arms race. If we do not do this, the threat to us will only grow. And if we do not compromise on some questions, even very important ones, we will lose the main point: we will be pulled into an arms race beyond our power, and we will lose this race, for we are presently at the limit of our capabilities.”¹⁹

¹⁶ Ronald Reagan, *The Reagan Diaries*, 440, 441, 441-442; Ronald Reagan to Mrs. William Loeb, October 17, 1986, *Reagan: A Life in Letters*, edited by Kiron K. Skinner, Annelise Anderson, and Martin Anderson, (New York: Free Press, 2003), 382

¹⁷ George Shultz to Ronald Reagan, “Memorandum to the President: Reykjavik,” October 2, 1986, “The Reykjavik File,” NSAEBB No. 203, NSA

¹⁸ Anatoly Chernayev, “Notes from Gorbachev’s Instructions to the Reykjavik Preparation Group,” October 4, 1986, “The Reykjavik File,” NSAEBB No. 203, NSA; Anatoly Chernayev, “Notes from Politburo Session,” October 8, 1986, “The Reykjavik File,” NSAEBB No. 203, NSA

¹⁹ Anatoly Chernayev, “Notes from Politburo Session,” October 8, 1986, “The Reykjavik File,” NSAEBB No. 203, NSA; Anatoly Chernayev, “Notes from Gorbachev’s Instructions to the Reykjavik Preparation Group,” October 4, 1986, “The Reykjavik File,” NSAEBB No. 203, NSA

SDI prevented a truly remarkable arms reduction agreement at Reykjavik. Gorbachev used their first meeting on the morning of October 11 to offer Reagan a detailed proposal: a fifty percent reduction in strategic weapons, the total elimination of medium-range missiles in Europe (with separate negotiations for those in Asia), a mutual pledge that neither the U.S. nor the Soviet Union would withdraw from the ABM Treaty for a decade, and a comprehensive nuclear test ban which would include verification through on-site inspection.²⁰

Reagan was encouraged by what he heard from Gorbachev, but wanted some questions to be resolved. The reduction of medium-range missiles in Europe *and* Asia ought to be coupled. He also wanted to impose limits on bombers and air-launched cruise missiles. Reagan's biggest goal was convincing Gorbachev that SDI necessitated setting aside the ABM Treaty. "If testing should reveal that a system [SDI] is practical, we would be obligated to share it, and we would have two years to negotiate an agreement to eliminate ballistic missiles and to share," Reagan was recorded as saying to Gorbachev. "We are accused of wanting a first-strike capability, but we are proposing a treaty which would require the elimination of ballistic missiles before SDI is deployed, therefore a first strike would be impossible." There had once been rules of warfare to protect civilians, but the ABM Treaty did nothing to change the fact that both sides had "horrible missiles" whose only defense against their use was "the threat of slaughtering masses of other people." Reagan said that he had already promised the American people that SDI would be used for peace, but Gorbachev wanted at least a ten-year commitment to the ABM Treaty. If they were serious about reducing nuclear weapons, Gorbachev continued, they needed to reinforce the treaty, not weaken it; SDI research might be permissible under their new agreement, but it could not go beyond the laboratory. Reagan reacted strongly against this condition, asking Gorbachev why should world live in for another decade under the threat of nuclear weapons if we have decided to eliminate them?²¹

The rough outline of a potential agreement was evident by the afternoon of October 12. The ten-year non-withdrawal period would be divided into two stages. The U.S. and USSR each had five years to reduce their strategic offensive arsenals by half. If that was achieved, then the other half would be eliminated by the end of 1996. The Soviets wanted assurances that the Americans would not deploy any space-based weapons systems during these years. Weapons testing would not be permitted outside of the laboratory. But this was too much for Reagan who wanted SDI testing permitted in the atmosphere and space. To make Gorbachev understand why he could not yield on this point, Reagan pointed to a major difference between their two countries. If a Soviet citizen criticized Gorbachev, he went to jail, at which point Gorbachev cut in to urge Reagan to read Soviet newspapers. That was not so for an American citizen; the right-wing—his biggest supporters—had been "kicking his brains out" over these negotiations.²²

²⁰ U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev First Meeting, October 11, 1986, 10.40 AM-12.30 PM," "The Reykjavik File," NSAEBB No. 203, NSA

²¹ U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev First Meeting, October 11, 1986, 10.40 AM-12.30 PM," "The Reykjavik File," NSAEBB No. 203, NSA; U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Second Meeting, October 11, 1986, 3.30 PM-5.40 PM," "The Reykjavik File," NSAEBB No. 203, NSA; U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Third Meeting, October 12, 1986, 10.00 AM-1.35 PM," "The Reykjavik File," NSAEBB No. 203, NSA

²² U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Final Meeting, October 12, 1986, 3.25 PM-4.30 PM and 5.30 PM-6.50 PM," "The Reykjavik File," NSAEBB No. 203, NSA; U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Final Meeting, October 12, 1986, 3.25 PM-4.30 PM and 5.30 PM-6.50 PM," "The Reykjavik File," NSAEBB No. 203, NSA

Gorbachev and Reagan each tried their best to win this last concession. Gorbachev told Reagan that he was missing an opportunity to become a great president, repeating Shevardnadze's prediction that future generations would never forgive them after learning how close they had been to doing something historic in Reykjavik. Reagan implored Gorbachev to understand the constraints under which he was operating. If Gorbachev really wanted to help him, then the SDI testing language had to be loosened, for he could not give on this point without suffering political damage. Yet, as he hastened to remind Reagan, Gorbachev could not go back to Moscow having allowed the United States to test a large-scale space defense system that might be operational within a decade. He did not want his people to call him a "dummy" (durak). Once they determined that there would be no agreement that day, the State Department version of events concludes with Gorbachev sending his regards to Reagan's wife. The Soviet transcript ends with this poignant exchange:

Reagan. It's too bad we have to part this way. We were so close to an agreement. I think you didn't want to achieve an agreement anyway. I'm very sorry.

Gorbachev. I am also very sorry it's happened this way. I wanted an agreement and did everything I could, if not more.

Reagan. I don't know when we'll ever have another chance like this and whether we will meet soon.²³

These high-stakes arms negotiations made human rights a secondary concern at Reykjavik. As Reagan admitted in his introductory remarks on the morning of October 11, this may not be an appropriate subject for formal agreements, but progress on it indicated the extent to which Gorbachev could be trusted. That afternoon, he handed Gorbachev lists of prisoners and refuseniks the U.S. was monitoring. He then promised the next morning that he would not make any public demands on family reunification and religious persecution, but Gorbachev had to understand that many Americans had ancestral ties to Russia. Nor would he exploit exit visa issuances or political prisoner releases for propaganda.²⁴

Instead of confronting Reagan on the problem of social inequality among Americans, Gorbachev took issue with the unbalanced flow of information between their countries. He said that was why the Soviets jammed the Voice of America signal—to make things equal. So there would be no more jamming if the USSR could communicate with the American people, either by leasing a radio station or convincing neighboring countries to allow Soviet transmitters in their territory. Unlike in the Soviet Union, as Reagan pointed out to Gorbachev, the U.S. recognized

²³ U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Final Meeting, October 12, 1986, 3.25 PM-4.30 PM and 5.30 PM-6.50 PM," "The Reykjavik File," NSAEBB No. 203, NSA; Russian Transcript of Reagan-Gorbachev Summit in Reykjavik, October 12, 1986 (afternoon), published in FBIS-USR-93-131, September 20, 1993, "The Reykjavik File," NSAEBB No. 203, NSA

²⁴ U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev First Meeting, October 11, 1986, 10.40 AM-12.30 PM," "The Reykjavik File," NSAEBB No. 203, NSA; U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Second Meeting, October 11, 1986, 3.30 PM-5.40 PM," "The Reykjavik File," NSAEBB No. 203, NSA; U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Third Meeting, October 12, 1986, 10.00 AM-1.35 PM," "The Reykjavik File," NSAEBB No. 203, NSA

the right of individuals to hear all points of view. Moving onto film, Gorbachev wondered why almost half of the foreign films shown in the USSR were made by Americans, while almost no Soviet films were shown in the U.S. Reagan said that he had nothing to do with this outcome. That was how the free market worked. Neither he nor his government could determine which movies were made. The Soviet Union could form its own distribution company like other countries had, but the U.S. government could not order theater owners to show them. A year and half into their partnership at this point, Gorbachev and Reagan were not nearly as direct on human rights as they could have been. Although a more in-depth conversation on these issues would have to wait until the next summit, the fact that the leaders of the world's two most powerful countries were engaged in a dialogue was a tremendously important development for international human rights activists in the United States and Western Europe. As the role of human rights grew in importance in 1987-1988 in U.S.-Soviet relations, which we see in the next chapter, Helsinki Watch and the International Helsinki Federation were well-positioned to make their agenda Reagan's agenda in his face-to-face discussions with Gorbachev, none of which would have been possible without Geneva and Reykjavik. The opening provided by this breakthrough in Cold War diplomacy would have very real consequences on the grassroots: *more* access to Eastern Bloc dissidents made the NGOs that represented them *more* of a factor in international politics.²⁵

Vienna

Three weeks after the Reykjavik Summit, delegations from all thirty-five signatories of the Helsinki Final Act convened for the CSCE Vienna Review Conference. Intent on driving news coverage from the start, Helsinki Watch released a 350-page report on the Soviet Union. Gorbachev may have made a number of "human rights gestures" such as introducing political reforms and releasing a few dissidents during the previous year, there remained "deep structural violations of Helsinki commitments—the right to freedom of expression, of association, of religion; protection against political imprisonment and torture; the right of minorities to express their cultural heritage." Any kind of dissent was punished. He may have lacked legs, but Yuri Kiselyov was beaten repeatedly by prison guards for organizing protests for improved treatment of the disabled. Ethnic German activist Johannes Rausch was sent to a psychiatric facility. Foreigners had to be careful as well. Howard Ingram, a British Rabbi, was expelled after reading the Torah with Soviet Jews in Leningrad. American diplomat Ronald Harms was mysteriously beaten in Leningrad after meeting with a dissident. The Soviet bureaucracy was finding new ways to close off emigration. Young Jewish men were drafted into the military once their exit visa applications were filed. The U.S. delegation thus had to do two things in Vienna: raise the cases of specific victims and discuss the structural violations that had resulted in their persecution.²⁶

Ambassador Warren Zimmerman, head of the U.S. delegation, viewed arms control and human rights as linked, as he asked, "What's the value of launching into [a] major new

²⁵ U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Third Meeting, October 12, 1986, 10.00 AM-1.35 PM," "The Reykjavik File," NSAEBB No. 203, NSA; U.S. Department of State, "Memorandum of Conversation: Reykjavik, Reagan-Gorbachev Third Meeting, October 12, 1986, 10.00 AM-1.35 PM," "The Reykjavik File," NSAEBB No. 203, NSA

²⁶ Gary Thatcher, "Helsinki Watch Sees Little Change in Soviet Repression," *Christian Science Monitor*, November 5, 1986

commitment if the old commitments remain on the books?” Reagan frequently liked to use a Russian proverb he learned from historian Suzanne Massey when discussing on-site arms inspections with Gorbachev, “Trust, but verify.” Human rights activists had a different view. “We cannot respond to their new disarmament proposals because we cannot trust them,” Vera Politis of the Congress of Russian-Americans said with reference Igor Ogurtsov, who had been sentenced to fifteen years in prison and five years in exile for starting a Christian organization in 1967. The Union of Councils for Soviet Jews claimed that 30,000 Soviet Jews had been denied permission to leave in recent years. Another 400,000 had applied or were applying for exit visas. These numbers ran contrary to Soviet claims that all the Jews who wanted to leave had already done so. A week before the conference opened in Vienna, Konstantin Kharchev, Chairman of the USSR Council on Religious Affairs, met with American religious leaders. His tour followed a press conference by Soviet officials that four émigrés in the U.S. had received permission to return to the USSR. Laber dismissed Kharchev as engaged in a cynical attempt at public diplomacy. “I expect we’re going to see some new tactics on part of the Soviets,” she predicted. “I think it’s a great mistake to assume because of the recent releases that something basic has changed in the Soviet Union.”²⁷

Helsinki Watch was eager to see substantive reforms. All human rights monitors were to be released immediately, especially Sakharov and Bonner. The use of psychiatric wards to silence dissidents and the physical and mental abuse of political prisoners had to end. “In the last few years there has been an alarming increase in instances of beatings, torture and even deaths of political prisoners in labor camps, prisons, and psychiatric hospitals,” Helsinki Watch noted. “Political convicts are kept on a starvation diet, forced to do exhausting labor and are pressured to recant or inform against others.” But that was not all. Helsinki Watch also called for greater access for non-governmental organizations, equality for ethnic minorities and religious believers, relaxed emigration laws, and freedom of information.²⁸

As she had before CSCE Madrid Review Conference in 1980, Laber participated in conferences that brought together human rights NGOs with American officials like that hosted by Georgetown University’s Institute for the Study of Diplomacy in May 1986. Following introductory remarks by Zimmerman, Assistant Secretary of State Richard Schifter said that the human rights trend in Soviet Union had shown that the “CSCE means nothing.” Its greatest influence had been in “smaller E. [East] Eur. [European] countries.” The Aspen Institute and the American Jewish Committee’s Jacob Blaustein Institute hosted another conference at Wye Woods, Maryland in September. Laber gave a presentation on “The Non-Governmental Organizations and Helsinki.” Her handwritten notes begin with a reference to the “leverage of arms for hr [human rights] at Vienna.” If the Soviets improved their behavior towards Sakharov,

²⁷ Gary Thatcher, “US Links Arms Control, Human Rights at Vienna,” *Christian Science Monitor*, November 4, 1986

²⁸ Helsinki Watch, “List of Demands: DRAFT,” June 1985, Box 42, USSR—CSCE—Follow-Up Meeting: Vienna—1985-1986, Record Group 7, Series I.1, Files of Jeri Laber (JL), Country Files: USSR (USSR), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Catherine Fitzpatrick to Jeri Laber, “List of Demands for Gorbachev,” c. 1985-1986, Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU; see also International Helsinki Federation (IHF), “23 Proposals for Vienna CSCE Review Conference,” September 1986, Box 7, IHF—Nagler, Gerald—Correspondence—1986, Series X: Files of the International Helsinki Federation (IHF), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU)

then the NATO allies would be more willing to go along with Gorbachev's proposed reduction of intermediate ballistic missiles in Europe.²⁹

Robert Foster, a fellow at the Carnegie Endowment for International Peace, believed that the U.S.'s biggest challenge in Vienna would be to work cohesively with the Western Europeans. At a CSCE Experts' Meeting on Human Contacts in Bern the previous summer, they disagreed over how strongly to word their denunciation of Soviet abuses. The Americans wanted the harshest language possible. To be successful, the U.S. and Western European delegations had to present a united front in pushing the Soviets to resolve family reunification and religious cases strictly on humanitarian grounds. Winning the release of dissidents would be more difficult, four of whom had been identified by Helsinki Watch as indicating how seriously to take Soviet promises of reform: Anatoly Marchenko, Mykula Rudenko, Dr. Anatoly Koryagin, and Viktoras Petkus. "World opinion does matter to the Soviet leadership," Foster wrote. "According to Anatoly Shcharansky, the steady and extensive publicity about his case was directly responsible for his release. Such publicity efforts also sustain the dissidents psychologically in their quest for freedom."³⁰

Soviet dissidents like Shcharansky and Orlov had unquestioned moral authority in the West. Both politicians and activists hope that it would redound to them. "It was fascinating to hear the story of his imprisonment by the Soviets," Reagan wrote after hosting Anatoly Shcharansky at the White House in May 1986. "I learned that I'm a hero in the Soviet Gulag. The prisoners read the attacks on me in *Tass & Pravda* & learn what I'm saying about the Soviets and they like me." Reagan held a similar reception for the Orlovs that fall. Following meetings with congressmen, the National Academy of Sciences, and the New York Academy of Sciences, Orlov traveled with Helsinki Watch to the opening session at Vienna as part of a month-long tour of Europe in which he was to speak with West German Chancellor Helmut Kohl, French Prime Minister Jacques Chirac, British Prime Minister Margaret Thatcher, the European Parliament, and various human rights and scientific organizations. Invariably, Orlov spoke about those still imprisoned or exiled in the Soviet Union, always repeating the same names: Sakharov, Bonner, Marchenko, Koryagin, Naum and Inna Meiman. "They let me out of exile, but they also took my citizenship away, which means I can never return," he said. That meant he could no longer see his three sons. Even as his wife cried at how much she missed Moscow, Orlov had no regrets:

Forty years ago it began—my motives, my view of the world. And at its basis was an examination of the world and a desire that it be better, for people. I had no external reason to become a dissident—nobody in my family had ever been arrested; I am not Jewish. I simply thought—thought and sympathized with the suffering of people. And then my thoughts turned to how to organize. There aren't too many people in the Soviet Union who think as I do. Of course there are some, but because information is only official, the basic masses—the workers—

²⁹ Jeri Laber, Handwritten Notes on "CSCE Conference at Georgetown," May 28, 1986, Box 40, CSCE—Human Contacts Experts Meeting—Bern, Germany—1986, Series VIII: New York Office Files (NYO), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Jeri Laber, Handwritten Notes on "U.S. Human Rights Policy and the Helsinki Accords: The Road to Vienna," September 7-8, 1986, Box 42, USSR—CSCE—Follow-Up Meeting: Vienna—1985-1986, JL, USSR, HRW, CHRDR, CU

³⁰ Robert E. Foster, "Rules for Winning the Chess Match in Vienna," *Christian Science Monitor*, November 4, 1986

have mush in their heads. The political consciousness that was in Russian workers before the revolution is lost.³¹

Orlov had offers from Stanford, MIT, and Cornell to continue his research on quantum mechanics. He ultimately chose Cornell because the “natural surroundings are better, the water is better” in upstate New York. Cornell paid Orlov’s salary and benefits, but there were no funds available could be used “legitimately (or even illegitimately!) in connection with his human rights activities,” which were ultimately covered by Helsinki Watch. Revealing of the high esteem in which she held Orlov, Laber described him as “by far the most impressive” of the numerous former political prisoners she had encountered at Helsinki Watch:

Yuri is a man of great commitment and humility. It has been instructive to witness the ease and lack of ego with which he has handled his many meetings with state leaders throughout the world and has dealt with the enormous press attention that has accompanied his arrival in the West. Unlike most people who have suffered in political imprisonment, he has no interest in dwelling on his past hardships but instead is focused on the future and on what can be done to help others less ‘fortunate’ than he. He has made a remarkable adaptation to U.S. life, one that I am sure will continue, due to his curiosity, flexibility, and openness.³²

The International Helsinki Federation (IHF) appointed Orlov as Honorary Chairman at its November 3, 1986 meeting in Vienna, where some 300 people heard speeches by Robert Bernstein, Vladimir Bukovsky, Mihajlo Mihajlov, Jiri Pelikan, and Joanna Pilarska. Orlov and other IHF delegates met with delegates to raise their awareness of abuses, as the IHF reported, “Already before the conference started, member committees of the IHF had approached their delegations at home with a list of proposals.” The IHF set up an office in Vienna, “a necessary center for all activities in Vienna and provide a service to all NGO groups without any formal liaison.” By making itself widely accessible, the IHF could play an important behind-the-scenes role: “If a delegate is preparing a speech on Poland, he or she should know to call the IHF office for background reports and information. (This was true of our Madrid ‘office’ during the last review conference.) In addition, the press should be encouraged to turn to the IHF office for information about human rights aspects of the proceedings of the conference and for background information on human rights violations.”³³

The IHF office was staffed by Hester Minnema, a Dutch lawyer who volunteered with Amnesty International-Netherlands, where she provided legal assistance to refugees, set up a documentation system of asylum jurisprudence, and closely monitored her government’s

³¹ Ronald Reagan, *The Reagan Diaries*, 411; Ronald Reagan, *Reagan: A Life in Letters*, 383; Linda Feldmann, “Orlov Is a Man with a Mission,” *Christian Science Monitor*, November 5, 1986

³² Kurt Gottfried to Aryeh Neier, January 12, 1987, Box 59, USSR—Orlov, Yuri: Correspondence Re Orlov—1987, JL, USSR, HRW, CHRDR, CU; Jeri Laber to Kurt Gottfried, February 13, 1987, Box 59, USSR—Orlov, Yuri: Correspondence Re Orlov—1987, JL, USSR, HRW, CHRDR, CU; Jeri Laber to Mirdza Erika Berzins, c. 1987, Box 59, USSR—Orlov, Yuri: Correspondence Re Orlov—1987, JL, USSR, HRW, CHRDR, CU

³³ IHF, *Narrative Report 1986*, Box 8, IHF—Nagler, Gerald—Correspondence—1987, IHF, HRW, CHRDR, CU; IHF, “The Meeting in Vienna,” November 2-4, 1986, Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU; Jeri Laber, “Vienna Review Conference,” c. summer 1986, Box 40, CSCE—Human Contacts Experts Meeting—Bern, Germany—1986, NYO, HRW, CHRDR, CU

immigration policies. Minnema was aided by the information technology, as the IHF's 1986 annual report described, "We now have all reports stored which facilitates updating and republishing. Addresses and mailing systems have become more sophisticated. We plan to buy in the near future a modem in order to establish better lines of communication with our national committees." Laber conveyed a similar sense of wonderment in a letter to Minnema about how Helsinki Watch had set up a modem connection with the Charta 77 Foundation in Sweden and would soon have one with Vienna: "We sent a letter back and forth to Stockholm in minutes. What a pleasure it will be to be able to do the same with you."³⁴

In addition to releasing reports on various human rights violations, Laber wanted to schedule a symposium at which IHF representatives would talk of their own experiences. "It would be nice to have a 'big name' associated with the symposium to attract people," she wrote. "As for the participants, most of them can be found in Europe, I would think, although we may want to bring Luda Alexeyeva from the U.S. and perhaps one or two others." The other way to make the plight of dissidents visible at Vienna was to commemorate several significant anniversary dates that were going to occur during the first few weeks of the conference. December 13 marked five years since martial law was declared in Poland. January 1, 1987 was the tenth anniversary of the founding of Charter 77, which Laber really wanted to publicize because it had received "less attention" in the West.³⁵

As had been true in Madrid, Helsinki Watch was closely aligned with the U.S. delegation in Vienna. Following the conclusion of the preparatory meeting for the CSCE Review Conference, Zimmerman reported that an agreement had been reached on "our principal goals" of implementation review and greater openness. Seven weeks to go over compliance was an improvement. "This will give us plenty of time for thoroughly subjecting the Soviet Union and its allies to the standards of the Helsinki Accord and measuring their non-compliance." Like Arthur Goldberg at Belgrade and Max Kampelman at Madrid, Zimmerman was almost giddy at the prospect of confronting the Eastern Bloc: "The United States believes that on the part of certain states there is a wide gulf, particularly in the area of human rights and fundamental freedoms, between promise and performance."³⁶

The State Department's primary goal in Vienna was to "improve significantly Eastern compliance with all the principles and provisions of the Helsinki and Madrid documents." After two and a half years of negotiations, the recently concluded Stockholm Conference on Security and Confidence-Building Measures and Disarmament in Europe (CDE) resulted in an agreement that reduced the risk of accidental warfare by requiring the notification and observation of military activities from the Atlantic to the Urals. As Shultz stated to the conference on November 5, the success at Stockholm only highlighted the "disappointing lack of progress" in other aspects of the CSCE, particularly the "tragic human rights situation within the nations of the East." He then repeated what Helsinki Watch wanted all the delegates to know:

³⁴ Gerald Nagler to All National Committees, "New Appointment at the Vienna Office," September 1, 1986, Box 7, IHF—Nagler, Gerald—Correspondence—1986, IHF, HRW, CHRDR, CU; IHF, *Narrative Report 1986*; Jeri Laber to Hester Minnema, December 22, 1986, 7, IHF—Nagler, Gerald—Correspondence—1986, IHF, HRW, CHRDR, CU

³⁵ Jeri Laber, "Vienna Review Conference," c. summer 1986

³⁶ Warren Zimmerman, October 7, 1986, Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU; Warren Zimmerman, "Plenary Statement: Preparatory Conference, Vienna CSCE Follow-up Meeting," September 29, 1986, Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU

Within the Soviet Union, forty-one members of a citizens' group established to monitor implementation of the Helsinki Final Act—among them Anatoly Marchenko and Anatoly Koryagin—languish in detention. There are many more such Soviet citizens incarcerated for trying to exercise their basic human rights. These include Russians, Ukrainians, Balts, Jews, and men and women of other nationalities. One of that country's most distinguished citizens, Dr. Andrei Sakharov, remains incommunicado, cut off from the world in the closed city of Gorky.

The Helsinki Final Act and the Universal Declaration of Human Rights were “as solemn, as binding, as signed, as explicit as any arms control agreement you could imagine,” so it was just as necessary to have verification and compliance. Yet spouses of American citizens were denied exit visas as were hundreds of thousands of Soviet Jews, Armenians, and ethnic Germans. “This is a direct violation—clear, explicit, unequivocal—of what the country signed up to do.” In Czechoslovakia, members of Charter 77, the Catholic Church, and Jazz Section of the Musicians' Union had either been harassed or arrested as had Polish Solidarity activists.³⁷

The keywords for the Americans were “compliance” and “verification.” The U.S. delegation was thinking of introducing a proposal in which each of signatories would choose three distinguished citizens as “Helsinki observers” who then would be able to visit other states and see if any progress had been made on human rights, but this was likely to be a non-starter with the Soviets. In an interview with *Newsweek*, Zimmerman agreed with critics that Gorbachev's record on human rights needed improvement, but pushed back against the idea among some Republicans that the Helsinki process had been a complete failure. What was the alternative? “The publicity that Soviet human rights abuses have engendered in Western Europe and the United States have cost the Soviet Union something,” Zimmerman said. “The decline of its image [coincided] with the growing receptivity of the European public to see our deployment schedule for intermediate-range missiles go forward.” Image-making was most effective through individual stories. “If we raise a case like Koryagin, and we certainly will raise his case and others, we are saying to the Soviet government that people are important to us and that we feel they should be important to you because you signed the document that says they are important to you.”³⁸

Zimmerman's statement to delegates on November 14, 1986 offers one example of how he personalized Soviet repression. Citing the experiences of a Crimean Tatar activist who had been sent to a labor camp in Soviet Moldavia, he told the delegates that this woman subsisted on a diet made up of two meals of cereal without sugar or fat—a cereal so gluey it was also used as spackle—and another one of thin gruel and bread while she sewed army uniforms and gloves in a

³⁷ U.S. State Department, Bureau of Public Affairs, “Vienna CSCE Follow-Up Meeting,” *Gist* (October 1986), Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU; George Shultz, “Pursuing the Promise of Helsinki,” *Current Policy No. 982* (Washington, D.C.: U.S. Department of State, Bureau of Public Affairs, 1986) found in Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU

³⁸ United States Information Agency, “Transcript of Press Conference with Ambassador Zimmerman,” November 3, 1986, found in Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU; Andrew Nagorski, “Calling Moscow to Account,” *Newsweek* (November 10, 1986), Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU

badly lit, freezing barracks. Allowed to wash herself once every ten days, her clothing consisted of a cotton dress and a kapok coat. Zimmerman then described the abuse that had been inflicted upon Shcharansky and Orlov. Shcharansky was once handcuffed against the wall as guards beat his head against the cement floor. Orlov had been repeatedly assaulted by inmates. And it was not as if internal exile was much better. Usually sent to a freezing, desolate village that lacked food supplies, dissidents lived in poor facilities and faced constant harassment from the KGB who warned off locals from befriending them. After clarifying what the terms “labor camp” and “exile” actually meant, Zimmerman discussed Anatoly Marchenko:

I begin with Anatoly Marchenko, who co-founded the Moscow Helsinki Monitoring Group in 1976. Sentenced in 1981 to ten years’ labor camp and five years’ exile for the publication of samizdat articles and his memoirs, Marchenko has been beaten, denied visits and correspondence, and put in solitary confinement. Seriously ill, he was transferred from a labor camp in Perm in October 1985 to even harsher conditions in Chistopol Prison. In an appeal to this Vienna meeting, he announced a hunger strike on August 4 of this year and demanded the punishment of the guards who attacked him.³⁹

Marchenko died from his hunger strike on December 8. Refused permission to see him for the previous three years, Larisa Bogoraz, his wife, arrived at Chistopol Prison to find three guards standing over Marchenko’s corpse, which had already been mangled by an autopsy. Bogoraz was not allowed to speak with doctors and prison administrators, except for a political officer named Churbanov who treated her with obvious contempt. With Churbanov unwilling to tell her how Marchenko died or even give her a death certificate, a case history, or any of her husband’s letters and diaries, Bogoraz held a burial in nearby cemetery.⁴⁰

Deputy Procurator General Sergei Shishkov confirmed Marchenko’s death to reporters on December 10 (Human Rights Day), though he could not answer why Bogoraz had been prevented from seeing Marchenko. On his way to Brussels for a NATO meeting, Shultz condemned the Soviets for letting Marchenko die: “This is part of the continuing failure of the Soviet Union to live up to its commitments in the arena of human rights. It is an eloquent statement that they simply have not got the message.” Earlier that day, four Soviet citizens were arrested while on their way to inquire about the status of their exit visas. Vladimir Pimenov had spent the past three years trying to reunite with his wife and daughter in Denmark. Arrested along with Pimenov was Alexander Zhdanov, an artist from Moscow. Two more husbands from divided families, Yuri Balovlenkov and Alexander Pereldik, were detained in separate incidents. An officially-sanctioned human rights rally was held that evening in Moscow’s Pushkin Square. The police barricaded the square and several banners with government-approved slogans were flown as a film crew from the state television captured the demonstration.⁴¹

³⁹ Warren Zimmerman, “Statement by Chairman of the United States Delegation to the Vienna CSCE Follow-Up Meeting,” November 14, 1986,” Box 47, USSR—CSCE—Follow-Up Meeting: Vienna—1986-1987, JL, USSR, HRW, CHRDR, CU

⁴⁰ Anne Applebaum, *Gulag: A History* (New York: Doubleday, 2004), 559

⁴¹ William J. Eaton, “Marchenko Died of Hemorrhage—Soviets,” *Los Angeles Times*, December 11, 1986; Steve Goldstein, “Soviets Defend Sakharov Banishment, Confirm Marchenko’s Death During Observance of Rights Day,” *Philadelphia Inquirer*, December 11, 1986

Sakharov was devastated after learning of Marchenko's death. As Sakharov's biographer Jay Bergman writes, "Because of his multiple arrests, Marchenko had suffered more than most of the dissidents, and the duration and intensity of his suffering evoked in Sakharov a visceral, almost paternalistic concern for his welfare," which made what followed all the more ironic. The bad publicity resulting from the December 10 press conference forced Soviet officials to move quickly on Sakharov—the Politburo had already decided in principle to end the exile. After a telephone was installed at Sakharov's apartment on December 15, a KGB agent told him to expect a call the next day. Sakharov answered the phone the following afternoon only to hear a voice telling him to wait while Gorbachev got on the line. Gorbachev said that the 1980 decree that stripped Sakharov of his title and awards was rescinded, and that he and Bonner would be allowed to go back to Moscow immediately. Blaming Gorbachev for Marchenko's death, Sakharov asked him to "look one more time at the question of releasing persons convicted for their beliefs." Appointed to oversee Sakharov's return from exile, Guri Marchuk, President of the Soviet Academy of Science, said the release was conditioned on refraining from "further anti-social behavior," to which Sakharov responded with complaints of illegality and unfairness. But Marchuk also informed him that many of the political prisoners on whose behalf he had campaigned were either being released or having their cases reviewed. Sakharov and Bonner put aside their objections and boarded a train on December 22.⁴²

The fallout over Marchenko's death confirmed to Gorbachev that he had to rid himself of the problems posed to him by well-known dissidents. He urged the Politburo on November 13 to join him in a more robust discussion of human rights so he would no longer feel like Reagan could use the issue against him. "We need to think it through seriously, to work out a conception on human rights, both at home and abroad." One place to start was emigration. Why should the government stop those who wanted to leave so badly?

