

JOAN B. KROC

Distinguished Lecture Series

Peace & Justice Theatre

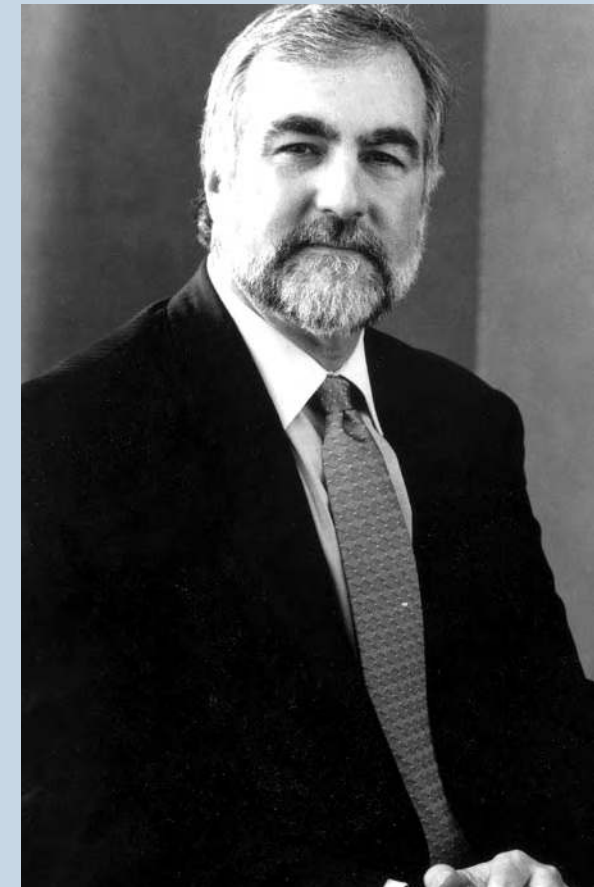
William F. Schulz, Ph.D.

*Tainted Legacy: 9/11 and
the Ruin of Human Rights*

JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE



University of San Diego



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Distinguished Lecture Series

Delivered on the 9th of March, 2006 at the

JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE

University of San Diego

San Diego, California

William F. Schulz, Ph.D.

*Tainted Legacy: 9/11
and the Ruin of Human Rights*

Edited by Emiko Noma

Fostering Peace, Cultivating Justice, Creating a Safer World



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JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE



The mission of the Joan B. Kroc Institute for Peace & Justice (IPJ) is to foster peace, cultivate justice and create a safer world. Through education, research and peacemaking activities, the IPJ offers programs that advance scholarship and practice in conflict resolution and human rights. The Institute for Peace & Justice, located at the University of San Diego, draws upon Catholic social teaching that sees peace as inseparable from justice and acts to prevent and resolve conflicts that threaten local, national and international peace.

The IPJ was established in 2000 through a generous gift from the late Joan B. Kroc to the University of San Diego to create an institute for the study and practice of peace and justice. Programming began in early 2001 and the building was dedicated in December 2001 with a conference, “Peacemaking with Justice: Policy for the 21st Century.”

The Institute for Peace & Justice strives, in Joan B. Kroc’s words, to “not only talk about peace, but to make peace.” The IPJ offers its services to parties in conflict to provide mediation and facilitation, assessments, training and consultations. It advances peace with justice through work with members of civil society in zones of conflict and has a focus on mainstreaming women in peace processes.

The Women PeaceMakers Program brings into residence at the IPJ women who have been actively engaged in peacemaking in conflict areas around the

world to document their stories, share experiences with others working in peacemaking, and allow time for reflection on their work.

A Master’s Program in Peace & Justice Studies trains future leaders in the field and will be expanded into the Joan B. Kroc School of Peace Studies, supported by a \$50 million endowment from the estate of Mrs. Kroc.

WorldLink, a year-round educational program for high school students from San Diego and Baja California connects youth to global affairs.

Country programs, such as the Nepal project, offer wide-ranging conflict assessments, mediation and conflict resolution training workshops.

Community outreach includes speakers, films, art and opportunities for discussion between community members, academics and practitioners on issues of peace and social justice, as well as dialogue with national and international leaders in government, non-governmental organizations and the military.

JOAN B. KROC DISTINGUISHED LECTURE SERIES

Endowed in 2003 by a generous gift to the Joan B. Kroc Institute for Peace & Justice from the late Joan Kroc, philanthropist and international peace proponent, the Joan B. Kroc Distinguished Lecture Series is a forum for high-level national and international leaders and policy makers to share their knowledge and perspectives on issues related to peace and justice. The goal of the series is to deepen understanding of how to prevent and resolve conflict and promote peace with justice.

The Distinguished Lecture Series offers the community at large an opportunity to engage with leaders who are working to forge new dialogues with parties in conflict and who seek to answer the question of how to create an enduring peace for tomorrow. The series, which is held at the Joan B. Kroc Institute for Peace & Justice at the University of San Diego, examines new developments in the search for effective tools to prevent and resolve conflict while protecting human rights and ensuring social justice.



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General Secretary, National Council of Churches
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President, Nuclear Policy Research Institute
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October 15, 2003 Richard J. Goldstone
Justice of the Constitutional Court of South Africa
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United States Marine Corps (retired)
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Secretary General – Palestinian Initiative for the
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*Concept, Context and Process in Peacemaking:
The Palestinian-Israeli Experience*

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Executive Director – United Nations Development
Fund for Women
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and Justice in the 21st Century*

February 10, 2005 The Honorable Lloyd Axworthy, Ph.D.
President, University of Winnipeg
The Responsibility to Protect: Prescription for a Global Public Domain

March 31, 2005 Mary Robinson
Former President of Ireland and United Nations
High Commissioner for Human Rights
Human Rights and Ethical Globalization

October 27, 2005 His Excellency Ketumile Masire
Former President of the Republic of Botswana
*Perspectives into the Conflict in the Democratic Republic of the Congo
and Contemporary Peacebuilding Efforts*

January 27, 2006 Ambassador Christopher R. Hill
U.S. Department of State
U.S. Policy in East Asia and the Pacific

March 9, 2006 William F. Schulz, Ph.D.
Executive Director – Amnesty International USA
Tainted Legacy: 9/11 and the Ruin of Human Rights



BIOGRAPHY OF WILLIAM F. SCHULZ, PH.D.

Dr. William F. Schulz was appointed Executive Director of Amnesty International USA in March 1994. An ordained Unitarian Universalist minister, he came to Amnesty after serving for 15 years with the Unitarian Universalist Association of Congregations (UUA), the last eight (1985-93) as President of the Association.

As President of the UUA, Dr. Schulz was involved in a wide variety of international and social justice causes, and traveled extensively, including visits to Romania, India, the Middle East and Northern Ireland. From 1985-93, he also served on the Council of the International Association for Religious Freedom, the oldest international interfaith organization in the world.

During his years with Amnesty, he has traveled extensively, both in the U.S. and abroad, including a 2004 trip to Cuba under the sponsorship of the Unitarian Universalist Service Committee. In September 2004, Dr. Schulz participated in an Amnesty mission to Darfur, Sudan, to help redress the humanitarian crisis in that region. In 1997, he led an Amnesty mission to Liberia to investigate atrocities committed during the civil war, and returned to Northern Ireland in 1999 with Amnesty to insist that human rights protections be incorporated into the peace process.

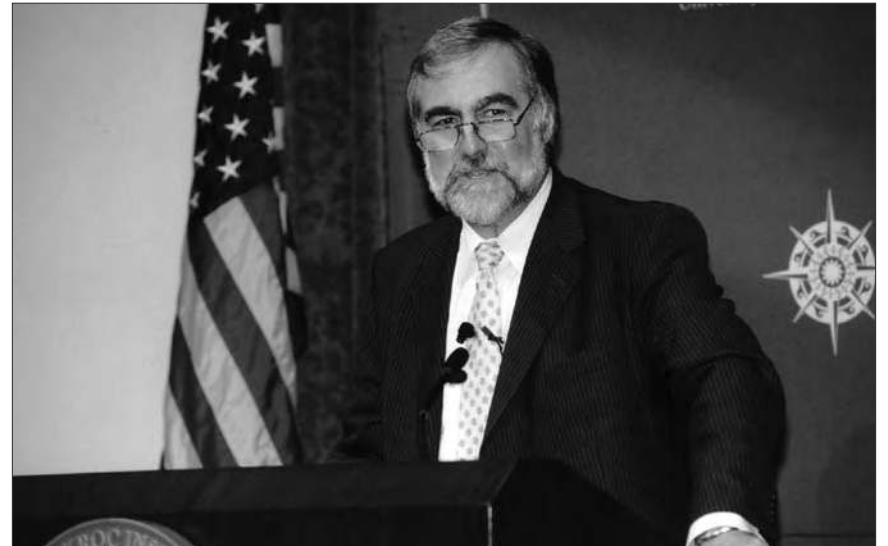
Dr. Schulz has served on the boards of People for the American Way, Planned Parenthood Federation of America, the Communitarian Network and Americans United for the Separation of Church and State. He is currently a member of the International Advisory Committee for the Robert F. Kennedy Human Rights Award and the Board of the Unitarian Universalist Service Committee.

Dr. Schulz is the author of several books, including *In Our Own Best Interest: How Defending Human Rights Benefits Us All* (Beacon Press, 2002) and *Tainted Legacy: 9/11 and the Ruin of Human Rights* (Nation Books, 2003), and is

the recipient of numerous awards for his work, including the Human Rights Award from Minnesota Advocates for Human Rights, the Harry S. Truman Award for International Leadership from the Kansas City, MO, United Nations Association, the Cranbrook Peace Award from the Cranbrook Peace Foundation, and the Humanitarian Award from Marylhurst University in Portland, OR, among others. In 2000, he was named “Humanist of the Year” by the American Humanist Association.

Dr. Schulz is a graduate of Oberlin College, holds a Master’s degree in philosophy from the University of Chicago, and the Doctor of Ministry degree from Meadville/Lombard Theological School at the University of Chicago.

Dr. Schulz is married to the Rev. Beth Graham, also a Unitarian Universalist minister, and they live on Long Island, where Ms. Graham serves a congregation. Dr. Schulz has two grown children from a previous marriage.



INTERVIEW WITH DR. WILLIAM SCHULZ

The following is an edited transcript of an interview with Dr. William Schulz, conducted by Professor Charles Wiggins¹ on March 9, 2006 at the Joan B. Kroc Institute for Peace & Justice.

CW: Charles Wiggins

WS: William Schulz

CW: It is an honor and a privilege to be here with you today. I would like to talk a little about how you became involved in the work you're doing now. Since you've dedicated so much of your life to human rights and preventing injustice, let's begin with how you got started in this field. Where did this interest in human rights come from?

WS: I'm tempted to say it was in my genes because my father was a professor of law at the University of Pittsburgh and a devoted civil libertarian in his day. He taught me from a very early age that these issues were critical to a civilized society, and he also was never hesitant to declare which justices on the Supreme Court were disgraces to the court. At dinnertime, he would often quiz me on what I had learned that day about public events. This was an integral part of my growing up in the tumultuous '60s, when the civil rights era and the anti-Vietnam War movement were at their peaks.

But probably the most influential event in my growing up as it relates to Amnesty International—though my participation in Amnesty was not to come until some 25 years later—was the fact that as a student at Oberlin [College], I happened to be the student minister of the Unitarian Universalist Church of Kent, Ohio at the time of the Kent State shootings. And this was, of course, an iconic example of a government, even a democratic government, turning on its own citizens; so that was brought home to me at a very young age. While, as I say, in the interim period between Kent and Amnesty International in

¹ Charles Wiggins is Professor of Law at the University of San Diego School of Law.

