

The Randolph W. Thrower Symposium
Comparative Constitutionalism

Keynote Address: The United States and The Advancement of Human Rights Around the World

By President Jimmy Carter

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I want first to express my thanks to the Thrower family. I think that everyone who has been involved in public affairs in Georgia knows the tremendous contribution that Randolph Thrower and his associates have made to the state. It is a special honor for me to be part of this Symposium.

I would like to start by reading a quote:

America did not invent human rights. In a very real sense, it's the other way around. Human rights invented America. Ours was the first nation in the history of the world to be founded explicitly on such an idea. Our social and political progress has been based on one fundamental principle: the value and importance of the individual. The fundamental force that unites us is not kinship or place of origin or religious preference. The love of liberty is the common blood that flows in our American veins.

That is an excerpt from a speech I made, a farewell address to the nation after I knew that I was not going to be serving another four years. It is predicated on experience, perhaps from the highest elected office in the world, during a troubled time. It expresses one of my deepest and most certain convictions, having been president of this great country.

These words have a special significance for this Symposium. As we think about the relationship between the nation that ratified the Bill of Rights two hundred years ago and the many nations that are struggling to establish free societies today, we need to consider what is similar and what is different about their conditions.

I think it is very important to realize that in 1791 we were not a unified country. We were divided in many ways. Religious differences were significant and potentially dangerous. Many of our early settlers came to America because of extreme conflicts over religious belief in Europe, their original home. Regional differences among Americans were quite sharply marked, later resulting in a great civil war that almost destroyed our country. Americans could agree, however, upon one basic thing: the need to protect their liberty.

This would be done by constitutional guarantees. Republican government was guaranteed to every state. In fact, in the early days the states retained great power compared to what they still have. The Bill of Rights guaranteed that the federal government would make no laws that would

abridge such basic human rights as freedom of speech, freedom of assembly, or freedom of religion. Many Americans, however, were far from satisfied with the state of human rights guarantees in those early days. Equal rights did not exist throughout society. As we know, slavery was permitted, women had no basic rights in the electoral process, young people were deprived of rights, and property owners were given ascendant positions in the governmental process. But, because the Constitution also guaranteed free elections and provided for its own amendment, it permitted a steady, inexorable progress toward the correction of those original human rights failings.

Today, when we look around the world, which will be done throughout *this* day in this Symposium, we see other countries struggling to create free societies now, as we were two hundred years ago. The Soviet Union, Nicaragua, South Africa, Haiti, and many others that I could name, are divided among their people, often even more intensely than was the early American confederation, and we are struck by how severe these divisions are. But I have been impressed even more profoundly by the intense hunger of people in the diverse nations of the world for the basic freedoms that bound Americans together. I have a sincere hope that the hunger for liberty can overcome these serious divisions in other countries, because what happens in nations around the world, increasingly in a modern society, affects us directly here at home.

The United States in 1791 was less than perfect, but we are still advancing toward freedom and human rights beyond what existed then. I am basically an optimist about the future, and my experience at the Carter Center, since leaving the White House, has in many ways strengthened that optimism.

One of the most intriguing developments in the educational world, and I say this without fear of exaggeration, is that in a few years from now, Emory University will assume the responsibilities now borne by the Carter Center itself, which is already a part of Emory. But Emory in the future will be in charge of addressing specific human rights cases as we do today. Emory will be in charge of monitoring the immediate changes that take place in Soviet government policy as we do today on a daily basis. Emory will take over the responsibility of trying to promote peace in the Middle East, increasing food production in Africa, immunizing children, eradicating tropical diseases, and trying to strengthen democracy and freedom in this hemisphere, as the Carter Center is doing today. I believe that there won't be another university in the world that will undertake that broad and that challenging an agenda. And what is learned in the practical sense — in Africa or in Haiti, in the Soviet Union or in the Gaza Strip — will be fed back into the classroom here at Emory to strengthen the curriculum and the knowledge and interest of Emory students and faculty. In the reception area just before we came into this auditorium, someone asked Dayle Spencer, our Carter Center Fellow for Conflict Resolution, what we are doing regarding various conflicts in the world today. Dayle pointed out that we regularly monitor all the conflicts that exist throughout the world. There are 111 conflicts today. Most of them escape the attention of Americans. Some of them are relatively small conflicts. About twenty-five or thirty, it's hard to say exactly how many, are what we call major wars, in which more than a thousand people have died on the battlefield — not insignificant conflicts at all. None of these

thirty or so major wars are between two sovereign nations. They are all basically within a country or an unoccupied territory.