And to put an end to the [usual] routine. It only produces dissidents. Somebody wants to go abroad for three months, and we allow him only one, that's it. After all, if he wants to run away, let him run away. It is not a loss, it is gain if all kinds of trash got out of the country [abroad]. What, essentially, did we have to give up? [Yuri] Orlov and [Anatoly] Shcharansky? Let us sweep out with a broom everyone whom we can send abroad without hurting our security!⁴³

Even as Gorbachev was pressing the Politburo to rethink its handling of dissidents, Shevardnadze conceded nothing in his November 5 speech to the CSCE Vienna Review Conference. After proposing that the Soviet Union host a conference on "humanitarian problems," he accused the U.S. of "systematic and massive" violations of the Universal Declaration of Human Rights in employment, housing, education, and medical care. Shevardnadze was frustrated over what had happened at Reykjavik. He suggested that the Western Europeans separate themselves from the "imperial" Americans, whose intention with

⁴² Jay Bergman, *Meeting the Demands of Reason: The Life and Thought of Andrei Sakharov* (Ithaca, New York: Cornell University Press, 2009), 327-328

⁴³ Anatoly Chernyaev, "Notes from USSR CC CPSU Politburo Session," November 13, 1986, "The Reykjavik File," NSAEBB No. 203, NSA

SDI was “to release the space genie from the test tube as soon as possible in order to gain military superiority.”⁴⁴

Helsinki Watch did not immediately respond to Shevardnadze’s proposal, but endorsed it in January 1987 after numerous discussions with Orlov and Alexeyeva. “We attended when Shevardnadze, who was the Soviet Minister of Foreign Affairs, proposed to take the next Helsinki conference, on the human rights dimension, in Moscow,” Alexeyeva remembered. “There was laughter about this because there were prisoners at that time and nobody could leave without special permission and so on, but Orlov and I decided it was a good chance to demand changes in human rights problems.” In return for participating in the conference, Helsinki Watch and the IHF demanded that the Soviets release all political prisoners, create an atmosphere around the conference that could be found in any free country, and stop jamming foreign radio station signals. “We are not concerned that the conference [will] be used for propaganda purposes by the Soviets,” Robert Bernstein wrote to Zimmerman. “They will try, of course, but we believe it can be turned to our advantage just as easily. Outright refusal by the West to hold such a conference in Moscow can also be used to advantage by the Soviets.” Zimmerman described the U.S. delegation’s response as a “bit more reserved than that taken by Helsinki Watch, although we are clearly thinking along the same lines.” While not rejecting the possibility that there might one day be such a conference in Moscow, the U.S. needed to have “firm assurances” from the Soviets that there would be the same access for the press, NGOs, visas, and protestors as there had been at other CSCE meetings. “Our view is that any country which aspires to host a meeting on human rights should have an exemplary record on this subject and we expect to see significantly improved Soviet performance in this field.”⁴⁵

The IHF reported in February 1987 that most Western delegates predicted the Moscow conference would be a sham, “another Olympic games” and “Potemkin Village.” Some delegates were opposed to the idea on principle. A Canadian delegate asked IHF to imagine how a prisoner in a labor camp would feel if he heard that there was going to be a human rights conference in Moscow held with the consent of the West. An Austrian journalist used the analogy of “raising chickens in a fox den.”⁴⁶

On February 10, Gennady Gerasimov, the Soviet Foreign Ministry Spokesman, announced the release of 140 political prisoners. Another 140 cases would be reviewed under two decrees issued by the Supreme Soviet. At a March 21 press conference in Moscow, six former political prisoners stated that they had confirmed ninety-four releases thus far; only fifteen of the thirty-eight Helsinki monitors among them. Besides the delays, IHF complained that numerous dissidents had been forced to sign oaths swearing that they would no longer engage in “illegal activity” or “harm the state.” Only fifteen Helsinki monitors had been released so far. And the most significant portion of prisoners who had yet to be released were those

⁴⁴ Ray Moseley, “Shultz, Shevardnadze At Odds Before Huddle,” *Chicago Tribune*, November 6, 1986; Ray Moseley, “Shultz, Soviet Renew Talks on Arms, Rights,” *Chicago Tribune*, November 6, 1986

⁴⁵ Metta Spencer, “Ludmilla Alexeeva: Moscow, May 26,” *Peace Magazine*, Vol. 24, No. 4 (October-December 2008), 6, <http://peacemagazine.org/archive/v24n4p06a.htm>; Helsinki Watch, “Response to the Soviet Proposal to Hold a Human Rights Conference in Moscow,” January 21, 1987, Box 40, CSCE—Human Contacts Experts Meeting—Bern, Germany—1986, NYO, HRW, CHRDR, CU; Robert Bernstein to Warren Zimmerman, February 2, 1987, Box 40, CSCE—Human Contacts Experts Meeting—Bern, Germany—1986, NYO, HRW, CHRDR, CU; Warren Zimmerman to Robert Bernstein, March 10, 1987, Box 40, CSCE—Human Contacts Experts Meeting—Bern, Germany—1986, NYO, HRW, CHRDR, CU

⁴⁶ IHF to National Helsinki Committees, February 10, 1987, Box 8, IHF—Nagler, Gerald—Correspondence—1987, IHF, HRW, CHRDR, CU

arrested for distributing Bibles, holding prayer meetings in their homes, participating in unauthorized church services, or printing religious materials. Since February 1986 the number of political prisoners had been reduced to 550 known cases, as the IHF wrote in May 1987, “The list has tended not to be replenished with dozens of new arrests or re-sentences, which was the trend before 1986 and prisoners are being released before the end of their terms.”⁴⁷

Some of these former prisoners made their way to Vienna. After finally receiving permission to emigrate in April 1987, two members of the Moscow Helsinki Group, Tatyana Osipova and Ivan Kovaluov attended the ongoing CSCE review conference. Osipova was already famous for being one of the Prisoners of Conscience featured in Amnesty International’s “Conspiracy of Hope” rock ‘n’ roll tour. Married since December 1979, she and Kovaluov had been exiled together at Kostroma since fall 1986. After joining the Moscow Helsinki Group in 1977, she focused on past discrimination against Crimean Tatars, the use of psychiatric wards to silence dissenters, wrote an appeal to the U.S. Congress urging ratification of SALT-II, and spoke out against the Soviet invasion of Afghanistan. Osipova lost her job as a computer programmer in March 1979 and was arrested in May 1980 for “anti-Soviet agitation.” She was sentenced to five years imprisonment and five years internal exile in April 1981, only to receive an additional two years in March 1985 for “malicious disobedience of labor camp administration”—she organized protests against inhumane prison conditions. A political prisoner like his father had been, Kovaluov joined the Moscow Helsinki Group in October 1979. Closely followed by KGB surveillance during the mid-1970s, Kovaluov was lost his job for attending his father’s trial in 1975. Arrested in August 1981, he was handed the same sentence as Osipova in April 1982. With Osipova in Mordovia and Kovaluov at the Perm labor camp, they were forbidden from writing each other. Their presence stood as a reminder to delegates that the language of diplomacy ought not to obscure their suffering.⁴⁸

Meanwhile in New York, Helsinki Watch brought attention to Czechoslovak dissidents by hosting a benefit in honor of Charter 77’s tenth anniversary. E.L. Doctorow, Susan Sontag, and Kurt Vonnegut read the works of Václav Havel, Eva Kantůrková, and Ludvík Vaculík. Vonnegut quoted Havel’s response to a comment by Milan Kundera that Czechoslovakia was “a graveyard, a Biafra of the spirit”: “The authorities certainly act like gravediggers. They are always banning something. But we have lines all night at the theaters and lines in front the bookstores. Is that really a graveyard?” Rose Styron read a selection of poems by Nobel Prize laureate Jaroslav Seifert, who had died the previous year: “All my life I longed for freedom. At last I discovered the door to it. It is death.” Three-hundred-and-fifty people packed an auditorium at the City University of New York, while many others had to be turned away. Helsinki Watch took the occasion to hand out copies of its latest report on Charter 77. “I hope that the readings and music will be broadcast to Prague by the radio stations that were there, and that our friends in Czechoslovakia will know how many people, both old and new, they have in New York,” Laber wrote to Anna Faltus of the Czechoslovak National Council. “The Czech government is now extremely sensitive [to Western pressure],” she told a local reporter. “They know that the Soviets are releasing dissidents and they will be expected to do the same.”⁴⁹

⁴⁷ IHF, “Problems With the Recent Releases of Political Prisoners in USSR,” May 12, 1987, Box 8, IHF—Nagler, Gerald—Correspondence—1987, IHF, HRW, CHRDR, CU

⁴⁸ International Helsinki Federation, “Arrival of Moscow Helsinki Group Members in Vienna,” April 8, 1987, Box 8, IHF—Nagler, Gerald—Correspondence—1987, IHF, HRW, CHRDR, CU

⁴⁹ Helsinki Watch, Pen American Center, PEN Writers-In-Exile/USA, “Czechoslovakia: A Besieged Culture,” January 26, 1987, Box 16, Czechoslovakia—Charter 77: 10th Anniversary (Jazz Section), Record Group 7, Series

One dissident author in Prague who learned of the reading was Eva Kantůrková, whom Laber kept in contact through Iris Lewit, a translator of Czech literature. Writing on behalf of Kantůrková, Lewit asked Laber in May 1987 for an update on recent developments outside of Czechoslovakia. Laber sent some of Helsinki Watch's most recent reports and articles, but assumed that Lewit would not want to bring them into Prague. She also wanted Lewit to tell Kantůrková that excerpts from her book *My Companions in the Bleak House* were read in New York. In a July 8 letter thanking Laber with helping to get her novel published, Kantůrková described how Helsinki Watch had lifted her morale: "You may not feel it so strongly, looking at us from the outside, but for us shut in here and taking the brunt—so to speak—on the shoulders of the nation, it is a dreadful feeling to watch the general degradation of our country over the last twenty years; we appreciate all the more sincerely everything that helps to protect the fragile, uprooted tradition of our freedoms."⁵⁰

In an open letter to the CSCE Vienna Review Conference dated October 30, 1986, Charter 77 spokespersons Martin Palouš, Anna Šabatová, and Jan Stern wrote that the Helsinki process had been "a source of life" to them, "a first step towards achievable changes for the better; as a beginning of a long-term development directed to the ideals of Europe, to a Europe finally democratic and peaceful." Any progress that could be made on strengthening the "hopeful dimension" of the Final Act would be both a "great encouragement" and of "great assistance" to them. Chartists saw Vienna as a forum in which to make demands. When Gorbachev visited Prague in March 1987, Charter 77 urged him to expand *glasnost* and *perestroika* throughout the Eastern Bloc. The 1968 invasion began a "political reversal" from democratization had resulted in "spiritual, social, and moral devastation" all people in the region. If Gorbachev really wanted to change how the Czechoslovak people viewed him, he could negotiate nuclear disarmament with Reagan, continue to implement reform in his own country, and remove Red Army troops and nuclear warheads from Czechoslovakia. Following the proceedings with "great attention," Charter 77 was very much interested in the proposed Moscow human rights conference, which it considered "progress" if "citizens' initiatives" were allowed to participate. Their inclusion would finally make the Helsinki process more than just a "concern of nations," but also of "ordinary people—citizens—who would be able to contribute to it new creative suggestions."⁵¹

I.1, Files of Jeri Laber (JL), Country Files: Czechoslovakia (Czech), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Peter Klebnikov, "Activists, Writers Ask Liberty for Czechoslovakia's Cultural Outlaws," *New York City Tribune* (January 29, 1987), Box 16, Czechoslovakia—Charter 77: 10th Anniversary (Jazz Section), JL, Czech, HRW, CHRDR, CU; Jeri Laber to Anna Faltus, January 29, 1987, Box 16, Czechoslovakia—Charter 77: 10th Anniversary (Jazz Section), JL, Czech, HRW, CHRDR, CU

⁵⁰ Iris Lewit to Jeri Laber, May 12, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU; Jeri Laber to Iris Lewit, May 26, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU; Eva Kantůrková to Jeri Laber, July 8, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU

⁵¹ Charter 77, "To The Participants of the Vienna Follow-Up Meeting on CSCE," October 30, 1986, Box 1, Czechoslovakia—Charter 77 Documents—1986, Record Group 7, Series IV, Files of Janet Fleischmann (JF), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); "Charter 77 Writes to Gorbachev," *CSCE Digest* (April 1987), 7, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU; Charter 77, "Letter to the Delegates of the CSCE in Vienna, Austria," September 25, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU

Through a transnational network of exiles like Ivan Medek of VONS and Jan Kavan of Palach Press, Charter 77 sent news of arrests, police searches, and harassment. The Czechoslovak secret police—the StB—continued its campaign of repression against Chartists in fall 1987. After religious literature was seized by a police from his home, Michael Mrtyv̇ was sentenced to thirteen months imprisonment for “incitement.” Five human rights activists who tried to attend his appellate hearing were detained as well. StB had also broken up a Charter 77 gathering on November 22. Twenty-five members had gathered at Libuše Šilhánová’s apartment to talk about the proposed Moscow Forum on Human and Civil Rights, continuing its relationship with Helsinki Watch, and participating in peace initiatives. The meeting was interrupted when security agents forced their way into the apartment. Demanding that every person in the room identify themselves, the ranking officer claimed that he were looking for a fugitive, but it seemed as though he was actually there to intimate the dissidents. Fifteen Chartists were brought in for interrogation. The rest were ordered to leave the scene immediately.⁵²

Václav Havel discussed arbitrary searches in a November 28 letter to the CSCE Vienna Review Conference. The StB rummaged through Havel’s car the previous year. Everything “made out of paper” was confiscated, including birthday cards that had been sent to him from abroad. He was told that police suspected him of transporting “hostile materials.” “The police can take anything at anytime from anyone: from cassettes with ‘Beatles’ songs to an officially published book; from personal remarks and correspondence/ a telephone; from poetry by Verlen—which was confiscated by the police sometime ago, also during a car search of a car my wife was driving—to a manuscript of a new novel or a collection of drums,” Havel complained. “They do not have to explain anything, neither do they have to return anything; there is no appeal to justice.” With its destruction of innumerable works by Czech and Slovak writers, the government was engaged in “a long-lasting war of vandalism” against the “national culture.” Havel found it deeply troubling that at the very center of Europe at the close of the twentieth century it was still possible for a policeman to determine which poems existed on paper and which did not.⁵³

Borrowing Havel’s characterization of Charter 77 as “an ice-breaker with a kamikaze crew,” Jan Kavan wrote in September 1987 how its goal of a non-violent democratic revolution that would transform Europe into a “pluralistic community of sovereign countries with equal rights” had frightened neighboring countries into increasing travel restrictions. “Governments are extraordinarily afraid of any coordination of resistance,” Charter 77’s Petr Uhl told a reporter. “The police [within the Soviet bloc] cooperate on all levels. In order to withstand their oppression and to overcome it we need to unite as well.” Charter 77 was closest with Polish dissidents. A number of joint statements by Charter 77 and Solidarity (KOR before 1981) had

⁵² Charter 77, “Update on the Status of Human Rights Activists in Czechoslovakia,” October 7, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU; Charter 77, “Protest Against the Action of a Group of SNB [StB] against Collective of Charter 77 Spokesmen,” November 23, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU

⁵³ Václav Havel, “Letter to the Follow-Up Meeting of the Conference of Security and Cooperation in Europe, Vienna, Austria,” November 28, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU

expressed support for each other's political prisoners, hunger strikes, and protests. Underground books and journals regularly made their way across the border.⁵⁴

These interactions were planned by a "cooperation group" known as Polish-Czechoslovak Solidarity that included Charter 77's Anna Šabatová and Solidarity's Józef Piniór. Polish-Czechoslovak Solidarity had published interviews with three Solidarity leaders in *Informace o Chartě 77*, organized protests in Wrocław on behalf of Czech human rights activist Petr Pospíchal and Hungarian conscientious objector Zsolt Keszthely, exchanged informational videotapes, and even issued stamps and calendars with logos of both groups on them. On the eighteenth anniversary of the 1968 invasion of Czechoslovakia in August 1986, Charter 77 and Solidarity called for

a deeper respect for human rights and a consequent reconstitution of the legal system and the legal code; a deeper respect for social rights including the right to found independent trade unions; the idea of political pluralism and self-government; spiritual, cultural, and religious freedom and tolerance; respect for national individuality and the rights of national minorities; the freedom to search for and create a better-functioning economic system which would provide a space for people's creativity and also for real responsibility of all workers for the results of their labour and their share of economic decision-making; and the ideal of a peaceful, democratic and environmentally-conscious Europe, as a friendly association of independent states and nations.⁵⁵

With Gorbachev looking on as a guest of the Polish United Workers Party Congress, General Wojciech Jaruzelski announced on June 29, 1986 that he would be removing some of more restrictive measures that remained from his declaration of martial law in December 1981. A first step towards normalization was amnesty for 250 political prisoners provided that they take a loyalty oath upon their release: "The central committee thinks there could be created another chance of a return to normal life for perpetrators of certain categories of offenses against the interests of the state. Of course they would be required to respect the constitutional legal order." Two previous partial amnesties had excluded top Solidarity leaders. That very day, a demonstration of some 5,000 churchgoers in Poznań was dispersed by hundreds of policemen with batons. They were part of a larger crowd of 30,000 who had gathered one day after the thirtieth anniversary of a bloody massacre in which at least seventy-five people had been killed by the government. Indicating that he would take more forceful action against the Catholic Church if necessary, Jaruzelski warned against anti-government sermons, "We expect and we shall demand the respect of the constitution and the interest of the Polish socialist state from the church."⁵⁶

In a December 1986 letter also addressed to the Vienna CSCE Review Conference, Polish Helsinki Committee leader Zbigniew Romaszewski assessed recent developments in Poland. Jaruzelski appeared willing to tolerate—if begrudgingly—the existence of a democratic opposition, but Romaszewski tempered this optimism by denying that the rule of law existed in

⁵⁴ Jan Kavan, "Charter 77 in Dialogue with Other Independent Movements," September 1987, Box 1, Czechoslovakia—Charter 77—General—1987-1988, JF, HRW, CHRDR, CU

⁵⁵ Ibid.

⁵⁶ Tina Rosenberg, *The Haunted Land: Facing Europe's Ghosts After Communism* (New York: Random House, 1995); United Press International, "Jaruzelski Offers Hope for the Jailed," *Chicago Tribune*, June 30, 1986

Poland. Basic individual freedoms continued to be suspended in practice. Polish citizens were denied their right to assembly, expression, association, and to form an independent trade union. There may have been some improvement in travel restrictions, but receiving permission to leave the country was still left up to bureaucratic whim. For example, poet Lotar Herbt risked losing his eyesight because he had not yet been allowed to travel to the West for surgery. Amended in October 1986, the Code of Petty Offense made it a crime punishable by three months imprisonment for individuals to “compile, publish, distribute, or transport unauthorized information, undertake activities capable of causing public unrest, or belong to a delegalized [sic] union or association.” Though prison sentences and short-term detentions were replaced with fines, Polish authorities seized copy machines and automobiles responsible for the distribution of samizdat. In the ten months from January to October 1987, according to the Polish Helsinki Committee, 541 people were brought before misdemeanor courts for political reasons, principally for disseminating forbidden information (176) and demonstrating (307).⁵⁷

By the time Pope John Paul II hosted him at the Vatican in January 1987, Jaruzelski had established a Social Consultative Council to hear from “individuals representing opinion-making circles who do not have contacts with the highest state authorities.” The Polish Episcopate agreed that Jaruzelski was moving towards fostering “a broader social dialogue,” but wanted to know if there was “a possibility of holding proper consultations with Lech Wałęsa on the participation of people from the ‘Solidarity’ circles?” The government’s answer was no: “Consultations with Wałęsa are not envisaged without [his] fulfilling the condition about which the government spokesman [Jerzy Urban] had explained on television, that is cutting himself off from other ‘Solidarity’ leaders.” Speaking for other Catholic intellectuals who refused to join the council, Jerzy Turowicz, editor of *Tygodnik Powszechny*, viewed “normalization” as “a means to reinforce the totalitarian system.” Even so, Jaruzelski seemed to have fulfilled all the promises he made to the pope in June 1983—martial law had ended, political prisoners had been released, and most restrictions on everyone else had been removed.⁵⁸

Pope John Paul II’s week-long visit to his native Poland later in the year made clear where his allegiances stood. At a “Mass for the Working People” on June 12 attended by hundreds of thousands in Wałęsa’s hometown of Gdąnsk, the pope explicitly endorsed Solidarity, still an illegal organization: “There cannot be a struggle more powerful than Solidarity. There cannot be an agenda for struggle above the agenda of Solidarity.” Demanding that the government fulfill the terms of the August 1980 Gdąnsk Agreement, he argued that the need for independent trade unions had been “emphasized in this very place.” At one point in the homily, after receiving loud applause from the crowd, he added, “That’s exactly what I want to talk about, so let the Pope speak, since he wants to speak about you, and in some sense for you.” To rhetoric scholar Cezar Ornatowski, this interjection epitomizes what Pope John Paul II wanted to do for the Polish people: “To give voice to the silenced nation, to say publicly what ordinary Poles could not or dared not say aloud, to speak in the people’s name to those who

⁵⁷ Zbigniew Romasewski, “Open Letter to the Helsinki Meeting in Vienna,” December 1986, Box 26, Poland—General—1986-1989, Record Group 7, Series I.1, Files of Jeri Laber (JL), Country Files: Poland (Poland), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Joanna Weschler to Jeri Laber, “Recent Cases in Poland,” c. October 1987, Box 26, Poland—General—1986-1989, JL, Poland, HRW, CHRDR, CU

⁵⁸ A. Kemp-Welch, *Poland Under Communism: A Cold War History* (Cambridge, United Kingdom: Cambridge University Press, 2008), 338-341; Tad Szulc, *Pope John Paul II: The Biography* (New York: Scribner, 1995), 438-441

would not talk to the people, as well as to make the people's voice heard by the world at large." In a further show of support for Solidarity, he held an unofficial audience with Wałęsa while also meeting twice with Jaruzelski. When they discussed Gorbachev, Jaruzelski said the Soviet leader "must not lose and he will not lose," for it was because of him that Poland had greater autonomy.⁵⁹

A less celebrated event occurred a few weeks earlier in Warsaw when Freedom and Peace (WiP) hosted an international seminar on "International Peace and the Helsinki Agreement." Consisting of activists who were too young to have been involved in Solidarity before December 1981, WiP members held a wide variety of political beliefs, which Helsinki Watch's Janet Fleischman characterized as a "mixture of sometimes contradictory tendencies ranging from anarchists to anti-abortionists." WiP was tied together by a number of issues: opposition to the military oath swearing "fraternal allegiance" to the Soviet Union, favoring alternatives to compulsory military service, protecting the environment, and advancing individual rights. Fleischman thought it was significant that three-day session was held inside of a church, a symbol of the Catholic Church's willingness to protect individual rights in Poland, but that was not enough to stop Polish authorities from arresting twenty-two WiP and six Solidarity activists as they made their way to the seminar.⁶⁰

Fleischman described the event as full of sights that gave it a "surreal quality": elderly parishioners ladling soup to a "countercultural assembly," a fully-uniformed miner conversing with a West Germany Green Party member who was dressed like a hippie, a young anarchist from Gdansk and a prominent Solidarity leader talking with Western journalists and peaceniks. Insisting that no one had a "monopoly on human rights," WiP provided an example of how Polish citizens could be mobilized. "The fact that 20 conscientious objectors are not in prison; the closing of a steel mill near Wroclaw that was polluting the environment; and the holding of the seminar demonstrate that WiP is having an effect," Fleischman wrote. "Schooled in the experience of Solidarity and fueled by its own energy and determination, WiP is enlarging the space for independent initiative and, thereby for the establishment of a civil society."⁶¹

Terrible economic conditions and widespread skepticism about liberalization compelled Jaruzelski's advisors to write in September 1987, "We face the most threatening and challenging situation of the last five years," offering him a number of suggestions to maintain stability: begin an "intensified dialogue" with the Catholic Church, rebuild its relationship with the scientific and artistic communities, ask the public to participate in discussions on electoral reform, and invite Wałęsa to the Social Consultative Council, for he already had "semi-official status" through his meetings with Pope John Paul II and Vice-President George H. W. Bush. With Wałęsa likely to travel abroad in the near future, it would be better if he did so as the "leader of [a] constructive opposition." The advisors expected Wałęsa to demand a guarantee of "trade union pluralism." Just as significant, Jacek Kuroń called for Solidarity to put aside the "war" and "conspiracy" mentality and learn how to talk with Party reformers. Or, in the words of Jan Lityński, "The time for negation is over." In a step towards eventual recognition by the Polish government, Solidarity dissolved its underground organizational structure, forming the National Executive

⁵⁹ Kemp Welch, *Poland Under Communism*, 342; Cezar M. Ornatowski, "Rhetoric of Pope John Paul II's Visits to Poland," in Joseph R. Blaney, ed., *The Rhetoric of Pope John Paul II* (Lanham, Maryland: Lexington Books, 2009), 126-127; Szulc, *Pope John Paul II*, 442

⁶⁰ Janet Fleischman, "Beyond the Blocs? Peace and Freedom Hosts International Seminar in Warsaw," *Across Frontiers* (Summer-Fall 1987), 27-28, Box 26, Poland—General—1986-1989, JL, Poland, HRW, CHRDR, CU

⁶¹ *Ibid.*

Committee (KKW) to be its public face. KKW's first meeting was held in the crypt of a Warsaw church on November 7. "We are not here to plot against the authorities," Wałęsa said in his welcoming address. Around him were "knowledgeable and able people, with moral authority and with the confidence of their social circles, to debate what can be done to turn our aspirations into reality." Responding to an official announcement that there was going to be a public referendum on reform, Wałęsa pointed out that the Polish people had already made it evident what they wanted. The more pressing question was whether the government was prepared to share power.⁶²

1987 Moscow Book Fair

The September 1987 Moscow Book Fair hosted the largest collection of new literature ever assembled in the Soviet Union. Tens of thousands of books from more than 100 countries were displayed in two pavilions. A display was devoted to *Moscow News*, the weekly that had become an exemplar of *glasnost*. In the Israeli exhibit, Soviet Jews engaged in an impromptu debate with a representative from the government-sponsored Anti-Zionist Committee. An American exhibit gave Soviet readers the opportunity to read through *The Target is Destroyed*, a book by Seymour Hersh that covered the Soviet decision to shoot down Korean Airlines Flight 007 in 1983. The American Association of Publishers's (AAP) "America through America's Eyes" exhibit provided a look into all aspects of American life. Joseph Trento's *Prescription for Disaster* investigated the 1986 *Challenger* space shuttle explosion. Anthony Lukas's *Common Ground* followed the lives of three Boston families to show how race relations changed during the 1960s and 1970s. Alongside these non-fiction titles were *The Random House Book of Mother Goose*, a mail order catalogue from Sears, and Dr. Seuss's *Your Only Old Once*. However, as usual, the book fair was not free of controversy. Government censors seized nearly fifty books authored by thirty Soviet expatriates for "insulting" their country, many of which had been sent by the Ardis Publishing Company of Ann Arbor, Michigan, a small outfit that specialized in banned works. The AAP then posted a sign—"In the spirit of glasnost we would like it known that twenty books have been confiscated from the exhibit of an American publisher. We protest this action and any such action as contrary to the spirit and purpose of an international book fair."—that was removed during the night.⁶³

Helsinki Watch publicized this act of censorship. As he wrote in the *New York Times* a month later, Robert Bernstein was bothered by the presence of Ramaz Mchedlidze, the functionary who was constantly searching for books he deemed insulting to the Soviet Union. "What qualifies him to decide for the Russian people what books they can read and which are offensive?" Bernstein asked. "Are Soviet officials aware that to invite a publisher to an international book fair and then to censor his books without explanation insults the publisher and his country, not to mention the authors? From a practical point of view, don't the Russians realize that they look foolish removing a single copy of a book that sits unread on a shelf at an international fair, thus generating international publicity?" But, as Bernstein admitted in the same op-ed, the Soviet Union was changing in significant ways. Compared to his last visit to Moscow in 1979, the most obvious difference was his own relative lack of fear: "You are still

⁶² A. Kemp-Welch, *Poland Under Communism*, 345-346

⁶³ Gary Lee, "Soviets Seize Books at Fair," *Washington Post*, September 9, 1987; Jeri Laber, "Glasnost Has Its Limits," *New York Times*, October 11, 1987

instinctively careful about what you say and where you say it. Yet while a foreigner does not want to do or say anything that might endanger a Soviet citizen, you do not feel that, as in the past, a visit might be followed by arrests or interrogations.” He would be subjected to minor harassment at the Moscow airport, pulled out of passport line and asked to provide identification beyond his passport and visa. Fortunately, his American Express credit card and New York driver’s license were sufficient. For all the debate over glasnost, Bernstein concluded, the Soviet system still resisted wholesale transformation, “This is Mr. Gorbachev’s greatest challenge and the West’s greatest concern.”⁶⁴

The Moscow Book Fair, as far as Jeri Laber could determine, had revealed the limits of glasnost. A literary critic compared glasnost to a great love in that “everyone thinks about it and talks about it, but no one has seen it.” After denying her visa application, Soviet officials received enough telegrams from American publishers to do “the miraculous”—an overnight “reconsideration” in which they reversed themselves. State publishing officials repeatedly hinted at how they had intervened on her behalf. As one Soviet writer said to her, “Everything’s changed, and nothing’s changed.” In contrast to the hushed tones in which she spoke with dissidents in 1979, this time there was no need to whisper or scribble notes. But only days after meeting with Laber, members of an independent peace group were arrested on the Arbat—a pedestrian mall in Moscow—for collecting signatures on behalf of Mathias Rust, a West German teenager who landed his Cessna near Red Square, a security lapse that prompted Gorbachev to fire some senior military officers.⁶⁵

So while the promise of glasnost remained unfulfilled in many crucial respects, Laber was encouraged that there were still Soviet citizens who challenged the state’s restrictions on free speech, two of whom had only recently been released from prison: Sergei Grigoryants and Lev Timofeyev. “I was struck by the change,” Laber wrote. “In 1979, we had smuggled in down coats and warm gloves for prisoners. Now I was bringing in technology for ex-prisoners. It would be first computer in dissident circles, and probably one of the very few in the country as a whole.” Unsure if anyone knew how to use it, she memorized the start-up commands. The computer was passed along to Grigoryants, editor of *Glasnost* magazine. (Police seized the “first human rights computer” the next year.) Grigoryants reported on stories not covered by the state media. The first issue, which he sent to Soviet officials in June 1987, included an appeal by Sakharov calling for the release of political and religious prisoners, a story on the new unofficial discussion clubs that were emerging in Moscow, reports on the Ukrainian Catholic Church and the underground human rights organization Moscow Trust Group, and an annotated list of prisoners held in Chistopol Prison, where Grigoryants had been held for four years. “Every day that glasnost and perestroika continue it becomes harder and harder for reaction to set in,” Grigoryants said. “Every day there’s a new group, a new club, a new idea.”⁶⁶

One such “new group” was Press Club Glasnost, which Timofeyev conceived as more of an “open idea” than organization. Its purpose was to bring together grassroots activists of all causes, many of whom were very interested in the proposed Moscow human rights conference. The audacious Timofeyev requested official permission to have a seminar at which independent organizations would discuss the conditions the government had to meet before they would attend

⁶⁴ Robert Bernstein, “A New Leaf (and Old One) at Moscow Book Fair,” *New York Times*, October 3, 1987

⁶⁵ Jeri Laber, “Glasnost Has Its Limits”

⁶⁶ Jeri Laber, *Courage of Strangers*, 277-278; Bill Keller, “Dissident Journal Tests Gorbachev on ‘Glasnost,’” *New York Times*, June 28, 1987; Laber, “Glasnost Has Its Limits”

the Moscow human rights conference. His interest in this question was personal, for he had arrested in March 1985 after two papers of his criticizing Soviet economic policy were published by émigré journals in Israel and West Germany. “Before prison, my ‘activism’ was expressed at the typewriter only,” the economist-turned-activist recalled. “Prison changed that.” He said there was a “basic contradiction” in the Soviet Union he noticed, that the fear of repression existed alongside glasnost: “On one hand, the Government wants to encourage active, independent life, but at the same time it wants to control the process. It is losing the talent of the dissidents and also of the people who are emigrating. Our fate will be the clearest measure of whether *perestroika* is working.” Grigoryants echoed Timofeyev when he voiced how former political prisoners had greater expectations than the average citizen. “The *perestroika* people don’t want to think about people still in prison or in psychiatric hospitals, but we see it as human and moral responsibility,” Grigoryants continued. “A society that forgets that people are still in prison cannot claim to be moving toward a democratic system.”⁶⁷

Laber did not doubt Gorbachev was serious about reform, but she wanted to see more progress. Nor was it apparent to her that the Soviet Union would ever fully be an open society. Yes, Gorbachev faced considerable opposition from party hardliners, but Westerners should not forget that his primary objective was to hold onto power. “His *perestroika* was a policy of modernization imposed and control from above,” she remembered thinking at the time. “It did not require democracy to succeed. It could even become a pretext for a crackdown.” Laber would be skeptical of Gorbachev until the very end.⁶⁸

But a fact-finding mission to Eastern Europe the previous month had led Laber to conclude that Gorbachev was finally acknowledging the very real differences that existed within Eastern Europe. She asked dissidents in Czechoslovakia and Poland to tell her how they had been affected by glasnost. “The Czechoslovaks said bitterly that the new Soviet policies seemed to have passed them by,” Laber noted. “The Poles were so involved in discussing the reforms now being introduced in their country that they barely mentioned Mr. Gorbachev.” The contrast between the two countries was obvious to her. Jaruzelski had introduced limited market transactions, worker self-ownership, and “democratization” that permitted an “unusual degree of free discussion” in the state press and the easing of travel restrictions, all of which were demands that Solidarity had made. “We’re 10 years ahead of the Russians,” one Solidarity activist bragged. “The reforms are because of Solidarity, not Gorbachev.” Some Poles even suggested to Laber that “Gorbachev is because of Solidarity.” There had been such profound changes in Polish society since the September 1986 amnesty of political prisoners that Laber wondered how Solidarity could avoid cooption by the government.⁶⁹

Czechoslovakia was a study in contrast. President Gustáv Husák had increased his government’s use of repression during the previous year. Charter 77 was disappointed when Gorbachev’s visit did not result in any major reforms. Indeed, Gorbachev’s speeches had been censored in Czechoslovakia. No prominent dissidents had been put on trial in Prague recently, but less-known victims were still being detained in other parts of the country. Still worried about StB surveillance, some Chartists were resentful that Gorbachev was receiving credit for doing nothing more than what they demanded in 1968, as Laber recounted, “They recall the reforms

⁶⁷ Laber, “Glasnost Has Its Limits”; for Timofeyev’s background, including his March 1985 arrest, see Helsinki Watch, “Arrest of Russian Writers,” April 5, 1985, Box 58, USSR—Moscow Book Fair—1985, JL, USSR, HRW, CHRDR, CU

⁶⁸ Laber, *Courage of Strangers*, 281-282

⁶⁹ Jeri Laber, “Different Strokes in the Eastern Bloc,” *New York Times*, November 23, 1987

that revolutionized Czechoslovakia during the Prague Spring and were brought to a cruel, unnatural end by the very country that is now advocating similar changes. They see no hope that the Husák Government—anti-reformists put in power by the Soviet troops—will do anything that might undermine its position of security and privilege.” In another cruel irony, as one of them said to Laber, their “only hope” was “if Gorbachev succeeds in the Soviet Union.”⁷⁰

One in a group of Eastern European rulers in their seventies—East Germany’s Erich Honecker, age seventy-five; Bulgaria’s Todor Zhivkov, age seventy-six; and Romania’s Nicolae Ceaușescu, age seventy in January 1988—Husák, age seventy-five, announced his retirement as leader of the Czechoslovak Communist Party (CzCP) in December 1987. His successor, Miloš Jakeš, age sixty-five, assured the CzCP’s Central Committee that there would be no change in policy, though a message from Gorbachev released by TASS advised him to undertake a “restructuring” of the Czechoslovak economy and work towards the “democratization of public and political life,” a sign of Gorbachev’s impatience with Husák. A quick look at Jakeš’s record was enough to discourage Chartists. With a well-earned reputation for strict ideological orthodoxy, Jakeš served on CzCP’s Control and Auditing Commission in 1968, a position from which he purged thousands of suspected reformers from party. In an interview with Austrian Radio, Václav Havel predicted that Jakeš would “continue the same anti-reformist policies as Husák.” Jakeš may not be “the man to bring about Gorbachev-type changes in Czechoslovakia,” but it was possible he could still play the role of Chernenko in preparing “the ground for new reforms.” Helsinki Watch released a statement echoing Havel’s sentiments: “It is our hope that the change of leadership in Czechoslovakia will signal the beginning of a new era of freedom and respect for human rights. Czechoslovakia, under Husák, has resisted the programs of glasnost and perestroika that are being promoted elsewhere in the Eastern Bloc.”⁷¹

IHF’s Mission to Moscow

After months of lobbying by IHF Chairman Gerald Nagler and his staff in Vienna, Yuri Kashlev, head of the Soviet delegation, announced on September 22, 1987 that his government had issued a formal invitation to IHF to discuss human rights issues at the Kremlin. The Soviets had ignored Helsinki Watch for nearly a decade, but were now willing to have an official meeting at which Jeri Laber and Robert Bernstein would be present. “The Soviets were changing their behavior because of the human rights conference they wanted so badly,” Laber remembered. “They had singled us out—the International Helsinki Federation—probably because of our high level of activity in Vienna. Western delegates to the Vienna Review Conference would be watching out visit closely. Our experience in Moscow might very well influence the Western vote in Vienna on the proposal for a Moscow conference.” The IHF only asked that all of its delegates receive entry visas. “If anyone is refused a visa, the mission will not go,” Laber warned.⁷²

⁷⁰ Ibid.