1994, I was to pursue parish ministry and then social justice work within the context of the Unitarian Universalist Association of congregations, and finally the presidency of the UUA, I think that that Kent event always remained in my mind and heart as a very personal example of the kinds of human rights violations that Amnesty International attempts to address.

CW: That is about as striking an example as you can have in our country in the last several decades. Is there something in Unitarianism or the Unitarian faith that helped you move toward feeling comfortable with a responsibility like Amnesty International?

WS: Yes, indeed. Of course, Unitarian Universalism is a faith that has always stressed two things relevant to this issue. The first is a global consciousness, a sense of ourselves as citizens of the whole world, and not a parochial, narrow, filial identity. Second is the notion that history is in human hands, not in the hands of an inexorable fate or an angry god, that human beings are responsible for the course of human affairs. That, of course, then leads to a significant emphasis within Unitarian Universalism on social justice. Throughout my years in ministry, and certainly as president of the association, I have been deeply involved with many of the same kinds of issues, the war in El Salvador, for example; the transition from a world of communism to greater democratization; struggles with the religious right—all of which bore in some measure upon some of the issues that I have dealt with in the 12 years that I've been with Amnesty.

CW: Now, you come to Amnesty in 1994. How did you find the organization? What were your first tasks when you came there from running another large organization?

WS: I should say first that I literally found the organization because a member of the search committee was a Unitarian Universalist friend of mine, and it never hurts to have that kind of connection. Amnesty was an organization in

very significant transition and some turmoil when I took over. As a result of the famous Amnesty concerts in the 1980s, in which Bruce Springsteen, Sting and others had helped raise the visibility of the organization, there had been a very, very significant growth under my predecessor—a very significant growth in Amnesty’s visibility and membership numbers. But at the same time, I think there was not a successful building of an infrastructure to cope with that growth. The result was that there was some division within the organization and some sense of uncertainty about the future. Much of my initial, early work with Amnesty was really institution-building, constructing the framework for effective management of the organization, building the staff and the quality of the staff, building our financial resources—very basic kinds of things you have to do in any large non-profit to make it effective. Gradually as we were successful in those respects—and I’m proud of the job that we’ve done in these 12 years—we were able to turn to some of the very important breaking human rights issues of the day.

CW: We have a number of students here at the Kroc Institute and also in other departments at the University who are intrigued by the possibility of working with an organization like Amnesty. Do you have any suggestions on what young, bright, dedicated, assertive students might do to prepare themselves for that kind of activity?

WS: I’ve probably hired 300 people at Amnesty, and interviewed, no doubt, four or five times that many. What we look for beyond basic skills and articulateness and an ability to relate well with people, is a deep commitment and some degree of expertise in a particular aspect of human rights. It doesn’t matter whether or not that particular aspect be a region of the world or a particular human rights theme, it doesn’t matter whether that is the exact program that someone is applying for. What we want to see is that a young person has taken seriously the need to immerse themselves in some aspect of human rights through study; through work overseas; work with indigenous human rights organizations overseas; skills-building in a context of organizing perhaps; research; the accumulation of various different research skills, since

that’s certainly a major part of Amnesty’s work; an ability to (if someone is applying for a job in the media department) cleverly articulate these issues, to be familiar enough with human rights issues to know how to put those in ways that will catch the public’s attention; some evidence that the individual has taken some intentional steps to both build the resume and the experience in a particular area of human rights work. And that is often a very important factor in our selection.

CW: I’m sure many people will take that to heart. As opposed to just curiosity, you’re looking for commitment and some internal motivation. Now, let me talk with you about Amnesty USA, of which you are the Executive Director. How does an organization like the American sector of a global organization deal with the fact that the U.S. is the big player, though there are other players, in the world? Does it pose challenges for how you operate in this country?

WS: Well, as you can imagine, within the context of the international organization, this plays both ways. There are some parallels with the way the United States is perceived in international affairs: on the one hand, the organization is highly dependent upon the leadership, and certainly the financial support of the American section. On the other, if we are to assert ourselves a little too firmly, that can easily generate resentments and resistance from other people in the world. We try within Amnesty at the global level to play a very sensitive role, a facilitative role, to encourage others to take leadership. Of course, Amnesty people do not identify Amnesty with the American government; nonetheless, Amnesty is an international organization. One of the best examples of that was the gulag controversy of last spring, when the international secretary general used the phrase “gulag” to describe Guantánamo Bay and the other prison camps.² This fell on American ears with a great controversial thud, and we were forced to defend that. But at the international level, in Europe and elsewhere, it was not even a second thought that this might be a controversial description. And so, naturally, the American

2 The Secretary General of Amnesty International, Irene Khan, used this phrase in the Foreword to Amnesty International’s Annual Report of 2005.

section had to do some quick tap dancing to address that within an American context. And that kind of thing often happens.

CW: Did she expect that strong a reaction to the use of that word?

WS: No, I don't think she did. She is a Bangladeshi national, and I think to people in other parts of the world that appeared to be a very obvious and defensible description of what America was doing. I think in some respects, as long as one doesn't try to make it an exact analogy, there are certainly ways in which that phrase is one that at least calls up important second thoughts about what the United States is doing. But it is not a phrase that I personally would have chosen, had I been the one making the decision.

CW: My sense is that Amnesty USA is becoming more involved in domestic human rights areas, especially after 9/11, and expanding its traditional focus on issues like the death penalty and prison conditions. Has 9/11 affected the subject matter that is of concern to the American section?

WS: I think we see the United States as not only being responsible for some very serious human rights violations in its own right, connected with counter-terrorist efforts, but also we see the United States in recent years playing a role that threatens to undermine the entire fragile scaffolding of support for human rights, which are based in large measure upon what we used to call "gentlemen's agreements." They are not in large measure enforceable: there is no police branch that swoops in and enforces human rights laws; there are not automatic economic sanctions; there isn't a way in which a government can automatically be punished if they violate human rights. So there has been—agreed upon by Republican and Democratic administrations alike since 1948—a building of the scaffolding of support for the human rights regimen, in the shape of human rights courts, human rights law, international law. And that is really something that I think this administration has very intentionally set out to undermine. So naturally because of the far-ranging implications of that—well beyond just the issues in the war on terror themselves, important

as those are—we have felt the need to address that.

We have been very intentional in trying not to allow that focus to prevent us from also maintaining our very important international focus and obligations. We work hard to maintain attention to prisoners of conscience and to practices of other countries that are very seriously in violation of human rights: China is always the focus of our work; violations in Iraq committed by the Iraqi government, not just by the old national forces there; violations by the Afghan government; and so on. These remain a very important part of our work, but yes, there has been an additional focus on some of these U.S. practices.

CW: In your book, *Tainted Legacy*, one of the parts that really caught my attention was your notion that there has been an historic ambivalence between order and liberty, and that we have found ourselves as a nation on a pendulum swinging back and forth on that. It seems to play out as well in the assumption of America's exceptionalism in the area of civil and human rights. Do you see that tension playing out today?

WS: Absolutely. I think that is in large measure the heart of what I just alluded to. Probably the greatest challenge facing the human rights movement today is finding that balance between security and order on the one hand, and liberty on the other. I think that there has been since the founding of the country—at least the post-Native American founding of the country—this tension, as exemplified by the pilgrim and Puritan fathers and mothers who came to this country to assert liberty, and yet, who, in doing so, established an extraordinarily hierarchical system of order. This was manifest most dramatically in those who were full of grace and inside the church, as opposed to the so-called inhabitants who were excluded from the church. Seeking liberty, seeking freedom and free expression, while at the same time wanting to control it, all with the overlay of American exceptionalism—in the sense that we understand ourselves, or at least our founders understood us, to be a nation blessed by God in some special way: that tension has made for a very complicated mix when we come to a contemporary world. Human rights are being asserted within the context

of a truly global and international understanding of what it means to be part of a global and international movement. That I think has made for some inherent tensions. For the most part, the United States has committed to being a respected member and sometimes leader of that global movement for human rights. Of late, that has been put in jeopardy.

CW: As Amnesty USA moves more into the foreground of this sort of activity, is it finding itself with different partners than it used to have? Is it more akin to the American Civil Liberties Union with respect to this, than it is to Human Rights Watch or those kinds of organizations? Has it domesticated its focus?

WS: Actually an interesting result of 9/11 from that point of view has been even closer cooperation among all of these organizations than ever before, including Human Rights Watch, the American Civil Liberties Union, the Center for Constitutional Rights, Human Rights First and so on. Ever since I've been with Amnesty, the heads of those organizations have met together on a quarterly basis to exchange views and to try to complement one another in our work and not duplicate it. Since 9/11 there's been an even greater impetus for us to work jointly together, and so, for example, we were very instrumental, jointly, in the recent McCain Anti-Torture Amendment and the establishment of the Army Field Manual as the touchstone for interrogations by U.S. officials of detainees.³ We are currently in the formulation of our next joint effort. This will be one to outlaw extraordinary renditions of prisoners to countries that are known to commit human rights violations. And I think there's been recognition that given the relatively modest size of the human rights movement, we all need to work together. After all, Amnesty International is the only grassroots international human rights organization in the world, and it's certainly the only membership-based human rights organization in the United States, if we regard the American Civil Liberties Union as more of a domestic civil liberties organization. We have 360,000 members, which is significant, but it's not huge, certainly not when compared to environmental organizations or women's rights organizations.

³ The Amendment became law in late 2005. It is discussed further in Dr. Schulz's lecture. See also Related Resources.

CW: Let alone the AARP [American Association of Retired Persons].

WS: Exactly. And so there's been a growing recognition of the need to work together.

CW: I've spent some time in Europe, and the Europeans, generally, were surprised that the United States, right after 9/11, decided that this was a problem that needed to be dealt with militarily, rather than as a police action. I think in the European sense, it is seen much more as a police problem, as opposed to a military problem. What are the consequences for the United States having made that decision? If it had made a different decision, would we be seeing different things now?

WS: I think that decision was made very intentionally. Partly I suspect it was made intentionally for political and even public relations reasons: waging a war against terrorism, as opposed to waging a criminal action or an investigation of a crime, just has a far more powerful connotation to it, like the "war on poverty," or the "war on drugs." But secondly, I think it was selected in order to keep this issue confused. If this is a war, if you are conducting a war, then some of the customary understandings about due process—for example access to attorneys, access to courts—don't apply. If you're conducting a traditional criminal action, it's much harder to defend the notion that the U.S. courts are not accessible to those who have been arrested, instead of "detained." It's much harder to defend the notion that U.S. citizens, like Jose Padilla or Yasser Hamdi, don't deserve a lawyer. But if they are "enemy combatants," if it's part of a war, then traditionally our courts have often found—you're a law professor and much more of an expert than I—that some of the normal rules don't apply when you're at war.

CW: More flexibility.

WS: More flexibility. The executive has greater power. That of course is very convenient to people who want to—and let's say sincerely want to—protect

the country. So I think this was a very intentional decision and it has had very broad ramifications, largely of a very damaging nature.

CW: Let me switch focus a little bit. I know institutionally that the American section has had a significant internal conversation about whether it should broaden its mandate from a focus largely on political rights of individuals to a broader range of social, cultural and economic rights. How did that conversation begin at Amnesty?