Some of these conflicts are horrendous in scope. The year before last, Rosalynn and I and Dayle Spencer and others, spent twenty-six days negotiating to try to end the conflicts in the Sudan and Ethiopia. In the Ethiopian war more than a million people have died. In Sudan, in 1988 alone, 260,000 people died. At the Carter-Menil Human Rights Awards ceremonies a couple of years ago, I argued that war itself is the greatest human rights violator. There is no way that people can enjoy any of the freedoms that we hold dear if their country is torn apart by a civil war in which tens of thousands of people die in a single year – if they live in a country where crops cannot be planted, where schools cannot be opened, where freedom of assembly cannot be condoned, where there is no judicial system to guarantee that a person is even publicly accused or tried before incarceration, where torture is accepted as a normal procedure in the time of war, and where summary executions take place as a routine matter.

So the addressing of conflicts is a very important element of addressing basic human rights violations. With the advent of instant communications, people around the world have come to recognize their own plight. And because of that, seminal changes are taking place. The most notable example has been with the advent of Mikhail Gorbachev as the leader of the Soviet government. He initiated *glasnost*, or openness, which allows freedom of expression and freedom of assembly in a formerly dominated society. Although horrendous economic problems still exist in the Soviet Union, and the nation is threatened at least with fragmentation, the impact of what Gorbachev has proposed has indeed been profound, not only in Eastern Europe where countries have found a new birth of freedom and an end to human rights oppressions, but also in the easing of the cold war between the two superpowers and our associated allies.

This has a potentially significant impact on the entire world. Last year, for instance, a thousand billion dollars was spent on armaments or training for war. A trillion dollars! About three hundred billion by the United States, about here hundred billion by the Soviet Union, about two hundred billion by our allies, and the other two hundred billion by non-allied countries like Iraq.

What could happen with an easing of tensions, with a promotion of human rights, with a democratization and openness of societies, is just a dream, but a glorious and encouraging dream if it could ever be brought about. We do not yet know whether that will be possible, but a great university like Emory, governments committed to peaceful change, and some private organizations like the Carter Center, now in its transition stage, can make an impact. The theory of the practical application of techniques to end war and to address human rights violations directly is still in the embryonic or youthful stage.

In the last few years we have had some wonderful experiences in this hemisphere. With the co-chairmanship of President Gerald Ford, in 1986 at the Carter Center, we established the Council of Freely Elected Heads of Government. This is a council of leaders of nations in this hemisphere, all of us having been elected freely in a democratic society, from Pierre Trudeau in Canada to President Raul Alfonsin in Argentina. There are now nineteen members of this group. I have always been the chairman. One of our Fellows, Dr. Robert Pastor, is the Executive

Secretary. We have tried to address some of the conflicts and some of the human rights violations in this hemisphere through a technique of orchestrating free elections which, as I pointed out originally, is a crucial element in the orderly and peaceful evolution of our own country.

Our first challenge was in Panama. We were invited in January 1989 by Manuel Noriega to conduct an election in Panama. He was certain that his candidates were going to win the election and wanted me to authenticate the victory. So we went in and helped set up an honest election. When this took place, on a Sunday, Noriega's candidates only got twenty-two percent of the votes. The next day he tried to steal the election. We condemned the fraud, and the election was terminated. Noriega declared it null and void. Although I thought America's subsequent invasion of Panama was unnecessary, I am pleased that the candidates who actually won the majority of votes in the election were allowed to take office when Noriega was removed.

In order to end the Contra war in Nicaragua, I was invited by the Sandinista leadership to go in and help with the election in Nicaragua. They wanted to hold the election a year earlier than scheduled if we would help them do so. The Sandinistas were sure they would win. We orchestrated a so-called political agreement on August 4, 1989, and then helped to conduct the registration of voters, the campaign, the counting of votes, and the negotiation at the end of the votes. Of course, the Sandinistas lost. It may seem that every time someone invites us in, they lose. That is not always true. But, fortunately for the democratic process, most politicians believe that they can win a free election.

We have seen since the election a remarkable transformation taking place in Nicaragua. I have high hopes that if Nicaragua can now solve its economic problems, there will be an end to human rights oppressions and a permanence of freedom and democracy there. They have a good working relationship between Violeta Chamorro's government and the Sandinistas. Peace has been restored. Thirty thousand Contras have been repatriated. All but five thousand of them now have about sixty acres of land on which to build a family farm, and this is wonderful achievement for the democracy and human rights.