⁷¹ John Tagliabue, “Husák Steps Down as Prague Leader,” *New York Times*, December 18, 1987; Helsinki Watch, “Statement by Jeri Laber, Executive Director of Helsinki Watch, On Occasion of Replacement of Gustav Husák in Czechoslovakia,” December 17, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU

⁷² Jeri Laber, “Proposal from the U.S. Helsinki Watch Committee for a Human Rights Mission to Moscow,” c. November 1987, Box 7, IHF—Mission to Moscow—Delegation—1988, IHF, HRW, CHRDR, CU; Laber, *Courage of Strangers*, 282-283

The IHF held a coordinating meeting on October 17 to set its agenda. Many topics were discussed. With regard to “political prisoners,” the IHF planned to ask for their unconditional release, the publication of their release decrees in official newspapers, and a restoration of full citizenship for them so they could live, work, and travel wherever they wanted. The Soviet Minister of Justice was to eliminate the articles (70 and 190-1) in the USSR Criminal Code that enabled political repression, begin implementing due process, improve access to lawyers, and guarantee that all Soviets had the right to leave and return. A similar demand was made for human rights organizations: “a. Allow activities by citizens’ monitoring group of all kinds, including International Helsinki Federation and Amnesty International branches; b. Allow visits to prisons, labor camps and other detention facilities and inspections by ICRC [Red Cross] and other human rights organizations; c. Allow Soviet citizens to attend human rights meetings abroad.” Other demands included permitting lawful demonstrations, removing obstacles preventing Soviet citizens from contacting foreign journalists and embassies, no interference with mail or telephones, and direct dial telephone service to Western Europe, the United States, and Canada. The IHF finalized its position on the Moscow conference, as its October 19 proposal contained an additional paragraph that wanted assurances that no participants would be punished for their statements: “The Soviet governments should guarantee that no person who has expressed his/her opinions to the Conference, demonstrated, given press conferences or otherwise participated in activities in connection with the conference will be discriminated against, harassed or persecuted because of these activities.”⁷³

The most significant decision made by the IHF at this time was to adopt Press Club Glasnost as a member committee. Timofeyev’s attendance ensured a confrontation with the Soviet Human Rights Commission, as Soviet officials had no desire to meet with dissidents. Because there were so many questions on the table, the IHF divided its delegation into sub-groups that would specialize in specific questions. The same emphasis on unity applied to handling the media. No member of the IHF delegation was to speak with reporters only after the talks had ended, at which time IHF would hold a press conference. And the delegation would meet once a day to go over that day’s discussions and to formulate its plans for the next day. The IHF also requested permission to visit the Helsinki monitors held in the Perm 36-1 labor camp. If denied, IHF would protest upon its arrival in Moscow.⁷⁴

Originally scheduled for mid-December 1987, the meeting was postponed until the last week of January 1988. Led by IHF Chairman Karl von Schwarzenberg, the IHF delegation consisted of twenty-two individuals from nine different countries. Jeri Laber, Robert Bernstein, and Cathy Fitzpatrick represented Helsinki Watch. Most of the other delegates tended to be prominent Western European politicians such as Peter Jankovitsch, a member of the Austrian Parliament and former Minister of Foreign Affairs; Annemarie Renger, Vice-President of the West German Bundestag; Rudolf Friedrich, former Swiss Minister of Justice, and Peter Sager, a

⁷³ IHF, “International Helsinki Federation Delegation to the USSR Issues to Raise—Draft,” October 17, 1987, Box 7, IHF—Mission to Moscow—General—1987-1988, IHF, HRW, CHRDR, CU, “Confidential: The Soviet Proposal to Hold a CSCE Meeting on Humanitarian Cooperation in Moscow,” October 19, 1987, Box 7, IHF—Mission to Moscow—General—1987-1988, IHF, HRW, CHRDR, CU

⁷⁴ IHF to Members of IHF Delegation to Moscow, October 30, 1987, Box 7, IHF—Mission to Moscow—General—1987-1988, IHF, HRW, CHRDR, CU; Gerald Nagler to Lev Tolkunov, October 30, 1987, Box 7, IHF—Mission to Moscow—General—1987-1988, IHF, HRW, CHRDR, CU; Laber received \$5000 for the IHF’s delegation to Moscow from Sally Lilienthal’s Ploughshares Fund in November 1987, see Lilienthal to Laber, November 25, 1987, Box 7, IHF—Mission to Moscow—General—1987-1988, IHF, HRW, CHRDR, CU

member of the Swiss Parliament. The Soviet Embassy in Vienna informed IHF that it could visit with the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Justice, the USSR Academy of Sciences, the USSR Council for Religious Affairs, and the newly-formed Citizens' Commission for Cooperation in Humanitarian Issues and Human Rights. There would be no meetings with KGB Director Viktor Chebrikov and USSR Procurator General Aleksandr Rekunkov. Nor was the IHF permitted to go to Perm.⁷⁵

Held at the Soviet Peace Fund headquarters on Kropotkinskaya Street, this "unprecedented meeting" began the morning of January 27 in front of fifty spectators, most of whom were Jewish refuseniks and Hare Krishnas, and twenty journalists. IHF delegates were seated at the stem of a "T"-shaped table with seven members of the Soviet Public Commission for Humanitarian Affairs and Human Rights, which had been created the previous month to displace independent Soviet human rights groups. Consisting of forty members who were almost all party functionaries, it was chaired by Fyodor Burlatsky, by various turns a philosopher, political commentator, writer, and playwright. A former speechwriter for Khrushchev who had survived long enough in Soviet politics to become an advisor to Gorbachev, Burlatsky alleged that he lost his job under Brezhnev on three separate occasions for being too much of a reformer.⁷⁶

A dispute arose almost immediately when Soviet officials refused to seat the three dissidents from Press Club Glasnost: Lev Timofeyev, Larissa Bogaraz, and Sergei Kovalev. Notes taken by Cathy Fitzpatrick and Hester Minnema show how Burlatsky either had to recognize Press Club Glasnost or make Gorbachev look hollow. The IHF provoked this showdown when Max Van Der Stoel, the former Dutch Minister of Foreign Affairs, drew a contrast between verification on arms control and the lack of any comparable oversight mechanism on human rights. Three hundred and twenty-nine political prisoners had been released in 1987, but there still remained 360 known prisoners behind bars, thirteen of whom were Helsinki monitors. Van Der Stoel asked Burlatsky if they might be released "in the spirit of new developments." Burlatsky replied that the IHF already had the "possibility of engaging in monitoring" because it was meeting with high-level Soviet officials. Mikhail Krutogolov, a law professor at the Institute of State Law of the USSR Academy of Sciences, was glad that the Soviet Union and the West were finally speaking on the same terms: "If we walk about human rights we talk about *all* human rights, on an equal footing. If one right is being violated, all rights are. The right to emigrate, the rights of political prisoners are essential. But 99 percent of the population in the Soviet Union have a different concept. For them the right to emigrate or to demonstrate on Red Square is not the most essential." Krutogolov followed with a proposal that the Soviets ought to do more than change existing laws. Human rights needed to be guaranteed institutionally, he said, as in Scandinavian countries with their ombudsmen or in Canada with its *protecteur des citoyens*.

Realizing that this was an opportune movement to bring Press Club Glasnost into the proceedings, Irwin Cotler, a law professor at Montreal's McGill University, offered three suggestions for his Soviet counterparts: improve the legislation on emigration, make decision-making bodies more accessible to the public, and involve independent organizations in the work

⁷⁵ IHF, "Members of the IHF Delegation to Moscow," December 22, 1987, Box 7, IHF—Mission to Moscow—Delegation—1988, IHF, HRW, CHRDR, CU; Gerald Nagler to Lev Tolkunov, December 22, 1987, Box 7, IHF—Mission to Moscow—Delegation—1988, IHF, HRW, CHRDR, CU

⁷⁶ The paragraphs that follow are based on Jeri Laber, "Mission to Moscow," *New York Review of Books* (June 2, 1988)

of the Soviet Human Rights Commission. “The representatives of Press Club Glasnost themselves are the most appropriate to discuss these matters, and therefore I would like to give Lev Timofeyev the floor,” Cotler said as the room became very silent. Burlatsky then asked:

What are we up to? What do we want? A scandal, a confrontation? A show? I did not mind the presence of all those who wanted to come. But this is an open meeting of the delegates of the Helsinki Federation and our Soviet Human Rights Commission, and not a meeting with all organizations existing in Moscow. It is our prerogative to meet with those whom we invite. This is a meeting of the commission and allow me to kindly request that you follow our procedure.

After giving a brief response to Cotler, Burlatsky acted as if he had never heard of Press Club Glasnost:

About Press Club Glasnost: we do not know this group. We do not know their purpose, tasks, methods or platform. We have a right to get to know such a group. I cannot pledge that we will cooperate with all groups. I will not, for instance, cooperate with Pamyat [an unofficial anti-Semitic right-wing organization]. In addition, this is not by any standards the best place to solve this problem. My commission is not fully prepared for it.

Having said enough, Burlatsky gave the floor to Boris Krylov, who changed the subject, prompting Schwarzenberg to jump in:

You asked me if I wanted to have a show, a scandal. My answer is “no.” Under other circumstances I would have probably taken your remark as an insult. As a rule I am the most discreet person in the world. For our part we are glad to hear different voices—from our delegation and from the Soviet Union here—and I would like to give anybody the opportunity to speak. Concerning Press Club Glasnost: we know members of the press club. They are very knowledgeable and sincere persons, who have suffered a lot.

Burlatsky moved quickly to give the floor to another commissioner, but Laber made a point of order before he could say another word. If it was indeed true that Burlatsky did not know anything about Press Club Glasnost, she said, this would be a very good time to become acquainted with it. Continuing to deny that he knew anything about the group, Burlatsky was willing to hold a separate meeting at a later date to see if there was a room for cooperation, but he claimed the IHF had given him a list that did not have Press Club Glasnost on it. Bernstein was “baffled” that this small question of letting Press Club Glasnot speak had become “such a big matter.” It was at this moment that IHF delegates noticed that a member of the Soviet commission whispered into Burlatsky’s ear, after which Burlatsky reluctantly gave the floor to Timofeyev, adding, “But I tell you that this is not the appropriate moment. It is like forcing a bride on us in a marriage we do not want. It is not polite.” Reconciling himself to the fact that Timofeyev would be recognized over his objections, Burlatsky found solace in Mao Zedong thought: “If you don’t mind I will give Burlatsky the floor. I do not think that this will be such a calamity. Since I have spent some time in China, I would like to quote Mao Zedong. The sky

will remain clear, the birds will go on flying, the fish will keep swimming in the river, if Timofeyev speaks.”

Timofeyev pointed to how Burlatsky had addressed him by his last name as a sign of how uncomfortable dissidents made their government: “He could not decide whether to use ‘comrade,’ as is accepted here, or ‘mister’ as is customary in the West. He just called me by my last name, Timofeyev. Well, all right, during the two years I was in labor camp, I got used to being called by my last name by the labor camp wardens.” Timofeyev emphasized that Press Club Glasnost’s first and foremost concern was the prisoners—“our comrades”—languishing in labor camps for saying nothing more than what the commissioners themselves said at the seminar; the only difference was that they said these things five years earlier. He then submitted a list of names to Burlatsky, a previous copy of which had been published in the newsletter *Referendum* and handed to Gorbachev a week before, and the resolutions that had been approved in December at the meeting of independent groups hosted by Press Club Glasnost. The Soviet Human Rights Commission had an obligation to treat the Press Club Glasnost as an equal, he said, if only so the government and its citizens might find agreement on what each meant by the term “human rights”:

It is distressing because in our time, nothing is more important than recapturing a common conception of those well-known words that are so differently interpreted in the world—words like *freedom, right, and love*, and other traditional values of human society. Without a common ground, no disarmament can be achieved. Cooperation among countries is only possible with a commonality of meanings; peace in one’s country and in one heart cannot be attained otherwise.

Offering a mixed assessment of glasnost as he had seen it in action, Bernstein spoke to the press on January 29. The increasing rate of emigration was encouraging, but some things had yet to change. When he and Laber met with Timofeyev, KGB agents listened to their conversation with the help of a bugging device. The Soviet Human Rights Commission had not officially recognized any of the estimated 30,000 independent groups. The officials responsible for psychiatric abuse still had their positions. “With people like that around, it doesn’t exactly inspire public confidence in the leadership’s commitment to change,” Bernstein said. “The burden of proof on this lies on the Soviet side.” He was also weary of the apparatchiks who repeated the party line to him: “There is a disturbing uniformity in their present posture as well. ‘We really have our hands full,’ we were told in exactly those words, several times. ‘Cooperation, not confrontation’ was a phrase that cropped up in many meetings.” If the Kremlin wanted to improve its image in the West, it needed to do more than just invite foreign groups to Moscow or say the right phrases; it had to listen to its own citizens.⁷⁷

At Burlatsky’s suggestion, six IHF delegates and three members of the Soviet Human Rights Commission met again a few months later in Vienna. In contrast to their behavior towards Timofeyev the first time around, they accepted Yuri Orlov’s participation “without the slightest sign of surprise or discomfort,” though a noticeable change in attitude was evident when IHF began asking about Press Club Glasnost. “No one has studied who they are,” Burlatsky claimed. “We were not at their [December] seminar. Our only contact was during your stay in

⁷⁷ Gary Lee, “Visiting Rights Monitors Call for More Soviet Progress,” *Washington Post*, January 30, 1988; Robert Bernstein and Jeri Laber, “A New Moscow, but Not *That* New,” *New York Times*, March 26, 1988

Moscow.” To which Orlov pointedly asked, “Then why don’t you get acquainted?” Still smarting from the showdown over Timogeyev, Burlatsky repeated his preferred analogy of powerlessness, “*You* can cooperate with glasnost, but *we* don’t have to marry against our will.”⁷⁸

Burlatsky’s words were suggestive of how some Soviet apparatchiks acquitted themselves to a new reality; one that was not of their own choosing but had been foisted upon them by their own leader. By making the crucial decision to meet personally with Reagan twice in the eleven months between November 1985 and October 1986 and implementing what he viewed as necessary reforms, beginning with the release of prominent Soviet dissidents such as Andrei Sakharov and Yuri Orlov, Gorbachev made the first move in a series of events that would culminate in the demise of the Soviet Empire, a process that was already well underway in Poland. “Trust, but verify,” Reagan’s favored phrase, was just as applicable to human rights as arms control. Helsinki Watch and the International Helsinki Watch worked closely with the U.S. delegation at the Vienna CSCE Review Conference to ensure that two items were linked in a way that they had never been previously. Jeri Laber may have been skeptical about whether Gorbachev was sincere when he spoke of *perestroika* and *glasnost*, but even she could not deny that their impact at the grassroots was real. Not only was she allowed to go to the 1987 Moscow Book Fair, but she was welcomed by Soviet publishing officials and no longer had to be so secretive in her interactions with dissidents. An unofficial group like Press Club Glasnost certainly would not have been tolerated under Brezhnev. That the International Helsinki Federation, an organization created only a few years earlier by Helsinki Watch, could compel Burlatsky to recognize it at a conference in Moscow hosted by the Soviet Human Rights Commission should give some indication as to how much had changed, and how much was about to change, in the no-longer-so-solid Eastern Bloc. If totalitarianism is based upon the premise that nothing exists outside of the state, then Burlatsky having to give the floor to Lev Kopalev in front of Western activists was a stunning blow to this idea. Of course, Press Club Glasnost had always existed beyond the reach of the state, as had the Moscow Helsinki Group, but its dissent would no longer have to remain underground. History was moving in its direction.

⁷⁸ Jeri Laber, “Mission to Moscow”

Chapter 15

Helsinki Watch in the Last Years of the Soviet Empire, 1985-1991

Part II: “I Was Talking About Another Time, Another Era.” (December 1987-December 1991)

“The Soviet Union’s East European empire is crumbling,” Jeri Laber wrote in December 1981. “The disintegration will not happen overnight, nor will it progress at the same speed in each country.” It took nearly a decade, but Laber’s prediction came true in 1989, a year in which protestors demanded the impossible. The suddenness with which Eastern Bloc communist dictatorships fell one after another disproved the widely held notion that so-called totalitarian societies were impervious to historical transformation. This chapter uses declassified documents from the National Security Archive to retrace how this transformation mostly occurred without the kind of violence seen at Tiananmen Square, from the “reawakening” on the twenty-year anniversary of Jan Palach’s self-immolation in January, to Solidarity’s smashing electoral victory in June, to Hungary’s opening of its borders in September, to the massive exodus of East Germans in October, to the dismantling of the Berlin Wall on November 9, and, finally back to Prague, where the Velvet Revolution brought Charter 77 founder Václav Havel into the presidency. Even before this part of the Soviet Empire imploded, there were indications that some of its leaders were recalibrating their behavior towards Western activists. Paralleling the openness with which human rights were discussed by President Ronald Reagan and Soviet Premier Mikhail Gorbachev at their summits in Washington, D.C. and Moscow, held in December 1987 and May 1988, respectively, was how Helsinki Watch and the International Helsinki Federation (IHF) won concessions on the release of political prisoners, the relaxation of emigration restriction, and receiving official permission for fact-finding missions. Caught up in events of world-historical importance as much as the communist leaders who suddenly realized that they no longer were in power, former dissidents—relying on international human rights activists to protect them—seized the opportunity to remake their societies.¹

The end of the Cold War forced international human rights activists to answer a set of different questions. Problems with prison overcrowding and the lack of access to abortion in Poland called for an ACLU-like organization. Decades of state repression raised the specter of complicity among Czechoslovakians. Jeri Laber had to watch from afar as Havel fought unsuccessfully against a lustration law that empowered a commission to look through old secret police files to identify collaborators and remove them from the new government, just one of many issues to become politicized in a country rendered ungovernable by ethnic divisions. The Soviet Union was dismantled from within through a similar process. Try as he might, and he did, Gorbachev could not control the forces that he had set loose. The pace of his reforms may not have been quick enough for dissidents and activists, but they were too fast for party hardliners who failed in a last desperate attempt to save themselves from obsolescence. But in a replay of what happened in Eastern Europe two years earlier, thousands rallied in the streets of Vilnius and Moscow to ensure that there would be no turning back. Now known as Human Rights Watch, Helsinki Watch found itself adjusting to a post-Cold War world that still offered many examples of why it was still needed.

¹ Jeri Laber, “Eastern Europe: Dreams that Died,” *Village Voice*, December 23-29, 1981

Washington, D.C. to Moscow

The Reykjavik Summit was as close as Ronald Reagan and Mikhail Gorbachev would get to achieving large scale arms reduction. In February 1987, three weeks after Marshal S.F. Akhromeev, Chief of General Staff of the USSR Armed Forces, hosted a delegation from the Council on Foreign Relations, senior party official Alexander Yakovlev advised Gorbachev to decouple intermediate-range weaponry (INF) from anti-ballistic missile (ABM) defense systems. With Reagan weakened by the Iran-Contra scandal, the prospects for a substantial agreement appeared to be slimming. To get the negotiation process on track, Yakovlev argued, Gorbachev needed to make concessions. “The biggest step that would make an impression on the outside world, on public opinion, would be if we untie the package and agree to cut 1,000 of our most powerful missiles,” Gorbachev said to the Politburo on February 26. Yakovlev’s suggestion became the basis of the INF Treaty signed at the Washington Summit in December 1987. Both sides agreed to destroy intermediate-range missiles in Europe: the Soviets reduced the number of intermediate-range missiles by 889 and shorter-range missiles by 957; the Americans reduced their arsenal by 677 and 169, respectively. Soviet military officers like this provision because these were missiles with the shortest flight time to Moscow (but there was some opposition to the inclusion of the shorter-range missiles). After rejecting verification and monitoring provisions, the Soviets finally agreed to “any time and place,” which the Americans understood as part of the greater openness Gorbachev had promised.²³

With the two superpowers working towards completing an arms deal, the issue of human rights gradually moved into the forefront of U.S.-Soviet relations. In the draft of a letter dated April 9, 1987, Reagan called upon Gorbachev to resolve the remaining divided family cases, complete the release of all political prisoners, raise emigration levels, and grant exit visas to pianist Vladimir Feltsman, refusenik Ida Nudel, separated wife Galina Goltzman, and dual-national Abe Stoler. However, the letter that was ultimately sent to the Kremlin the next day was edited down to two pages, with only a brief mention of human rights: “There has also been some progress on human rights, although much more needs to be done.” As outlined in National Security Decision Directive 288, Reagan’s strategy going into the Washington Summit was to “create political pressure” on human rights. He was instructed to praise Gorbachev for making “some progress” on this front, but say there was still room for improvement. “Marked by tokenism,” the directive read, “it has not been institutionalized nor made irreversible, and is therefore far from adequate.”⁴

² Alexander Yakovlev, “Towards an Analysis of the Fact of the Visit of Prominent American Political Leaders to the USSR,” February 25, 1987, “The INF Treaty and the Washington Summit: 20 Years Later,” *National Security Archive Electronic Briefing Book No. 238* (NSAEBB), December 10, 2007, National Security Archive (NSA), <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB238/index.htm>; Politburo Session, February 26, 1987, “The INF Treaty and the Washington Summit,” NSAEBB No. 238, NSA

³ Svetlana Savranskaya and Thomas Blanton, “The INF Treaty and the Washington Summit”

⁴ Ronald Reagan to Mikhail Gorbachev, Rejected Draft, April 9, 1987, “The INF Treaty and the Washington Summit,” NSAEBB No. 238, NSA; Ronald Reagan to Mikhail Gorbachev, April 10, 1987, “The INF Treaty and the Washington Summit,” NSAEBB No. 238, NSA; As he told advisor Anatoly Chernayev in May, Gorbachev wanted to remove “the Jewish Question” by opening a dialogue with liberal Jewish-American organizations. If he could get them to support Jewish cultural development in the USSR instead of solely focusing on emigration restrictions, he hoped to quiet some of his critics in the West, see Mikhail Gorbachev and Alexander Chernayev, “Plan of Conversation Between M.S. Gorbachev and the President of the United States R. Reagan Before the First Trip to

Nearly as soon as he could in their first meeting at the White House, Reagan handed Gorbachev a list of separated families and a card with the names of people in need of an exit visa, requesting that Fritz Ermarth of the National Security Council not take notes as he made a “purely personal suggestion.” Gorbachev tried explaining to Reagan what it was like to govern a country comprised of fifteen national republics and thirty-eight recognized ethnic groups. “There were always problems,” he said. “Perestroika is dealing with all kinds of problems, not just economic but cultural as well, and the situation was steadily improving.” He had taken a “realistic approach” on emigration so that it would go away. Appreciative of how Reagan had dealt with him on such a delicate issue, Gorbachev then asked Reagan if there were any human rights problems in the United States. Sure, Reagan replied, but the Constitution protected basic individual rights, to which Gorbachev proposed that they have a seminar of experts debate this question. When Reagan stated that the U.S. had no restrictions on individuals who wanted to leave, Gorbachev responded that he did not consider this to be a right. When Reagan began talking about how the First Amendment protected freedom of religion, Gorbachev made reference to anti-Semitism in the U.S. They eventually agreed that prejudice could be found everywhere.⁵

Gorbachev then invited Reagan to visit Moscow for a celebration of a thousand years of Christianity in Russia so he could see for himself that Soviets were able to practice their religion in unprecedented ways. But he refused to sit before Reagan “as the accused before a prosecutor.” When Reagan again returned to emigration restrictions, Gorbachev asked why the U.S. guarded its border with Mexico if it found immigration quotas to be so objectionable. This was a completely different situation than the Soviet Union, Reagan said. Poor economic conditions in Mexico compelled many people to immigrate to the United States, but there was nothing preventing Americans from leaving the country if they wanted to do so.⁶

Gorbachev analyzed this contentious exchange with the Politburo on December 17. The INF Treaty had made the Washington Summit the most consequential one yet, but he was certain that Reagan had gone too far on human rights. “Much less apparent in Washington was the manner Reagan used with us in the beginning—making accusations, putting forth claims, blaming us for the crises of the modern world, and presenting himself as all good and right,” Gorbachev said. “But by the first conversation we had already agreed on this matter, even though there was a moment of certain sharpness. I told him: ‘You are not a prosecutor and I am not a defendant. You are not a teacher and I am not a pupil. And vice versa. Otherwise we will not be able to do anything.’” Gorbachev considered this to be the moment when Reagan saw him as an equal. “Of course this time we also had a response to the usual human rights claims that by now set our teeth on edge,” he added. “But we did not succumb to that temptation.” Gorbachev emphasized that it had been his restraint that made an arms agreement possible. He was also touched by how ordinary Americans had treated him: “In our contracts with the different kinds of America we saw that our perestroika has even reached American society, which has been driven to the limit with anti-Sovietism. People were not troubled by the fact that

Washington,” May 1987, “The INF Treaty and the Washington Summit,” NSAEBB No. 238, NSA; National Security Decision Directive 288, November 10, 1987, “The INF Treaty and the Washington Summit,” NSAEBB No. 238, NSA

⁵ U.S. Department of State, “Memorandum of Conversation between President Reagan and General Secretary Gorbachev, 10:45 AM-12:30 PM, December 8, 1987,” “The INF Treaty and the Washington Summit,” NSAEBB No. 238, NSA

⁶Ibid.

we might behind in some aspects, such as the economy. They were interested in the fact that our society has moved forward, that it is finding a new movement and is inspired to change democratically.” Gorbachev concluded that the “human factor” was of tremendous importance in world politics. It produced results.⁷

A close follower of Gorbachev’s reforms, as he told Soviet Foreign Minister Edward Shevardnadze in Moscow on May 21, Secretary of State George Shultz was satisfied with how the conversation on human rights had evolved over the past two and a half years. However, Shevardnadze had to understand that progress on arms control or withdrawing from Afghanistan was “no substitute,” as Shultz urged the release of 300 political prisoners, the names of which had been compiled by the office of Representative Steny Hoyer (D-Maryland). Since many of those on the list were imprisoned for merely expressing their opinion or practicing their religion, neither of which had been prosecuted in a year, the Americans thought it was unfair for them to still be imprisoned for doing something that was no longer being punished.⁸

Referring to Shultz’s characterization of human rights as a “two-way street,” Shevardnadze wanted to know why there had been no action on a list of American political prisoners that had been given to Shultz. Just as American officials were skeptical of Soviet claims that their political prisoners were criminals, he was doubtful that all American political prisoners were criminals. Besides raising the question of juvenile executions, Shevardnadze asked Shultz to look into the case of Virginia Lynch, an American citizen who had written him personally after her husband had been cited by Boston judge for operating an auto repair shop out of his garage. Even as he chided the U.S. Embassy for its inaccuracies on tracking political prisoners, Shevardnadze also observed how much their discussions on human rights had changed in recent years, recalling how they had once been highly contentious, full of accusations and recriminations. Now there was a “qualitatively new situation,” he said, which made it all the more important that the Americans be more careful when raising specific cases.⁹

Public diplomacy was to be a point of emphasis for the United States during the Moscow Summit. Written in the first person, National Security Decision Direction 305 described what Reagan hoped to accomplish by engaging directly with the Soviet people: “I want to emphasize throughout my trip that the democratic values that make our country great are those towards which much of the world—including, we hope, the Soviet Union—is moving. At the same time, I wish to make clear that, while we welcome promises of reform within the USSR, the policies of the United States and the West toward Moscow must be based on Soviet deeds rather than words.” The White House’s demands were nearly identical to those of Helsinki Watch and the International Helsinki Foundation. The release of all political prisoners would be understood by the West as a signal that Gorbachev truly believed in freedom of expression. Soviet Jews, Armenians, and ethnic Germans received exit visas in 1987 with greater frequency than they had in 1986—from 914 in 1986 to 8,115 in 1987 for Soviet Jews; 247 to 8,000 for Armenians; 783 to 14,488 for ethnic Germans—but there remained some legal barriers to emigration as “state security” was used by authorities to deny exit visas to applicants who had never handled

⁷ Central Committee CPSU, Politburo Session, December 17, 1987, “The INF Treaty and the Washington Summit,” NSAEBB No. 238, NSA

⁸ U.S. Department of State, “Memorandum of Conversation, The Secretary’s Initial Meeting with Shevardnadze, 9:50 AM-1 PM, April 21, 1988,” “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA

⁹ U.S. Department of State, “Memorandum of Conversation, The Secretary’s Initial Meeting with Shevardnadze, 9:50 AM-1 PM, April 21, 1988”; for more on Virginia Lynch, see Frank Phillips, “From Housing Court, An Order Heard ‘Round the World,” *Boston Globe*, May 13, 1988

classified materials. The Reagan administration pressed for the legalization of nonregistered churches, but, to cite one example, the Ukrainian Catholic Church was still repressed even though Gorbachev had promised new religious freedom laws in April. And if the Soviets improved their behavior enough to eventually host a human rights conference in Moscow, a big “if,” they had to guarantee access to “Helsinki Monitors, the media, and non-governmental organizations.”¹⁰

Reagan understood human rights issues in personal terms. In his one-on-one meeting with Gorbachev on the afternoon of May 29, he focused on two names in particular: Yuriy Zieman and Abe Stolar. A writer with chronic health problems, Zieman wanted to join his children in the United States, where he hoped to receive treatment from American doctors. Not wanting to go through the entire list in front of him, Reagan admitted that he felt a “particular affinity” for Stolar. Born in Illinois on the same day as Reagan, Stolar’s parents had emigrated from Russia when the czar still ruled, but they returned when Abe was very young. Abe’s son married a Russian woman. When the Stolar family decided to return to the U.S., Soviet authorities gave permission for everyone to leave except for the daughter-in-law, so they decided to stay until they could all leave together. Reagan hoped Gorbachev would understand Stolar’s desire to die where he was born. Gorbachev promised to look into these cases.¹¹

With a smile on his face, Gorbachev said he had to respond on human rights or else people might get the impression Reagan had put him in a corner. The Soviets had numerous reasons to decry the Americans as hypocrites: racial discrimination, a lack of economic and social rights, and the treatment of antiwar protestors. When Reagan said civil rights laws had been passed, Gorbachev redefined the problem as one of implementation. “If one looked at figures on unemployment of Blacks and Hispanics, on per capita income of Whites and Blacks, on access to education and health, there were big differences,” he pointed out. “In the Soviet Union, living standards were lower, even much lower in the United States, but there was nothing like such large contrasts among groups of people in the country when it came to pay and the like.” Reagan then insisted that blacks were “catching up,” but Gorbachev said that the point of this discussion was for Reagan to be more self-critical.¹²

A gathering that would not have occurred had he remained distant from his Soviet counterpart, Reagan hosted a reception for forty-two dissidents and refuseniks at the official residence of the U.S. Ambassador, Spaso House. Among those attending were Yuriy Zieman, Abe Stolar, Lev Timofeyev, and Sergei Grigoriyants. As Ambassador Jack Matlock cabled back to Washington, D.C. on May 31, “The president’s reception for refuseniks and dissidents went surprisingly well.” A former biologist at Moscow State University and editor of the *Chronicle of Current Events* who was fired in 1969 for protesting the invasion of Czechoslovakia, Sergei Kovalev called for the release of all political and religious prisoners and a reform of the legal