WS: It's a very interesting and important conversation that largely began with the recognition that though Amnesty claimed to be—and wanted to be—a truly global human rights organization, nonetheless, still 90 to 95 percent of Amnesty's membership came from the developed world. We had sections in places like Ghana, South Africa, Mexico and Thailand, but they were very, very small. Those sections said very clearly to the rest of the movement, "Look, when we go out to recruit members to Amnesty International, they ask us, 'What's the point of this organization?' We may say, 'It is to free prisoners in Belarus or China,' then they say, 'Well, you know, my child is starving,' or 'I don't have access to AIDS medicine,' or whatever the issue that may be most pressing in the developing world. We have to reply, 'Oh sorry, Amnesty International doesn't address those issues.' And then we have a real problem."

So while there was, on the one hand, a growing intellectual recognition of the interdependence of these sets of rights—of the recognition that free speech or freedom of the press doesn't do you a lot of good if you can't read; that the right to due process doesn't do you a lot of good if you die of hunger on the way to the courthouse—there was also, at the same time, a very pragmatic recognition that if we were to be what we really say we are, a truly global organization, we had to address these issues that are so relevant to the global south. Amnesty traditionally had a delineated mandate in which we said that we can deal with, say, these 42 violations of rights, but not these 45 other ones. And instead, today, Amnesty says in effect that we can deal with any human

rights violations, but we're going to choose which ones to deal with based on strategic and tactical considerations: which are the ones where we think we can have the most impact? Which ones can a grassroots human rights organization with our particular strengths most effectively address? And if that is the right to food in a particular context, then that's what we'll do. If it's economic opportunity, job growth, then that's what we'll do. Or if it's the traditional political rights that are most at stake, then that's what we'll address.

CW: The economist would use the phrase "fishing in someone else's pond" to describe the tension that I'm sensing. The market advantage of Amnesty International has always been, it seems to me, with the area of prisoners of conscience, political issues—there's no other player that's recognized in the world in that field. If Amnesty chooses to look at an issue, such as food problems in Ghana, are we now in the same area as the Bill and Melinda Gates Foundation or other organizations that have had that as their core vision? What do you expect to happen in the future with respect to that?

WS: Indeed, that was the focus of great debate, and to some extent still is, but that's why we make these decisions on the basis of strategic considerations. If the Bill and Melinda Gates Foundation is well-established in Ghana, or anywhere else dealing with a particular economic rights issue, then that's probably not where Amnesty is going to put its efforts. We are, in the last analysis, going to be selecting contexts in which our voice and our particular strengths can make a unique difference.

CW: Will this expand Amnesty's access to foundation funding or grant money? As well as being a new focus of your mission, could it have economic benefits?

WS: Well, it's conceivable. That certainly was not a consideration in the decision. And Amnesty frankly has a hard time getting financial support from foundations, primarily because we are so relatively large. Foundations often look at Amnesty and say, "You've got this huge membership, you've got this



established reputation, we're far more interested in funding organizations that are start-ups, or where we can feel our money is going to make an appreciable difference in their growth." So foundations have traditionally not been a very lucrative resource—not to say we haven't gotten foundation grants over the years, but it certainly hasn't been a major funding source.

CW: Does the membership provide most of the financial support?

WS: Absolutely. I would say close to 95-98 percent of our support comes either from direct mail, average giving around \$42 a person, and maybe 15 percent of our income from major gift donors, \$5,000 and up, per year. We get a little bit from events, a little bit from foundations, a little bit from merchandising, but almost all from individuals.

CW: Let me switch to another aspect of your work, the work you do in the field. Amnesty obviously is concerned with engaging a broader public in its work and in its concerns. In other fields at this time in the United States' history, that idea has to do with public/private partnerships. Does Amnesty see a role for the market sector or for government, in terms of assistance with respect to its mission involving human rights? Can businesses play a role? I'm thinking of the Sullivan Principles⁴ in South Africa, socially responsible investing. Are there other areas where businesses can actually find themselves direct supporters of your work?

WS: Absolutely. This has been, over the last five to ten years, a growth industry within Amnesty: building relationships with the business community and trying not to have those always be adversarial relationships, though, of course, sometimes they have been, as with, for example, the manufacturers of TASER electroshock weapons. On the other hand, we are currently engaged in constructive conversation with Microsoft about the possibility of Microsoft taking the lead in establishing some best practices, for example, in China with

⁴ The Sullivan Principles are named after Leon Sullivan, who was on the Board of Directors of General Motors during apartheid in South Africa. He developed the principles to apply economic pressure on the government of South Africa to end apartheid. The strategy has since been renamed the Global Sullivan Principles of Social Responsibility.

regard to the extent to which internet servicing companies are or are not going to cooperate with the Chinese government around the arrest of dissidents; will or will not cooperate in providing evidence gained through internet use to the Chinese government to be utilized against advocates of democracy and human rights. I don't know what will come of that, but I do know that those are companies that can make an extraordinarily positive difference if they're willing to establish some basic guidelines of best practices and stay united themselves, among themselves, in pursuing those best practices.

CW: Amnesty plays a role then as a coalition-builder, a facilitator?

WS: Amnesty does not advocate boycotts or sanctions against companies. We have traditionally not incorporated that in our quiver of tactics, perhaps unwisely, but that is the case. And so Amnesty really relies upon our reputation, our ability to mobilize people around the world to put pressure on corporations, but to do so in an above-board way, and not a coercive way. Sometimes it works: Shell Oil, for example, after the Rwandan massacre, adopted a statement of mission that included reference to the Universal Declaration of Human Rights, and has made some improvements in its activity. Chevron is another example. In other cases, it doesn't do any good.

CW: Do you think we're educating people adequately? Does the public sector, the education sector, do a good enough job? Is Amnesty involved at all in human rights education in schools?

WS: Indeed, we are very proud of our human rights education program. We have curricula of a human rights nature for kindergarten all the way through college. We work hard to spread the resources, the training and the skills-building among educators in this respect. And I will say that, certainly at the college and university level over the 12 years I've been with Amnesty, there's been a remarkable growth in the number of human rights programs, in the number of majors that are offered in human rights studies at higher educational institutions. I think certainly here at the University of San Diego,

you have provided a model for that. And it is reflected elsewhere.

CW: Thank you. Let's turn a bit to the substance of some of the work that has been done. I'm interested in two areas where I know Amnesty has been very active: one that is ongoing now, the Darfur situation in Sudan; and the other is Amnesty's work several years ago with the genocide in Rwanda. What's going on with Amnesty's participation in Darfur?

WS: I think, with your indulgence, I actually want to start the other way around because much of our work in Darfur has been influenced by what, not only we, but others, didn't do in Rwanda. I think that Amnesty bears, or shares, a certain mark of shame with the U.S. government and with many others, for failing to be adequately proactive in stopping the genocide in Rwanda. I think that among other things, Amnesty—which at the time had a policy that prevented us from and precluded our calling for military intervention even in the face of genocide—remained too passive and removed from that situation. I hope we've learned something of that in Darfur. Now as a matter of policy we can, under very limited circumstances, call for military intervention. We certainly have looked with favor on and have encouraged the United Nations to take some of the recent steps that they have, in terms of committing to increase the number of peacekeeping troops in Darfur. And I think that Amnesty, which has sent missions to the Sudan and to Darfur—including one that I participated in, in the fall of 2004—has learned that we simply have to be far more proactive when it comes to these kinds of enormous crimes against humanity.

The situation we find ourselves in in Darfur right now is that there are approximately 7,000 African Union troops on the ground; they're ill-equipped; they are more than dedicated and willing to do the work that they need to do, but their mandate has been very limited up until this point—essentially observing, rather than being able to intervene militarily to protect the people who are being removed from their homes, or in many cases killed. And the United Nations has recently committed to increasing those numbers significantly, but,

thus far, the western world has not made the commitments it needs to make, either to put troops on the ground, or for material support—air support and other resource support—that would be needed to bring that reality of an increased force on the ground into being. The Sudanese government, of course, is also resisting that. The United Nations commission that investigated this has referred about 50 names of Sudanese government officials, Janjaweed militia officials, and leaders of the rebel movement in Darfur, to the International Criminal Court. Whether the International Criminal Court will step up to the plate and do what it needs to do, we don't know yet. But this is a test case for both the court and for the international community at large.

We have, according to the World Health Organization, thousands of people still dying every month in Sudan, many of them from disease; there are more than 2 million people in refugee camps; the Chadian government is now being destabilized; it appears as if we may be on the verge of war between Sudan and Chad. This is a very dangerous part of the world. Of course, it's an enormously poor part of the world. And let's not forget that Sudan is where Osama bin Laden took refuge at a certain part in his career. This country and the instability there is a potential recruiting ground for terrorists who eventually may do harm to many others around the world, so it behooves us both for moral and for strategic and pragmatic reasons to be far more proactive than we have in this respect.

CW: It's interesting that at the same time as this controversy is going on in the western part of Darfur, the nation-state of Sudan seems to have found itself in a ceasefire in the battles between the north and the south in the civil war. How did that come about in the face of what's going on in Darfur?

WS: Well, interestingly enough, the evangelical community in this country—who, of course, are among the administration's prime constituents—played a very constructive role in pushing the Bush administration to be engaged in the north-south conflict, in part because many of those dying in the south

were Christians and there was a sense of connection there. The United States became very active in the negotiations between the government and the south, and played a very constructive role in bringing about the ceasefire and the integration of the governments. Of course it remains to be seen, particularly with the death of John Garang, the rebel leader in the south, whether the Sudanese can in fact build a stable government.

One of the consequences, unfortunately, of all of the attention being paid by the U.S. and others in the international community to the north-south conflict, was that it allowed for the development of the Darfur conflict because the world's eyes were focused elsewhere. The U.S. and others did not want to pressure the Sudanese government to stop supporting the Janjaweed militia because they wanted the Sudanese government to be in friendly relations in order to complete the integration with the south. The result of that was that the Sudanese government took advantage of the international community's attention—and to some measure, their support and goodwill for the north-south integration—and exploited the situation in the west, in Darfur. They attempted to utilize that opening as a way to rid themselves of enemies, long-standing enemies, the so-called African tribes in the west who were protesting the marginalization of society there. In some measure, their grievances came from all the attention being paid to the south: envious of that, seeing an opening themselves to demand more—to demand greater economic resources, to demand political representation. Sudan is a very, very unstable country. There is also a rebellion in the east, not on the order of Darfur by any means, but nonetheless, instability in the east over by the Nile—so Sudan is a very, very unstable situation.

CW: Sounds like snatching defeat out of the jaws of victory. Another metaphor that comes to mind: it's not that we didn't have our eye on the ball, we just didn't know the ball was as big as it was. Let me follow up with a couple of questions on that. I read recently General [Romeo] Dallaire's account⁵ of what happened to him personally and what happened to the

⁵ General Romeo Dallaire was the head of the U.N. Assistance Mission for Rwanda (UNAMIR). His account of the Rwandan genocide is entitled *Shake Hands with the Devil: The Failure of Humanity in Rwanda*.



United Nations institutionally, with respect to the peacekeeping mission there, and we know about Srebrenica and the Dutch experience there. Do these items suggest that we really need to rethink the rules of engagement that we give to international forces as they go in and either make peace or keep peace in these regions?

