

REPORT NO. 2 OF THE
LAW STUDENT DIVISION

RECOMMENDATION*

Resolved, That as citizens of the United States of America who enjoy freedom of speech, freedom of religion, freedom of the press, and freedom of assembly, the members of the American Bar Association affirm their support of those who have challenged their governments to comply with the human rights provisions of the Helsinki Agreement of 1975 and who have been monitoring and reporting the condition of human rights in their countries.

Further Resolved, That the members of the American Bar Association call upon participants of the 1977 Belgrade Conference and all citizens of the 35 countries that signed the Helsinki Agreement to ensure faithful compliance with the human rights provisions of the Helsinki Agreement as well as the United Nations Universal Declaration of Human Rights.

REPORT

This resolution recognizes the basic beliefs of lawyers, the American people and humankind that certain rights are basic and inalienable. The resolution advocates respect for the civil rights and liberties of individual citizens, as well as collective rights of people to self-determination and equal status in the international community.

On December 10, 1948, the General Assembly of the United Nations approved by Resolution 217A(III) the Universal Declaration of Human Rights, which proclaimed "A common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society . . . shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure a universal and effective recognition and observance . . ." This Declaration, which contained 30 articles enumerating political, economic, and social rights deemed to be universal human rights of mankind, was endorsed by the terms of the Helsinki Agreement of 1975.

The Helsinki Agreement was the Final

Act of the Conference on Security and Cooperation in Europe, which opened on July 3, 1973, and was signed by 35 countries at Helsinki on August 1, 1975.¹ The human rights provision of the Agreement known as "Basket Three" aims to promote the freer flow of people, ideas, and information among the 35 signatory countries. The resolution is an expression of support for a concept of human rights as has already been acknowledged, studied, and approved by the 35 signatory countries of the Agreement.

The Helsinki Agreement called for the participating nations to hold a meeting in Belgrade on June 15, 1977, to discuss, in depth, the implementation of the provisions of the Helsinki Agreement. At the opening plenary session of the Belgrade meeting on October 6, 1977, United States Ambassador Arthur J. Goldberg called upon participating countries to "register vigorous disapproval of repressive measures taken in any country against individual and private groups whose activities relate solely to promoting the Final Act's goals and promises."

¹A reprint of "The Department of State" is available upon request from the Office of the Secretary.

*The recommendation was approved. See page 207.

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Recent newspaper accounts have reported that citizens in a number of participating countries have been harassed or imprisoned for attempting to monitor the implementation of the Helsinki Agreement in their own countries. By adopting this resolution, the American Bar Association will go on record in support of individuals and organizations around the world who are working to promote effective implementation of the human rights provisions of the Helsinki Agreement of 1975. This resolution urges the governments of participating countries to live up to their pledge to "promote and encourage the effective exercise" of these rights and Principle VII which acknowledged "the right of the individual to know and act upon his rights and duties" in matters of human rights. Thus, the expression of support by this body can bring moral pressure to bear on those governments whose performance does not measure up to the principles of the Helsinki Accords.

The Helsinki Accords represent the consensus of the 35 signatory nations and, in keeping with the principle of good faith, it should be expected that these countries live up to their commitments. As students of the law, we reaffirm our belief in the notions of international law and human rights based on the principle of good faith. We expect, therefore, the governments to make sure that their laws comply with the Helsinki Accords.

The American Bar Association has already demonstrated a consistency of thought and direction which we endeavor to continue with this resolution.

In August, 1967, the House of Delegates passed a resolution submitted by the Committee on Peace and Law Through the United Nations favoring accession to the Supplementary Slavery Convention which was one of the United Nations' conventions on human rights.

The Section of International Law, at the February, 1976, Midyear Meeting, submit-

ted a resolution, which passed, approving accession of the United States to the United Nations' Convention on Prevention and Punishment of the Crime of Genocide.

In August, 1977, the Committee on Education about Communism presented a resolution, passed by voice vote, which called on the Commission on Security and Cooperation in Europe to monitor "the implementation of the Final Act of the Conference on Security and Cooperation in Europe" and "exhorts the United States government to give the highest priority to the attainment of that respect."

Parenthetically, we do not overlook the fact that we still must make advances in human rights in our own country. Much progress has been made, but much more remains to be done if the United States is also to live up to its good faith obligations under the Helsinki Accords. It is commonplace to state that everyone is for human rights; however, we recognize a discrepancy between theory and practice. Therefore, the Law Student Division feels it is imperative to reassert its concern for the rights of all human beings in order that citizens of all nations achieve a satisfactory level of human dignity. We believe it is important that notice be taken of violations of human dignity. Too often in the past, there has been silence in the face of governmental oppression. This silence has encouraged further depredations. Our expression of support for the Helsinki Accords represents the overwhelming declaration of the member schools of the Law Student Division that the inhumanity of governments will no longer be tolerated. As a matter of conscience, domestic and international law, we feel compelled to submit this expression of our support for the principles embodied in the Helsinki Accords.

PATRICIA R. LONG
HOWARD H. BROWN
Division Delegates