¹⁰ U.S. Department of State, “Summit Overview,” May 23, 1988, “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA; National Security Decision Directive 305, “Objectives at the Moscow Summit,” April 26, 1988, “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA; U.S. State Department, “President Reagan’s Meetings with General Secretary Gorbachev: Background Book,” May 25, 1988, “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA

¹¹ U.S. Department of State, “Memorandum of Conversation, The President’s First One-on-One Meeting with General Secretary Gorbachev, 3:26 PM-4:37 PM, May 29, 1988,” “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA

¹² U.S. Department of State, “Memorandum of Conversation, The President’s First One-on-One Meeting with General Secretary Gorbachev, 3:26 PM-4:37 PM, May 29, 1988,” “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA

system. He was followed by Yuliy Kosharovskiy, a refusenik who had spent the previous seventeen years waiting for an exit visa, who spoke about the difficulties of maintaining a Jewish identity in the Soviet Union. The last speaker was Gleb Yakunin, a Russian Orthodox priest who had founded the Committee to Protect the Rights of Believers in 1976, only a year removed from his forced exile. In a highly emotional speech that blamed the official ban on religion for what he saw as the degeneration of Soviet society, Yakunin shared the experiences of other religious leaders who had been persecuted: Deacon Vladimir Rusak and Lithuanian Catholic Priests Alfonsas Svarinskas and Sigitas Tamkevicius. Reagan wanted those in the room to know that he had come to Moscow to give them strength: “Yet I already know it is you who have strengthened me, you who have given me a message to carry back. While we press for human rights through diplomatic channels, you press with your very lives, day in, day out, year after year, risking your jobs, your homes, your all.”¹³

Compared to where things stood three years earlier before Geneva, Shultz noted how “this was simply a different world.” Assistant Secretary of State Richard Schifter was convinced that most Soviet leaders wanted to improve their country’s human rights performance. Soviet negotiators were very hopeful that they would be able to repeal laws that made it a crime to “defame the Soviet system” and finally allow the practice of religion without official authorization. There were other signs of improvement. Of the 400 refusenik cases he raised with the Soviets two months before, 102 had been resolved. The number of people committed to psychiatric wards on political grounds was down to around 100. “Though one doesn’t get sent to Siberia any more for dissident behavior, the KGB still does its very best to intimidate citizens and occasionally brutalize them,” Schifter wrote on June 1. “It’s still going to take a while before the pall of fear lifts from the Soviet people.”¹⁴

Indeed, the most significant moment of the Moscow Summit might have been when Reagan declared an end to his personal Cold War against the Soviet Union. When asked by a reporter on May 31 about his “Evil Empire” speech from March 1983, Reagan said, “I was talking about another time, another era.” At a press conference the next day, a reporter wanted to know what had changed in the years since. Had Reagan’s thinking on the Soviet Union evolved? “No, I think that a great deal of it is due to the General Secretary, who I have found different than previous Soviet leaders have been,” Reagan answered. “Well, I read *Perestroika* and I found much in it that I could agree with.” If anyone could speak to how much Gorbachev had transformed the Soviet Union, it was Reagan, a dedicated Cold Warrior if ever there was one. But neither he nor his advisors could have anticipated just how far reaching that transformation would turn out to be. The measures that Gorbachev had taken in 1987-1988 to reduce the political repression that had once defined daily life in the Soviet Union would have immense repercussions for dissidents and activists alike. Their mutual goal of dismantling the Soviet

¹³ Jack Matlock, U.S. State Department Cable, “Full List of Attendees at President’s Reception for Refuseniks/Dissidents,” May 31, 1988, “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA; Jack Matlock, U.S. State Department Cable, “The President’s Human Rights Reception A Success,” May 31, 1988, “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA; Ronald Reagan, “Remarks to Soviet Dissidents at Spaso House in Moscow,” May 30, 1988, *Public Papers of the President* (PPP), John Woolley and Gerhart Peters, ed., *The American Presidency Project* (APP), <http://www.presidency.ucsb.edu/ws/?pid=35894>

¹⁴ U.S. State Department, “Memorandum of Conversation, Second Plenary Meeting, 10:05 AM-11:20 AM, June 1, 1988,” “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA; Richard Schifter to George Shultz, “Human Rights Group at Moscow Summit,” June 1, 1988, “The Moscow Summit 20 Years Later,” NSAEBB No. 251, NSA

Empire—from within and afar—was helped considerably, though unwittingly, by Gorbachev’s commitment to reform.¹⁵

“Indefinitely Open”

In a speech to the Vienna CSCE Review Conference on April 15, 1988 intended to show how compliance remained “spotty and inadequate” in the Eastern Bloc, Ambassador Warren Zimmerman contrasted the lives of Fyodor Burlatsky and Lev Timofeyev. A senior Soviet journalist who had been appointed head of the state-sanctioned Soviet Human Rights Commission, Burlatsky regularly travelled abroad to meet with human rights groups in the West and had direct access to top Soviet officials. Timofeyev, on the other hand, was afraid to leave the Soviet Union because he did not know if he would be allowed to return. While Burlatsky’s commission was Potemkin-like, with no discernible staff, office, or budget, Press Club Glasnost was a “genuine grassroots organization with members who care and work for human rights” like Arykyan. Zimmerman thus could not agree with the Soviet delegation that there was “light at the end of tunnel in Vienna,” for there seemed to be little prospect of “effective language” in the proposed concluding document guaranteeing religious freedom, freedom of movement, and the rights of minorities.¹⁶

But Zimmerman grew more encouraged over the next few months. As he told Jeri Laber in August, an amended paragraph on Helsinki monitors placed greater obligations on signatories to facilitate contact and communication with human rights organizations—both domestically and internationally—as well as remove any and all legal and administrative impediments inconsistent with CSCE principles. Previously, all they had to do was merely acknowledge a “relevant role to play” in assisting them. At Helsinki Watch’s behest, the Americans were leading efforts to get the word “monitoring” into the agreement as part of a guaranteed right to form and join independent Helsinki organizations, which the Eastern Bloc representatives had resisted so far. But there had been a breakthrough regarding “the right of everyone to freedom of movement and residence within the borders of each state, and to leave any country, including his own, and to return to his country” and it seemed likely that any country could insist on compulsory bilateral negotiations to go over unresolved cases at follow-up meetings known as Conferences on the Human Dimension. “We have that now with the Soviets, but now any country can do this,” Zimmerman said.¹⁷

In smaller and bigger ways, the Eastern Bloc thus became more open to Helsinki Watch and IHF activists. In June 1987, a group of Soviet physicians examined American Indian prisoner Leonard Peltier, which inspired Jeri Laber, Dr. Robert Lawrence of Physicians for

¹⁵ Stanley Meisler, “Reagan Recants ‘Evil Empire’ Description,” *Los Angeles Times*, June 1, 1988; Meisler quoted Reagan as saying, “You are talking about another time, another era.”; Ronald Reagan, “The President’s News Conference Following the Soviet-United States Summit Meeting in Moscow,” June 1, 1988, PPP, APP, <http://www.presidency.ucsb.edu/ws/index.php?pid=35903>

¹⁶ Warren Zimmerman, “Statement by Ambassador Warren Zimmerman, Chairman of the United States Delegation to the Vienna CSCE Follow-Up Meeting,” April 15, 1988, Box 41, CSCE—Vienna—Warren Zimmerman—April 15, 1988, Series VIII: New York Office Files (NYO), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU)

¹⁷ Warren Zimmerman to Jeri Laber, September 1, 1988, Box 41, CSCE—Vienna Conference—General (1988), NYO, HRW, CHRDR, CU; see attached Jeri Laber, “For the Record: Confidential Notes on My August 29 Meeting with Warren Zimmerman in Vienna,” c. August 29-30, 1988, Box 41, CSCE—Vienna Conference—General (1988), NYO, HRW, CHRDR, CU

Human Rights, and Charter 77 spokeswoman Dr. Libuše Šilhánová to do the same for Czechoslovakian political prisoners after hearing reports in November 1986 that Pavel Wonka had been beaten by guards. Working with the U.S. Embassy in Prague and Czechoslovakian Embassy in Washington, D.C., Lawrence requested permission to look at Wonka, Petr Hauptman, Jiří Wolf, František Veis, Valter Kania, and Josef Romer. He was granted an entry visa in December, but had to wait on the Ministry of Foreign Affairs to see if he would be allowed inside of Valdice Prison.¹⁸

Arrested in 1986 when he ran for the Federal Assembly and sent his campaign manifesto to a newspaper, Wonka was released on February 26, 1988 only to be rearrested on April 5 after requesting an exit visa to West Germany. Two years in prison had left Wonka in poor health. Suffering from hypertension, he lost twenty kilograms and complained of leg pains. Nonetheless, Czechoslovak physicians declared that he was “healthy enough for incarceration” on April 9, only seventeen days before Wonka died on February 26 from what was determined to be a pulmonary embolism. Along with Dr. Robert Kirschner, a Deputy Medical Examiner for Cook County, Illinois, Lawrence received permission in May to conduct a second autopsy on Wonka. Their findings corroborated the official cause-of-death. The only living prisoner they could examine was Wolf, had been in and out of prison since joining the “Committee Against the Dictatorship” in 1978. Thrown into a cell intended to punish him for weeks at a time, where he lived off 300 grams of bread a day and fended off rape attempts from other inmates, Wolf battled depression and suffered from stomach and eyesight problems. Lawrence and Kirschner pleaded with the doctor overseeing the prison’s medical services to closely monitor Wolf’s mental condition. Czechoslovak Ambassador Miroslav Houstecky told Representative Tony Hall (D-Ohio) that his government had allowed Lawrence and Kirschner to see Wonka’s corpse to prevent the “starting of another anti-Czechoslovak campaign.”¹⁹

A request by Physician for Human Rights to return to Czechoslovakia was denied in July. Czechoslovak official Gabriel Brenka justified this decision by referring to the State Department’s unwillingness to let four Cuban experts inspect six American prisons. No one in charge of the prisons—two of which belonged to the Federal Bureau of Prisons—voiced any objections. If Lawrence was to visit Wolf again, the United States would have to show some reciprocity. At the 1985 Ottawa Human Rights Experts Conference, Schifter had seemingly invited criticism of his country’s human rights record, as “all participants have the right to

¹⁸ R.M. Bell to Jeri Laber, November 20, 1987, Box 16, Czechoslovakia—General—1987-1988, Record Group 7, Series I.1, Files of Jeri Laber (JL), Country Files: Czechoslovakia (Czech), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Robert S. Lawrence to Miroslav Houstecky, December 17, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU; Susanne <No Last Name> to Jeri Laber, December 21, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU; Dr. Gabriel Brenka to Robert S. Lawrence, December 29, 1987, Box 16, Czechoslovakia—General—1987-1988, JL, Czech, HRW, CHRDR, CU

¹⁹ Fran Basche, “PHR Czech Mission Major ‘Breakthrough,’” *Physicians for Human Rights Records*, Vol. 1, Issue 3 (Spring 1988) found in Box 13, Czechoslovakia—Mission—Czechoslovakia: Physicians for Human Rights, 1988, Record Group 7, Series IV, Files of Janet Fleischmann (JF), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Janet Fleischman, “Notes on Dr. Kirschner’s Visit,” May 9, 1988, Box 13, Czechoslovakia—Mission—Czechoslovakia: Physicians for Human Rights, 1988, JF, HRW, CHRDR, CU; Ivan Medek, “Preliminary Report about a Meeting of Charter 77 Representatives with American Physicians,” May 19, 1988, Box 13, Czechoslovakia—Mission—Czechoslovakia: Physicians for Human Rights, 1988, JF, HRW, CHRDR, CU; Miroslav Houstecky to Tony Hall, May 26, 1988, Box 18, Czechoslovakia—Prison Conditions [HW Monitoring Of]—1988, JL, Czech, HRW, CHRDR, CU

discuss reports of human rights violations in the United States,” though, he might have added, except for Cuba. As he wrote in a letter to the *New York Times* on July 11, Schifter denounced Fidel Castro’s “gall” in demanding that Americans open their prisons to “Cuban operatives” when Cuban prisons reflected “the torture and misery” of his dictatorship. Struck by the hypocrisy of American officials, Laber thought they had taken a “dangerous position, particularly in the era of ‘glasnost’ when Soviet bloc countries are responding in new and unprecedented ways.” Those most hurt by this policy were the prisoners. Whether in Cuba, the Soviet Union, Czechoslovakia, or the United States, they were denied the international attention so essential to assuring their safety even if—as Schifter alleged to Laber—officials were putting on a show for the inspectors.²⁰

Helsinki Watch had better luck outside of prison. Active since fall 1982, the Polish Helsinki Committee published a number of reports that influenced debates in Madrid and Vienna, but the identities of its members remained unknown. No longer worried that they would be punished, the committee publicly revealed itself for the first time in July 1988. “The idea of human rights has awakened the aspirations and solidarity of people,” the Polish Helsinki Committee’s statement read. “A social movement for human rights has appeared in the East as well as in the West. This movement perceives the realization of human rights not only in political categories, but first and foremost on the moral dimension.” Established in November 1988, the Czechoslovak Helsinki Committee had numerous veterans of Charter 77 and VONS. Chaired by Jiří Hájek, a partial list of its founding members included Václav Havel, Eva Kantůrková, Ladislav Lis, Libuše Šilhánová, Rudolf Battek, Petr Uhl, and Jan Urban. Seeking to open a dialogue with the government officials, the Czechoslovak Helsinki Committee wanted to provide “objective information” about the Helsinki Final Act, the “public knowledge” of which had yet to match its “true meaning.”²¹

But Czechoslovak authorities prevented dissidents from holding a human rights conference in Prague by arresting the thirty-eight participants the night before it was to begin. Because he had not been in his apartment at that time, Havel managed to bang the gavel before he too was apprehended. In possession of a large amount of money to be given to Rita Klimová of the Czechoslovak Helsinki Committee, Laber arrived a few days later. As Helsinki Watch was planning to honor human rights monitors in the upcoming year, she asked Klimová to help contact Havel. Since Havel was unlikely to travel to New York to receive the award, Laber wanted him to write a statement that would be read in his absence. With Klimová serving as an interpreter between them, they shared a meal at Havel’s favorite restaurant. Promising that the seminar would remain “indefinitely open,” Havel was pleased to have called it to order. Laber attended a rock concert with Havel later that evening. What soon followed was a series of

²⁰ Jeri Laber, “‘In Cuban Prisons’: Another Exchange,” *New York Review of Books* (October 13, 1988); Jeri Laber to Richard Schifter, July 22, 1988, Box 17, Czechoslovak-Cuban Reciprocal Prison Visits, JL, Czech, HRW, CHRDR, CU; Richard Schifter to Jeri Laber, August 4, 1988, Box 17, Czechoslovak-Cuban Reciprocal Prison Visits, JL, Czech, HRW, CHRDR, CU

²¹ Polish Helsinki Committee, “Statement by the Helsinki Committee of Poland,” July 24, 1988, Box 8, Czechoslovakia—Helsinki Watch—Czechoslovak Helsinki Committee, 1988-1989, JF, HRW, CHRDR, CU; Czechoslovak Helsinki Committee, “The Establishment of the Czechoslovak Helsinki Committee,” November 5, 1988, Box 8, Czechoslovakia—Helsinki Watch—Czechoslovak Helsinki Committee, 1988-1989, JF, HRW, CHRDR, CU; International Helsinki Federation, “Press Release,” December 1, 1988, Box 8, Czechoslovakia—Helsinki Watch—Czechoslovak Helsinki Committee, 1988-1989, JF, HRW, CHRDR, CU

unexpected revolutions in Czechoslovakia, Poland, Hungary, and East Germany that placed her and Helsinki Watch in the unaccustomed role of spectator.²²

1989

Jan Palach Week

The protest that signaled the beginning of the end of Soviet domination across Eastern Europe was twenty years in the making. In a letter written on January 6, 1969, Charles University student Jan Palach proposed an occupation of Prague Radio that would inform listeners of a general strike, denounce increased censorship, and express support for party reformers such as Joseph Smrkovsky. With “isolated acts” likely to prove ineffective, the students needed to use “mass communication media” if they wanted to be heard. Seeking to be a martyr for freedom, the twenty-one-year old Palach set himself on fire in Wenceslas Square on January 16, a death that led to student demonstrations in Prague that culminated in a second self-immolation on January 20—a brewery worker named J. Hlavtrý. The U.S. State Department monitored these developments from Washington, D.C. As Helmut Sonnenfeldt wrote to Henry Kissinger on January 21, “The *student-worker alliance* in acts of protest and defiance is *potentially a most threatening* development for the Prague regime and the Soviets.” With another Red Army intervention a possibility, Sonnenfeldt did not think there was much the U.S. could do to stop the Soviets if they feared the collapse of “public order,” though the U.S. Embassy believed the Palach and Hlavtrý protests were a “major setback” for hardliners because it temporarily took away the “public apathy” they needed to consolidate their power within the CzCP. By the end of February, however, the crisis had apparently passed. The self-immolation by nineteen-year old Jan Zajíc on February 25—the anniversary of the 1948 communist coup—did not result in the protests of the previous month. “Czechoslovak security forces probably will be alerted,” the CIA reported the next day, “but the population has been more or less inured to such incidents by over 30 self-immolation attempts.”²³

To dissidents like Rudolf Battek, Václav Benda, Jan Čarnogurský, Tomáš Hradilek, Ladislav Lis, and Jaroslav Šabata, all members of the Movement of Civil Liberties, Palach had sacrificed himself against the “defeatism” of his country’s leaders and their betrayal of the Czechoslovak people. His actions served as inspiration for a “reawakening” that took the form of spontaneous mass demonstrations in August 1988 around the twentieth anniversary of the Soviet invasion that ended Prague Spring. On January 9, 1989, Václav Havel received an anonymous letter from somebody threatening to burn himself on January 15 as a protest against continued repression. Hoping to prevent a suicide, Havel asked the letter-writer join him in laying flowers at the spot where Palach killed himself. Along with the Children of Bohemia,

²² Jeri Laber, *Courage of Strangers*, 297-300

²³ Jan Palach to Lubomir Holecek, January 6, 1969, “Jan Palach Week, 1989: The Beginning of the End of Czechoslovak Communism,” *National Security Archive Electronic Briefing Book No. 271*, (NSAEBB), January 26, 2009, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB271/index.htm>; CIA Directorate of Intelligence, “Central Intelligence Bulletin,” January 21, 1969, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; Helmut Sonnenfeldt to Henry Kissinger, “Czechoslovakia,” January 21, 1969, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; Telegram from U.S. Embassy in Czechoslovakia to Department of State, “Knowledgeable Czech Views Situation Darkly,” February 3, 1969, DNSA; CIA Directorate of Intelligence, “Central Intelligence Bulletin,” February 26, 1969, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA

John Lennon Peace Club, Independent Peace Association, and Society of Friends of the USA, Charter 77 circulated a flyer calling for a “short memorial” to be held in Wenceslas Square at 2 PM on January 15 to be followed by a “national pilgrimage” to Palach’s burial site in Vsetaty on January 21.²⁴

Using armored personnel carriers, water cannon, tear gas, and dogs, approximately 2200 members of the National Security Corps (SNB) and 1300 People’s Militia took “security measures” against protestors. Regaining control of Wenceslas Square and pushed outwards onto neighboring streets, SNB and People’s Militia forcefully dispersed many others who had come to participate in the memorial. The government restored order by 8 PM, but not before making over a hundred arrests. These tactics were repeated the next day. Shortly after 3 PM on January 16, 700 had gathered in Wenceslas Square to watch Charter 77, the Independent Peace Association, and Children of Bohemia lay bouquets and wreaths with tri-color ribbons that read “To Jan Palach—we remember—Charter 77” and “To Jan Palach from the Children of Bohemia.” Between 3:30 and 3:45 PM, thirteen alleged organizers, including Havel, were taken to the Municipal Department of Public Security. The protestors reacted strongly when they learned of Havel’s arrest: “The assembled crowd chanted ‘freedom,’ ‘phooey,’ ‘Gestapo.’ By rapid and decisive measures and with the help of water cannons the security units succeeded in pushing this group of persons into the adjacent streets, and then dispersing them.”²⁵

The protests continued for two more days. Some 300 people chanted for Havel’s release on January 17. A similar but larger demonstration occurred the following afternoon that had an estimated 1000 participants and 2000 spectators, a few of whom were from the U.S. and British embassies. This was just a prelude to the brutal crackdown on January 19. Government forces descended upon a small group of protestors, kicking and beating them as they lay on the ground, and forcing them to stand with their hands on their heads, all while shouting, “So its freedom you want!” Protestors who had been taken to Opletalova Street witnessed a policeman kicking a twelve-year-old boy. A crowd by bystanders in the Mústek neighborhood was attacked for accusing the police of using “Gestapo tactics.” A group of teenage boys was stripped naked, forced to stand against a wall with their arms held out, and beaten before being taken to the police station on Lazarska Street where they signed false confessions. The Ministry of the Interior credited the “decisive intervention of the security units in cooperation with members of the People’s Militia” with ending the civil disturbance. Another 400-500 protestors were detained at Vsetaty on January 21. In total, according to the official statistics, 1,702 people had their identities checked, 504 were brought in for questioning, and 204 faced prosecution. Blaming Charter 77 for “pursuing a so-called course of confrontation,” an SNB report lamented that the protests received wide coverage in the Western news media, particularly the BBC, Voice of America, and Radio Free Europe. Czechoslovak authorities told themselves that the protests

²⁴ Movement for Civil Liberties, “Jan Palach’s Challenge,” January 10, 1989, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; Herman Schwartz, “Václav Havel Trial,” c. February-March 1989, Box 13, Czechoslovakia—Mission—Czechoslovakia: Václav Havel Trial, 1989 [Schwartz, Herman], JF, HRW, CHRDR, CU; Charter 77, Children of Bohemia, John Lennon Peace Club, Independent Peace Association, and Society of Friends of the USA, “Flyer for Jan Palach Memorial,” c. January 1989, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA

²⁵ Czechoslovak Communist Party [CPCz], “Information on Events on January 13-15, 1989,” “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; CPCz, “Information on the Events of January 16, 1989, on Wenceslas Square in Prague,” “Jan Palach Week, 1989,” NSAEBB No. 271, NSA

were the work of foreign enemies who wanted to embarrass them as the CSCE Vienna Review Conference was ending.²⁶

The international community responded with condemnation. In a statement to CSCE delegates on January 17, Charter 77 spokesman Tomáš Hradilek accused his government of an “open attack” upon the Helsinki process. Although Czechoslovakia signed the concluding document promising to “avoid all actions inconstant with the Final Act,” it was doing everything possible to stop “any evolution towards democracy.” That same day in Vienna, Shultz denounced Czechoslovakia for its “timidity” in guaranteeing freedom of expression. On January 25, State Department spokesman Charles Redman called for the immediate release of anyone who had been arrested during Jan Palach Week. Elena Bonner, Andrei Sakharov, Larisa Bogoraz, and Lev Timofeyev criticized the government-run media in the Soviet Union for its failure to take a stand against Czechoslovakia. The latest of Havel’s many arrests prompted American playwright Arthur Miller to reflect upon how Palach’s self-immolation had been the ultimate act of liberation. “The puff of smoke that for a short moment drifted over his lovely city was a monument far more solid than stone or steel, immeasurably more enduring, for many was born to freedom, it is right at birth, in life, and death,” Miller wrote. Havel’s jailers were merely grasping at this smoke, futilely “throwing a net over a cloud,” for everyone knew that “the future is in Havel’s cell and the past is outside.”²⁷

As Helsinki Watch announced in a press release on February 10, Czechoslovakia had made a “travesty of the Helsinki Final Act.” By not respecting the right of citizens to contribute to the protection of human rights, it was increasingly “out of step” with glasnost. Havel was one of nine dissidents facing trial for allegedly slandering a public official (Article 156, Section 2), incitement to criminal acts (Article 164), obstructing public order (Article 156, Section A), and hooliganism (Article 202). Helsinki Watch sent a trial observer to Prague, but law professor Herman Schwartz was not allowed anywhere near the courtroom. To intimidate protestors from gathering outside on the streets, the government raised fines for public disorder and forced bystanders to identify themselves. The trial was brief. There was no evidence that Havel had used language of incitement, but that was irrelevant. Quickly found guilty, Havel was sentenced to nine months imprisonment. “With these prosecutions and its new ‘temporary’ measures, Czechoslovakia had told the world that Gorbachev may come and go, Poland and Hungary may be softening, but the Czechoslovak party bosses are not about to risk their perks and powers by loosening up,” Schwartz concluded in his report.²⁸

²⁶ Radio Free Europe, “Eyewitness Accounts of the 19th January Demonstration,” 104-106, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; SNB Report on Protests, January 22, 1989, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; Frantisek Kincl to Ladislav Adamec, “Information,” January 25, 1989, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA

²⁷ Charter 77, “To the Governments of the Countries Involved in the Process of the Conference on Security and Cooperation in Europe,” January 17, 1989, 87-88, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; George Shultz, “Secretary’s Address,” January 17, 1989, *Department of State Bulletin* (March 1989), 50, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; Elena Bonner, Andrei Sakharov, Larisa Bogoraz, Lev Timofeyev, “Protest of Prague Crackdown,” January 29, 1989, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA; Arthur Miller, “Where is the future?” January 29, 1989, 128, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA

²⁸ Helsinki Watch, “Statement by Helsinki Watch on Events in Czechoslovakia,” February 10, 1989, Box 8, Czechoslovakia—Helsinki Watch—Information and Protests, 1980, 1988-1989, JF, HRW, CHRDR, CU; Helsinki Watch, “Two Political Trials Set for February 21 in Prague,” February 15, 1989, Box 8, Czechoslovakia—Helsinki Watch—Information and Protests, 1980, 1988-1989, JF, HRW, CHRDR, CU; Janet Fleischman to Herman Schwartz, February 16, 1989, Box 13, Czechoslovakia—Mission—Czechoslovakia: Václav Havel Trial, 1989

Havel spoke defiantly just before receiving his sentence. Referring to how the government had accused of him trying “to disguise the anti-state and anti-socialist character of the planned gathering,” he observed that the words “anti-state” and “anti-socialist” had lost their meaning long ago. They were merely the derogatory terms used for anyone needed to be discredited, from CzCP General Secretaries to dissidents. Only now were the authorities beginning to acknowledge the many “serious discrepancies” Charter 77 had raised for twelve years. However, the more officials did so, the more likely they would have to confront “open and forcible social protest.” As Havel told the judge, he had originally planned to leave immediately after the Jan Palach memorial, but he stayed around for another hour because he was witnessing something that amazed him: “The police’s entirely futile interference with those who wished, quietly and without publicity, to lay flowers near the statue, succeeded instantly in transforming a random group of passers-by into a crowd of protesters. I realized just how profound civic discontent must be if something like that could happen.”²⁹

To Helsinki Watch, this trial was only the most recent example of how Czechoslovak leaders showed “contempt” for international human rights standards. An IHF delegation had its meetings with Minister of Justice and the Minister of the Interior cancelled because none of them would sit face-to-face with Jiří Hájek, who had once been Dubček’s Minister of Foreign Affairs. In a letter addressed to Prime Minister Ladislav Adamec, the IHF urged the government to begin “a dialogue” with the Czechoslovak Helsinki Committee. Helsinki Watch, IHF, Swedish Writers Union, and Swedish PEN Center submitted an amicus brief as part of Havel’s appeal, which resulted in a one-month sentence reduction. Havel would be released on parole in May 1989.³⁰

The international attention garnered by Havel’s trial appeared to have some effect on the sentencing of other dissidents. Ota Veverka received one year and Jana Petrová nine months on February 22 for laying flowers in Wenceslas Square, but the five others arrested with them on January 16 had their sentences suspended. On March 9, Ivan Jirous was sentenced to sixteen months and Jiří Tichý six months for organizing a petition drive in August 1988 that blamed the government for Pavel Wonka’s death. Pavel Dudr, Jaromír Němec, Tomáš Dvorac, Hana Marvanová, and Dušan Skála—all convicted of distributing samizdat—had their sentences suspended. Tomáš Hradilek and Libuše Šilhánová were also given suspended sentences for filing complaints about the police’s use of violence during Jan Palach Week.³¹

Poland: “A Decaying Power Elite”

[Schwartz, Herman], JF, HRW, CHRDR, CU; Herman Schwartz, “Václav Havel Trial,” c. February-March 1989, Box 13, Czechoslovakia—Mission—Czechoslovakia: Václav Havel Trial, 1989 [Schwartz, Herman], JF, HRW, CHRDR, CU

²⁹ Václav Havel, “Concluding Statement at Prague 1 District Court,” February 21, 1989, 148-149, “Jan Palach Week, 1989,” NSAEBB No. 271, NSA

³⁰ Helsinki Watch, “Helsinki Watch Deplores Sentencing of Czech Activist,” February 21, 1989, Box 8, Czechoslovakia—Helsinki Watch—Information and Protests, 1980, 1988-1989, JF, HRW, CHRDR, CU; Helsinki Watch, “Four Human Rights Organizations Submit Amicus Brief,” c. March 1989, Box 8, Czechoslovakia—Helsinki Watch—Information and Protests, 1980, 1988-1989, JF, HRW, CHRDR, CU; Helsinki Watch, “Czechoslovak Officials Refuse Rights Meeting,” March 6, 1989, Box 8, Czechoslovakia—Helsinki Watch—Information and Protests, 1980, 1988-1989, JF, HRW, CHRDR, CU; Helsinki Watch, “Havel’s Appeal,” *News from Czechoslovakia*, April 13, 1989, Box 8, Czechoslovakia—Helsinki Watch—Information and Protests, 1980, 1988-1989, JF, HRW, CHRDR, CU

³¹ Helsinki Watch, “Nine Political Trials Since February 21,” *News from Czechoslovakia*, April 13, 1989, Box 8, Czechoslovakia—Helsinki Watch—Information and Protests, 1980, 1988-1989, JF, HRW, CHRDR, CU

A series of mining strikes in summer 1988 led to secret meetings between Solidarity leader Lech Wałęsa and Interior Minister Czesław Kiszczak that continued through the end of the year. At a January 1989 plenum, the Polish United Workers Party (PZPR) began internal discussions about formally recognizing Solidarity. Representatives from the PZPR-led Communist coalition, the Catholic Church, and Solidarity began the Round Table Negotiations in February. They announced an agreement on April 5 allowing for the first free elections in Eastern Europe since before World War II. As U.S. Ambassador John Davis quickly realized, Solidarity had many advantages over the PZPR. The June elections were “an unpredictable danger” for the government, but presented an “enormous opportunity” for Solidarity. Although the PZPR was nothing if not a massive bureaucracy, it had no experience at persuading an electorate, a task made all the more difficult by its deep unpopularity. The regime had made the classic mistake of underestimating the strength and depth of the opposition, according to Davis, as Solidarity overcame its relative inexperience to sign up several million voters who were motivated by the prospect of an actual election.³²

Two days before the first round of elections on June 4, Davis predicted a “nearly-total Solidarity victory.” However, too large of a victory threatened to provoke a “sharp defensive reaction” that might very well involve the military: “One senses that the historical force of a vast and powerful current is about to transform Poland’s topography forever.” With voters given a choice whether to continue four decades of socialist rule, democratization turned everything upside down. Unable to compete electorally, the PZPR had revealed itself as “a decaying power elite.” Solidarity, in contrast, had developed the cohesion that was characteristic of Western political parties. Solidarity won all 161 seats up for grabs in the National Assembly (Sejm) and ninety-nine out of a possible 100 in the Senate. Most disturbing to the PZPR, the thirty-five candidates who ran unopposed failed to get the necessary fifty percent for them to win their seats, even after Wałęsa had instructed Solidarity to vote for them. Following the defection of ten communists, Solidarity had a majority in the National Assembly, as Davis wrote, “If Jaruzelski is still to be elected president, it will only be with Solidarity acquiescence if not more active support.” This arrangement had the potential to jeopardize the implicit understanding upon which the Round Table Agreement rested. Although Solidarity tried to soften the blow of its “excessive victory,” it could not allow Jaruzelski to hold onto the presidency without alienating its membership. Solidarity again won overwhelmingly two weeks later. It was then that Kiszczak warned church officials that if Jaruzelski lost the presidency, the military was prepared to end this “political transformation.” Fearful about what might happen next, Solidarity leaders asked Davis how they could keep Jaruzelski in office without actually voting for him. On June 23, Davis advised them to use “head counting” so that a large number of Solidarity representatives would be “ill” or “absent” when the vote occurred. Complicating matters was that Jaruzelski did not want to suffer the public humiliation of having to “creep into the presidency.”³³

³² John R. Davis, Jr., U.S. State Department Cable from Warsaw to the Secretary of State, “Election ’89: The Year of Solidarity,” April 19, 1989, “Solidarity’s Coming Victory: Big or Too Big?: Poland’s Revolution as Seen from the U.S. Embassy,” *National Security Archive Electric Briefing Book No. 42* (NSAEBB), c. April 2001, National Security Archive (NSA), <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB42/>

³³ John R. Davis, Jr., U.S. State Department Cable from Warsaw to the Secretary of State, “Election ’89: Solidarity’s Coming Victory: Big or Too Big?” June 2, 1989, “Solidarity’s Coming Victory: Big or Too Big?” NSAEBB No. 42, NSA; John R. Davis, Jr., U.S. State Department Cable from Warsaw to the Secretary of State, “Election ’89:

On July 3, Solidarity intellectual Adam Michnik proposed a power-sharing arrangement in which the PZPR would continue to have the presidency and Solidarity would have one of its own as prime minister. The PZPR countered with an offer to maintain its hold on the national security ministries—Internal Affairs, Foreign Affairs, and Defense—with Solidarity taking the rest. But Wałęsa rejected any notion of a “grand compromise” in early August. Bronisław Geremek followed with a statement that Solidarity would not accept Kiszczak as Prime Minister. Catching the PZPR completely unprepared, Wałęsa successfully recruited the minor parties in the PZPR-led coalition, the United People’s Party (ZSL, soon to become the Polish Peasants’ Party) and the Democratic Party (SD).³⁴

U.S. Ambassador Jack Matlock was quite certain that the Soviet Union would accept a Solidarity government. Such “acquiescence” would be line with Gorbachev’s thinking on foreign policy. A “strong reaction”—politically, economically, or militarily—would not be forthcoming. For all intents and purposes the Brezhnev Doctrine was no longer operational. “Although Solidarity may be a bitter pill to swallow,” Matlock wrote on August 16, “our best guess is that the Soviets will do so, if it comes to that, after much gagging and gulping.” After assuring the Soviets that Poland would remain in the Warsaw Pact, Walesa and Jaruzelski struck a deal on August 19. A Solidarity Prime Minister would lead a cabinet with ministers chosen from Solidarity, the SD, the ZSL, and the PZPR. By giving five ministries to the PZPR, Wałęsa wanted former Communist leaders to have a stake in the country’s direction, what Davis described as a “grand coalition through the back door.” Now that Poland was transitioning to a post-communist society, as Deputy Secretary of State Lawrence Eagleberger instructed Davis on August 24, Davis’s next task was “to promote and ensure the realization of economic prosperity in Poland, to include stable growth, full employment, low inflation, high productivity, and a Mercedes (or equivalent) in every garage.”³⁵

With political rights secure for most Polish citizens, Helsinki Watch/Human Rights Watch took up a pair of issues during the early 1990s—women’s rights and prisoners’ rights—that were indicative of the broadening interests of the international human rights movement in the post-Cold War era. His country still lacking a constitution more than three years after one-party rule had ended, Wałęsa introduced the “Charter of Rights and Freedoms” in November 1992. What concerned Joanna Weschler of Human Rights Watch was an anti-abortion law that stipulated prison terms for women and doctors and banned the use of specific contraception methods such as intrauterine devices. A committee headed by Zbigniew Bujak had circulated a petition to put the law to a referendum, but its efforts were opposed by Wałęsa and the Catholic Church. “My sense is that Poland could really benefit from an ACLU-like organization right now,” Weschler wrote in October 1990. With Poland having one of the highest rates of incarceration in Europe, prison conditions were another problem. The Polish Helsinki Committee requested the Senate International Commission allow outside prison monitoring, but

Solidarity’s Victory Raises Questions,” June 6, 1989, “Solidarity’s Coming Victory: Big or Too Big?” NSAEBB No. 42, NSA; John R. Davis, Jr., U.S. State Department Cable from Warsaw to the Secretary of State, “How to Elect Jaurzelski without Voting for Him, and Will He Run?” June 23, 1989, “Solidarity’s Coming Victory: Big or Too Big?” NSAEBB No. 42, NSA

³⁴ Gregory F. Domber, “Solidarity’s Coming Victory: Big or Too Big?”