WS: Well, here I speak personally and not as a representative of Amnesty. Indeed, I think there needs to be a standing army under the auspices of the United Nations because those so-called peacekeeping forces, or observers in some cases, did not have permission through their rules of engagement to take protective action other than to defend themselves. On the other hand, if they had had such rules, the countries that had offered the troops might have been more reticent to offer them in the first place. And who knows whether The Netherlands in the case of Srebrenica, or the Belgians and the Canadians in the case of Rwanda, would have allowed their troops to be placed there if they had thought they might be instructed to take some more proactive action? That's why I think in the long run the only thing that will make a difference is an integrated, disciplined, standing army under the auspices of the United Nations. That is certainly not an Amnesty International position. They would have no position, I suspect, on that question. But that is my observation.

CW: The flip side of that is we've seen in many of these situations, certainly in Darfur now, the raising of the barrier of the independent nation-state as almost a weapon to prevent international concerns from being realized. At the same time we see things like the issue with General [Augusto] Pinochet and the question of universal jurisdiction that came up with respect to human rights violators as a result of that, first in England and then in Spain.⁶ Are we seeing more flexibility in the notion that really is only 300 years old, of the sovereignty of the independent nation-state?

WS: Without question. One of the most positive developments in the 12 years that I've been with Amnesty has been the growing claiming of universal

⁶ The House of Lords, the highest court of the United Kingdom, ruled in 1998 that General Augusto Pinochet, the former dictator of Chile from 1973 to 1990, was not entitled to immunity from extradition to Spain to face crimes against humanity.



jurisdiction—certainly reflected in the decision of the Law Lords in the United Kingdom in the Pinochet case, but also reflected in some of the decisions of the Belgian courts, for example, to assert jurisdiction over human rights offenders in their own country, and in some court cases in this country brought by an organization called the Center for Justice and Accountability that Amnesty started, which represents victims of torture resident in this country who take civil action against their torturers also resident in this country. They have done this successfully in a number of cases, most recently in the case of two Salvadoran generals. So yes, there is growing recourse to the courts, both domestically and internationally, to address some of these decisions, and I think in a very positive way. I think that in another generation, certainly in two generations, people in our own government and in other governments who commit what can arguably be described as war crimes will need to think twice before they take those actions.

It's been very interesting to me to read some of the background of discussions, even within the Bush administration, about some of the legal decisions that were rendered. There were criticisms of those decisions within the administration, from within the legal office of the Defense Department—lawyers raising with their superiors the fact that they might well be placing themselves in legal jeopardy. Ten or 20 years ago, I don't think that that thought would have crossed the minds of a Defense Department lawyer—that someday Donald Rumsfeld, when he's out of office, might be held accountable. And I'm not living in a world of fantasy here enough to believe that he ever will be, but I do think that another generation or so from now, that will be far more of a consideration than it is today.

CW: One last question for you. You're about to turn the reins over to somebody else. Where is Amnesty going from here? What do you see is the challenge for Amnesty and for human rights NGOs [non-governmental organizations] in the future as we move into this confusing time?

WS: Well, part of the reason the time is confusing is because the Bush

administration has very successfully appropriated human rights language to take actions that in some cases have undermined human rights. One of the challenges to the human rights community is to reclaim that language, and to explain quite clearly that the pursuit of democracy is an admirable goal, but that how it is pursued is equally important. If it is pursued unilaterally, if it is pursued in a way that, in effect, thumbs its nose at international institutions and protocols, that may, in the long run, end up doing far more damage to democracy and human rights than a more measured pursuit that is contained within the strictures of international law and standards. That, I think, is a confusing issue; it is an issue that has in large measure made the human rights movement somewhat mute with regard to the Iraq war. On the one hand, how could we not favor the overthrow of Saddam Hussein? On the other hand, that overthrow has opened the doors to still more dramatic human rights violations, and God knows what the future holds in that respect.

So sorting this out is going to be one of the major challenges for the human rights movement: sorting this out, reclaiming the language, making it clear when military intervention is and is not appropriate in the name of human rights. I think there are circumstances when it is very appropriate—I can even imagine some circumstances under which I would have argued it was appropriate to deal with Saddam Hussein, but not without far greater preparation and far greater uniformity of opinion in and sanction from the international community. Now we see a similar issue in a different context with regard to Iran, and I hope we have learned some lessons about that. That I think is going to be a challenge at least in the next few years. My ability to forecast much beyond that is on a par with Calvin Coolidge's ability, who said, "When people are out of work, unemployment will result." So I do not pretend to see beyond a few years. But I think for the immediate future that is going to be a major challenge for the human rights movement.



INTRODUCTION BY JOYCE NEU, EXECUTIVE DIRECTOR OF THE JOAN B. KROC INSTITUTE FOR PEACE & JUSTICE

Good evening, everyone. My name is Joyce Neu. I am the Executive Director of the Joan Kroc Institute for Peace & Justice, and on behalf of all of my colleagues here at the University of San Diego, I want to welcome you to what I think will be quite an inspirational and stimulating discussion with our distinguished lecturer, Dr. William Schulz, the Executive Director of Amnesty International.



When Joan Kroc endowed this Distinguished Lecture Series in early 2003, it was just as the U.S. was planning to launch an invasion of Iraq. Joan was outraged, fearing that the war would do more harm than good. She picked up the phone and started making phone calls to some of the congressional leaders urging them not to support the war. But despite her efforts and those of many of us, the war was launched on March 20, 2003, almost three years ago.

Our speaker tonight is exactly the kind of person Joan would have loved to have seen here: someone who has a passion for and a commitment to improving the condition of our species through the protection of our fundamental human rights, and someone who has not been afraid to speak truth to power. Tonight's talk by Dr. Schulz occurs at an important time

for human and civil rights in this country. The PATRIOT Improvement and Reauthorization Act was signed by President Bush today. Before signing it, the President said, "As we wage the war on terror overseas, we're also going after the terrorists here at home, and one of the most important tools we have used to protect the American people is the PATRIOT Act."⁷ In going through William Schulz' newest book, *Tainted Legacy: 9/11 and the Ruin of Human Rights*, I am not sure that Dr. Schulz would agree with the President's perception that the PATRIOT Act protects American citizens. In his book he says, "It is sad that a nation that has always prided itself on its defense of the humane should now find itself the perpetrator of the repugnant."

William Schulz is Executive Director of Amnesty International, a position that he has held since March 1994. Under his leadership, Amnesty International has grown in number of members and in influence, and we are pleased that the University of San Diego has a new Amnesty student chapter. Dr. Schulz, in addition to authoring *Tainted Legacy*, has also authored *In Our Own Best Interest: How Defending Human Rights Benefits Us All*. These books that he has written have provoked a great deal of debate about the fate of human rights in an era of terrorism. *The New York Review of Books* states, "William Schulz has done more than anyone in the American human rights movement to make human rights known in the United States."⁸

When one of Dr. Schulz' heroes, Dr. Carl Rogers, a founder of the humanistic psychology movement, was asked if McCarthyism had affected him personally, he said it had not. But he added, "I have always realized that in any authoritarian takeover in this country, which I have always regarded as

⁷ "President signs USA PATRIOT Improvement and Reauthorization Act," www.whitehouse.gov/news/releases/2006/03/20060309-4.html

⁸ Ignatieff, M. (2002, June 13). The rights stuff. *New York Review of Books*.



possible, if the dictator was smart, I would be one of the first people he should eliminate because I am not loudly subversive, I am deeply subversive, which is worse." So I hope you will join me in welcoming a deeply subversive, deeply caring, champion of human rights who has dedicated his life to the pursuit of bettering all of our lives, Dr. William Schulz.



*Tainted Legacy: 9/11 and
the Ruin of Human Rights*

William F. Schulz, Ph.D.

Thank you so much, Joyce, and greetings to all of you. I want to attest that you here in the San Diego community have a gem of an institution in this place, and I know you appreciate that and appreciate the leadership that Joyce and others give to this magnificent institute. They have provided me a superb day today—a busy one. They have even introduced this northeastern to In-N-Out Burger. I apologize to the spirit of Joan Kroc, but it was one of the highlights of my day. I also want to greet our overflow crowd, and thank the technicians for the superb technology that I trust is allowing them to hear my remarks. I am particularly sensitive to this issue because some while ago I delivered what I had thought was one of my most stirring addresses to a large audience. At the end of the address, a woman came up to me and she said, “Dr. Schulz, I could not hear a word you said.” And thinking to be modest, I said, “Well, you were probably not missing much.” And she said, “I know, that is what everybody told me.” So I am sensitive to this issue, and I trust we will have people stampeding in the doors if they cannot hear me.

I want to say just a brief word about Amnesty International itself before turning to the major topic of the evening. I know that some of you read the *New Yorker*, and you are familiar with these little fillers that are often placed at the bottom of the columns. One of my favorites was this one: “Important Notice: If you are one of the hundreds of parachuting enthusiasts who bought our book, *Skydiving Made Easy*, please make the following correction. On page 8, line 7, the words ‘state zip code’ should have read ‘pull ripcord.’” Now when I read this, naturally, I conjured up an image of people falling through the air desperately shouting their zip codes, but that also reminded me that the right words at the right time really can be a matter of life and death.

And that is the principle that Amnesty International has relied upon since it was founded in 1961 in Great Britain, when a British barrister by the name of Peter Benenson read of two college students in Portugal—under a dictatorship at the time of a man named Salazar—who had gone down to their local pub, raised their glasses of beer, toasted to freedom, and immediately been arrested by the secret police. And Benenson thought to himself, “I wonder if some of us here in Great Britain were to write to the Portugese government, ask for their

release, would it do any good?” And he put an editorial in the *London Observer* newspaper, urging people to do that. And much to his astonishment, thousands of British citizens wrote to the Portugese government, and the Portugese government—which had been accustomed to doing anything it wanted to its own citizens—was dumbfounded to be receiving all of this international outrage about what they regarded as two vermin, and it let them go (or at least so the myth has it). And that was the seed, or the germ, of the idea that sometimes by bearing witness to human rights violations, we here in San Diego can have an impact on what is going on in Jakarta, Indonesia or Lagos, Nigeria. Since then, 2 million people today join together with Amnesty around the world, in more than 100 countries, to witness to human rights violations of all kinds—certainly to the release of prisoners of conscience, but also to violations of the right to free speech or fair trial, executions, and perhaps most especially, torture.

You know, if I had told an ancient Greek philosopher that torture was practiced in more than half of the countries of the world today, his response would be utter astonishment: “Why only half?” he would say. “Why not in every one?” Because of course, for the ancient Greeks, torture was not only acceptable, it was standard practice. But the ancient Greeks were very discriminating about who they would torture. It was only slaves, not free citizens, who could be subjected to the whip and the chain; but that was not true just because slaves were slaves. No, very interestingly, the reason that the Greeks believed in torturing slaves and not free citizens is because they believed that slaves did not possess the capacity of reason and hence, lacked the capacity to lie. So if you wanted to know the truth about something, all you had to do was to torture a slave, who, unlike a free citizen, did not have the mental capacity to dissemble.

So the use of torture then, has—since the Greeks, of course—a long history. In the Middle Ages, both civil and religious courts believed that it was unethical to convict anyone of a crime on somebody else’s word alone—that the only valid evidence for thievery or for heresy or for murder, was a confession. And, of course, what more effective way to elicit a confession than the rack and the screw? Torture was such a reputable instrument that it was not until 251

years ago, 1754, that ironically, Prussia—today, Germany—became the first country to abolish torture altogether. And then for about 150 years, torture went out of vogue. But in the 20th century, it raised its ugly head again, and now there was this difference: whereas in ancient Greece, in medieval Europe, torture had been used solely to determine truth or to convict someone of a crime, in the 20th century, torture became an instrument of pleasure, a means of intimidating your political opponents, a way to inflict pain on another person for the sheer, sadistic joy of it. I think we see, in the pictures from Abu Ghraib, that explicitly clear. One cannot even pretend that forcing naked prisoners to form a pyramid, or to be tethered to a leash like a dog, served any purpose other than sheer humiliation. The ancient Greeks, torturers that they were, would have been ashamed of us. And torture is at the heart of Amnesty's mission. So if you want to learn more about this organization and join it, check out the website at amnestyusa.org.