In Haiti, the second oldest republic in this hemisphere – the oldest black republic on earth, founded in 1804 – here has never been any period of governance by a freely elected official who had the interest of the people at heart until December 16, 1990. Again, we were asked to go into Haiti to conduct the election. It was held successfully after three years of violence and horrendous human rights violations. A young thirty-seven-year-old priest was elected, has now given up priesthood, and was inaugurated to be President on February 7, which was the fifth anniversary of the departure of "Baby Doc" Duvalier. The point is that human rights oppression can be ended and prevented – I believe permanently – if countries can find a way to freedom and democracy and open and honest elections. Above all others, the most crucial element in the establishment of freedom and the honoring of human rights around the world is the attitude of people and particularly of the government of the United States.

The thing that the oppressed people on earth fear most is silence from Washington – from the White House. The thing that oppressors want most is silence from the White House. When our

government takes little interest in the human rights status of suffering and oppressed people around the world, it is almost as though we officially condone these crimes. I saw this as a southerner in the days of segregation. I also saw the benefits that came to both black and white people in our region when racial discrimination was ended, although not completely, both in a de facto and a de jure way. I tried to implement a human rights policy when I was President. I was not the first President who did so, of course, but under me, every ambassador who represented our nation on earth was my personal human rights representative. Every embassy of the United States in the world was a haven for those who suffered from human rights oppression. They knew if they went there, if they could get there safely, they would not only find a haven, but their plight would be known by the President of the United States, who would then speak out on the subject. But too often the voice of America is silent. That includes not only presidents and secretaries of state, but also great law schools, who quite often pay little attention to instilling in the consciousness of the world a concern about human rights violations.

In closing I would like to read a poem by an American poet about the way Americans feel about human rights. It's called "Hollow Eyes, Bellies, Hearts."

We chosen peoples, rich and blessed
Sometimes probe our inner self.
How should we use our power, voice?
Why share a portion of our wealth?
We have afflictions of our own
But irksome visions still persist
Of others, distant, different, strange,
Despite our efforts to resist.
Round, hollow eyes in a tiny black face,
Round, hollow bellies, gaunt limbs, there
Somewhere. Why stifle our laughter here
For such remote, suppressed despair?
A boat of debris, humans aching to reach
A harbor of freedom, none know how far.
There is no real need for our lament.
They're only the dregs from our noble war.
Black miners toiling in diamonds and gold
That can purchase friends, shield whites from pain.
To disturb this precious treasure flow

What could we possibly hope to gain?
A bulldozed house, and olive trees axed,
A dried well – still, common fear never ceased,
Unknown accusers, but prison the same
Freedom for some, for the humans at least.
We hear of visits in the dark of night,
A dictator's henchmen, some indrawn breaths
Of fear, a farewell, perhaps it's the last.
Who would ever suspect the resulting deaths?
He stood alone in a Chinese square
And stopped the tanks, while others fled
His stand was truth and freedom for us all
Do we even care if he's jailed or dead?
Hatred, torture, murder...what's lost?
Liberty, life, and love. O, my,
Yes, but a friendly tyrant! Should we
Risk his anger with a cautious sigh?
Why think back on slaves or those who died?
Maybe best be still, as in bygone days.
Only Blacks, Jews...thus the muted response.
We cannot condemn our own fathers' ways.
We chosen few have been truly blessed,
It's clear that God does not want us pained
By those who suffer and those who die.
Are we to spurn what He ordained?

I am very pleased that this Symposium is taking up a subject that seems to be hackneyed, because so many people glibly say "human rights," and we very seldom try to understand what our own responsibilities are. A few lawyers in the world – very few – devote actual time to understanding the legalities and using their tremendous influence to alleviate human rights oppression. There are just a very few physicians who have organized to address human rights

abuses. There are physicians in every country who can know the results of torture if the oppressive leaders don't want the tortured prisoners to die. And great universities, that have within them a spirit of innovation and freedom of expression and idealism among both students and faculty, quite often are not interested enough in human rights actually to understand how serious the violations are. And so I hope that this Symposium will add a new incentive, not just on the Emory University campus, but through the *Emory Law Journal* and other means, to let the world increase its attention to alleviating the human rights abuses which are abuses of our own spirit and the spirit of our great nation.