³⁵ Jack Matlock, U.S. State Department Cable from Moscow to the Secretary of State, “If Solidarity Takes Charge, What Will the Soviets Do?” August 16, 1989, “Solidarity’s Coming Victory: Big or Too Big?” NSAEBB No. 42, NSA; U.S. State Department Cable from Secretary of State to Warsaw, “Ambassador’s Instructions,” August 24, 1989, “Solidarity’s Coming Victory: Big or Too Big?” NSAEBB No. 42, NSA

it mostly dealt with cases that could be attributed to “wild capitalism of the nineteenth century nature,” in the words of Ewa Łętowska, a law professor at Warsaw University. Some things had not changed so much. As has been true under Jaruzelski, the most important issue facing many Poles was economic survival.³⁶

“This Entire Era in the History of the Socialist System is Over”

Helsinki Watch’s Janet Fleischman was in Prague when People’s Liberation Army tanks crushed pro-democracy student protests in Tiananmen Square on the night of June 3, 1989. By launching a military assault against their own citizens, Chinese leaders ended Beijing Spring in a manner that was all too familiar to longtime Czechoslovak dissidents. Remembering how Soviet tanks ended Prague Spring, some worried that the massacre would embolden party hardliners just as it seemed that the public was more engaged in their struggle than ever before. Factory workers were raising money for the families of political prisoners. Independent groups were arising in the so-called “gray zone”—between the official and unofficial worlds that defined daily life in Czechoslovakia. A civil society was beginning to emerge out of the shadows.³⁷

It was evident to Jeri Laber by August that Czechoslovak citizens were finally seeing the benefits of glasnost. The Soviets had ended radio jamming of Western stations, providing listeners with glimpses of a world beyond the Iron Curtain. In what would have been unthinkable just a few years earlier, she implied that Gorbachev’s renunciation of the Brezhnev Doctrine was what *enabled* the CzCP to stick to its repressive policies as the Soviet Union needed to do more to push Czechoslovakia towards reform. With Poland finally condemning the August 1968 invasion and Hungary about to do so, Laber predicted it was only a matter of time before the “lie” that the Soviet Union was “invited” would be exposed for all to see, thereby destroying whatever credibility the CzCP still had.³⁸

On March 23-24, 1989, Gorbachev hosted the General-Secretary of the Hungarian Socialist Workers Party (MSzMP), Károly Grósz, a stalwart who wanted advice on how he could keep power in the face of such overwhelming circumstances. Grósz was concerned with the resentment many Hungarians still felt over the 1956 Soviet invasion: “We have to face our past, hard and painful as it is.” After reexamining its decision to intervene in Czechoslovakia, the CPSU concluded that it had been justified to remove Alexander Dubček for letting “counter-revolutionary forces” threaten the Warsaw Pact. Gorbachev encouraged Grósz to also look at what happened in 1956. Both of their countries were undergoing immense changes, as Gorbachev told him, “Democracy is much needed and interests have to be harmonized. The limit, however, is the safekeeping of socialism and assurance of stability.”³⁹

³⁶ Joanna Weschler to Jeri Laber and Aryeh Neier, “Update on Poland,” December 1, 1992, Box 26, Poland—General—1990-1992, Record Group 7, Series I.1, Files of Jeri Laber (JL), Country Files: Poland (Poland), Human Rights Watch Papers (HRW), Center for Human Rights Documentation and Research (CHRDR), Columbia University (CU); Joanna Weschler to Jeri Laber, “Fall 1990 Poland Trip,” October 12, 1990, JL, Poland, HRW, CHRDR, CU

³⁷ Janet Fleischman, “Czechs Chilled by Beijing Spring,” *Chicago Tribune*, July 1, 1989

³⁸ Jeri Laber, “Prague’s Turn for Liberty is Coming,” *International Herald-Tribune*, August 17, 1989

³⁹ Memorandum of Conversation between M.S. Gorbachev and Karoly Grosz, General Secretary of the Hungarian Socialist Workers Party,” March 23-24, 1989, “The Revolutions of 1989: New Documents from Soviet/East European Archives Reveal Why There Was No Crackdown,” *National Security Archive Electronic Briefing Book No. 22* (NSAEBB), November 5, 1999, National Security Archive (NSA), <http://www.gwu.edu/~nsarchiv/news/19991105/index.html>

The MSzMP had decided in February 1989 to begin a “peaceful transition” to a representative democracy. “It is our solid determination to separate ourselves from the remnants of the Stalinist model,” Grósz declared at the opening session of the National Roundtable Negotiations on June 13. He believed that Hungary needed a socialist constitution based on popular consent to overcome its crisis. Imre Kónya, a representative from the Oppositional Roundtable, wanted Hungarians to decide which “political forces they commission to exercise power.” Kónya promised that free elections would lead to a “significant revival” of public life in Hungary, but this would be possible only when the military removed itself from politics. The Oppositional Roundtable did not sit down with the government merely to gain power for itself, he insisted, but to create a situation in which the people could gain power without resorting to violence. It was this mutual understanding that Czechoslovak dissidents lacked with the CzCP. Drawing over 100,000 people, a reburial for national hero Imre Nagy on June 16 turned into an anti-government protest. Leader of the failed 1956 Hungarian Revolution, Nagy was betrayed and hanged by János Kádár in 1958. Kádár would serve as MSzMP General-Secretary for the next thirty two years. His death on July 6 marked the end of one-party rule in Hungary. The MSzMP preferred controlled elections similar to Poland, but the Oppositional Roundtable successfully pushed for a national referendum in November on whether to hold free and open multiparty elections in spring 1990. Anticipating that it would lose badly, the MSzMP officially dissolved itself in October. The Hungarian People’s Republic was renamed the Hungarian Republic, as Laber recalled in her memoir, “The Communists’ misuse of the words had been so Orwellian that it was only by removing the word ‘people’ from the country’s name that Hungary would once again belong to its people.”⁴⁰

Not nearly as restrictive on foreign travel as his counterparts in East Germany and Czechoslovakia, Hungarian Prime Minister Miklós Németh informed Gorbachev on March 3 that he was going to remove “the electric and technological defense” along Hungary’s western and southern borders. He did not tell the East Germans of these plans. On August 19, as a sign of greater openness with the West, Hungary hosted a Pan-European picnic at Sopron, near the Austrian boundary, which allowed some East Germans to flee through a section of the border that had already been opened. The East Germany Communist Party (SED) unsuccessfully called upon the rest of the Warsaw Pact countries into pressuring Hungary to close its borders again, and Hungarian officials made no attempts to persuade East Germans to return. Unwilling to admit that this reflected a failure on its part, the SED was stunned at what it perceived to be Hungary’s apostasy: “With the massive scale of the migration of thousands of GDR citizens, a socialist country will establish in effect a public precedent supporting the FRG [West German] position.” Németh then ordered the removal of all remaining barbed wire on September 11.⁴¹

Though he would have preferred to be anywhere else than with SED leader Erich Honecker that day, Gorbachev went to Berlin in early October for the fortieth anniversary of the German Democratic Republic. Gorbachev’s aide Anatoly Chernayev wrote in his diary on

⁴⁰ Excerpts of a Transcript of Opening Full Session of the National Roundtable Negotiations,” June 13, 1989, “The Revolutions of 1989,” NSAEBB No. 22, NSA; Laber, *Courage of Strangers*, 312-313

⁴¹ Transcript of SED Politburo Sessions, September 5, 1989, “A Different October Revolution: Dismantling the Iron Curtain in Eastern Europe,” *National Security Archive Electronic Briefing Book No. 290* (NSAEBB), October 9, 2009, National Security Archive (NSA), <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB290/index.htm>; Memorandum of Conversation between Oskar Fischer and Vyacheslav Kochemassov, September 7, 1989, “A Different October Revolution,” NSAEBB No. 290, NSA; Gerd Vehres to Oskar Fischer, September 10, 1989, “A Different October Revolution,” NSAEBB No. 290, NSA

October 5 how he and Gorbachev made sure there was “not a word in support of Honecker” in the speech, for there were many signs that the end was near: large demonstrations in Dresden and Leipzig; persistent rumors that the Berlin Wall would be stormed during Gorbachev’s visit; footage on West German television of a train filled with refugees passing through Dresden on the way from Prague; and numerous stories in the Western press about German reunification. Even after Gorbachev warned him on October 7 not to be “late” in taking the initiative, all Honecker did was accuse the West of using the “disintegration” of Poland and Hungary to launch a “strike against socialism.” While speaking in front of the SED Politburo, Gorbachev repeated the same advice he gave to Honecker in private: “Life itself will punish us if we are late.” Gorbachev referred to Honecker’s rapidly fading fortunes by drawing upon a lesson he had learned from the miners he once represented as Donetsk Regional Party Committee Secretary. How was it possible, the workers asked themselves, that they had no water in their town for two weeks and the chairman of the local executive committee had not visited once? “It is no surprise that the workers actively supported certain communists, but demanded that others be immediately replaced,” Gorbachev said. “And we often see that some leaders cannot pull the card any more, but we don’t dare replace them, we are afraid to offend them. Meanwhile, the problems grow and become very painful.”⁴²

Gorbachev had nothing but contempt for Honecker. In an October 11 conversation with Chernayev and another aide, Georgy Shakhnazarov, Gorbachev called Honecker a “scumbag [mudak]” for refusing to step down. Honecker might have made things easier by citing health concerns or old age, but he certainly be “cursed by his people.” Indeed, Honecker had ordered that the demonstration in Leipzig be ended by force if necessary, but just when it seemed on October 9 that there would be a repeat of Tiananmen Square, the police did not act. Honecker was replaced by Egon Krenz within a week. Krenz allegedly had been the SED functionary who instructed the police not to use violence against protestors as they chanted “We are the people!”⁴³

As Wałęsa and Geremek met with West German Chancellor Helmut Kohl on November 9 only hours before the Berlin Wall was dismantled, no one—not even Krenz—knew what was about to happen next. An estimated 10,000-15,000 East Germans were fleeing each day. Krenz promised party competition and free elections, but such proposals were too little too late. Kohl thought Krenz might have been successful two years earlier, but not now; not when there were crowds of 500,000 in Leipzig and 600,000-700,000 in Berlin demanding that the SED relinquish power. With so many people in the streets, the police was practically useless. Wałęsa assumed that the demise of East Germany would turn West Germany’s attention away from assisting Poland’s transition to a market economy, as he said to Kohl, “A stream of people moves to the West and no one is left to turn off the lights. He asks himself if the Federal Republic of Germany would stop this influx.” Kohl considered the fates of East Germany and West Germany to be intertwined, so it was not up to him to stop what was happening across the

⁴² Diary of Anatoly Chernayev, “Gorbachev’s Visit to the GDR,” October 5, 1989, “A Different October Revolution,” NSAEBB No. 290, NSA; Record of Conversation Between Mikhail Gorbachev and Erich Honecker, October 7, 1989, “A Different October Revolution,” NSAEBB No. 290, NSA; Record of Conversation Between Mikhail Gorbachev and Members of the CC SED Politburo, October 7, 1989, “A Different October Revolution,” NSAEBB No. 290, NSA

⁴³ Diary of Anatoly Chernayev, “Erich Honecker,” October 11, 1989, “A Different October Revolution,” NSAEBB No. 290, NSA

border. When asked by Wałęsa if the Berlin Wall would stand for another week, Kohl answered that he did not know.⁴⁴

“The Berlin Wall has collapsed,” Chernayev wrote on November 10. “This entire era in the history of the socialist system is over...the main thing is the GDR, the Berlin Wall. For it has to do not only with ‘socialism,’ but with the shift in the world balance of forces. This is the end of Yalta.” As he often did in his diary entries, Chernayev credited Gorbachev with allowing these events to transpire: “This is what Gorbachev has done. And he had indeed turned out to be a great leader. He has sensed the pace of history and helped history to find a natural channel.”⁴⁵

Velvet Revolution

Czechoslovakian dissidents despaired that the Eastern Bloc was falling around them. “We had nowhere to go,” Rita Klimová said as she watched East Germans stream into Hungary and Austria. “It’s the beginning of disintegration,” predicted Jiří Hájek. “Some groups in the Party want to be the first to take the initiative. One of the cards up their sleeve is ‘dialogue with society.’ But no one is ready to play it yet.” Václav Havel was troubled by how many of those around him expected to be rescued by Westerners: “We’ve got to help ourselves.” On the morning of October 18, Hájek, Klimová, and Jeri Laber were on their way to a gathering of dissidents at the U Piaristů restaurant, but were turned away by a uniformed policeman who told them that it was closed. When it became evident that a group of undercover agents was there to stop them, Hájek and Klimová warned Laber in English that they were going to be arrested. As Laber reached for her camera, she was apprehended by two officers, karate chopped behind her knees, and thrown into the backseat of car with Ladislav Lis. Sixteen in all were brought in for questioning. Laber would be released after an hour.⁴⁶

National Day—October 28—marked the return of protests not seen since Jan Palach Week in mid-January. What began as a state-sanctioned rally in Prague on November 17 was the first in a series of massive demonstrations. Demanding an end to one-party rule and the ouster of party leadership, the 40,000-50,000 participants—thought to be the largest number in two decades—held banners that read “WHO IF NOT US, WHEN IF NOT NOW,” “FREEDOM,” and “THE DINOSAURS OUT,” while chanting “WARSAW, BERLIN, AND NOW PRAGUE” were beaten by truncheon-wielding police as they moved towards Wenceslas Square. Singled out for physical abuse were foreign reporters. Paula Butturini of the *Chicago Tribune* has given a serious head wound. A cable from the U.S. Ambassador Shirley Temple Black (the former child actress) characterized the Jakes government as “scared and isolated,” as this latest display damaged “what little popular legitimacy it had as well as its longevity.” The crowds grew even larger through the weekend. An estimated 150,000 people attended the protests on November 20. This public pressure was matched by the Soviets who told the Czechoslovak Communist Party (CPCz) that it should no longer use 1968 as an excuse to hold off on reform. As a sign of how deeply Czechoslovaks distrusted their government, rumors of

⁴⁴ “Talks of Chancellor Kohl with the President of Solidarity Trade Union, Walesa,” November 9, 1989, “The Revolutions of 1989,” NSAEBB No. 22, NSA

⁴⁵ Excerpt from the Diary of Anatoly Chernayev, November 10, 1989, “The Revolutions of 1989,” NSAEBB No. 22, NSA

⁴⁶ Laber, *Courage of Strangers*, 323-327

the death of a student protestor named Martin Smid persisted even after he was shown alive on state television.⁴⁷

At a press conference in his apartment on November 20, Havel announced the formation of the Civic Forum, an “open society” consisting of a multitude of independent groups who agreed on a four-point agenda: a historical reevaluation of 1968, the resignation of all 1968-era figures still active in the party, a commission to investigate charges of police brutality against protestors, and the release of all political prisoners. The Civic Forum’s first action was to call for a general strike to be held on November 27. The U.S. Embassy heard rumors that Havel was claiming that the Civic Forum had highly-influential supporters, “Politicians all over town are shoving membership cards up their sleeves to be ready when the situation changes.” Socialist Party leader Jan Škoda and Bohumil Svoboda of the People’s Party had both given their endorsements. Havel was prepared to work with anyone to achieve these goals, including CPCz functionaries who had not been involved in the post-1968 normalization.⁴⁸

The Civic Forum did not think of itself as a political party, but a manifestation of the public will. Seeking to resolve what was becoming an untenable situation for the government, it entered into negotiations of an “information character” with Prime Minister Ladislav Adamec on November 21. Two days later at Wenceslas Square, Havel unveiled the Civic Forum Declaration, a statement proclaiming that there would be no return to the previous system, which had been responsible for leading the country to the brink of a spiritual, moral, political, economic, and ecological crisis. Directly appealing to the People’s Militia, the police, and the Czechoslovak People’s Army to side with the people, the Civic Forum stated, “We are the opponents of violence, we do not want revenge, we want to live as dignified and free people, who have the right to speak for the fate of their homeland and who also think of future generations.”⁴⁹

A desperate CPCz Central Committee met on November 24. The protests constituted “a direct attack on the socialist establishment” and had to be stopped immediately, but Adamec made the crucial decision not to use force against the protestors: “After a certain period the situation could explode again, bringing on another crisis, with still more unpredictable results.” Recent attempts to subdue protestors in this way had not fostered any obedience to the party, and, in fact, only furthered the “radicalization of youth.” There were other factors that Adamec had to consider as well. Czechoslovakia was increasingly estranged from its former Warsaw

⁴⁷ Shirley Temple Black, U.S. State Department Cable from Prague to the Secretary of State, “Brutal Suppression of Czech Students’ Demonstration,” November 18, 1989, “The Velvet Revolution Declassified,” *National Security Archive Electronic Briefing Book No. 141* (NSAEBB), November 17, 2004, National Security Archive (NSA); Shirley Temple Black, U.S. State Department Cable from Prague to the Secretary of State, “Embassy Protest of Attack on American Journalists during November 17-19 Demonstrations in Prague,” November 20, 1989, “The Velvet Revolution Declassified,” NSAEBB No. 141, NSA; U.S. State Department Cable from Prague to the Secretary of State, Shirley Temple Black, “Demonstrations Continue Over Weekend in Prague,” November 20, 1989, “The Velvet Revolution Declassified,” NSAEBB No. 141, NSA

⁴⁸ Shirley Temple Black, U.S. State Department Cable from Prague to the Secretary of State, “Demonstrations Continue Over Weekend in Prague,” November 20, 1989, “The Velvet Revolution Declassified,” NSAEBB No. 141, NSA

⁴⁹ Civic Forum, “Document 2,” November 20, 1989, “Collection of Writings and Communications from the Czechoslovak Organization ‘Civil Forum,’” *Czechoslovakia in the Cold War*, Cold War International History Project Digital Archive (CWIHP), <http://wilsoncenter.org/digital-archive>; Civic Forum, “Document 3,” November 21, 1989, “Collection of Writings and Communications from the Czechoslovak Organization ‘Civil Forum,’” CWIHP; Civic Forum, “Document 9: The Declaration of the Civic Forum,” November 21, 1989, “Collection of Writings and Communications from the Czechoslovak Organization ‘Civil Forum,’” CWIHP

Pact allies, and the West was likely to respond to any crackdown with economic sanctions. Adamec's speech ensured that the CPCz would seek a "political solution," thus avoiding the bloody showdown feared by so many.⁵⁰

A smooth transition of power—what Havel termed a "Velvet Revolution"—began in earnest. After meeting again with the Civic Forum following a general strike on November 27, Adamec announced that the government had agreed to a new constitution that no longer had a leading role for the CPCz nor specified that Marxist-Leninism was the state ideology. The Federal Assembly elected Havel president by unanimous vote on December 29. He was reelected by the people in the June 1990 elections, the first free elections in Czechoslovakia since 1946.⁵¹

Lustration: "The Big Ones are Laughing at Us"

As a show of respect to Slovak human rights activists, the International Helsinki Federation hosted a conference at Bratislava, Czechoslovakia in February 1990. Jan Čarnogurský, a Slovak dissident who became Deputy Prime Minister, went up to Jeri Laber at the meeting and thanked her. "My observation of the meeting was that Jeri, who has traveled extensively in Central Europe, could run for sainthood if such an office existed," Robert Bernstein wrote in the foreword to Human Rights Watch's *1989 Annual Report*. Čarnogurský was just one of numerous former Eastern European dissidents who were moving into politics. With Andrei Sakharov's death in December 1989, Czechoslovak President Václav Havel had become the one of world's best known human rights figures.⁵²

To express his gratitude to Helsinki Watch, Havel visited its New York office in February 1990. Laber recounted how fortunate Havel was to be walking behind her, Rita Klimová, and Jiří Hájek when they were arrested in October 1989 because that allowed him enough time to run away. Who could have guessed then that Havel would be making an official state visit to the U.S. only four months later? Pleased to be among friends, Havel said, "Perhaps without your help, our revolution would not be." Also there to see him were Moscow Helsinki Group founder Yuri Orlov and KOR co-founder Henri Dboyats. Orlov asked Havel if Charter 77 had been influenced by Soviet dissidents. Havel replied how helpful it was to know that there were people in the Soviet Union on their side. In response to Laber's question of what Helsinki Watch should do now that the Velvet Revolution had been completed, he answered, "I hope that they will control [presumably Havel meant "watch" or "monitor"] the contemporary government, president, assembly, etc. like in normal democratic societies."⁵³

Havel faced many difficulties upon assuming the presidency. Political rivals and rising Slovak nationalism were just the beginning of them. The end of price controls in January 1990

⁵⁰ Ladislav Adamec, "Speech by Premier Ladislav Adamec at an Extraordinary Session of the CPCz CC," November 24, 1989, "The Revolutions of 1989," NSAEBB No. 22, NSA

⁵¹ Civic Forum, "Document 22," November 28, 1989, "Collection of Writings and Communications from the Czechoslovak Organization 'Civil Forum,'" CWIHP; Joseph A. Reave, "Havel Gets Credit for Big Turnout," *Chicago Tribune*, June 10, 1990

⁵² Robert Bernstein, "Foreword," *1989 World Report* (New York, NY: Human Rights Watch, 1990), <http://www.hrw.org/reports/1989/WR89/>; Robert Bernstein to Václav Havel, February 22, 1990, Box 17, Czechoslovakia—Havel, Vaclav—Havel Day [At Helsinki Watch]—1990, JL, Czech, HRW, CHRDR, CU

⁵³ Transcript of Havel Day, February 22, 1990, Box 17, Czechoslovakia—Havel, Vaclav—Havel Day [At Helsinki Watch]—1990, JL, Czech, HRW, CHRDR, CU

tripled the cost of basic goods. His efforts to end the armaments industry fell apart when workers protested about losing their jobs. Beyond their economic troubles, Czechoslovakians were haunted by another legacy of communist rule—complicity. What should be done with those suspected of collaborating with the former regime? Havel personally forgave a former jailer of his, but such magnanimity was unusual. Like he did in a speech on New Year's Day 1990, he often made the point that everyone bore some responsibility for the past, "I mean all of us became accustomed to the totalitarian system." The new Czechoslovak Ambassador to the U.S., Rita Klimová, credited Havel with helping the country move towards the future: "When someone like Havel, who's the least guilty, says that we're all guilty, it's a very, very profound and healing thing to say."⁵⁴

For some, it was hard to believe that the party would give up its power so easily. That many former CzCP leaders used their insider access to profit handsomely during the transition to capitalism gave the impression that the StB was still in charge. While former dissidents were struggling like everyone else, former party bosses were in government, already in private business, or had retired with generous pensions. Realizing they could use this issue to their benefit, right-wing politicians demanded that all former high-ranking CzCP functionaries, StB agents, and collaborators be prohibited from holding state office. Havel objected to this proposal because it was premised upon collective guilt, as he told Laber, "We have not yet found a dignified and civilized way to reckon with our past. The lustration act affects the small fish. The big ones are laughing at us. They've become capitalists." Nevertheless, legislators passed the law in October, which Havel signed because he wanted to avoid another dispute while the new constitution had yet to be ratified. "I do not feel the need for revenge," he said, "but as a state official, I have no right to proclaim a universal act of clemency."⁵⁵

The lustration case Helsinki Watch followed most closely was that of Jan Kavan, a former Sixties protestor who had become an international man of intrigue in the decades since. Kavan was about to return to Czechoslovakia after two decades of exile when he was detained at the Prague International Airport on November 25, 1989 for entering with a British passport under the name of I.M. James. His father, a foreign officer named Pavel Kavan, once disappeared for a year, only to reemerge as a witness at Rudolf Slansky's show trial in November 1952, eventually receiving a sentence of twenty-five years of hard labor for smuggling goods out of the country. Pavel was released after three years, but he would die of a heart-attack at the age of forty-five. Holding the government responsible for his father's death, Jan became an organizer during Prague Spring, travelling to London, Paris, Chicago, Berkeley, Budapest, and Dubrovnik as a student spokesman. Over the next decade, he built a massive smuggling operation into and out of Czechoslovakia; in went books, records, journals, medicine, cameras, and copy machines and out came samizdat, manuscripts, manifestos, and videotapes. The front for these activities was Palach Press, which had been responsible for translating the Charter 77 documents that were an important source of information for Western NGOs like Helsinki Watch.⁵⁶

Kavan's secretiveness and risk-taking made him difficult to work with. "Kavan has alienated the human rights community because he's such a cowboy," said Kenneth Roth of Human Rights Watch. "On the other hand, perhaps you had to be such a cowboy to get such

⁵⁴ Stephen Schiff, "Havel's Choice," *Vanity Fair* (August 1991)

⁵⁵ Jeri Laber, "Witch Hunt in Prague," *New York Review of Books* (April 23, 1992)

⁵⁶ Lawrence Weschler, "The Velvet Purge: The Trials of Jan Kavan," *Vanity Fair* (October 19, 1992), 66-69

good stuff.” In April 1981, to cite one example, Czechoslovak customs pulled over a camper van. Kavan’s drivers tried to eat the papers in their possession, but the officers confiscated Pavel Tigríd’s samizdat journal, *Svedectví* (*Testimony*), which resulted in the arrest of Kavan’s contact, Jiřína Siklová, and dissidents such as Jiří Ruml, Jan Ruml, Jiří Hájek, Olga Havel, Ivan Havel, Jiří Müller, and Karel Kyncl. Complicating matters further, Kavan had invited a British television reporter to do a story about this particular operation. When the documentary attributed the arrests to a list of names that had been taken from the van, Kavan accused the reporter of libel and filed a complaint with British regulators. Tigríd ultimately concluded that the police must have learned the names from a list of subscribers to *Svedectví*, but some of Kavan’s detractors wondered why he had been able to sneak past security so many times over the years. The trick, according to Kavan, was changing the last name on his British passport. He was I.M. Frasier before I.M. James.⁵⁷

After finally making it through the airport, Kavan spent much of his time at the Magic Lantern Theater, the center of Civic Forum activities in November 1989, organizing interviews with foreign reporters. Elected to the Federal Assembly from a Prague district, he was sworn into office on June 27, 1990 only to suffer a heart attack that same day (followed by another one that August). Formed in January 1991 in response to the persistent rumors that many of the newly-elected legislators had ties to the StB, the former secret police, the November 17 Commission, a fifteen member investigative panel chaired by Jiří Ruml, was authorized to look through StB files and registries to identify former agents and informants. Any individual whose name was found on these lists had the choice of either resigning immediately or being publicly denounced. On February 22, 1991, Stanislav Devátý, a friend for whom Kavan had undertaken emergency missions during the 1980s, informed Kavan that next to his name were two notations—“DS” and “Kato”—that meant he had been some kind of informant. Most of Kavan’s file was missing, but there were hundreds of pages documenting his collaboration with the StB in 1969-1970. Weeks after Palach’s self-immolation in January 1969, Kavan was brought in for a currency violation right before he was to leave for Oxford University. It was then, the commission determined, that Kavan was approached by a StB agent named Stanislav Patejdl who offered to drop the charges in exchange for updating the Czechoslovak Embassy on anti-Czechoslovakia student protests and critics such as the British journalist William Shawcross.⁵⁸

But the evidence against Kavan was flawed. The file had virtually nothing past summer 1970, casting doubt that Kavan had been a collaborator past that date. An investigation by Petr Uhl found that the set of StB files on foreign surveillance which contained Kavan’s name was not as reliable as the domestic files. Unwilling to offer his resignation, Kavan was finally allowed to see a portion of his file on March 18, 1991. By a one vote margin, the November 17 Commission voted on March 23 to publicly name Kavan as a collaborator. Kavan denied the accusation in front of parliament, a speech in which thirty-five of his colleagues walked out. It was too late. A videotape of his November 1989 interrogation was leaked. Most damaging to Kavan’s reputation was how it showed him drinking and toasting with StB agents.⁵⁹

Kavan had an explanation. He did not deny his numerous visits to the embassy, but the officer with whom he usually met—education attaché František Zajicek—had presented himself as a secret Dubček supporter. “How was I supposed to know he was recording everything I said

⁵⁷ Ibid., 74-78

⁵⁸ Ibid., 68-69

⁵⁹ Ibid., 69-70, 89-92

for transmittal back to the StB, sometimes with considerable embellishment?” Kavan asked. In fact, the primary reason why Kavan even talked to Zajicek was that he had been asked to do so by the S.V.S. Student Union, on whose board Zuzana Blüh was serving at the time.