... the first challenge facing the human rights community today is to take human rights back from those who would use it for narrow, parochial ends.

The human rights movement today faces profound challenges. I want to just mention five of them, and then speak to the fifth in greater detail. After President Bush's second inaugural address—this was the one in which he pledged to tie America's interests to the pursuit of freedom's cause—the *Guardian* newspaper in London said that President Bush's second inaugural sounded like it came from the armed wing of Amnesty International. Neo-conservatives have appropriated rights-language to justify American global spread. The Iraq war is now defended—now defended—in the name of promoting democracy and human rights. And because no good human rights activist could have any quarrel

with the notion of spreading democracy, or even with the notion of utilizing military power to take down dictators, we in the human rights community have been effectively muzzled when it comes to criticizing America's intervention in Iraq. But you do not have to be a complete cynic about the true rationale for that intervention to understand that if the pursuit of freedom's cause comes to be identified with the spread of American military and economic might, that would ultimately be a fatal blow to the notion of universal human rights. And so the first challenge facing the human rights community today is to take human rights back from those who would use it for narrow, parochial ends.

The second challenge is to articulate the circumstances under which military intervention in the name of defending human rights is not only justified, but required. If we have questions about U.S. intervention in Iraq, is that solely because that war was based upon the fullest premise that Hussein had weapons of mass destruction? What if President Clinton had announced that the United States and its allies were undertaking military action against Saddam Hussein to stop the torture and execution of hundreds of Iraqis who were dying every year at Hussein's hands? And if intervention to stop the slaughter of Iraqis would not have been justified, well, then on what grounds does virtually every human rights organization call for military intervention to stop the crimes against humanity going on today in Darfur, Sudan? The second challenge before us as a community is to establish when the world should use force to stop human rights crimes, and who should do it.

But of course, the moment that the West uses its military might to enforce human rights laws, it lends ammunition to those in the developing world who claim that human rights are merely a disguise for western hegemony. And so the third challenge facing the human rights movement is to refute this notion. Simply because the concept of rights may have emerged out of the Enlightenment tradition, as it certainly did, that does not mean that it is not legitimate to expect those of non-western political, cultural or religious traditions to abide by them. The Universal Declaration [of Human Rights], after all, was adopted by a unanimous vote of the United Nations General Assembly. Now, the

suspicion with which human rights are regarded in much of the developing world reflects not only the challenge that they constitute to entrenched powers, be those the powers of dictators, like President [Alexander] Lukashenko in Belarus, or the cultural powers of those who defend practices such as female genital mutilation. No, the suspicion of human rights is generated also by the fact that without enforcement mechanisms at its disposal, international law upon which universal human rights are based is little more than a whim and a prayer. And why then ought anyone to place his or her life in the hands of such a fragile protector?

So the fourth challenge before the human rights movement is to put some heft into international human rights treaties and statutes. The creation of the International Criminal Court and the growing recognition that human rights criminals, like General [Augusto] Pinochet, may well be held accountable for their crimes—these are important, but they are only steps. They are important steps, but small steps, toward a world truly free of impunity. But such a world will never come into existence if the world's greatest power continues to undermine the very notion of an international community. Human rights are largely based upon what we used to call a “gentlemen's agreement,” upon a fragile scaffolding of respect for international opinion, coupled with a desire to be seen as upholding the highest tenets of a civilized world. They require the assumption, especially on the part of the most powerful, that they, too, will be held accountable to the law—that just because we are powerful does not mean that we can claim a pass from being responsible. And it is that assumption, affirmed for more than 50 years by Republican and Democratic presidents alike, that has come under threat in the last five years. And this is the fifth challenge to the human rights movement, and it is the one I want to talk to you about tonight.

I once read somewhere that the three most popular topics for books in the United States are sex, dogs and Abraham Lincoln. When I read that, I immediately determined that I would write a book about the sex lives of Abraham Lincoln's dogs, a sure bestseller. But the more I looked into the topic,

the more I realized that the data in that area was scarce. And so I have been reduced to writing books about human rights. This latest book, *Tainted Legacy: 9/11 and the Ruin of Human Rights*, is a book that is designed to help us struggle with this fifth challenge, the need to find the right balance between security and liberty.

... a world truly free of impunity... will never come into existence if the world's greatest power continues to undermine the very notion of an international community.

When I was a sophomore in high school, I became acquainted with a religious movement that called itself Moral Re-Armament. I did not know a lot about Moral Re-Armament, but I soon learned that practitioners of Moral Re-Armament were required to follow four virtues—just four, but to follow those virtues without compromise. Moral Re-Armament practitioners were to be absolutely honest, absolutely pure, absolutely unselfish, and to display absolute love. Well, to a 14-year-old, this seemed like an eminently sensible philosophy of life, and I decided to become a follower of those four absolute virtues. And for about 72 hours, I was. And for those 72 hours I tried never to lie to my parents or my teachers; I tried to vanquish every impure thought from my head; I tried to be generous to a fault. But gradually it began to dawn on me that two or more absolute principles might occasionally get in each other's way. Absolute honesty, in particular, seemed perpetually at odds with the other virtues. This was brought home to me one night in a poignant fashion when an elderly relative—much-beloved, but notorious within the family for her bad breath—asked me to give her a big kiss on the lips. Now, which of those absolute virtues was I to follow: absolute honesty or absolute love? And so within 72 hours I decided that I would have to reject the appeal of Moral



Re-armament, noble as it was—reject its ideas as philosophically bankrupt, and abandon them for the sake of intellectual consistency. But at a very early age I learned the hard truth that a set of injunctions, all of which are to be enforced in equal measure, are bound to get in each other's way.

And this insight about the limit of absolutes is an important one for human rights because the Universal Declaration of Human Rights, the bedrock instrument upon which human rights are based, contains more than 40 such rights. And so what are we to do if one set of rights comes in conflict with another? One of the rights in the Universal Declaration, Article 3, guarantees that everyone has the right to security of person. So that means that being safe from terrorism is not just a nice idea, it is our right as human beings. In fact, some would argue, it is the most important right because if you're dead, you can hardly exercise any of the other rights. And so what do we do if the U.S. government is correct when it says that in order to enforce Article 3, the right to security, it may have to violate, say, Article 10, which guarantees us due process if we are charged with a crime?

But the government has not stopped to consider the full implications of its compromise of human rights, not least of all the implications for the success of the war on terror itself.

Well, the Declaration provides some guidance. It says that in certain circumstances, in the face of threats to the public order and the general welfare, we may limit rights, at least for a brief period of time. And so the question becomes, how many limitations on our rights are necessary? If we accept the position of our government, the answer is quite a few limitations. If we accept the position of us in the human rights community, the answer is virtually no

limitations. But the government has not stopped to consider the full implications of its compromise of human rights, not least of all the implications for the success of the war on terror itself—and I want to admit very, very quickly to you, that we in the human rights movement have utterly and completely failed to articulate a strategy for fighting terrorism, that is, for protecting the right to security of person, while at the same time, exercising optimal respect for all of the other rights.

A few days after September 11, a young man by the name of Cheikh Melainine Ould Belai, was taken into custody by the FBI. Ould Belai was the 20-year old son of a Mauritanian diplomat. He spoke no English. The FBI provided no translator, and so for 40 days, he was shuttled between one detention center and another, and not allowed to consult a lawyer or to speak with his family. And then after 40 days he was finally released. He was not charged with a crime, had nothing to do with terrorism, but he was deported. The government had every right to deport him—he had overstayed his visa. Well, he overstayed his visa because he was in FBI custody; but nonetheless, the government had every right to deport him. But before he left, Ould Belai made one very telling comment to the *New York Times*: “I used to like the United States,” he said, “Now, I do not understand it. I used to want to learn to speak English. Now, I do not want ever to hear English spoken again.”⁹

Now, Ould Belai is typical of at least 1,200 foreign nationals taken into custody in the weeks following 9/11—virtually all of them Muslim—1,200 foreign nationals taken into custody; in large measure, deprived of access to lawyers or their family, and often man-handled and mistreated. Two weeks ago, the first civil suit of one of those taken into custody was settled by the U.S. government for \$300,000. The government didn't want to take that suit to court. Ould Belai is typical of hundreds of those who are being held today as material witnesses, so-called “material witnesses,” virtually all of them Arab, Muslim. He is typical of 5-6,000 foreign students, all of them from Muslim countries—with the exception of those from North Korea—who have been

⁹ See Related Resources.

forced to register with the government, finger-printed. And the question we have to ask ourselves is: are we truly safer for having mistreated people who had previously looked upon this country with admiration and respect, or might that not be a surefire way to make the world more dangerous?

When I was growing up in Pittsburgh in the 1960s, I was afraid, truly afraid, of just two things. I was afraid of nuclear war, and I was afraid of Tony Santaguido. Now, I was afraid of nuclear war because my parents had comfortingly assured me that when war came, Pittsburgh steel mills would be the very first target that the Russians bombed. But when I learned in school that if I were to merely duck and cover under my wooden desk, I would be safe from radiation, I immediately relegated nuclear war to a much lower place on my litany of worries. But that left Tony Santaguido, the neighborhood bully. One day Tony caught me with a left hook to the jaw that persuaded me, on the spot, to become a clergy person. Now, the most obvious way to have dealt with Tony, I suppose, would have been to have bloodied his nose right back. And if I had been one to do my fighting with anything other than words, I might have taken that course. But I was not confident of my skills as a pugilist, and besides, I knew that Tony had a very large family. I suspected that if by some miracle I did manage to prevail against him, his brothers or his cousins would have sought me out, and I would have been living in a world of perpetual fear that would have made the alternative of nuclear war welcome.

And so I settled on a different tack. I decided, in the first place, to surround myself with as large a group of my friends as possible whenever I sensed that Tony might be in the neighborhood. And I decided to reach out to two or three other members of Tony's gang who were not as ill-disposed toward me as he was to see if I could prevail upon them to get him to leave me alone. And much to my astonishment, after a few weeks, these dual tactics began to work. I never really knew what had changed, what dynamics had changed; but I figure, in retrospect, that it had something to do with Casey Stengel's famous observation that the secret of a great baseball manager is to keep the two guys that hate your guts away from the three guys who at the moment are undecided about the

question. And I also figure that this little parable has a thing or two to teach us about fighting terrorism because on the face of it, the best course would have been to beat Tony senseless. Sometimes you just have to stand up to bullies; there is nothing wrong with using military power, at least from a human rights perspective—sometimes you just have to do that, sometimes you have to go after the bad guys and get 'em.