It was 1969, and the situation was getting critical. The S.V.S. had moved into open opposition against the regime, and the regime was moving to have us banished—things were very tense. At the same time we were supposed to be representing students in their everyday interests. And so—I remember it vividly, spring of 1969, because it was my first trip West—I arrived with power of attorney for our man, Jan Kavan, and instructions for him to found a branch of our union there. Identical things were happening in other places. I was present at the meeting of Czech students where he was elected chairman. And I remember telling him afterward to go to the Embassy—that it would now be one of his responsibilities to serve as liaison for all these students with the education officer there. Luckily, I didn’t have time to go there myself that day, or I’m sure I’d have got listed as a collaborator as well. But he came back, he told me about this sympathetic diplomat he had met there who seemed to share many of our views. And so, over the months ahead, he opened up to him a bit. Big deal.⁶⁰

Only difficult cases like this were referred to the Independent Commission, chaired by Jaroslav Basta, who had known Kavan from his days as a student protestor. Barred from his chosen field of archaeology, he spent two and a half years in prison during the early 1970s. Basta found that hardly anyone collaborated out of ideological conviction. A few may have thought that this would help their career prospects, but most did so out of compulsion—threatened by blackmail, diminished opportunities for their children, or jail sentences. Some signed and did nothing. Others felt guilty and stopped collaborating after a few weeks, a surprising number of whom became dissidents. But the lustration law made no provisions for extenuating circumstances. All that mattered was the signature. “I’ve considered this law for a long time,” Basta said in an interview, “and I have to tell you I don’t think much either of it or of the people who initiated it.”⁶¹

Basta had concluded by September 1991 that Kavan was probably innocent, but he could not persuade the Independent Commission to clear Kavan’s name. The younger members on the commission refused to accept Basta’s explanations of what it was like to be in the opposition so soon after the 1968 invasion. To *New Yorker* writer Lawrence Weschler, this was how they defined themselves against the previous generation: “For them, it was cut and dried: by even having allowed himself to be in the same room as the Communist education attaché, Kavan had proved his guilt as far they were concerned.” Kavan’s guilt was irrelevant by this point; his political career was effectively over.⁶²

Lustration turned out to be politics by other means. The Civic Forum had divided along ideological lines. An economist who was influenced by Milton Friedman, Václav Klaus, the Minister of Finance, led the center-right Civic Democratic Party, which had been among the strongest proponents of the law. Neither a dissident nor a collaborator, Klaus avoided trouble as

⁶⁰ Ibid., 93-94

⁶¹ Ibid., 80-82

⁶² Ibid., 95-96

a youth. In contrast, the left-wing Civic Movement was headed by Foreign Minister Jiří Dienstbier, a prominent Charter 77 leader. The Civil Movement had stood with the Communists to vote against the law. This struggle was further complicated by the Slovaks, who rallied behind Vladimír Mečiar and his promise to return to a state-run economic system.⁶³

Jeri Laber wrote in April 1992 that the atmosphere she encountered in Prague that spring was “charged and unpleasant” with gossip swirling about alleged collaborators. She found that the people most likely to be in favor of lustration were those had lived in the “gray zone,” the vast majority who stayed out of the state’s way. By relying so heavily on its files, Laber believed that lustration had allowed the StB to “still rule, reaching out from the grave.” Representatives from the British Helsinki Human Rights Group disagreed with Laber’s depiction of lustration. “We cannot endorse the view that the great bulk of the population, the ‘gray zone,’ has no right to prevail in politics if their wishes clash with the preferences of the handful of former dissidents,” wrote Christine Stone and Mark Almond. To them, this debate was actually a sign that Czechoslovaks were politically engaged.⁶⁴

The Civic Democratic Party prevailed in the June 1992 Czech parliamentary elections. Klaus’s success among Czechs mirrored that of Mečiar among Slovaks. Klaus wanted greater integration with Slovakia, while Mečiar preferred a looser confederation. Six days after the Slovak parliament adopted a declaration of sovereignty on July 17, negotiations between them concluded with an agreement that Czechoslovakia would be dissolved at the end of 1992. With Slovak nationalists preventing him from running for another term, Havel announced his resignation an hour after learning of the declaration. “I cannot bear responsibility for developments I can no longer influence,” Havel said. “Nor do I want to be a barrier to historical developments, nor a mere time-serving bureaucrat.”⁶⁵

Human Rights Watch’s Jonathan Fanton undertook a final fact-finding mission to Czechoslovakia in December 1992. Noting how Lech Wałęsa and Solidarity was losing to political newcomers who had not played a leading role in the 1989 revolutions, Havel told Fanton, “Societies generally turn away from dissidents, because they hold a mirror to society and turn instead to people like themselves who lacks courage.” Lustration had revealed the fragility of post-communist Czechoslovakia. The Slovaks had long felt slighted by the Czechs, a perception that reinforced by their relative poverty. And both countries still had their share of problems. Fanton believed that the removal of the Television Council and Director of Television News Programming in Slovakia was part of a larger effort to silence the opposition. Trnava University, the “only center of free thought in Slovakia,” had tried to fire its politically outspoken rector, Anton Hajduk. Just like the Slovaks were likely to discriminate against ethnic Hungarians, the Czechs had its own trouble with the Roma. Implying that Klaus was not doing enough to combat discrimination, Havel advised Human Rights Watch to follow it closely. Fanton’s report made it obvious to activists that abuses would not be difficult to find in a post-Cold War world.⁶⁶

The Death of an Empire

⁶³ Laber, “Witch Hunt in Prague”

⁶⁴ Ibid.

⁶⁵ “Havel Says He Will Resign as Czechoslovak President on Monday,” *New York Times*, July 18, 1992

⁶⁶ Jonathan Fanton, “A Last Trip to Czechoslovakia,” December 1992, Box 18, Czechoslovakia Report: Fanton, Jonathan—“A Last Trip to Czechoslovakia”—1992, JL, Czech, HRW, CHRDR, CU

The removal of one-party dictatorships in the Eastern Bloc between the years 1989-1991 marked the return of longstanding ethnic conflicts in what was once the Soviet Union. As it was incorporated into Human Rights Watch (HRW), Helsinki Watch increasingly turned its attention to monitoring abuses that arose within the context of various peoples competing for political and economic power in newly independent countries. It was this kind of abuse—which was just as often perpetrated by private citizens against one another as by the state—that would command the attention of international human rights activists in the United States during the 1990s. A preview of what was in store for them could be seen in Kazakhstan.

With Catherine Cosman of HRW's Washington, D.C. Office, Jeri Laber undertook on a fact-finding mission to Alma Ata, Kazakhstan, USSR, in May 1990. Kazakhstan had formerly been off limits to Western visitors, but Laber's visa application was accepted this time without problem because she had been invited by Nadir Nadirov, Director of the Kazakh Institute of Oil and Natural Salts Chemistry. Nadirov was familiar with Laber from her work on behalf of Turkish Kurds. Laber and Cosman went to Kazakhstan to investigate a large demonstration that occurred in December 1986 after Gorbachev replaced a Kazakh—who barely outnumbered Russians—as the local party boss. A two-day riot between some of the estimated 30,000 protestors and the government resulted in 2,000 arrests, 631 placed under surveillance, 286 injuries, and ninety-nine prison sentences. The unofficial monitoring group known as Zholtoksan—"December"—claimed an additional 276 had been wounded. The CPSU Central Committee described the violence as a "manifestation of Kazakh nationalism" in 1987, but rescinded this characterization three years later.⁶⁷

A co-founder of Zholtoksan who had been imprisoned for two years for organizing the protests, Amanzhol Malibayev established the pro-independence National Democratic Party of Kazakhstan following his release. Malibayev's goal was to educate Kazakhs on "the colonialism of Moscow." Similar crackdowns to that in Kazakhstan occurred in Georgia, Azerbaijan, and Uzbekistan during the late 1980s, as Jeri Laber wrote in the *New York Review of Books*: "Each of these conflicts has had its own distinguishing features, but one can see a familiar pattern in which longstanding resentment of Soviet treatment of ethnic groups, as well as hostility between them, came into the open in response to the easing of Soviet repression and police control and to worsening economic conditions that have produced general unrest and frustration."⁶⁸

Stalin had formerly used Kazakhstan as a "dumping ground" for entire groups of people he suspected of disloyalty: Kurds, Crimean Tatars, Volga Germans, and Meskhetians. Fearful that there would be a reemergence of Kurdistan during World War II, Stalin forcibly relocated Kurds from Azerbaijan in 1937 and Georgia in 1944, a past that Nadir Nadirov had lived. NKVD police officers gave his family just one day to pack their things before sending them on a six-week journey to Kazakhstan, where they were ordered to build a house when they arrived at their destination. Only Stalin's death made it possible for Nadirov to pursue higher education in Moscow. A man of some influence who wanted to unify Kurds throughout the USSR, he was one of many Soviet citizens who used glasnost to help his own ethnic group.⁶⁹

Meanwhile, at the western edges of the Soviet Union, glasnost provided the opening through which pro-independence movement emerged in the Baltic States: the Estonian Popular

⁶⁷ Jeri Laber, "Stalin's Dumping Ground," *New York Review of Books* (October 11, 1990)

⁶⁸ Ibid.

⁶⁹ Ibid.

Front, the Latvian Popular Front, and Sajudis in Lithuania. Formed in November 1988, the Sajudis were led by intellectuals such as Vytautas Landsbergis, a music professor who visited Helsinki Watch in 1989 to ask that it look into the treatment of ethnic minorities in the Soviet Union and “push Bush” into recognizing a soon-to-be independent Lithuania. The Lithuanian Supreme Soviet declared Stalin’s 1940 annexation invalid in September 1989, abolished the Lithuanian Communist Party’s monopoly on power in January 1990, and formally declared independence that March. Moving ahead of its sister republics in claiming its sovereignty, Lithuania refused to participate in a referendum on a new union treaty, made Lithuanian the official language, and passed new citizenship and private property laws. The Estonian Popular Front and Latvian Popular Front also won elections in March 1990, but decided to go through a transitional phase before proclaiming their full independence from the USSR.⁷⁰

The Lithuanians did not wait long to have their independence tested. On January 9, 1991, 100 Red Army paratroopers from the Vitebsk Airborne Division arrived in Vilnius to arrested Lithuanians who refused military conscription. After Gorbachev threatened to impose his rule directly if the Lithuanians continued to disobey the Soviet Constitution, paratroopers occupied key administrative buildings—state media and defense—on January 11. But these actions failed to intimidate the public. The largest independence newspaper in Lithuania, *Respublika*, had its own building and kept publishing. Other ministerial and the parliamentary buildings were defended by volunteer guards who used radios to rally thousands of citizens from their homes. “I came to protect my government,” a computer engineer said to Laber as he recovered in the hospital from a broken leg given to him by a Soviet tank. “We had no guns but we were morally prepared to protect the parliament.” He had been angered by Soviet propaganda that claimed Lithuanians did not support independence. A shadowy group of party hardliners that called themselves the National Salvation Committee declared on January 12 that it had taken control by popular demand. As Soviet forces moved towards the television tower the early morning of January 13, they were confronted by a crowd that numbered in the tens of thousands (estimates ranged from 20,000 to 60,000). Fourteen were killed and hundreds injured when Soviet troops fired on the non-violent protestors. Landsbergis telephoned the Kremlin to end the coup, but Gorbachev refused to speak with him. Fortunately, more bloodshed was avoided when the attack was called off.⁷¹

Human Rights Watch believed that the failed coup had been orchestrated from Moscow. On January 29, 1991, the independent *Nezavisimaya Gazeta* published a secret CPSU memorandum that made plans for an invasion of Lithuania written in August 1990 by Politburo member Oleg Shenin and signed by the Deputy General-Secretary Vladimir Ivashko. This document, according to Laber, ought to be seen as part of a trend towards greater centralization in the Soviet Union since Gorbachev started implementing “law and order” measures in October 1990: an increase of executive powers, appointing conservatives to key positions, drafting a union treaty to keep the Soviet republics from drifting away, and threatening to impose direct rule in republics heading towards independence. Shield, a pro-democratic Soviet military organization, appointed a commission of retired and active military officers to investigate the plot’s origins. Released in February 1991, its report asserted that “the Soviet president [Gorbachev] could not but know about the planned joint actions.” Executed by the Lithuanian Communist Party, the coup had been planned, coordinated, and approved “by the Center.” Laber

⁷⁰ Jeri Laber, “The Baltic Report,” *New York Review of Books* (March 28, 1991)

⁷¹ *Ibid.*

was convinced that Westerners had developed a “false sense of security” about Gorbachev. He had never disavowed Leninist principles, she argued, so it was foolish to think of him as some kind of Western-style liberal.⁷²

Laber may not have trusted Gorbachev, but neither did veteran CPSU hardliners. Practically a repeat of what happened in Lithuania, a group of eight conspirators led by KGB Director Vladimir Kryuchkov and Minister of Defense Dimity Yazov sought to remove Gorbachev as head-of-state on August 19, 1991. Set to the tune of “Swan Lake,” a message from the so-called Committee on the State of Emergency came over state television announcing an illness to Gorbachev had compelled it to take control. One day before a new treaty decentralizing the Soviet Union was to be signed into law, a group of armed guards and KGB agents held Gorbachev under house arrest as he vacationed in the Crimea. Refusing to sign over his authority, he predicted that the coup was “a gamble that will lead to blood and a civil war.” His mood greatly improved after learning that Boris Yeltsen, his chief political rival, was leading a popular resistance in Moscow, the most famous image of which was him standing on top of an armored personnel carrier and speaking to those who had gathered in front of the Russian Parliament. “Tens of thousands of people stopped them from storming the building,” Yeltsen said in a phone call to Bush. Gorbachev ascribed the coup’s lack of success to the Soviet people. Red Army units disobeyed orders and sided with the democratic opposition. “The society is different now,” Gorbachev also told Bush. “Things like this won’t work.” With the failure of its last-ditch effort to hold onto the Soviet Union, the Old Guard hastened its final demise.⁷³

The Soviets finally hosted their long-awaited human rights conference in September 1991—the CSCE Conference on the Human Dimension. Lithuania, Latvia, and Estonia each sent a delegation. Gorbachev cited the failure of the August coup in his opening speech as proof that the Soviet Union was evolving into a democracy. The most pressing human rights problem, he said, was guaranteeing the rights of ethnic minorities in the former Soviet republics. “There is a danger that in the process of decentralization and with the rise of nationalism, there could be more problems with human rights,” echoed Representative Dan Glickman (D-Kansas), a U.S. delegate who had concluded that citizenship eligibility questions needed to be resolved for ethnic Russians after touring the Baltic States. Human Rights Watch raised concerns about Ossetians and Abkhazians in Georgia. Under the control of President Zviad Gamsakhurdia, a one-party state was being constructed in Georgia on “the ruins of the Communist totalitarian system.” As protests against him gained momentum, Gamsakhurdia used paramilitary Black Berets to suppress dissent. Representative Steny Hoyer (D-Maryland), the head of the U.S. Helsinki Commission, had seen this himself, as he said to reporters on September 9, “No member left Georgia feeling confident was in the ascendancy.” Senator Dennis DeConcini (D-Arizona) abruptly left a dinner after Gamsakhurdia and his wife expressed doubts that the U.S. was really committed to self-determination. After sending a fact-finding mission to Georgia, Human Rights

⁷² Ibid.

⁷³ Diary of Anatoly Chernayev, “Three Days in Foros,” August 19-21, 1991, “The August 1991 Coup in Moscow, 20 Years Later,” National Security Archive Electronic Briefing Book No. 357 (NSAEBB), August 19, 2011, National Security Archive (NSA), <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB357/index.htm>; U.S. State Department, “George Bush-Boris Yeltsin Memorandum of Telephone Conversation,” August 20, 1991, “The August 1991 Coup in Moscow, 20 Years Later,” ESAEBB No. 357, NSA; U.S. State Department, “George Bush-Mikhail Gorbachev Memorandum of Telephone Conversation,” August 21, 1991, “The August 1991 Coup in Moscow, 20 Years Later,” NSAEBB No. 357, NSA; Svetlana Savranskaya, “The August 1991 Coup in Moscow, 20 Years Later”

Watch released a report on December 27, 1991 accusing Gamsakhurdia of numerous violations, by which time Gamsakhurdia was in the process of being overthrown in a violent coup that sent him into exile on January 6, 1992.⁷⁴

On December 11, 1991, Yeltsin announced the formation of the Commonwealth of Independent States between the Russian Federation, Belarus, and Ukraine, all of which claimed sovereignty. No longer with any of its constituent republics, the Soviet Union went out of existence two weeks later on Christmas Day. The end of the Soviet Empire presented myriad opportunities and challenges for Human Rights Watch. With the Iron Curtain torn asunder, activists had unprecedented access to leaders, many of whom had no choice but to look for ways to appease the West or be left behind economically. But now these activists had to keep track of dozens of new governments, each of which had its own distinctive set of issues. No longer would it be sufficient to visit with dissidents who lived in Moscow. This information network would have to be extended into Tbilisi or Alma Ata, which was only possible with a concomitant increase in resources.

So at the moment when it looked as if Jeri Laber might be able to take a break, Helsinki Watch/Human Rights Watch was as busy it had ever been. Over sixty reports were published in 1991. Besides continuing its work in Turkey, Bulgaria, and Romania, it sent dozens of fact-finding missions all over the world. The former emphasis on the Eastern Bloc had expanded to include all of the former Soviet republics, Serbia, Croatia, Kosovo, Albania, Greece, and Northern Ireland. To handle all of these cases, Human Rights Watch tripled its staff during the early 1990s. Deputy Director Lois Whitman was among fifteen new full-time researchers and lawyers with many more consultants, fellows, and interns. A field office in Bucharest was staffed by a Romanian-speaking American lawyer, Holly Cartner. Ted Zang opened an office in Sofia, Bulgaria. Cathy Fitzpatrick and Cathy Cosman closely followed events in the former Soviet Union. A Moscow office directed by Rachel Denber and staffed by Alexander (Sasha) Petrov opened in December 1991.⁷⁵

As she entered into the twilight of her career during the mid-1990s, Laber curtailed her work schedule. Sixteen years of travelling to distant countries, managing staff, reading and editing hundreds of reports, and dealing with human suffering on a daily basis had exhausted her. “Ethnic cleansing” in the former Yugoslavia was “unbearable” for her to contemplate. Images of emaciated prisoners in concentration camps not seen in Europe since World War II and the massacre of 7,000 men in the supposed “safe zone” of Srebrenica were all too reminiscent of the Holocaust: “I felt helpless in the face that war ranging in the heart of Europe, a war to which Europe had turned a cold heart.” Human Rights Watch provided much of the evidence that was used to indict Slobodan Milosevic, the former President of Yugoslavia, on charges of war crimes and crimes against humanity before the International Criminal Tribunal for Yugoslavia in 2001. Laber continued as a senior adviser for six more years after stepping down as Executive Director in 1995. No longer as naïve as she used to be, two decades as an activist had taught her that cruelty would never completely go away. “The human rights movement has been instrumental

⁷⁴ Justin Burke, “Soviet Rights Concerns Shift to Republic,” *Christian Science Monitor*, September 11, 1991; Human Rights Watch, *Conflict in Georgia: Human Rights Violations by the Government of Zviad Gamsakhurdia*, December 27, 1991, <http://www.hrw.org/reports/1991/12/27/conflict-georgia>

⁷⁵ Laber, *Courage of Strangers*, 365-366

in saving lives and bringing down dictatorships,” she concluded. “It will never bring an end to acts of inhumanity.”⁷⁶

When Jeri Laber joined AIUSA in 1974 after reading about the torture inflicted on a young Greek woman whose age and dark hair were reminiscent of her daughter, the world was a much different place than it was nearly three decades later when she finally retired from Human Rights Watch in 2001. Numerous anti-communist dictatorships could be found in Southern Europe and East Asia: Greece, Portugal, Spain, South Korea, and the Philippines. Right-wing military juntas in Latin America were legion: Paraguay, Brazil, Chile, Uruguay, and Argentina in South America; Nicaragua, El Salvador, and Guatemala in Central America. Apartheid still ruled in South Africa. Various klepocrats, “Presidents for Life,” and other strongmen held power in the recently decolonized countries of Sub-Saharan Africa. The United States was allied with many of these regimes. Such was the stuff of which American Empire was made. The emergence of the international human rights movement in the United States organized itself against the realpolitik that so often determined foreign policy during the Cold War. By exposing the abuses of countries who received economic and military aid from the U.S. through the media and building relationships with sympathetic congressmen and State Department officials, the International League for the Rights of Man, Amnesty International, and Human Rights Watch all tried—to varying degrees of success—to limit their government’s support of morally reprehensible regimes that considered themselves part of the “Free World.” The Reagan administration was driven by its own logic—the most articulate defender of which was Assistant Secretary of State Elliott Abrams—to support democratization even when the president had waltzed with Imelda Marcos, the dictator’s wife. “When the policy of supporting authoritarian regimes led to a series of crises and became a political issue at home, much of Congress and the public opposed Reagan’s efforts and forced the president to alter his policies,” David Schmitz writes. “No such restraints had existed prior to the 1970s, when the new human rights framework was implemented by Congress, reflecting shifts in public opinion.” Activists were there every step of the way to transform this moral outrage into action.⁷⁷

If we remained in 1974, a year before the signing of the Helsinki Accords, it would have appeared that the Soviet Union was succeeding in its efforts to reshape Eastern Europe in its own image. “In the years following Stalin’s death—since 1989 in particular—the eight nations of Eastern Europe took very different paths, and it has become routine to observe that they never really had much in common in the first place,” Anne Applebaum notes. “This is absolutely true: before 1945, they had never previous been unified in any way, and they have startling little in common now, aside from a common historical memory of communism. Yet for a time, between 1945 and 1989, the eight nations of Eastern Europe did share a great deal.” Uprisings such as the 1956 Hungarian Revolution and 1968 Prague Spring had been quelled. In collaboration with local communist party functionaries of its choosing, the Kremlin had imposed similar regimes an entire region. Secret police forces like the KGB in the USSR or StB in Czechoslovakia targeted

⁷⁶ Human Rights Watch, “Milosevic Transferred to War Crimes Tribunal,” *Human Rights Watch*, July 1, 2001, <http://www.hrw.org/news/2001/06/30/milosevic-transferred-war-crimes-tribunal>; Laber, *Courage of Strangers*, 379

⁷⁷ The survey of the world in 1973 can be found in Francis Fukuyama, *The Origins of Political Order: From Prehuman Times to the French Revolution* (New York: Farrar, Strauss, and Giroux, 2011), 3-4; also see Samuel Huntington, *The Third Wave: Democratization in the Late 20th Century* (Norman, Oklahoma: University of Oklahoma Press, 1991), 21-26; David Schmitz, *The United States and Right-Wing Dictatorships, 1965-1989* (New York: Cambridge University Press, 2006), 240

suspected dissidents, punishing them with imprisonment, forced exile, the loss of employment, and subjecting them to constant surveillance and harassment for saying the wrong thing or acting the wrong way. The state reinforced party orthodoxy by exercising complete control over the education system and media outlets—radio, television, and print. “Civil society” did not exist. Independent organizations like Moscow Helsinki Watch, Charter 77, and KOR/Solidarity were illegal. That was why Jeri Laber had to use the 1979 Moscow Book Fair as a front to meet with Yuri Orlov and Elena Bonner and spent an hour in a Prague jail only weeks before the Velvet Revolution. As an organization that was formed with the intention of influencing public opinion so as to strengthen the Western delegations at CSCE Review Conferences, Helsinki Watch’s findings became part of the ideological struggle in which American leaders sought to identify themselves with individual freedom. Turkey was one country in which Laber challenged a NATO ally on its record of torturing Marxists and Kurdish nationalists, as we saw briefly in Chapter 7, but, as it pertained to the USSR and Eastern Europe, Helsinki Watch had the same goal as the United States—doing whatever it could to undermine Soviet Empire. With communism no longer perceived as a viable alternative to liberal democracy after 1989, Human Rights Watch/Helsinki Watch would have to confront the many ethnic conflicts that had previously been suppressed in what ultimately turned out to be a failed imperial project of forced heterogeneity.⁷⁸

⁷⁸ Anne Applebaum, *Iron Curtain: The Crushing of Eastern Europe, 1944-1956* (New York: Doubleday, 2012), xxv

Conclusion/Epilogue

“We Want to be Effective...We Have to be Effective”

In an October 1991 lecture he gave to the students of Sacred Heart University, a small Catholic school in Connecticut, Curt Goering, the Deputy Director of Amnesty International USA (AIUSA), spoke of various Prisoners of Conscience (POCs) who were “the reason Amnesty International exists.” Among those named by Goering that day was Father Francis Wang Yijun, the seventy-five-year-old Vicar General of the Wenzhou Diocese in China. After having already served thirteen years in prison for practicing his religion, Wang was released in February 1990 only to be immediately sentenced to another three years of “reeducation through labor” for his association with an underground church. Wang’s most recent run-in with Chinese authorities, Goering told his audience, served as a reminder that there were still POCs in more than half of the world’s countries. With the possible exception that the prisoner was Chinese, revealing of how Amnesty International (AI) now had access to Chinese dissidents in a way that it did not during the 1960s and 1970s, this talk would not have been too dissimilar from one that might have been given ten or fifteen years earlier. Instead of working for all of the rights enumerated in the Universal Declaration of Human Rights, AI restricted itself to freeing POCs, guaranteeing fair trials, and stopping torture and executions. “We limit ourselves not because we don’t care about those other things or think that other causes such as ending hunger or bringing peace are not equally important, but because we want to be effective,” he insisted. “We have to be effective. Human lives are immediately at stake.” But so much would change Goering and his organization during the next decade. Different kinds of human rights crises, increased competition from Human Rights Watch (HRW), the need to find issues to motivate its members, and stunning transformations in the dissemination and consumption of information forced Amnesty International to remake itself in the post-Cold War years.¹

The genocide in Rwanda showed the difficulties Amnesty had adjusting to these new circumstances. The release of a report alleging that Great Britain, Bulgaria, and Israel had armed Hutu forces exiled in Zaire exposed how the organization was split into two factions: the campaigners who saw information as an instrument with which to promote social change and the researchers who wanted to preserve Amnesty’s hard-earned credibility. The report may have succeeded in garnering media coverage, but it was culled together from news reports, statements by politicians, and research conducted by other NGOs in an effort to make Amnesty more responsive to fast-moving events. Members saw coverage of Rwanda on the Cable News Network (CNN) and demanded to know what Amnesty was doing about it. There was also the proliferation of smaller, more specialized NGOs that produced similar information. Of course, Secretary-General Pierre Sané would have preferred “a nice piece of research where everything is verified to death,” but there was not enough time for the usual methodology under these circumstances. As Sané’s objective was to force the British, Bulgarians, and Israelis to conduct investigations into the arms sales, he needed to act as soon as possible. However, there were those in the Research Department who were concerned that Sané was encouraging shortcuts that would hurt AI in the long-run. As one senior Amnesty official told *New York Times* reporter Raymond Bonner, what was once “getting it right” had become “get it out fast.” Three top

¹ Curt Goering, “Amnesty International Today,” *Sacred Heart University Review*, Volume 12, Issue 1 (Fall 1991/Spring 1992), 71-80

researchers left for other NGOs, including Michael McClintock, an expert on Latin America who vowed to bring Amnesty's rigorous research process with him to Human Rights Watch.²

Though it remained the largest of the national sections, AIUSA lost more than a quarter of its membership between the years 1991-1995. AIUSA estimated in 1996 that it had a membership of 300,000, twenty percent of whom were under forty years old and twenty-four percent between the ages of forty and fifty, indicating that the grassroots were graying. This survey revealed that many of these people still believed very strongly in Amnesty International, but wanted to see more self-promotion—more examples of how their organization was “doing things, speaking out, and making headlines.”³

Some of this decline might have been due to AIUSA's inability to retain members who had joined during the Jack Healey era of mega-concerts, but it was also an ominous sign if nothing changed. Along with the French and German sections, AIUSA wanted the International Secretariat to take on problems such as female circumcision, land mines, slavery, and armed conflicts, all of which went beyond the mandate Goering described in October 1991. The Americans hoped that adopting these new issues would bring new excitement into their movement. But they had to contend with traditionalists who wanted to adopt new methods instead of new issues. “We don't want to be a political movement that influences everything,” said the Executive Director of AI-Netherlands, Adri J. J. Kemps, whose organization had grown to include more than one percent of the Dutch people. “We want to do what we do well.” But the dissolution of most Communist and right-wing dictatorships over the previous decade meant fewer and fewer political prisoners. Sané agreed with AIUSA: “As far as I'm concerned, the expansion of the mandate allows the organization to be dynamic.”⁴

Unlike AIUSA, AI-Netherlands did not have to worry about a Dutch version of HRW taking away media coverage and potential donors. Reverend William Schulz, who was chosen as AIUSA Executive Director in 1994, spoke highly of HRW's dynamism. “Human Rights Watch is absolutely superb at its reports, which are well-researched, generally hard-hitting, [and] provocative,” he said. “They get excellent attention in the media, and they should, they deserve it. They do in many cases far better than Amnesty does at that kind of thing.” As Stephen Hopgood recounts in his ethnographical study of Amnesty International, “One staff, relatively new in 1991, recalled being handed a camera and cash and told: Just go to Bosnia and find out what you can (even though CNN and HRW already had a heavy presence on the ground.” If Bosnia found Amnesty unprepared, then Rwanda would be the cause of “a great deal of reflection, soul-searching, anguish, and even anger,” as according to an October 1995 internal review co-authored by AIUSA Deputy Director Curt Goering and IS Crisis Response Project Manager Peer Baneke: “Whereas some inside AI felt that parts of the response were acceptable, many more felt it was far from adequate. Some felt it to be AI's largest failure. Many felt that some of AI's actions had some effect but not on stopping the killings. What we can say is that in our interviews in the IS we found a great sense of failure as we have never experienced on any occasion before.” Goering and Baneke criticized the perceived unwillingness of researchers to incorporate suggestions from their colleagues in other departments. But the problem was not merely a question of improving workplace relationships; it went much deeper than that:

² Raymond Bonner, “Defining and Proving Rights Abuses: Debate Splits Amnesty International,” *New York Times*, July 26, 1995

³ William Korey, *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine* (New York: St. Martin's Press, 1998), 305-306

⁴ Bonner, “Defining and Proving Rights Abuses: Debate Splits Amnesty International”

AI's conventional role has been to document specific violations and to act on that information as a means of exerting pressure on those responsible for abuses. AI has often been reluctant to act unless it has been able to do its own research. In earlier years, AI traveled where few others went, and gathered information no one else did. It often had facts unavailable elsewhere and was able to act on them according to its own timetable.

Today others—human rights groups (often indigenous ones), journalists, and others—are providing good human rights information. And they are often doing it faster and in more depth than AI had been able to, or may be able to even with an increased crisis orientation by AI. What should be AI's role be when news organizations are out in the field covering a situation as a human rights story? Or when another human rights group produces before AI does a good, solid report on a situation? Does human rights information by professional journalists or others need independent verification by AI? Or is it appropriate as the basis for action even if AI cannot confirm some details? How can AI better balance the need to be time with the need for accuracy?

In the Rwanda situation, the killings of course were no secret. They were all over the television around the world. AI appeared to have little new information to contribute to that already in the public domain. Although materials were produced...for external distribution, these added little to existing coverage and received relatively little public attention.

Some have argued that there was no need for AI to document the massacres in order to show that they were happening. Instead, what was needed—what AI's special role should have been—was effective action by its membership to bring pressure to stop the killing.⁵

As we have seen, Amnesty International had become a very important information broker during the 1970s and 1980s, but CNN and HRW had made this an increasingly obsolete position from which to wield influence. "In an information age where satellite television and Internet appeals to address mass violations of human rights reach world populations on a daily basis," Jamie Metzl wrote in 1996, "there is a danger that people will become callous to reports of difficulties everywhere in the world, that the limited human capacity for absorption, compassion, and responsive action will become spread so thin as to dilute popular outrage and forestall responsive action." Amnesty had to find ways of cutting through the noise so that the public would take notice of it and its victims. The Internet made this even more of a challenge. AIUSA had successfully used newspapers and television for its own ends, but what happens when the

⁵ Korey, *NGOs and Universal Declaration of Human Rights*, 305; Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca: Cornell University Press, 2006), 136-139

intended consumer of that information no longer had to rely upon gatekeepers such as editorial staff?⁶

Amnesty International also lacked the flexibility of its competitors. Just imagine the numerous disagreements that could arise between the International Secretariat and AIUSA or even between national sections, both of which we have seen repeatedly over such questions as Israel, accepting funding from American philanthropic foundations, or if rock ‘n’ roll concerts are a suitable vehicle through which to promote human rights in certain parts of the world. Having emphasized the grassroots activism of letter-writing and popular campaigns oriented towards mobilizing public opinion for most of its history, AI was as democratic and egalitarian as any of the leading international human rights NGOs. Indeed, one of AIUSA’s major objectives during the 1980s was the Committee on Long-Range Organization Development (CLOD). Submitted in time for the 1987 International Council Meeting (the biennial conference at which the International Executive Council is elected), CLOD’s final report stated:

If the movement embraces the considerations and recommendations contained in these chapters, it must radically transform both the way AI functions internally and the way we interact with the rest of the human rights movement. The slogan “one movement, one voice” will be replaced by one which emphasizes openness to change, flexibility, diversity and innovation: “One movement, one message, many voices.” And beyond symbols and attitudes, the movement will be embracing a vision of the future characterized by horizontal rather than exclusively vertical relationships: collaboration, cooperation and interaction in planning, in program and in the exercise of democracy.⁷

Human Rights Watch had nothing comparable to the local groups that Ginetta Sagan established for AIUSA on the West Coast. There was no meaningful concept of membership within HRW other than making a donation or attending a fundraiser. Perhaps if that donor was George Soros, then there might be an opportunity to meet with Aryeh Neier and Jeri Laber, but Soros was the exception who proved the rule: HRW was professionalized to a much greater extent than AIUSA. The emotional connection that a volunteer might have with a POC was only possible in HRW if he happened to be an intern in one of its offices. Lacking a constituency other than their Executive Committee, HRW leaders did not have to consider how a quick change in policy would be received outside of the boardroom. “Amnesty’s strength was one of its limits, because...it couldn’t change without the consent of its membership, which grew larger and larger [during the 1980s],” a longtime activist told Yves Dezalay and Bryant Garth. “Human Rights Watch saw that and very consciously decided it didn’t want to be bogged down by having to consult with members when it wanted to do something and it had this tremendous freedom.” The most obvious example of this was HRW’s use of international humanitarian law to expose war crimes, a strategy first utilized by Americas Watch against the Reagan administration’s involvement in Central America as we saw in Chapter 10. Amnesty International, on the other hand, hesitated to get involved in situations where its impartiality and objectivity might be questioned. Theodor Meron of NYU Law School and Robert Goldman of American University

⁶ Jamie Metzl, “Information Technology and Human Rights,” *Human Rights Quarterly*, Vol 18, No. 4 (November 1996), 705-746; quote can be found on p. 716

⁷ Hopgood, *Keepers of the Flame*, 114-115

provided Neier with the necessary legal background for him to move in a new direction: “They guided us through the complex set of commandments and got us comfortable in dealing with something that was not really considered a human rights issue.” Unable to take these kinds of chances, AIUSA watched HRW emerge as the leader of the international human rights movement in the United States by the early 1990s.⁸

In a February 1996 interview with William Korey, nearly two years before he was hired as HRW Advocacy Director, Reed Brody said his future employer was “the most effective human rights organization.” When asked why he thought Amnesty International had “lost” its earlier preeminence, Brody answered, “I think they haven’t been as savvy in the use of their information as Human Rights Watch; I don’t think they’ve put as much effort into lobbying and press work as Human Rights Watch.” The former Director of the UN Division on Human Rights, Theo Van Boven, echoed Brody’s assessment: “Amnesty had lost its earlier ‘validity,’ while HRW had very much assumed that status.” Alex Arriaga, the State Department’s Human Rights Bureau liaison, also agreed that HRW had separated itself through its combination of relevant information and advocacy. HRW’s reports were “comprehensive” and very useful, according to Arriaga, whereas Amnesty International’s “catalogue of abuses” lacked “perspective.”⁹

HRW Chairman Robert Bernstein did not anticipate his organization expanding the way it did. Asia Watch was established in 1985, Africa Watch in 1986, and Middle East Watch in 1989, at which time Helsinki Watch and Americas Watch were also incorporated into Human Rights Watch. To the publishing executive, such growth was similar to how Random House added imprints such as Knopf, Pantheon, Ballantine, and Modern Library during his tenure. Aryeh Neier, on the other hand, claimed that he “always had in mind becoming global,” though it did not happen immediately because Helsinki Watch and Americas Watch had to establish their credibility in their geographical regions, “You couldn’t hop, skip, and jump from one part of the world to another and be effective in promoting human rights.”¹⁰

Although Bernstein and Neier may have had different versions of how HRW expanded during the late 1980s, they agreed that one of their organization’s goals was to harness American power for good. In that sense, they were not so different from AIUSA. “We’re much more involved with the United States government,” Bernstein said when making a comparison between HRW and Amnesty International. “We’re in all parts of it.” Neier claimed HRW to be “a national organization.” In contrast to the multinational composition of AI’s International Executive Committee, HRW had a distinctively American identity, which Neier saw as an advantage when dealing the U.S. government: “...as an American organization, we could focus significantly on U.S. policy, and U.S. policy was so significant on a worldwide basis, that our impact would derive from our relationship to U.S. policy.” This focused strategy was how Helsinki Watch could work in coordination with the U.S. delegation to the CSCE Review Conferences and why Americas Watch’s criticisms of Reagan’s foreign policy could attract such media attention.¹¹

⁸ Yves Dezalay and Bryant Garth, “From Cold War to Kosovo: The Rise and Renewal of the Field of International Human Rights,” *Annual Review of Law and Social Science*, Vol. 2 (2006): 231-255; the quotes can be found on p. 249

⁹ William Korey, *NGOs and the Universal Declaration of Human Rights*, 340-341

¹⁰ Korey, *NGOs and the Universal Declaration of Human Rights*, 342-344

¹¹ *Ibid.*, 343-344

But HRW went through a transition of its own—at the top. “The quality of the people associated with this organization is outstanding; we have rarely encountered such a uniformly impressive collection of staff and volunteers,” read a 1993 review by an outside consulting firm. Neier had been responsible for hiring most of these people, as he had made HRW into “an enormously exciting and creative place to work,” which might have been why its workforce was relatively young and diverse. As of April 1996, seventy-five percent were under the age of forty; women and non-whites, respectively, constituted two-thirds and one-thirds of its staff. But it was also an organization dominated by Neier. His “rather authoritarian manner” of allocating funds to his priorities created disagreements with senior staff. His “tendency to inadequately consult” with the HRW Executive Committee gave the impression that he cared little for its advice. These simmering conflicts appeared to have erupted at a staff retreat in late 1992. Bernstein remembered Neier’s irritation with the criticism he received from HRW colleagues (but did not understand why Neier avoided him before resigning). Neier cited the difficulties of constant fundraising, the same reason why he resigned from the ACLU. The exit of its leading fundraiser to the Soros Foundation in 1993, the “oracle whom everyone consulted,” and “the glue that held HRW’s many parts together” was yet another sign that “the time when everyone could sit in a room together on Wednesday mornings and make policy had long since passed.”¹²

A former federal prosecutor who worked on the Iran-Contra case before joining Human Rights Watch in 1987, Kenneth Roth was promoted to Executive Director in 1994. His father, a survivor of Nazi Germany, told Roth stories of having to attend a special Jewish school and imagining that he would simply disappear one day while riding his bicycle: “It made me very aware of the ultimate evil to which governments could resort, and the need to pin governments in by some basic respect for the individual.” By the time Roth graduated from Yale Law School in 1980, the major victories of the civil rights movement had been won, but President Jimmy Carter’s emphasis on human rights in U.S. foreign policy had him look internationally towards a “new frontier.” In fact, Roth signed up for Yale’s course on international human rights three consecutive years only for it to be cancelled each time. “So I graduated from law school with no formal training in human rights whatsoever—in contrast to the people who apply for jobs today at Human Rights Watch who have all these credentials that I never had,” Roth said in a 2007 interview. “But as soon as I graduated, I began volunteering doing human rights work...Seven years later when there was finally a job—because at that point there were no jobs in the field—I finally took the leap and actually began doing it professionally.”¹³

Roth implemented a more formalized structure with the intention of making the organization less dependent upon *ad hoc* decision-making. Among his priorities was to recognize that there were multiple geopolitical centers in which HRW could have a presence. Roth was responding to the growing consensus around him to “internationalize” HRW. To cultivate better relations with the European Union, HRW opened the Brussels Office in May 1994. It was initially under the supervision of Lotte Lacht, a Danish lawyer who had been Executive Director of the International Helsinki Foundation. By 2001, HRW had staff in Moscow, Hong Kong, Rio de Janeiro, Tashkent, Deshambe, and Tbilisi.¹⁴

¹² Ibid., 345-349

¹³ Kenneth Roth, “Who Are You?” *The Big Think*, Interview recorded on August 14, 2007, www.bigthink.com/ideas/4081

¹⁴ Widney Brown, “Human Rights Watch: An Overview,” in Claude E. Welch, Jr., ed., *NGOs and Human Rights: Promise and Performance* (Philadelphia: University of Pennsylvania Press, 2001), 79-80

Reflective of this attempt to be more engaged with the international community, HRW sought consultative status from the United Nations (UN) in February 1991. To testify before committees and circulate its reports, HRW needed the approval of the Committee on Non-Governmental Organizations, but Cuba, Syria, Iraq, the Sudan, Libya, and Algeria blocked accreditation. Deeming its criticism of the Chinese government's response to the Tiananmen Square protests as "irreverent," Amado Soto García, the Cuban delegate, said that HRW acted as "a kind of international prosecutor." Omar Siddiq alleged that a recent HRW report on The Sudan, his country, contained "lies," and Khalil Abou-Hadid complained that HRW did not respect Syrian national sovereignty. Samir al-Nima of Iraq went so far as to ask, "What is the religious and political background of the staff and board of Human Rights Watch?" The question, of course, was rhetorical, as al-Nima later added how HRW had been "religiously oriented to targeting certain Arab states" because it had "a membership of a certain kind—we are all aware of the nature of that membership." Roth, Neier, and Bernstein were all Jewish. Fortunately for HRW, the requirement of a unanimous vote was dropped in 1993, and HRW established a UN Office in November 1994.¹⁵

Even with all of their differences, both AI/AIUSA and HRW part of a larger movement that had grown to include far more concerns than it had during the Cold War, as former HRW staffer Gara LaMarche remembered while attending hearings held by the UN Human Rights Commission in 1995:

I was there because I was working at Human Rights Watch, but in the gallery observing the proceedings were a number of more surprising visitors—not just the professional UN watchers but a wide variety of advocates for civil rights and social justice, some of them quite poor themselves. They came, I realized, because they saw in the body of international human rights standards a tool for advancing their own work on behalf of the most marginalized of Americans: prisoners, poor people, and immigrants. Despite their disparate concerns, they were drawn by the same global vision, one more supportive of their goals, in many cases, than the U.S. Constitution.¹⁶

No longer limited by the ideological categories imposed upon them by the Cold War and increasingly aware of the unequal outcomes wrought by economic globalization, activists used the language identified by LaMarche to take their movement in new directions. Not only were POCs becoming more difficult to find, but they were more likely to be murdered if the genocides in Iraqi Kurdistan, the former Yugoslavia, or Rwanda were any indication. And no longer saddled with Neier's reluctance to see economic rights as a legitimate human rights issue, a debate we first saw in Chapter 9, HRW could reevaluate its position on such questions. What emerged from these deliberations was a mutual commitment to two principles: universality and indivisibility. Before the 1993 UN Vienna World Conference in Human Rights, a group of Asian governments led by China argued that individual rights was a Western construct, which stood in contrast to how people in their countries placed greater emphasis upon the collective. Activists in the United States found this use of cultural relativism to be deeply troubling. As

¹⁵ Paul Lewis, "Faction in U.N. Panel Blocks a Rights Group," *New York Times*, February 3, 1991

¹⁶ Gara LaMarche, "From the Front Lines: A Review of Recent Reports on Human Rights," *The American Prospect* (October 2004), A30

AIUSA's Patricia Rengel wrote to the *Wall Street Journal*, this was "the idea that these rights do not apply as a single standard by which all governments will be judged, but rather are subject to varying interpretations depending on particularities such as culture and religion." Indivisibility could be seen in the ever-expanding vocabulary of international human rights activists who no longer saw "a basic conflict or priority of rank" between civil and political rights and economic and social rights. Rengel was pleased that Secretary of State Warren Christopher had "upheld the fundamental ideas of human rights as both universal and indivisible" in his speech to the Vienna Conference, thus avoiding "the trap of opting for one set of rights over the other, thereby announcing the end of the Cold War dichotomy."¹⁷

The strict mandate that had defined Amnesty International for so long had become something of an obstacle. "To preserve what has been seen as the essence of AI, in the last decade especially, a plethora of sometimes rigid guidelines had been developed," read the 1987 CLOD final report. "Expressed by the slogan 'One movement, one voice,' the motivation for these guidelines has been to guarantee at least a minimum level of consistency in the working methods and priorities of AI throughout the world. But the effect, though never intended, is to limit severely the accessibility, flexibility, dynamism, therefore the diversity and effectiveness of the whole organization." Impartiality, objectivity, and the Working on Other Countries (WOOC) rule may have helped Amnesty sustain its credibility during the Cold War, a question that was covered in Chapter 6, but they were a hindrance when the victims were not just POCs. Because the International Secretariat did not want to be perceived as having a political stance, it took a backseat in the Anti-Apartheid movement. Nor did it want to be as closely tied to the U.S. government as HRW. Aryeh Neier recalled that how he tried to convince Amnesty International executives Thomas Hammarberg and Ian Martin (both of whom eventually served as Secretary-General) and some AIUSA officials to work with him on influencing American officials only to be rebuffed: "As an international organization, they felt that they could not focus significantly on the foreign policy of any one country, because they had to have an even-handed approach in their efforts worldwide."¹⁸

A similar problem was already evident with regard to gay and lesbian rights. Since the mid-1970s Amnesty International had been engaged in an internal debate about whether individuals who had been imprisoned because of their sexual orientation qualified as POCs. Though a Dutch member had argued in 1986 that homosexual activity ought to be understood "as a combination of someone's personal and essential features and someone's conviction," the Research Department was unsure that it should get involved in this sort of issue: "For AI to get into the field of sexual behavior would be to enter into matters so different from those we work on now that it will make people question all our activities." AIUSA grew impatient with London's inertia, but the Mandate Review Committee eventually decreed that "the interpretation of the mandate should be extended so that 'advocacy of homosexual equality' would also cover expression of homosexual orientation." Similar language was approved at the 1991 Yokohama International Committee Meeting (ICM). "The change in the mandate on homosexuality became the drive wheel for mandate change generally," David Matas said. "Because the movement realized a change on homosexuality could not happen in isolation, and because a significantly majority in the movement felt strongly that there should be a change in the mandate on

¹⁷ Patricia Rengel, "Letter to the Editor: Relativism Threatens Human Rights Concept," *The Wall Street Journal*, July 26, 1993

¹⁸ Hopgood, *Keepers of the Flame*, 116; Korey, *NGOs and the Universal Declaration of Human Rights*, 344-345

homosexuality, a whole range of mandate of changes became possible, and indeed, inevitable.” It was no coincidence that 1991 was also the year in which Amnesty International decided to hold nongovernmental and quasi-governmental entities such as guerilla organizations and multinational corporations to the same standard as states.¹⁹

Even so, Amnesty waited nearly a decade before completely embracing economic, social, and cultural (ESC) rights. Though it promised to educate volunteers and the public on ESC issues, there remained a distinction between this kind of “promotional work” and the “active campaigning” done on behalf of POCs. AIUSA was at the forefront in these developments. Working together with the Sierra Club, AIUSA’s 1998 *Just Earth!* campaign exposed a pattern of governmental repression against environmental activists who had spoken out against large-scale construction projects, resource extraction, and state-directed development policies. Besides calling for international standards and “domestic mechanisms” that would regulate corporate behavior, AIUSA and the Sierra Club also sought “International Rights to Know” legislation that would require U.S. corporations with operations in foreign countries to disclose their environmental impact, labor practices, and security arrangements. At the 2001 Dakar ICM, Amnesty International voted to give ESC rights greater attention, which led to the establishment of an Office on Business and Human Rights and campaigns against Shell Oil in Nigeria, British Petroleum in Colombia, and Freeport MacMahon in Indonesia. Seeing the lack of ESC rights as a root cause of terrorism, the introduction of AI’s *2005 Annual Report* identified poverty as “perhaps the gravest threat to human rights and collective security.” *All of the Universal Declaration of Human Rights must be taken seriously, the report stated, including the rights to water, food, and an adequate standard of living, “The fact that so many people live in inhuman conditions, and that the gap between rich and poor is widening between and within countries, directly contradicts the notion that all human beings are both equal in dignity and rights.”*²⁰

With the publication of *Indivisible Human Rights: The Relationship of Political and Civil Rights to Survival, Subsistence, and Poverty* in September 1992, HRW proclaimed that political and civil rights were inextricable from economic and social rights. Meant as a rejoinder to Eastern Bloc leaders who claimed economic prosperity was a necessary prerequisite for democratization, the report argued that freedom of speech, the right to assemble, property rights, and fair elections were what allowed people to keep their land, join labor unions that could raise their wages, or to preserve the environment. By quoting the concluding document of the Tenth Conference of the Heads of Non-Aligned Countries, which decried the “neglect [of] economic, social, and cultural rights which relate more immediately to mankind’s needs for food, shelter, and health care and for the eradication of poverty and illiteracy,” HRW signaled that it would be more responsive to the needs of the global South. Responding to a law that required all churches and ministries to register with the Ministry of the Interior, *Ghana: Official Attacks on Religious Freedom* (1990) was the first in a series of reports released by HRW during the 1990s that highlighted arbitrary restrictions placed on the cultural practices of minority populations. Similar reports on Czechoslovakia, Indonesia, Estonia, Pakistan, and Vietnam followed over the next few years. By the end of the decade, HRW had moved strongly into labor rights with reports on worker protests in South Korea and Indonesia. Like AIUSA and the Sierra Club had with *Just Earth!*, HRW exposed how opponents had been punished and local populations

¹⁹ Hopgood, *Keepers of the Flame*, 116-121

²⁰ Paul J. Nelson and Ellen Dorsey, *New Rights Advocacy: Changing Strategies of Development and Human Rights NGOs* (Washington, D.C.: Georgetown University Press, 2008), 64-68

forcibly relocated with the construction of the Three Gorges and Narmada dams in China and India, respectively. In 2001, HRW began publishing reports on the HIV/AIDS epidemic in Africa that covered issues like the sexual violence inflicted against schoolgirls in South Africa that put them at risk of infection and the unfair burden Kenyan authorities placed upon the families of orphaned children.²¹

“I must admit to finding the typical discussion of ESC rights rather sterile,” Ken Roth wrote in 2004, as he often found that those calling upon HRW to do more for those who lacked access to health care, the homeless, or the hungry did not fully consider who was responsible for their impoverishment, whether the government was doing anything to improve these conditions, or how human rights NGOs could do more than mere grandstanding. As “outsiders” in most of the countries in which it worked, HRW was hardly in a position to dictate the budget. A decade as its Executive Director had taught Roth that HRW was most effective when it could identify three things: the violation, a violator, and a remedy. “If we can show that the government (or other relevant actor) is contributing to the ESC shortfall through arbitrary or discriminatory conduct, we are in a relatively powerful position to shame.” HRW’s advocacy of ESC rights had to meet a set of well-defined criteria had to be met. When it investigated the use of child farm workers in the United States, for example, HRW avoided questions such as the appropriate number of work hours per day or the maximum level of exposure to pesticides, preferring to emphasize how these boys and girls were the only group excluded from child labor laws: “In making this revelation, we were able to demonstrate that US laws governing child farm workers were both arbitrary (the exception was written in an era when the family farm was predominant; it has little relevance to the agribusiness that typifies the field today) and discriminatory (most of the parents of today’s farmworker children are immigrants, politically an easy category to ignore.” If HRW had to operate in the “the amorphous realm of costs and benefits,” then it would have lost the moral clarity it needed to shame politicians and business executives into fixing the problem. Having such clarity was Roth’s way of avoiding the “sense of futility” activists usually felt on “matters of pure distributive justice.”²²

Along with their increased commitment to ESC rights, AI/AIUSA and HRW took up a wide variety of causes—sexual orientation, labor organizing, the environment, public health, and children’s rights—that went far beyond what had previously defined them during the Cold War. Their search for new constituencies brought them ever closer to humanitarian NGOs such as Oxfam, CARE, and ActionAid. “Development and human rights NGOs have joined in human rights-driven social movements for food, health, education, water, and other rights, often challenging development orthodoxy; and development organizations have adopted ‘rights-based’ approaches to their work,” Paul Nelson and Ellen Dorsey note. The result was a “concerted effort” to do for ESC rights what Amnesty International did for political and civil rights during the 1960s and 1970s—bring them “into the mainstream of world politics.”²³

Some international human rights activists in the United States wanted to do that for feminism. Indicative of a larger shift in organizational structure from geographical region towards a certain type of violation, both HRW and AIUSA created divisions that were exclusively devoted to defending women’s rights. Reflective of the “recognition within HRW

²¹ Nelson and Dorsey, *New Rights Advocacy*, 59-63

²² Kenneth Roth, “Defending Economic, Social, and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,” *Human Rights Quarterly*, Vol. 26, No. 1 (February 2004): 63-73

²³ Nelson and Dorsey, *The New Rights Advocacy*, 14, 20

that its ongoing work failed to address pervasive but largely ignored human rights violations suffered by women,” Dorothy Thomas established the Women’s Rights Project in 1990 with the help of a start-up grant. When asked by a *New York Times* reporter about her plain appearance, a question that would not have been asked of a man, Thomas responded, “You know, women are caught between reality and appearances. The reality is that we’re second-class citizens. Let’s change the reality: don’t waste a lot of time putting on make-up.” After graduating from Georgetown University, Thomas joined the anti-apartheid movement, serving as the Project Coordinator for the Namibia Project of the Lawyers’ Committee for Civil Rights Under Law, where she monitored Namibia’s transition to independence. “I saw people voting for the first time in their history,” she recalled. “But even in this incredibly visionary struggle, women were almost invisible.” Her desire to stop violence against women was borne of personal loss. Three weeks after Thomas graduated from Georgetown, her friend Catherine Schilling was raped and murdered. “I think it devastated me, but it also challenged me,” she said. “It made me realize that this is a problem affecting all women, directly or indirectly, and I didn’t want to live in a world like that, where it could happen over and over again.”²⁴

The Women’s Rights Project confronted issues such as virginity testing in Turkey, the rape of women in Pakistani jails, and discrimination against pregnant workers in the maquiladors along the U.S.-Mexico border. Responsible for reports that exposed widespread violence against Brazilian women and the trafficking of women across the Burma-Thailand border, Thomas received a MacArthur Fellowship in 1998 for “helping to redefine international standards of human rights and making abuses against women, including domestic violence, a matter of international human rights law.” But perhaps her most innovative work at HRW had to do with the safety of women inmates in her own country. The continued use of male correctional officers led to repeated instances of sexual abuse in the United States. “The United States has one of the most active women’s movements in the world and it hasn’t explored the use of international pressure,” Thomas said. “To me it’s a given that everything is going global.” At first government officials, donors, and colleagues “drew a blank” whenever she insisted that women’s rights *were* human rights, a phrase famously said by First Lady Hillary Clinton at the 1995 UN Beijing Conference on Women’s Rights, but the Women’s Rights Project would be fully incorporated into HRW’s annual budget and an essential part of its overall mission by the time Thomas left HRW in 1998.²⁵

An anthropologist who spent two years in Tanzania doing fieldwork for her Ph.D., Sheila Dauer would do for AIUSA what Dorothy Thomas did for HRW. First hired onto the AIUSA staff in 1979, Dauer helped develop official policy, actions, and publications as a member of its 1988 Taskforce on Women’s Human Rights. In 1991, she prepared *Women in the Front Line*, Amnesty’s first report on the treatment of women around the world, and as AIUSA Acting National Director in 1995, she led campaigns on Nigeria, Indonesia, and China. After establishing the Women’s Human Rights Program in October 1997, Dauer was the Theme Advisor to AIUSA’s Stop Violence Against Women Campaign, which began in 2004 and continued until 2008, at which time she began teaching full time on her life’s work. Dauer’s academic background made her particularly attuned to the tension between the universalism

²⁴ Widney Brown, “Human Rights Watch: An Overview,” in Claude Welch, ed., *Human Rights NGOs* (Philadelphia: University of Pennsylvania Press, 2001), 73-74; Joyce Wadler, “Activist Looks for Trouble,” *New York Times*, June 4, 1998

²⁵ Wadler, “Activist Looks for Trouble.”; Brown, “Human Rights Watch: An Overview,” 73-74; “The Many Faces of Feminism,” *Ms* (July 1994), 33

espoused by activists and the particularity of local traditions: “Within the human rights movement, conceptualizing human rights standards as universal is now thought of as bringing local meanings into dialogue with [international] human rights standards to mutually reinterpret them and to find ways they can apply locally—a kind of cultural negotiation.”²⁶

The Women’s Human Rights Program found its legal basis in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the principles of which were first articulated in a declaration passed at the 1993 Vienna Conference. “Violence against women is the human rights scandal of our time,” Dauer said in an April 2006 address at the University of Maryland Law School. “The underlying cause is discrimination, which denies women equality with men in all areas of life.” The numbers did not lie. One of every three women would be beaten, raped, or other assaulted during their lifetime. Just in the upcoming year, Dauer continued, more than 15,000 Chinese women would become sexual slaves while 7,000 women in India would be murdered because of familial disputes over dowries. Not only did governments routinely ignore violence against their female citizens, but they enforced discriminatory laws that condoned genital mutilation, punished any alleged sexual acts outside of marriage, or prohibited wives from leaving their abusive husbands. Making these into human rights issues gave activists a common language that enabled them to make demands both domestically and internationally. For example, Amnesty International worked closely with Turkish women’s rights NGOs on a campaign that resulted in a 2005 law that made domestic violence and honor crimes illegal while also requiring cities with populations larger than 50,000 to build shelters for battered women. As part of its Stop Violence Against Women Campaign, AIUSA joined the national taskforce for the reauthorization of the Violence Against Women Act (VAWA) in December 2005, delivering a petition with 92,000 signatures to Congress. Demonstrating how she saw women’s rights as connected to ESC rights, Dauer noted in interviews that many American women were unable to escape their violent relationships because they could not afford somewhere else to live.²⁷

Praised by Dauer as a “terrific motivator and a good organizer,” Carole Nagengast was another high-level official who helped expanded AIUSA’s horizons. A graduate student in anthropology at the time, Nagengast went to Poland in 1977 to explore locations in which she might conduct research for her dissertation. “It was a seminal experience,” she said of a deeply moving visit to Auschwitz. “Human rights abuse is such an abstraction. But all of those photos—those faces of people who are gone, the bins of human hair. They gave it a reality it otherwise didn’t hold for me—in my gut.” Intrigued by rural entrepreneurs who functioned within a socialist economy, Nagengast and her three children lived in a Polish village for a year. Joining AIUSA after her return to the United States, she co-founded Group 163 with Michael Kearney, an anthropologist at the University of California, Riverside, whom she eventually

²⁶ “Faculty: Sheila Dauer,” *The New School*, <http://www.newschool.edu/public-engagement/milano-school-faculty/?id=87789>; Sheila Dauer, “Possible Anthropological Contributions,” *Anthropology and Human Rights—An Open Exchange*, www.aanet.org/press/an/0406/goodale_et.al.html

²⁷ Sheila Dauer, “Violence Against Women: An Obstacle to Equality,” *University of Maryland Law Journal of Race, Religion, Gender, and Class*, Vol. 6 (2006): 281-290, http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1021&context=wle_papers; Shauna Curphey, “Amnesty Pushing Nations to End Gender Violence,” *WeNews*, March 19, 2004, <http://womensenews.org/story/the-world/040319/amnesty-pushing-nations-end-gender-violence#.UVN5zzeohyS>; see also Suzanna McCloskey, “Sheila Dauer: Making Human Rights Real at the Local Level,” *The Tennessee Journalist*, November 17, 2011, <http://tnjn.com/2011/nov/17/sheila-dauer-making-womens-hum/>

married. A scholar of Mexican indigenous peoples, Kearney authored *The Winds of Ixtepeji: World View and Society in a Zapotec Town* (1971) and *A Survey of Oaxacan Village Networks in California Agriculture* (with David Runsten [1994]), and collaborated with Nagengast on *Human Rights and Indigenous Workers: The Mixtecs in the United States and Mexico* (1992) and *Mixtec Migrants in California Agriculture: A New Cycle of Poverty* (1993). Going to extraordinary lengths to help the victims they encountered, their research into the Mixtecs began after Kearney helped a group of undocumented workers who were in trouble with the Riverside police. A POC assigned to Group 163 was Paraguayan labor leader Constantino Coronel. After spending five years in prison, he was released and forced into exile. Fortunately, some Group 163 members secured a job for Coronel with United Farm Workers, the union made famous by Cesar Chavéz. But Coronel could not overcome the damage inflicted upon him by his torturers. Coronel lived with Nagengast and Kearney for two years during the mid-1980s until he could safely return to Paraguay. Elected to the AIUSA Board of Directors in 1986, Nagengast worked with Dauer, who ran Amnesty International's 1992 campaign dedicated to defending indigenous rights. To cite one particular case, the inability of the Chakma to have their ancestral lands recognized by the Bangladeshi government resulted in violent incidents with settlers. "Unresolved land conflicts are generating really grave abuses of the rights of indigenous peoples," Dauer said.²⁸

Outraged by the revelation that Serbian soldiers had set up "rape camps" for Bosnian Muslim women, activists like HRW lawyer Widney Brown worked diligently have rape classified as a war crime. "In Yugoslavia rape was part of ethnic cleansing, because the message that you got was if you stayed, the men would be murdered and the women would be raped," Brown explained. "That was followed very quickly by what happened in Rwanda, where we have similar widespread allegations of rape and mutilation." Responding to pressure from women's organizations, the ad hoc tribunals that had been set up in the former Yugoslavia and Rwanda recognized it as a war crime, a necessary first step towards a permanent judicial body doing the same. As part of the Women's Caucus for Gendered Justice during the negotiation process of the 1998 Treaty of Rome—the agreement that created to the International Criminal Court—Brown demanded the inclusion of language that would no longer make women "the forgotten victims of war, internal armed conflict [civil wars], and crimes against humanity." Opposing Brown and her caucus was an unholy alliance of the Vatican and Arab League countries that wanted to eliminate any reference to gender. But the activists won the day. "Against enormous odds, rape and other enumerated forms of sexual violence from now on will be defined as war crimes and crimes against humanity," Brown later wrote. "Never again will we be forced to define these crimes as 'crimes against honor.' Gender-based prosecution allows for the possibility of addressing violence and egregious discrimination against women."²⁹

More than a decade removed from receiving her undergraduate degree at George Washington University, Brown entered NYU Law School in 1991 intending to pursue a career in

²⁸ Kathleen Hendrix, "Woman of Conscience: Activism's a Very Personal Thing for Leader of Amnesty International, USA," *Los Angeles Times*, June 5, 1992; Michael Kearney, "Short Curriculum Vitae," Department of Anthropology, University of California, Riverside, http://anthropology.ucr.edu/people/faculty/emeritus/kearney/MichaelKearney_CV.pdf; Carole Nagengast, "Curriculum Vitae, October 2005," Department of Anthropology, University of New Mexico, http://www.unm.edu/~anthro/download/faculty_cvs/nagengastcv.pdf; Lucia Mouat, "United Nations Addresses Worldwide Human Rights," *The Christian Science Monitor*, June 9, 1993

²⁹ Barbara Crossette, "An Old Scourge of War Becomes the Latest War Crime," *New York Times*, June 14, 1998; Widney Brown, "Not a Roman Holiday," *Peacework* (September 1998), 8

human rights. When Colorado voters approved a constitutional amendment excluding gays and lesbians from the state's anti-discrimination laws in November 1992, a measure known as Amendment 2, she and a classmate (the liberal writer Glenn Greenwald) tried to convince the NYU faculty to boycott the State of Colorado, a majority of whom ultimately agreed not to attend conferences within its borders. This experience was as much as Brown could have asked for, as she learned how to persuade: "not to ask up front is someone was going to vote our way," but give the necessary space so that "people can change their minds." With three years of experience in New York defending gays and lesbians who been victimized by hate crimes, she joined HRW in 1997 as a consultant to the Women's Rights Division (formerly known as the Women's Rights Project). Published in 2001, one of Brown's most significant reports was "Hatred in the Halls," in which she determined that LGBT students "face a greater risk of bullying than any other students in American high schools," a situation that made it almost impossible for them to focus on their studies. "School systems and teachers are really failing these kids," she observed, "and the consequence is that they are not getting an education." But Brown also viewed food and health care as basic human rights too. "As she visited places ranging from Saudi Arabia to Uganda, Brown was struck by the fact that the most marginalized citizens were suffering from a lack of services such as potable water and consistent electricity, and governments were unable, or unwilling, to provide the infrastructure to deliver them," writes Alexandra Starr in a 2011 profile of Brown. "On her own time, she convened a group of civil engineers in London to discuss how they could tap technology to improve conditions in the most deprived regions of the earth."³⁰

Brown stayed with HRW for nine years until becoming Amnesty International's Senior Director of International Law and Policy in 2006. In contrast to most policy directors who tended to think of themselves primarily as researchers, Brown was a campaigner through and through. "Widney's instincts have long been those of an advocate, and that's one reason why she doesn't just focus on researching reports but keeps her eye on the broader issue—namely, figuring out how we can actually change policies to improve lives," said HRW Deputy Program Director Joseph Saunders. When repeated protests over the alleged torture of detainees at Guantánamo Bay Naval Base by did not result in any immediate changes from George W. Bush administration, Brown helped create a public awareness campaign to correspond with the 2008 presidential election. "Close Guantánamo" brought Americans face-to-face with a ten-by-six prison cell. To make them understand why the United States had ratified the Convention Against Torture, they were given the opportunity to experience some of the "stress positions" that been used to interrogate suspected terrorists. "People were saying, 'Wow, this hurts,'" Brown remembered. "And we were like, 'That's the point.'"³¹

Lawyer-activists like Brown were crucial to how the international human rights movement—led by HRW—achieved two legal breakthroughs during the 1990s: instituting a ban on landmines and the creation of a permanent judicial body to make heads-of-state accountable for their past crimes. Jointly released by Asia Watch and Physicians for Human Rights (PHR) in September 1991, *Land Mines in Cambodia* discussed the landmines that remained from the civil war that ravaged the country during the 1970s. These weapons were still deadly as ever, a

³⁰ Alexandra Starr, "2011 Alumni Almanac: Following Words with Action," *NYU Law: The Law School Magazine*, <http://blogs.law.nyu.edu/magazine/2011/following-words-with-action/>; Nick DiVitto, "The School that Hate Built," *Village Voice* (September 10-16, 2003), 20

³¹ Starr, "Following Words with Action"

misstep could very well be an innocent's last step. Asia Watch and PHR identified who bore responsibility for creating this most Cold War of problems: the United States, the Soviet Union, Vietnam, China, Italy, Singapore, and India. Nor were these accidental deaths limited to Cambodia. Afghanistan, Somaliland, Iraqi Kurdistan, and Angola all had their own versions of these hidden killing fields. The only solution, as Aryeh Neier wrote to *The New York Times* in May 1992, was a worldwide ban on landmines, the historical precedent for which could be found in the 1925 Geneva Protocol that made the use of poisonous gas illegal.³²

Launched in 1992 by a group that initially consisted of HRW, PHR, Vietnam Veterans of America (VVA), the Mines Advisory Group, Medico International, and Handicap International, which would grow to include 1,400 NGOs in ninety countries by 1999, the International Campaign to Ban Landmines (ICBL) demanded a worldwide prohibition on the use, production, trade, and stockpiling of antipersonnel mines (APMs) and increased resources for mine clearance and victim assistance. The lead coordinator of the ICBL was Jody Williams, an American peace activist who had organized against U.S. involvement in Central America during the 1980s, and would receive the 1997 Nobel Peace Prize for her innovative diplomacy. Tired of the relative ineffectiveness of the 1980 Convention on Certain Conventional Weapons (CCW), the French Campaign to Ban Landmines asked President François Mitterand in 1993 to call for a conference at which the CCW would be strengthened. Mitterand did his part, but the 1995-1996 Review Conference failed to achieve its objective. Hoping to agree upon a Declaration of Intent in which states could pledge their support of the APM ban and an "Agenda for Action" to make it a reality, ICBL conferred with representatives from fifty countries in Ottawa, Canada over three days in early October 1996. Instead of concluding his keynote speech with words of praise for what had been accomplished, Canadian Foreign Minister Lloyd Axworth challenged everyone in the room to return to Ottawa to sign an international treaty in a year's time. "Members of the International Campaign to Ban Landmines erupted into cheers," Williams recalled. "The silence of the governments in the room was deafening. Even the truly pro-ban states were horrified by the challenge. Canada had stepped outside of diplomatic process and procedure and put them between a rock and a hard place." Williams credited Axworth with spurring the fifteen-month Ottawa Process. A draft treaty submitted by Austria was revised in a series of preliminary meetings in Vienna, Bonn, and Brussels; the final negotiations occurred in Oslo over three weeks in September 1997. The Mine Ban Treaty (MBT) was signed by 122 countries in Ottawa that December, and entered into force in March 1999, "more quickly than any other major international treaty in history." Lacking the support of the United States, Russia, or China, the MBT was the result of historic cooperation between small and medium-sized states and NGOs, as Williams concluded, "The successful model of government-civil society partnership that evolved in bringing the treaty about and endures to this day offers a concrete example of how the global community can work together to resolve common problems."³³