But as Tallyrand observed, you can do anything at all with a bayonet, except to sit on it. And if I had pursued the martial course alone, not bothering to nurture my alliances with my friends, not bothering to reach out to the more persuadable segment of Tony's retinue—the three guys who were undecided—I might have been in for a long, nasty battle. And it strikes me that our government has gotten the bayonet work done mighty well in the war on terror, but it keeps trying to sit on the tip, because contrary to ill-informed right-wing opinion in the United States, the vast majority of Muslims did not applaud when the planes hit their targets on 9/11. But not only are the vast majority of Muslims keenly acquainted with poverty and corruption and disappointment, but they are also aware that the responsibility for those conditions lies squarely with their governments; with the lack of democracy; the denial of human rights; the lowly status of women, in particular, with its attendant waste of human resources; unemployment; economic stagnation; widespread looting of the public treasury—these would be difficult enough for any population to bear, even if it did have access to mechanisms (peaceful, nonviolent mechanisms) through which to regularly replace regimes or voice dissent. But of the 57 member states of the Organization of the Islamic Conference, only two—only Bangladesh and Turkey—have managed to sustain anything like democracy over an extended period of time.

And so in the absence of nonviolent, democratic ways through which people can express frustration, where do they seek for political change? It is hardly surprising that they sometimes look with sympathy upon political and religious extremists who offer that most rare of commodities: an alternative vision. In this respect, President Bush is not wrong: the introduction of democracy may

well be an important step in the transformation of these societies, but not the only step, and not introduced the way it has been. And so the best way to persuade the three guys who are undecided about extremism—that is, the best way to persuade the millions and millions of Muslims and Arabs around the world who were not inherently ill-disposed toward the United States on September 11, but who indeed may today have a different view of our agenda—the best way to persuade them to counter the appeal of terrorism is for the United States to display eminent respect for the Islamic traditions, and to be a model of respect for human rights ourselves.

But I hardly need to tell you that though in our rhetoric—which has generally been respectful of Islam—we have taken that course, our actions have said exactly the opposite. It is not just, of course, that we incarcerated 600 Muslims at Guantánamo Bay, and held them in incommunicado detention; it is not just that we have denied to two U.S. citizens who happen to be Muslim—Jose Padilla and Yasser Hamdi—the most fundamental rights in the U.S. lexicon of jurisprudential rights, that is, the right to know what you are charged with when you are arrested, and the right to an attorney to defend yourself; it is not just that we have used Predator missiles to carry out extra-judicial executions of five Muslims driving down the road in Yemen; it is not just that we have tortured hundreds of Muslim detainees; it is not just that we have rendered God knows how many of them to other countries known to use torture in their interrogation techniques; it is not just all this—you know all this. It is not just all this, bad as that has been, that has made it more and more difficult, if not impossible, for moderate Muslims and those who were undecided about us to believe that the war on terror is indeed as we say it is: a war in defense of freedom and the rule of law, and not a war against Islam—it is also how we have prosecuted that war.

It is the desecration of Korans. It is the intentional violation of Islamic strictures against males having contact with women that has been played out so dramatically in reports of interrogation techniques, such as the woman guard at Guantánamo who pretended to smear her menstrual blood on a detainee. It is

the sexual humiliation of Muslims at Abu Ghraib, which is itself a devastating insult to the Islamic faith. It is the proliferation of photographs documenting that humiliation—photographs that on the one hand have prevented the inevitable denial of mistreatment by our government, but at the same time become iconic representations of our perfidy to Muslims and others around the world. It is the fact that it was Muslim students who were singled out when students were forced to register with the government. It is the fact that the FBI acknowledged just a few weeks ago that it had regularly conducted radiation tests around Muslim mosques here in the United States, even though it had no particular evidence that a mosque was involved with dirty bombs or terrorism. It is the fact that respectable leaders, like Brandon Mayfield, a Portland, Oregon lawyer, was wrongfully accused of being associated with the Madrid bombing, and who just happened to have converted to Islam.

And it is the company we keep every time we cozy up to the Saudi royal family, concerned as we are for the flow of oil. We alienate those moderate Muslims who know that for many Saudi leaders, corruption is a fact of life, and that in Saudi Arabia, any Muslim who objects to the form of Islam practiced there, Wahhabism, can himself or herself be considered an infidel, a blasphemer, and even executed. Every time we allow the Chinese, our economic allies, to get away with persecuting Muslim Uighurs in the western provinces of China in the name of fighting terrorism and allow them to cite U.S. practices in the war on terror as justification for their actions—every time we do all this, we turn white the hair of even our most ardent Muslim supporters. And we play right into bin Laden's hands, for we appear to confirm his claim that we only follow the rules when it is convenient, that we care for nobody but ourselves, and are in fact not out to build a world in which those of every faith can be honored, but a world in which only America and its allies hold the purse strings and the power.

Well, what can we do with all of this? Let me offer seven suggestions. The first thing that we can do is that every single one of us can learn how to refute the ticking bomb argument, the notion that is expressed in one form or

another, that torture may be bad, but sometimes it is necessary to protect us. Ask how people know that. Ask them to document that torture has ever kept us safer. Ask them to prove that that in fact is a defensible proposition, and that information obtained under torture is not in fact among the most unreliable in the world.

The second thing we can do is to remind American officials in one form or another that we live in a new world; that General Pinochet is today under house arrest for alleged crimes against humanity; that it is no longer unthinkable that American officials, at least once they leave office, might well be accused of war crimes. Even inside the Bush Defense Department, Defense Department lawyers reminded Secretary [Donald] Rumsfeld and others that they might indeed be laying themselves open to post-office legal prosecution. Let us remind them of that.

Third, let us close Guantánamo Bay. This may not be something that you think likely. But let me remind you that Senator Mel Martinez, Republican of Florida, has been calling for the closure of Guantánamo Bay for almost a year. And the more Guantánamo Bay becomes a symbol of American recalcitrance, the more damage its existence does to other aspects of American foreign policy.

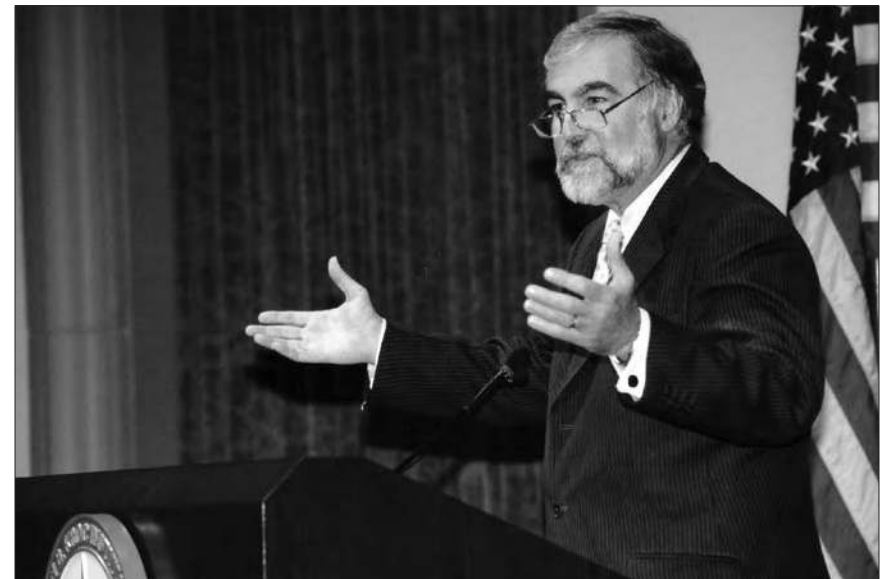
Fourth, every one of us, let us reach out to our local Muslim communities under threat. Many of us did this immediately in the months following 9/11, but since then, when it has been needed most, there has often been far less connection and contact. Let us reach out to that community.

Fifth, we must insist that Congress monitor and enforce the McCain Anti-Torture Amendment, because we know that when President Bush signed that piece of legislation, his signing order contained reference to the fact that he would enforce that and practice that legislation only to the extent he regarded it as consistent with his presidential authority—in other words, not at all. The Army Field Manual, which the McCain Anti-Torture Amendment establishes

as the standard, the baseline, for all interrogation, is about to be revised by the administration. Congress must insist on enforcement of the law.

Sixth, let us outlaw extraordinary renditions, the practice of transferring prisoners from this country to other countries, like Morocco and Egypt, that are notorious for their use of torture. Congressman [Edward] Markey of Massachusetts has introduced legislation to that effect, and American human rights groups intend to make the outlawing of extraordinary rendition the focus of an unprecedented joint effort on our part.

Seventh, let us encourage the military and the religious communities, in particular, to speak out against torture. The military has been among the most effective segments of our population in supporting McCain's Anti-Torture Amendment, but the religious community has been strangely silent. If there is any issue that calls out for moral outrage on the part of our religious leaders, it is this one. And let us, those of us who are in the pews of those congregations, insist that our leaders speak out.



And finally, a bonus point, let everyone here join Amnesty International and support the Joan Kroc Institute for Peace & Justice.

Now, let me say finally that terrorism is the antithesis of respect for human rights. And I want to acknowledge publicly that the human rights movement has done far too little to put its own prestige, credibility and resources at the service of a legitimate attempt to counter terrorism. Human rights advocates ought to be in the lead in insisting on an international treaty against terrorism. We ought to be using our research resources to expose those who finance terrorism, to name the names of those governments which collaborate with terrorist groups. It may well be necessary, at least for a time, for some of us to reconcile ourselves to things like national identification cards. Human rights advocates have an obligation to work with the government, not just always to criticize, to find the right balance between security and liberty. And similarly, the government needs to come finally to the recognition that the protection of fundamental human rights—like the right to due process, or the right not to be tortured—are pathways to a safer world, key elements in the struggle to defeat terrorism, because you do not stop terrorism by sitting on your bayonet. You stop it by using your bayonet—your power—wisely and sparingly and fairly.

Human rights emerge... out of the common misery of humankind. They give voice to the deepest yearnings of the human spirit, yearnings for things like the reconciliation of adversaries, for things like a just distribution of the earth's abundance.

A man named Shumi escaped the Nazis. He escaped from his small village in Poland just before the Gestapo entered the town—he escaped, but just barely. And when, after the war, he and a relative returned to his village, six gentile

children taunted him. “Look, look,” they said, “the dead Jews have come back to life. The dead Jews have come back.” But Shumi didn’t retreat in the face of those taunts; quite the contrary, he stood his ground with patience and dignity, even reached out to those children, patted their heads, and began to tell them stories—stories about what the village had been like before the Nazis came. And eventually the whole village looked forward to his return. Finally, when Shumi died, it was the six children who had taunted him, those six gentile children, they were the ones who said kaddish, the Jewish prayer for the dead—they were the ones who said kaddish at his grave.

Human rights emerge, you know, out of the common misery of humankind. They give voice to the deepest yearnings of the human spirit, yearnings for things like the reconciliation of adversaries, for things like a just distribution of the earth’s abundance. During the Rwandan genocide of ’94, a militiaman and his troops entered a girls’ school in the middle of the night, ordered the little girls out into the courtyard, ordered them to separate themselves: Hutu on one side, Tutsi on the other—so that the Tutsi girls could be killed. But none of the girls moved. And a second time, the militia commander ordered them: “Hutu over there, Tutsi over there.” And still not a one of the girls moved. And finally, one little girl, terrified, raised her hand, and she said, “I am sorry, sir. We cannot separate ourselves because you see, we here, we are not Hutu. We are not Tutsi. We are just little girls. Little Rwandan girls.” At which point every one of the girls was slaughtered. But what a legacy they leave. “We are not Hutu. We are not Tutsi. We are just little girls. Little Rwandan girls.”

Human rights help us to recognize evil. They teach us that every one of our bodies will perish eventually, but they teach us that evil will perish, too. They teach us how to recognize evil, and how to combat it. And they teach us one thing more: they teach us to be modest in the use of our power.