³² Aryeh Neier, "Ban of Land Mines Is Urgently Needed," *New York Times*, May 10, 1992

³³ Human Rights Watch, "International Campaign to Ban Landmines," *HRW 1999 Annual Report*, <http://www.hrw.org/reports/1999/landmine/WEBICBL.htm>; International Campaign to Ban Landmines, "Ban History," *The International Campaign to Ban Landmines Website*, <http://www.icbl.org/index.php/icbl/Treaty/MBT/Ban-History>; Jody Williams, "Protection from Landmines," *Speak Truth to Power: Human Rights Defenders Who Are Changing the World*, The Robert F. Kennedy Center for Justice and Human Rights, <http://curriculum.rfkcenter.org/curriculum/12?locale=en>; Jody Williams, "New Approaches in a Changing World: The Human Security Agenda," in Jody Williams, Stephen D. Goose, and Mary Wareham, *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Rights Security*, (Lanham, Maryland: Rowman

A visit to Sarajevo in April 1993 convinced Aryeh Neier that peace was no substitute for justice. “All those to whom I spoke insisted a failure to establish it would be a betrayal,” Neier wrote of the proposed International Tribunal for the Former Yugoslavia. “After suffering every other conceivable deprivation, their last remaining hope is for a day of reckoning.” Neier had held this position for the previous few years. A number of Latin American countries—Uruguay, Chile, and El Salvador among them—had used amnesty to persuade the military to let democratization proceed. As someone who never had to live under one of these regimes, Neier could hold firm to his belief that trials would instill the rule of law and act as a deterrent against future abuses, but not all Uruguayans, Chileans, and Salvadorans could be so uncompromising. But Bosnia was different. A trial might solve the problem of collective guilt posed by ethnic conflict. Bosnian Muslims would see that *some* Serbs—not all Serbs—were finally being held accountable.³⁴

In contrast to the year it took the Carnegie Endowment for International Peace issue a report on the Second Balkan War of 1913, information about the atrocities committed in the former Yugoslavia travelled much faster in the 1990s, as Jamie Metzl observed at the time: “Every turn of political fortunes was reported immediately by journalists able to file stories and photographs through electronic media beamed across the world by CNN and other satellite news networks.” More so than Amnesty International, HRW used this information for a specific purpose—to convince the rest of the world that war criminal should be put on trial. Under the direction of Ivana Nizich, who would be hired by the International Criminal Tribunal for the Former Yugoslavia (ICT-Y) in 1996, HRW sent two fact-finding missions to Bosnia in spring 1992. A report released that summer by HRW accused Serbian forces of committing “ethnic cleansing” against Bosnian Muslims. Following another mission in the fall, a second report released in April 1993 provided even more evidence of genocide. HRW had no shortage of victims to interview, but it went to considerable lengths to protect their identities, using pseudonyms instead of their actual names. Nizich would request thirty boxes of evidence from HRW after she joined the ICT-Y. HRW’s lobbying of the Clinton administration paid off when the State Department agreed to support the tribunal. Even though it was encouraged by a speech given by UN Ambassador Madeline Albright in November 1993 that rejected amnesty for those found guilty of violating international humanitarian law, such threats did nothing to prevent even more atrocities from occurring over the next two years.³⁵

HRW’s July 1993 update on Bosnia, *PROSECUTE NOW!*, described eight victims—Serbs, Croats, and Bosnian Muslims—and publicly identified six alleged war criminals. HRW worked closely with Richard Goldstone, the South African jurist who was appointed as Chief Justice of the ICT-Y in July 1994. Goldstone and ICT-Y lawyers relied on HRW to provide them with the evidence they needed to start building cases against known perpetrators. A week after the July 1995 massacre at Srebrenica, HRW held an “emergency meeting” with representatives from numerous human rights NGOs. They drafted a letter that accused the White House of “spinelessness,” but this criticism was edited out of the final version that was released to the public on July 31. Notably missing from these discussions was Amnesty International,

and Littlefield, 2008), 281-282; for a detailed history of the ICBL, see Kenneth R. Rutherford, *Disarming State: The International Campaign to Ban Landmines* (Santa Barbara, California: Praeger, 2011)

³⁴ Aryeh Neier, “Judgment in Sarajevo?” *New York Times*, April 18, 1993; see Aryeh Neier, *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice* (New York: Times Books, 1998)

³⁵ Metzl, “Information Technology and Human Rights,” 705-706; Korey, *NGOs and the Universal Declaration of Human Rights*, 320-323

which did not want to be associated with demands for humanitarian intervention. NATO began bombing Serb military positions that August. With its provision that all parties assist the ICT-Y in investigating and prosecuting any violations of international humanitarian law, the Dayton Peace Accords was signed by the end of the year. To prevent a similar catastrophe from occurring in Kosovo in 1998, NATO bombed Serbian positions in a humanitarian intervention that simply would not have been possible during the Cold War.³⁶

The lawyer-activist who embodied HRW's emphasis on accountability was Reed Brody. The son of a Hungarian Jew who was held for three years in a Nazi concentration camp before joining the Red Army, Reed Brody first became politically active in the antiwar movement at Farleigh Dickinson University. After graduating from Columbia Law School and passing the bar exam, Brody hitchhiked through Latin America with his Argentine girlfriend, an experience that served as his "awakening" to injustice: "[Brody] stayed for a while in the tin mines of Bolivia, outraged when he matched the price of tin on the world market against the working conditions and pitiful wages of Bolivian miners." After specializing in consumer protection cases as an Assistant Attorney General for the State of New York during the early 1980s, Brody quit his job and took all \$1000 of his savings to conduct a four-month long investigation of "a pattern of atrocities" that the U.S.-supported Contras had committed against Nicaraguan civilians. *Contra Terror in Nicaragua* (1985) led to congressional hearings and a temporary cut-off in aid to the Contras. At an April 1985 fundraising dinner for the Nicaraguan Refugee Fund, President Ronald Reagan accused Brody of being a "sympathizer" for the Sandinistas. For most of the next decade, Brody worked at the International Commission of Jurists and International Human Rights Law Group. He spent 1994-1995 in El Salvador with the UN Observer Mission implementing the Chapultepec Peace Accords before taking numerous positions as a freelance activists over the next three years: media liaison for the Tibetan Women's Delegation at the 1995 UN Women's Conference in Beijing, leading an Amnesty International fact-finding mission to Sierra Leone in 1996, coordinating the ICJ's 1997 report, *Tibet: Human Rights and the Rule of Law*, and conducting an investigation for the UN Secretary General into atrocities committed in the Congolese Civil War that deposed Mobutu Sese Seko.³⁷

Bringing a substantial amount of experience with him to HRW in 1998, Brody closely followed the Pinochet Case, a legal development he described as marking "the end of impunity" for dictators and warlords. When the British Law Lords determined that General Augusto Pinochet, who had been arrested in London in October 1998, could be extradited to Spain—under the doctrine of universal jurisdiction—and put on trial for crimes his regime had committed against Spanish nationals, Brody was "ecstatic." Citing medical concerns, however, British Home Secretary Jack Straw released Pinochet in March 2000, thereby allowing him to return to Chile. Nonetheless, Brody was excited about the "precedent" that had been set: "The Pinochet case showed us that if the circumstances were right, victims could go after their former tormentors in other countries. It was the first modern case to put this into practice." The International Criminal Court offered survivors a permanent venue at which to prosecute their former persecutors.³⁸

³⁶ Korey, *NGOs and the Universal Declaration of Human Rights*, 323-329

³⁷ Chris Hedges, "PUBLIC LIVES: A 'Bounty Hunter' in Search of Human Justice," *New York Times*, October 3, 2002

³⁸ Hedges, "PUBLIC LIVES: A 'Bounty Hunter' in Search of Human Justice"; Peter Danchin, "Interview with Reed Brody," *The Universal Declaration of Rights*, Columbia University, http://cnmtl.columbia.edu/projects/mmt/udhr/article_5/cases_2.html

Brody's pursuit of justice led him to Chad. With generous military aid from the United States, which saw him as an ally against neighboring Libya, the President of Chad from 1982-1990, Hissène Habré created a secret police force known as the Documentation and Security Directorate (DDS) that was responsible for an estimated 40,000 deaths and had tortured 200,000 Chadians during his rule. In January 2000, as lead counsel for the victims, Brody initiated legal proceedings against Habré in Senegal, where he had been in exile for the previous decade, the evidence for which was compiled by Souleymane Guengueng, a civil servant who had served two years in prison for his opposition to Habré. Subsequent research by Brody in the DDS archives revealed how the Habré regime received training from American intelligence officials that was used against ethnic minorities. With the immense wealth he had accumulated while in office, Habré managed to get the case dismissed in Senegalese court, but Brody and Guengueng remained undeterred, as they started filed another case against Habré in Belgium, where—under an anti-atrocity law—a four-year investigation resulted in an indictment and a request for extradition. Instead, the case was handed to the African Union, whose legal experts urged in July 2006 that Habré face trial “in the name of Africa.” After years of wavering commitment by Senegalese authorities, including an unfulfilled promise made in July 2011 that Habré would be sent to Chad, where he had been sentenced to death in absentia nearly three years earlier, the Parliament of Senegal passed a law in December 2012 that created an international tribunal with judges to be appointed by the African Union. “If you kill one person, you end up in jail,” Brody liked to say. “If you kill 20 people, you end up in an insane asylum. If you kill 20,000 people, you get an amnesty. With this kind of record it is hard to build a new ethic.”³⁹

But even with all of their success in the post-Cold War era, activists were reminded on numerous occasions that their influence—and their use of moral suasion—only went so far. They could do little more than watch the Rwandan Genocide from afar. Nor were they able to keep international pressure on China or persuade the United States to ratify their treaties. And the inability and/or the unwillingness of leading NGOs to build at the grassroots meant that they could set agenda and influence debates but they did not command the large constituencies that would make politicians do what they wanted.

“For the last two weeks, all of Kigali had lived under the threat of instantaneous, carefully prepared operation to eliminate all those who give trouble to President [Juvénal] Habyarimana,” Rwanda human rights activist Monica Mujawamariya warned HRW a week before the plane crash that killed Habyarimana on April 6, 1994. Unfortunately, Mujawamariya's prediction to her friend, Alison Des Forges, a historian who served on the HRW board, that this death would be used by Hutu extremists to begin killing Tutsis *en masse* turned out to be correct. On the telephone with Des Forges just as gunmen entered her house, Mujawamariya hung up and hid herself in the attic. Frightened at what might have happened to Mujawamariya, Des Forges wrote a letter to HRW that *The Washington Post* published on April 8: “I believe Monique was killed at 6:30 this morning...I have virtually no hope that she is still alive, but will continue to try for more information.” Des Forges pleaded with readers to “inform everyone who will care.” Introduced to her at the White House in December 1993, and perhaps having read Des Forges's letter himself, President Bill Clinton became very interested in Mujawamariya's whereabouts, as one American official recalled to Samantha Power, “I can't tell

³⁹ “About the Case,” *The Dictator Hunter*, http://www.thedictatorhunter.com/hissenehabre_about.php; also see the documentary film about Brody and the Habré case by Klaartje Quirijns, *The Dictator Hunter* (Amsterdam: Pieter van Huystee Film and EyesWideFilms, 2007)

you how much time we spent trying to find Monique. Sometimes it felt as though she was the only Rwandan in danger.” Mujawamariya eluded her intended murderers long enough to bribe her way to safety, first to Belgium then to the United States, where she was with Des Forges by April 18. With Mujawamariya now accounted for, Clinton seems to have lost interest in the crisis even as HRW estimated on April 19 that 100,000 had been killed (substantially less than the actual figure) while also calling for the term “genocide” to be used to describe what was happening in Rwanda. HRW’s 100,000 number was repeated by Western media outlets, a report in the *Washington Post* that appeared on April 24 described how “the heads and limbs of victims were sorted and piled neatly, a bone-chilling order in the midst of chaos that harked back to the Holocaust,” and footage of dead bodies blocking the Kigali River could be seen on the nightly news, but the Clinton administration hesitated to use the “g-word,” dithering for another month before Secretary of State Warren Christopher issued diplomatic instructions specifying that the State Department could only say that “acts of genocide” had occurred. At no time during the three-month genocide did Clinton have a meeting specifically on Rwanda with his top foreign policy advisers. Once the last Americans were evacuated out of Kigali, their attention turned to other crisis, as National Security Advisor Anthony Lake later admitted, “I was obsessed with Haiti and Bosnia during that period, so Rwanda was, in [author] William Shawcross’s words, a ‘sideshow,’ but not even a sideshow—a no-show.” Unable to identify how sending U.S. troops into Rwanda would be in the “national interest,” Richard Clarke, the man responsible for overseeing peacekeeping policy at the National Security Council (NSC), was more interested in protecting Clinton from receiving the same kind of criticism that accompanied the loss of American lives during a UN humanitarian mission that went awry the previous year in Somalia.⁴⁰

In short, there was no political price to be paid by Clinton for his indifference. HRW had the facts on its side and access to high-level officials, but it did not have the membership needed to shake Washington, D.C., out of its complacency. “When Tony Lake met with Alison Des Forges of Human Rights Watch just two weeks into the genocide—an incredible event for a human rights monitor from Rwanda, who was an expert on Rwanda, to be meeting with the national security adviser of the United States—he put it to her very simply,” Power noted in a 2004 interview. “He said, ‘Look, I hear you, I hear about radio jamming. I hear about denunciation. I hear about your list, and duly noted. But you have got to make noise. The phones are not ringing.’”⁴¹

If Rwanda left activists with a palpable sense of despair, then China was a continual source of frustration for them. By using its economic power to drive Western leaders away from the trade sanctions advocated by HRW, Amnesty International, and their allies in Congress, Chinese President Jiang Zemin did not have to respond to repeated criticisms of his country’s human rights record in the aftermath of the June 1989 Tiananmen Square massacre; its one-party dictatorship, harsh treatment of political and religious dissidents, strict censorship, and repression in Tibet. Clinton’s decision in May 1994 to renew China’s Most Favored Nation (MFN) trade status even though it had made little progress on human rights—a reversal of an executive order he signed the previous year—was a defeat for a movement that had invested so heavily in

⁴⁰ Samantha Power, “Bystanders to Genocide,” *The Atlantic* (September 2001),

http://www.theatlantic.com/magazine/archive/2001/09/bystanders-to-genocide/304571/?single_page=true

⁴¹ “Interview: Samantha Power,” *PBS Frontline: The Ghosts of Rwanda*,

<http://www.pbs.org/wgbh/pages/frontline/shows/ghosts/interviews/power.html>

convincing political leaders to do the right thing. “I think we have to see your relations with China within a broader context [than just human rights],” Clinton said at the White House on May 26. “Let me ask you the same question I have asked myself: Will we do more to advance the cause of human rights if China is isolated?”⁴²

This press conference was months in the making. Soon after he landed in Seattle for his first summit with Clinton in November 1993, Jiang spoke to a Boeing plant in Everett, Washington, calling upon American businesses to “remove all the negative factors and artificially imposed obstacles” between the United States and China. Following a dinner with Jiang, Boeing CEO Frank Shrontz described China as “a very important sustaining market for us.” In Beijing only days before, Premier Li Peng welcomed German Chancellor Helmut Kohl and 40 executives from companies such as Daimler-Benz and Siemens. “Chancellor Kohl is sure to fly back with full suitcases,” Li said. Kohl looked on as China and Germany agreed to eighteen contracts totaling \$2 billion for airplanes, railway cars, steel rolling mills, machine tools, and telecommunications equipment. News of Kohl’s overstuffed luggage quickly made it back to Seattle, where Clinton was with his top economic advisors, Treasury Secretary Lloyd Bentsen, Commerce Secretary Ron Brown, U.S. Trade Representative Mickey Kantor, and Director of the National Economic Council Robert Rubin, the circle in the administration that most feared the prospect of American corporations losing out on the immense Chinese market. “The lesson was obvious: America’s closest allies were not going to join it in its effort link trade with China’s improvements in human rights.” James Mann writes. “Nor, for that matter, were the Europeans even going to remain neutral, holding off with China while America took the lead on human rights. Rather, other countries were going to avidly pursue their economic interests in China, whether doing so undercut the American policy or not.”⁴³

Aware of their leverage over Clinton, the Chinese acted with increasing defiance over next few months. When he met secretly with prominent Chinese dissident Wei Jingsheng in Beijing on February 27, 1994, Assistant Secretary of State for Human Rights John Shattuck asked Wei what he thought of linking trade with human rights. It might not necessary be the best way, Wei said, but “at the moment it is an effective way to improve human rights in China,” adding, “Without international pressure I would not be sitting here today.” But instead of keeping quiet about his rendezvous with Shattuck, Wei shared what had happened with American reporters. Angered by what they perceived as Shattuck going behind their back, Chinese security arrested Wei and other dissidents during the next week (most of whom were released within a day or two but warned not to make trouble), an act that was meant to be a warning sign to Secretary of State Warren Christopher who was on his way to Beijing for what proved to be a difficult three day visit. As if the Americans did not get the message with this latest crackdown, several dissidents were asked to leave Beijing or had their homes monitored by the Public Security Bureau; two American correspondents were confined for six hours after going to the apartment complex where a labor activist lived; and Wei was forced into exile in Tianjin. And Li Peng was spoiling for a fight. “China will never accept the United States’ concept of human rights,” he said before reminding Christopher that there were 100 million Chinese still living in poverty. “You have to have humans before you can have human rights.” Li dismissed Christopher’s attempt to state the criteria by which China would receive MFN

⁴² Ann Devroy, “Clinton Reverses Course on China,” *Washington Post*, May 27, 1994

⁴³ James Mann, *About Face: A History of America’s Curious Relationship with China, From Nixon to Clinton* (New York: Vintage Books, 2000), 292-294

status, predicting that it would be forthcoming regardless. Referring to Christopher's role on the blue-ribbon panel that investigated the Los Angeles Police Department in the aftermath of the March 1991 Rodney King beating, Li turned the tables on his American counterpart: "You've got racism and human rights problems in the United States. The Rodney King beating was a human rights problem. So don't come over here and talk to us about human rights problems." Christopher was received with similar hostility by Chinese Foreign Minister Qian Qichen. Infuriated by the unauthorized Wei meeting, Qian accused Shattuck of meddling in China's internal affairs, although Qian divulged that two dissidents, Wang Jungtao and Chen Zimining, two Tiananmen Square protest organizers who had been sentenced in 1991 to thirteen years in prison, would soon be released. Just as revealing about Clinton's shift in policy was a breakfast that Christopher had with the American Chamber of Commerce in Beijing at which executives complained that too much scrutiny of Chinese human rights practices by the White House was putting them at a "competitive disadvantage." Hopeful that economic growth would eventually transform China from within, Clinton ultimately chose economic globalization over moral principles, though he saw them as interconnected in a way that international human rights activists did not.⁴⁴

Aryeh Neier credited the Chinese with successfully playing the U.S. and European Union off one another in a kind of "reverse human rights pressure": "To Western Governments, the Chinese have said, in effect, 'If you criticize us, we will stop trading with you and turn to your competitor.' When the U.S. does it, the Chinese say they will stop buying from Boeing and start buying from Airbus, and vice versa." Only cooperation between the Americans and the Europeans would change this power dynamic but the lure of large markets, government contracts, and cheap labor were too much for all involved to resist. Exposing such hypocrisy may have worked against the Reagan administration in El Salvador but not so much against the Clinton administration in China. "We have more difficulty getting leverage with Clinton than we did with Reagan," Neier told David Rieff in 1999. "Unlike in those years, today there are relatively few disputes over the facts." Shaming was only as effective as the targets would let themselves be shamed and moved to act accordingly. The Chinese could respond to international pressure on its own terms. "Stigma is not getting the job done," former HRW staffer Holly Burkhalter said. "The only thing we really know how to do well is expose. We do that better than ever, and we're making galloping leaps in establishing norms. But you look at the great bloodletting of the recent past and you ask yourself, 'Are we seeing a reduction in violence against the innocent?'"⁴⁵

Nor could HRW and AIUSA persuade the United States to fully join the expanding legal regime of multilateral human rights agreements that was taking shape at the end of the twentieth century. Whether as activists, advisors, or in an official capacity, Americans participated in the International Campaign to Ban Landmines and the creation of the International Criminal Court, as we have seen in this epilogue, but the U.S. Senate did not ratify either the 1997 Ottawa Treaty or the 1998 Treaty of Rome. Neither had it ratified the Optional Protocol to the International Covenant on Civil and Political Rights, International Covenant on Economic and Social Rights, the American Convention on Human Rights, the Convention to Eliminate Discrimination

⁴⁴ Ibid., 298-304

⁴⁵ David Rieff, "The Precarious Triumph of Human Rights," *New York Times Magazine* (August 8, 1999), <http://www.nytimes.com/1999/08/08/magazine/the-precious-triumph-of-human-rights.html?pagewanted=all&src=pm>

Against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. While the treaties that had been ratified—the Genocide Convention, the International Covenant on Civil and Political Rights, the Torture Convention, and the Convention on Racial Discrimination—were done so with reservations that restricted their jurisdiction over American citizens or limited their provisions to what was already codified in U.S. law. All countries are protective of their sovereignty to some extent, but the United States was especially weary of subjecting itself to international scrutiny. The world’s only remaining superpower was undoubtedly what Clinton termed in his second inaugural address as “world’s indispensable nation” but it also remained an exception to many of the international human rights standards to which less powerful countries had committed themselves. To Andrew Moravcsik, this historical pattern could be explained by a few factors, none of which changed with the end of the Cold War. The relative geopolitical might of the United States in comparison to the rest of the world, one of the most fundamental aspects of international politics during the 1990s; the two-thirds majority needed in the U.S. Senate to ratify treaties as prescribed in the Constitution; hostility from conservative Republican who were suspicious of the UN, preferring a more unilateral foreign policy; and its own tradition of negative individual liberties found in the Bill of Rights all made it so that United States was reluctant to become completely enmeshed with the international community even as it made human rights a legitimate consideration—through not the only consideration—in its foreign policy decisions.⁴⁶

But there were some American officials who accepted the obligations imposed by human rights agreements because they had emerged out of the international human rights movement in the United States. Not too long after he was appointed as Assistant Secretary of State for Human Rights, John Shattuck received some advice from an old boss, Aryeh Neier: “Don’t allow yourself to become the public spokesman for positions that you fundamentally disagree with. That’s what they’ll want you to do, and if you do that you’ll lose your credibility.” Hired out of Yale Law School by Neier in 1971, Shattuck began as a staff lawyer at the ACLU, eventually directing its office in Washington, D.C., before leaving for Harvard University in 1984, where he served as the Vice-President for Government, Community, and Public Affairs until 1993. One of his most notable cases at the ACLU was the lawsuit filed by former National Security Council member Morton Halperin against the Nixon administration for the unauthorized wiretapping of his telephone from May 1969-February 1971 which the ACLU alleged was a violation of the Fourth Amendment. “My experience during the Watergate era had shown me that no battle for freedom is ever permanently won, even when there are strong instructions to protect it,” Shattuck wrote in his memoir. An active member of Amnesty International, he served as Vice-Chairman of the AIUSA Board of Directors from 1988-1992, a vantage point from which he realized that the “the role of the United States and other democratic countries would be crucial in the years ahead if the global freedom revolution was to be defended against inevitable new threats.”⁴⁷

⁴⁶ Andrew Moravcsik, “The Paradox of U.S. Human Rights Policy,” in Michael Ignatieff, ed., *American Exceptionalism and Human Rights* (Princeton, New Jersey: Princeton University Press, 2005), 147-197

⁴⁷ John Shattuck, *Freedom on Fire: Human Rights Wars and America’s Response* (Cambridge, Massachusetts: Harvard University Press, 2003), 13; A federal court ruled in December 1976 that President Richard Nixon, Attorney General John Mitchell, and Nixon’s aide H.R. Haldeman were liable for damages suffered by the Halperin family, determined to be a dollar in August 1977, see *Halperin v. Kissinger* (1979 appeal), 606 F.2d 1192, <http://law.justia.com/cases/federal/appellate-courts/F2/606/1192/441367/>; “Board Member: John Shattuck,” Tufts University—Executive Board of the Institute for Global Leadership, <http://www.tuftsgloballeadership.org/about/boards-and-staff/john-shattuck>

In accordance with the International Covenant on Civil and Political Rights (ICCPR), the State Department was required to submit a compliance report to the UN Commission on Human Rights, the main body of which consisted mostly of state and federal laws and legal precedents and a ten-page preface—not included at first—written by Shattuck in summer 1994 that critically examined his country’s problems with enforcing human rights for all of its citizens. “It is of little use to proclaim principles of human rights protection at the international level unless they can be meaningfully realized and enforced domestically,” he wrote. American history was replete with “egregious human rights violations”: slavery and racial discrimination against African-Americans, the near-annihilation of the American Indian, outbursts of anti-immigrant sentiment, and a lack of gender equality. Shattuck’s admission that “the history of this country is in many ways the story of an ongoing struggle to...overcome old and new injustices in our democracy that continues today” caused a rift within the State Department. Among the “areas of concern” mentioned in the preface were police brutality, the death penalty, violence against abortion rights activists, infringements upon language rights, and gender discrimination. The Human Rights Bureau felt that the original version of the report was insufficient in coming to terms with instances in which the U.S. had not lived up its own ideals. But some State Department officers in the regional bureaus were concerned that the preface would be used as anti-American propaganda by the likes of Cuba and China. Reporter William Claiborne’s *Washington Post* article about this controversy included multiple references to “human rights advocates” who ascribed the disagreement to past “weariness” of the covenant. Shattuck might have been responding to a December 1993 report jointly released by the ACLU and HRW that described nine areas where the United States had “significant shortcomings,” some of which would be identified in the preface also: police brutality, race relations, gender discrimination, and the treatment of inmates, though the NGOs were more forthright about the use of solitary confinement in super-maximum (“supermax”) prisons and the disproportionate sentences received by African-Americans.⁴⁸

On March 29, 1995, defending the September 1994 ICCPR report before the International Human Rights Committee, an independent panel of human rights experts from countries such as Egypt, Chile, Ecuador, and Australia, John Shattuck and Deval Patrick, Assistant Attorney General for Civil Rights (and future Governor of Massachusetts), put the U.S.’s human rights record in the best light possible—“a work in progress” to use Shattuck’s phrase. “Our system is not perfect,” Shattuck acknowledged at the outset. “But the essential genius of our founding fathers lay in their creating a system in and through which injustices...could be addressed and rectified, through the will of the people, under the rule of law.” Patrick then listed the various legal actions that the Clinton administration had taken to enforce anti-discrimination statutes. The committee agreed that the United States had set a poor example with its use of reservations when ratifying the ICCPR. Because the U.S. specifically indicated that the treaty was not domestic law, taking the position that existing laws already met its standards, the ICCPR was practically useless in American courts. Omran Shafei of Egypt praised the United States as “a yardstick of justice and fair play” for the rest of the world, making it all the more baffling why the covenant was “a dead letter” within the United States. Cecilia Medina Quiroga, a Chilean, wondered if the failure of the Equal Rights Amendment meant that the U.S. was out-of-step with the ICCPR, while Julio Prado Vallejo of Ecuador pointed to California’s Proposition 187 with its proposed denial of public benefits for undocumented immigrations—which had been approved

⁴⁸ William Claiborne, “Human Rights Report Includes Self-Criticism,” *Washington Post*, September 13, 1994

by voters in November 1994 but was soon ruled unconstitutional by a federal judge—as the cause of “actual discrimination against Latin American minorities.” HRW was nothing if not more critical of its own country than the experts. The U.S.’s compliance with the ICCPR, according to Ken Roth, was “purely cosmetic and has no practical value for Americans.” True to his self-appointed role to push, cajole, guilt, and shame his country into taking international human rights standards as seriously as he did, Roth would always be an uncompromising adversary of those who held political power even as he needed them to do his bidding.⁴⁹

By the late 1990s, as Kenneth Cmiel noted at the time, there was no question that human rights had “become part of late-twentieth-century, one of the *lingua francas* used to communicate across cultures around the globe, just like statistics or money or pidgin English,” a phrase that could evoke an emotional response regardless of local context with a picture such as the man trying to block the tank in Tiananmen Square, a phrase such as “the horrible torture under Pinochet,” or video footage such as mutilated bodies piled on top of each other in Rwanda. The legitimacy of this shared language of moral complaint was recognized by an increasing robust legal structure with which even the world’s two most powerful countries—the United States and China—had to contend.⁵⁰

The end of the Cold War allowed Amnesty International/AIUSA and HRW to expand beyond their previous emphasis on defending political and civil rights. That they pursued issues such as economic and social rights, women’s rights, gay and lesbian rights, indigenous rights, prisoner’s rights, and children’s rights meant that there were many new kinds of victims whose suffering required action. The activists responsible for taking their movement into these new directions were similar to their predecessors. Kenneth Roth, Dorothy Thomas, Sheila Dauer, Carole Nagengast, Widney Brown, and Reed Brody were “rooted cosmopolitans,” whose education, post-graduate training as lawyers and academics, and professional socio-economic status gave them credibility with other elites, namely, journalist, politicians, and bureaucrats. They did so much more with all of this accumulated social capital than many of their classmates at elite universities. Their deeply-held sense of ethical obligation to strangers led them to careers defined by religious-like devotion instead of pecuniary gain. Like Roger Baldwin, Ivan Morris, David Hawk, Ginetta Sagan, Frank Newman, Jack Healey, Aryeh Neier, and Jeri Laber before them, they had been moved by a personal experience—hearing stories from family members who survived the Holocaust, visiting countries where citizens had been deprived of basic rights, or marching in civil rights and antiwar protests—that transformed them into professional activists.

But even at the height of their influence following NATO’s humanitarian intervention in Kosovo, there were some within the movement who wondered if it had become too insular and narrowly-defined to truly be effective. NGOs had proven elites were likely to respond to other elites, but was that enough in a political system where the ultimate currency was not information, however useful, but voters and campaign contributions? Professionalization had its costs. “Twenty years ago, when you went to a meeting at a human rights group, you saw all kinds of people,” former AIUSA executive Larry Cox said in 1999. “But these days, you usually find that most of the people there are either lawyers or human rights professionals. To me, the human

⁴⁹ Julia Preston, “U.S. Rebuts U.N. Critics of Human Rights of Human Rights Record,” *Washington Post*, March 30, 1995

⁵⁰ Kenneth Cmiel, “The Emergence of Human Rights Politics in the United States,” *Journal of American History*, Vol. 83, No. 3 (December 1999): 1248-1249

rights movement has not been successful in capturing the imagination of a broad group of people—the way, whatever I may think of them, a strong civil-society group like the National Rifle Association has done.” Cox’s assessment resonated with AIUSA Executive Director Rev. William Schulz. (It is worth noting that Cox replaced Schulz in 2006.) After describing how activists had developed a “successful model” that relied on media and political elites to raise awareness and then do something about human rights abuses, a model he believe was “breaking down,” Schulz admitted, “We have to become more constituency-oriented.” It is instructive that Cox and Schulz were associated with the international human rights NGO that actually had a grassroots membership, but their desire to become more of a mass movement was echoed by HRW’s Widney Brown in 2001. One of her goals for HRW in the next century was for it to become “truly international” by working more closely with domestic NGOs like it had in its 1999 campaign to promote Dalit (Untouchable) rights in India.⁵¹

David Rieff was thus correct in seeing the “triumph” of the international human rights movement as “precarious” indeed. Clinton may not have lived up its expectations, but at least he made them feel relevant to the making of his foreign policy. Whereas Clinton signed the Treaty of Rome in 2000 but held off ratification until a later date, President George W. Bush informed the UN in May 2002 that the United States would be removing itself from the treaty altogether. Such unilateralism marked Bush’s first term. To exact retribution for what it did on September 11, 2001, Bush and his closest advisors, the most important of whom was Vice-President Dick Cheney, had chosen to use whatever means were deemed necessary to destroy Al Qaeda. “We’ll have to work sort of the dark side, if you will,” Cheney said on NBC’s *Meet the Press* five days later. “We’ve got to spend time in the shadows of the intelligence world. A lot of what needs to be done here will have to be done quietly, without any discussion...” When activists uncovered what the Bush administration had actually done “in the shadows” they made sure there was lots of “discussion” about the proper treatment of prisoners suspected to be terrorists, oversight of the surveillance conducted on American citizens, and many more questions that were not asked before 9/11, but they could not avoid the realization that there was an insurmountable chasm separating their truth from Bush’s power. Their fight would so much closer to home—and so much more challenging—than ever before.⁵²

⁵¹ Rieff, “The Precarious Triumph of Human Rights”; Brown, “Human Rights Watch: An Overview,” 82-84

⁵² Rieff, “The Precarious Triumph of Human Rights”; Jane Mayer, *The Dark Side: The Inside Story of the War on Terror Turned into a War on American Ideals* (New York: Anchor Books, 2009), 10