The religious leader Lao-tzu said, “Conduct every one of your triumphs as if they were funerals.” If human rights have anything to teach us about

fighting terrorism, it is this: that we should defend well everything that we cherish—our loved ones, our property, our way of life—yes, defend it well; but we must remember that it is only a generous heart that makes what we cherish worth defending in the first place. And what the world most admires about America—you know this—is not its military power, not its economic might, not even our entrepreneurial spirit. What the world most admires about this country is the vision it, at least theoretically, seeks to embody of a country that protects immigrants, that respects minorities, and that guarantees due process not to the good guys, but guarantees due process to the most evil and heinous ones among us.

Betray all that and we betray—you know this—one of the most powerful resources we have at our hands with which to fight terrorism. Betray all that and no one will say kaddish at our graves—they will dance upon them. I think America is better than that. I think we can make that clear to the rest of the world. And I know that our future and our safety depend upon our doing so. Thank you very much.

QUESTIONS AND ANSWERS

The audience submitted questions which were read by Dr. Joyce Neu.

JN: Thank you, Dr. Schulz, for an amazing talk that really, I think, speaks to the values here at the University, where we look at the dignity of the individual, of making a contribution, and of respecting and understanding people from all over. We welcome your talk.

One of the things you mentioned early on was the importance of language, and the use of language and being careful about it, and you talked a great deal about terrorists and terrorism. One of the things that troubles some of us at the Institute who work in countries like Nepal and Uganda, where the U.S. has declared the rebel movements “terrorists,” is the notion of the use of the word to alienate, to dehumanize, and to somehow make it all right for those governments to oppress and terrorize their citizens. I wonder if you might address that.

WS: Yes. This is exactly why we need an international treaty on terrorism. We need a commonly-agreed definition of terrorism exactly in order that that word cannot be misused, exactly in order that it be used in a proper context: attacks upon civilian populations for religious or political purposes. If we lack that, in the absence of such a commonly-agreed definition, “terrorism,” like other words—“holocaust,” for example—will be used in any number of ways for purely political and partisan purposes, or as you say, Joyce, to intimidate or to discredit or to dehumanize one particular group or population. That can stop, but we in the human rights movement need to insist it stop through the creation of an internationally-agreed treaty on terrorism.

JN: Thank you. What can we do to protect women in American prisons who are routinely raped and intimidated by prison guards? Is this an issue for Amnesty International?

WS: Well, I thank you for this question because just this past week, as some of you may know, Amnesty issued a very comprehensive report on all 50 states and their practices with regard to the treatment of women in U.S. prisons. And of course, as we know, the population in U.S. prisons has grown very significantly over the last few years with the draconian drug laws that have been instituted in so many places. In 1999, Amnesty undertook its first such study and we determined that in 14 states, it was not even a crime for prison guards to have sexual relations with women prisoners. And we undertook a campaign in those 14 states to change the legislation there. We were successful in 13 of them. It’s a crime today everywhere except in one state: the most liberal state in the nation, Vermont. But in all other states, it’s a crime for prison guards to have sexual relations with prisoners, which is usually with women prisoners.

But what this latest study has discovered is that in the enforcement of those laws, too often the women prisoners themselves are punished for the reporting of such harassment. In 20-some states, women prisoners who report harassment or sexual abuse of some kind are forced to spend 30 days in isolation, ostensibly for their protection, but you and I well know that is a profound negative reinforcement to the notion that they will report these kinds of crimes. So Amnesty, now having exposed this, is prepared to change the legislation as needed, and to incorporate various kinds of oversight of its enforcement in all 49 states where legislation exists.

I might also say that this report will be of interest to some of you because it also reveals that in all but two states, it is still legal to shackle pregnant women prisoners during labor up to the point of delivery—unbelievable in this country. I am proud to say that Illinois and California are the two states where it is not legal to do that.

JN: What is your opinion about the Danish cartoon scandal in terms of human rights?



WS: Well, I have to say, I have very little sympathy for the Danish cartoonists, not because I don't believe that they had the right to do what they wanted. I have the right to tell you that I think you're ugly and stupid, but there are many circumstances under which I may decide not to exercise that right. And this is a circumstance under which, I think, enormous hypocrisy was displayed, given that we know that the particular journal or magazine or newspaper, had rejected other such cartoons that were offensive to Christians. I think that we simply have to reach a point in our world where we understand that while we certainly defend all of our rights, we don't exercise them in all circumstances where they may be harmful to others. Now this is not, for a moment, to defend the reactions of violence within the Muslim world; it is not, for a moment, to say that Muslims do not have responsibility for excising cartoons that are regularly displayed in Arab publications that are quite offensive to Jewish people. That, absolutely, is entirely unacceptable for exactly the same reasons. But in my judgment, the defense of the action of the Danish press and others who then duplicated that on the basis of free speech really misses the point.

JN: What would you suggest be done about the major U.S. corporations who support oppressive regimes by providing information to them about dissidents? I'm referring to Yahoo! in this instance. In Nazi Germany, large corporations like IBM were instrumental in enabling the Nazi regime to locate and round up Jews and others for the concentration camps.

WS: There's no question that corporations bear very significant responsibility in the countries where they operate, for the ways in which the particular resources they provide and their practices may or may not contribute to human rights violations. Amnesty International is currently in conversation with Microsoft in an effort to persuade Microsoft to establish a code of best practices. At the very least, such a code would hold that companies, internet service providing companies, would not collaborate with repressive governments in the provision of information about their users that would send those users to jail. This is not, for a moment, to suggest that Microsoft, Google or anyone else shouldn't operate in these countries; we know that there are legitimately defended

benefits to having greater communication. It is very important that the Chinese people be able to communicate with one another and with the outside world, and vice versa. But it is also important that these companies exercise a certain restraint and responsibility, and I'm hopeful that we will be able to make some progress in this respect.

JN: What can be our response when people like Secretary of Defense Donald Rumsfeld basically dismiss out of hand reports by Amnesty International?

WS: Well, our response is very simple. We remind Secretary Rumsfeld that he was all too happy to cite Amnesty's reports in the run up to the Iraq war and believed that Amnesty was entirely accurate in its criticisms of Saddam Hussein's regime, and more than happy to utilize those. The Secretary, of course, becomes far less enthusiastic about Amnesty's reports when it has to do with the United States' own practices or those of its allies; but I think the world can tell who is a hypocrite and who is not.

JN: Has Amnesty International taken a position or action against the Vatican on the abuse by its clergy against youth?

WS: This is not an issue that, to this point at least, Amnesty has engaged itself in. There is no question, of course, that protection of young people is a fundamental human right. No question about that. Amnesty's work is primarily in relationship to governments or non-governmental organizations, non-state actors of a military kind. To this point, Amnesty has not engaged with this issue, important as it is.

JN: You stated that the promotion of human rights sometimes requires military might, which will invariably cause human rights violations. How is this different from the position that torture is sometimes necessary to protect human rights or freedoms of Americans? Can you adhere to just war theory, but not to just torture concept?

WS: Well, let me be very clear about this. One can be a pacifist and a human rights advocate, but one can be a human rights advocate and not necessarily be a pacifist. It is certainly true that most wars—I'm willing to acknowledge all wars—entail some human rights violations. There is no question about that. None of our hands are completely clean. In my personal judgment, I'm not a pacifist; I respect those who are. In my judgment, there are certain circumstances—certainly the Rwandan genocide being one—where in order to protect more people than those who will be harmed because of military combat, it is justified to engage in military actions in defense of the innocent. I think this is very different from the question of torture. Military action, in and of itself, has never been outlawed. I guess it was with the [Kellogg-] Briand Treaty¹⁰ years ago, but certainly today under international law, it is not inherently a violation of law to engage in military combat. It is a violation to engage in certain forms of military combat, but military combat itself is not a violation of international law. On the other hand, torture is, under all circumstances, a violation of international law. In my judgment, as I've just said, it is not inherently a violation of moral law—inherently—to engage in military combat depending, of course, upon the reasons and the circumstances. It is, under all circumstances, in my opinion, a violation of moral law to engage in torture. I would make these two distinctions.

JN: How do you rate the record of the United Nations on human rights to date, and what recommendation would you make to those involved in the current effort to reform and reshape it?

WS: There's absolutely no question that the United Nations Human Rights Commission, as it has been currently constituted, is fundamentally an abysmal failure. It has been successful in terms of some of the special rapporteurs who have been appointed by the council, and certainly the Office of High Commissioner for Human Rights, especially when it was held by Mary Robinson, the former President of Ireland, has played an important role. But as currently constituted in a way that allows regimes like Libya and Sudan,

¹⁰ The Kellogg-Briand Pact of 1928 was a multilateral treaty which outlawed war as a tool of national policy for the countries adhering to it. It was eventually signed by 62 nations, including the United States.

which are clear human rights violators, to be not only members of the council, but leaders of the council, the council is an ineffective instrument. Kofi Annan proposed a very significant reform of the council. In the past, council members, member states, had been chosen regionally; the Secretary-General proposed that they be chosen by a two-thirds vote of the General Assembly. Other reforms that he initiated were that the records of all member states were to be regularly reviewed, reviewed at least annually, including those who were members of the Human Rights Commission, or Council as it is to be called. And he proposed that the council be able to meet at least three times a year, not the one time that the current commission does; and even be able to meet upon call with special circumstances and crises.

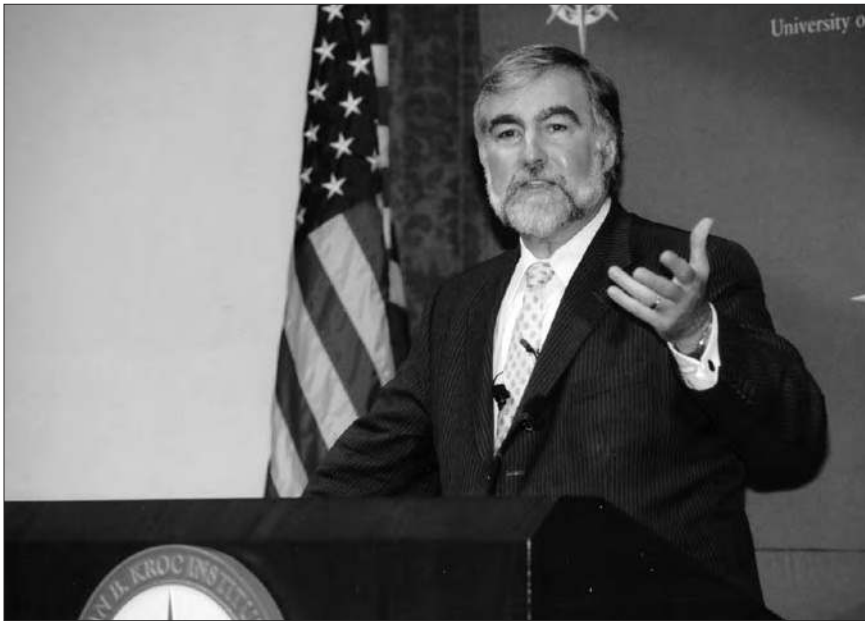
Now, currently the United Nations is debating this issue, and there were changes made in Secretary-General Annan's proposal, such that today, the proposal before the U.N. is that a majority of member states of the General Assembly, not two-thirds, elect the member countries to the proposed new council. And the United States is opposing the resolution; it is the only significant country in the world to oppose the resolution. John Bolton is leading the charge against this resolution. Amnesty International, Human Rights Watch and most other human rights organizations—despite our recognition that we didn't get everything we wanted in the current proposal—are supporting it. We believe that there is good reason to think that this proposal, while far from perfect, will be a vast improvement upon the current Human Rights Commission. And our hope is to be able to persuade the United States to at least stand neutral on this question, and not to continue its opposition.¹¹

JN: Why should Amnesty International not be seen as a fifth column when it spends so much energy against the U.S. military, which brought more human rights to Afghanistan than NGOs had in 20 years of conflict?

WS: Well, Amnesty International, as I have said, is not an organization that is anti-military or anti-military action. I think I've made that very clear. Amnesty

¹¹ The Council was approved—170 in favor, 4 opposed—by the General Assembly on 15 March 2006. The United States voted against the creation of the council.

took no position on the Afghan war, took no position on the Iraq war. Amnesty International, throughout its history, has not taken positions, pro- or con-military action. And we have done that for one very simple reason. We see our job as doing our best within the limits of human frailty to hold up one universal standard against which to judge every nation, and in this case, to judge every military action. And if we took a position in favor of the war in Afghanistan, for example, and then criticized those who conducted that war, there would be some who would say, “Well, you’re only criticizing them because you opposed the war in the first place.” Or contrariwise, if we supported military action, and failed to make certain kinds of criticisms of human rights violations that followed in the course of that military action, others would say, “Well, look, Amnesty International is failing to call the military to account because they favored that incursion, or that military action.” This is why Amnesty has done its best to remain neutral in these questions and simply to observe and monitor and call to account the results of every country’s military action, to say nothing of its larger human rights record.



JN: In our quest to achieve perpetual peace through worldwide democracy, as expressed by Immanuel Kant, are we not pursuing that goal through Iraq? Is it a means to an end?

WS: Well, I think clearly that, at least now, is the rationale of the administration—that it is pursuing democracy through its action in Iraq, and that it has a larger purpose even beyond Iraq, in terms of providing a model for democracy in the Middle East and elsewhere. And as I said in my remarks, I do not inherently, in any way, disavow efforts to increase democracy around the world. But democracy alone is not enough, and we know very well that democracies, including our own, are perfectly capable of committing human rights violations. Democracy alone is not enough. And the way in which democracy is introduced is very important. If you introduce democracy and in the course of that introduction either commit serious human rights violations yourself, or undermine the international institutions that are designed to protect that fragile scaffolding of support for human rights—upon which human rights regimen and international law is based—you undermine your efforts from the very beginning.

Let’s remember, there are no standing armies to enforce human rights law. There are no automatic economic sanctions that are levied against those countries that are human rights violators. There are no automatic sanctions against the leaders of countries that violate. There is no guarantee that a human rights violator is going to be brought to justice. Human rights rest in international law, rest upon very fragile gentlemen’s agreements, as I’ve called them—apologies for the politically incorrect phrase, but I don’t know what the new phrase would be. They rest upon these voluntary engagements that people make with one another. And that’s why the way in which we pursue democracy is almost as important, if not as important, as the pursuit itself.

JN: I wonder if I could push you a little bit on that one: instead of having such a fragile framework, as you say, what do you see as the next steps toward a firmer structure with more steel girders underlying this?



WS: Well, I step out of my role here as spokesperson for Amnesty International. I personally believe that we need a standing army for the United Nations that is responsive to the Secretary-General and other leadership within the United Nations. And I think quite apart from that, it is critically important that the International Criminal Court, which has just begun its work, be given every support possible to be successful in that effort. The jury is still out as to whether the International Criminal Court will in fact be a success or not. If it fails, the best opportunity we've had in our generation to begin to institutionalize structures of accountability will have failed. It is itself a fragile institution. It has a superb prosecutor in Mr. [Luis Moreno] Ocampo, with great experience and great integrity. But international institutions are complex and frightening bureaucracies, and those of you who have worked in them know what I mean. I believe that the court, if it is successful, and if it begins to bring to justice some of those whose cases have been referred to it—and I especially refer to the 50 cases referred by the United Nations of those taking part in the Darfur enterprise—if it's successful, I think we all will be able to go back to the American people and say, "Look, this is a tremendous opportunity where we may be able to use the force of law to go after some of these perpetrators of human rights crimes, and not have to use military force, and not have to use economic sanctions." We're a long way from that, but that is one of the hopes of the world.

JN: If only they had a standing army to arrest.

WS: Well, true, true. Maybe we need both.

JN: In what ways does framing our national post-9/11 response as "war" actually limit our capacity for effective efforts to eradicate terror?

WS: Well, if you believe in the rule of law, then the answer to that question is pretty straightforward because the administration very intentionally utilized a war metaphor and a war framework, rather than a framework of criminal justice, in order that it not have to follow fundamental due process procedures

and standards. Look, if the administration had gone after al-Qaeda with a criminal justice framework and mentality, then on what grounds could it possibly say that those al-Qaeda terrorists whom they had taken into custody were not eligible for attorneys, could not have access to the U.S. courts? There would be absolutely no rationale for doing that. And so utilizing a war metaphor and a war framework, and invoking this spurious notion of enemy combatants, at least there is an appearance of consistency, even though we know—and thanks to the Supreme Court, in some cases the courts have themselves ruled now—that the original interpretation of the administration, even in its war metaphor, is of limited viability.

JN: It is we who elect the representatives, the senators and the president, who are the practitioners of the things we abhor. Is it not we who are at fault?

WS: Yes. That's the answer. We know that.

JN: Given that, what do you recommend the U.S. can do to regain its former respect from the world? What steps can we take?

WS: Well, I tried in the lecture to outline seven or eight steps that I think are important. We need to reclaim the mantle of leadership in this respect, and we simply can't do that as long as we're maintaining Guantánamo Bay, as long as we are practicing extraordinary rendition, as long as we are failing to abide by the Geneva Conventions. We simply will never be able to obtain again the kind of respect, whether justifiably or not, the U.S. was able to command in years past from our allies, to say nothing of those who may be predisposed to be less well-disposed toward us, without these kinds of changes.

JN: I assume that some of our students in the audience may be interested in pursuing careers related to human rights. You come from a somewhat atypical background, I think, as a Unitarian Universalist minister, but I wonder if you might address our students and speak to them a little

bit about what kinds of things they should be doing in terms of their educational background, and also in terms of their experience. What would you recommend if they want to get involved in human rights?

WS: Well, certainly don't take my course—that will do you absolutely no good whatsoever. I was appointed Executive Director of Amnesty International—and there is a person here who was on the board when I was—largely because I happened to know a member of the search committee, and he made sure that my name kept reappearing every time the rest of the committee threw it out. That is probably the best advice that I can give any of you: know a member of the search committee who is actually stubborn and persistent.

But apart from that, the best advice, I think, to anyone who wants to go into the human rights field, is to develop some kind of “expertise.” Find a part of the world, for example, that you are deeply interested in; or find a thematic aspect of human rights work—women's rights, dealing with survivors of torture, gay and lesbian rights, refugee and immigration issues—something that is your passion, that commands your energy. And then, gain as much experience in that area as possible: learn the language if it's a country that you're interested in where English is not spoken; go to those countries or those regions of the world; or go to organizations that work in that thematic area, and do internships with them. Get experience. One of the greatest, most exciting developments in the human rights world in the 12 years that I've been there is the enormous growth in indigenous human rights organizations around the world. Today, in almost every country, including in the most repressive, there are human rights organizations on the ground, operating often on a whim and a prayer, and often in enormous need of the kind of assistance that students from the United States can provide. Take advantage of those opportunities, shape your educational choices in that respect, and know someone on the search committee.



RELATED RESOURCES

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WEBSITES:

Amnesty International USA. AIUSA is the U.S. section of Amnesty International, the Nobel-prize winning grassroots activist organization. Amnesty International was founded in 1961 and currently has over 1.8 million members worldwide. The organization undertakes research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights. Dr. William Schulz is the Executive Director of AIUSA. Retrieved March 2006, from <http://www.amnestyusa.org>

Center for Justice and Accountability. The CJA began in San Francisco, California in 1998, with the mission to deter torture and other severe human rights abuses around the world by helping survivors hold their persecutors accountable. Retrieved March 2006, from <http://www.cja.org>

Global Sullivan Principles of Social Responsibility. The aspiration of the Principles is to have companies and organizations of all sizes, in widely disparate industries and cultures, working toward the common goals of human rights, social justice and economic opportunity. Retrieved March 2006, from <http://www.thesullivanfoundation.org/gsp>

The International Criminal Court. The International Criminal Court (ICC) is the first ever permanent, treaty-based, international criminal court established to promote the rule of law and ensure that the gravest international crimes do

not go unpunished. Retrieved March 2006, from: <http://www.icc-cpi.int>

McCain-Graham-Warner Anti-Torture Amendment. Sections 8154 and 8155 of H.R. 2863, the Department of Defense Appropriations Act of 2006. The bill passed the Senate on 5 October 2005, and was signed into law by President Bush on 30 December, 2005. Full text retrieved March 2006, from <http://tortureisnotus.org/fulltext.php>

Unitarian Universalist Association of Congregations. The UUA was formed in 1961 through the consolidation of the Universalist Church of America and the American Unitarian Association. Today the UUA is a faith community of more than 1,000 congregations that support each other and bring to the world a vision of religious freedom, tolerance and social justice. Dr. William Schulz was President of the UUA from 1985-1993. Retrieved March 2006, from <http://www.uua.org>

BOOKS, SPEECHES AND ARTICLES:

Amnesty International. Annual Report (2005). *The state of the world's human rights*. Available at <http://web.amnesty.org/report2005/index-eng> [March 2006].

Dallaire, R. (2003). *Shake hands with the devil: The failure of humanity in Rwanda*. New York, NY: Carroll & Graf Publishers.

Firestone, D. (2001, December 5). A nation challenged: The detainees. *New York Times*, p. B6.

Ignatieff, M. (2002, June 13). The rights stuff. *New York Review of Books*.

Schulz, W. (2002). *In our own best interest: How defending human rights benefits us all*. Boston, MA: Beacon Press.



Schulz, W. (2003). *Tainted legacy: 9/11 and the ruin of human rights*. New York, NY: Nation Books.

United Nations. General Assembly. (1948). *Universal declaration of human rights*. Available at <http://www.un.org/Overview/rights.html> [March 2006].

ABOUT THE UNIVERSITY OF SAN DIEGO

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In recent years, the University of San Diego has hosted many distinguished guests, including Nobel Peace Laureates and former Presidents Jimmy Carter and Oscar Arias, Supreme Court justices, United Nations and United States government officials, as well as ambassadors from countries around the world. In 1996, the university hosted a Presidential Debate between candidates Bill Clinton and Bob Dole.

The USD campus, considered one of the most architecturally unique in the nation, is known as Alcalá Park. Like the city of San Diego, the campus takes its name from San Diego de Alcalá, a Franciscan brother who served as the infirmarian at Alcalá de Henares, a monastery near Madrid, Spain. The Spanish Renaissance architecture that characterizes the five-century old University of Alcalá serves as the inspiration for the buildings on the University of San Diego campus. The architecture was intended by the founders, Bishop Charles Francis Buddy and Mother Rosalie Hill, to enhance the search for truth through

beauty and harmony. Recent additions, such as the state-of-art Donald P. Shiley Center for Science and Technology and soon the new School of Leadership and Education Sciences building, carry on that tradition.

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