

18. THE ACLU OF NORTH CAROLINA COMMITTEE ON INTERNATIONAL HUMAN RIGHTS: 1988-2003¹

By: Slater E. Newman*

At its quarterly meeting on March 25, 1988, the Board of Directors of the North Carolina Civil Liberties Union voted (1) to establish a committee on international human rights and (2) that the committee would be appointed by the next President, who would take office later that year. This proposal to establish such a committee was in direct response to a February 20, 1988 speech, "Civil Liberties: Towards a Broader Perspective", by Frank Goldsmith, in accepting the NCCLU's Frank Porter Graham Award. "What is needed," he said, "is a resource within our own organization, since I know of none at the national level, that could supply us with reference to international norms to aid us in deciding our own questions of policy; to cite international human rights law to courts where appropriate and to use in our lobbying and public education efforts... A beginning would be a committee on international human rights, perhaps centered at one of the law schools where interested students of international and comparative law could be recruited to research such issues for us."

A committee was appointed and held its first meeting immediately prior to the NCCLU Board meeting of March 10, 1989. The Committee had previously kept in touch through

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correspondence and presented its first report to the Board at that March 10 meeting. In its report it listed the following activities which it would be considering: (1) encouraging the ACLU to work on the ratification of international human rights treaties, (2) encouraging attorneys to cite international human rights law to courts where appropriate, (3) establishing a resource center and identifying resource people in the area of international human rights, (4) encouraging NCCLU to have seminars on related topics, (5) where appropriate, encouraging NCCLU to take positions on international human rights issues, e.g. apartheid and (6) working for participation by NCCLU and others throughout the state in recognizing and celebrating Human Rights Week, December 10-16, and Bill of Rights Day, December 15. The National ACLU subsequently indicated acceptance of these proposed actions.²

Since its inception the Committee has been composed of 5-7 members, at least one of whom has been a member of the affiliate Board, and at least four of whom have been attorneys. At present, there are six members, four of whom are on the Board and four of whom are attorneys.

Over the years, the Committee has

1. Prepared resolutions adopted by the ACLU of North Carolina Board of Directors and subsequently submitted for action by the ACLU Board of Directors and/or the ACLU Biennial Conference, on the following topics
 - a. in support of ratification of the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (in 1989).
 - b. in support of ratification of the UN Convention on the Elimination of All Forms of Discrimination Against Women (in 1992)

c. in support of ratification of an effective international treaty outlawing land-mines (in 1994).

d. in support of affiliate and chapter fostering the celebration of Human Rights Week, Human Rights Day and Bill of Rights Day (in 1991 and 1995)

e. in support of ratification of the UN Convention on the Rights of the Child (in 2001).

2. Represented the affiliate as a founding (in 1989) and continuing member of The Human Rights Coalition of North Carolina. The purpose of the Coalition is "...to enhance among citizens of our state the knowledge, understanding and appreciation of human rights as elucidated in such documents as the Universal Declaration of Human Rights and the Bill of Rights of the United States Constitution." Among the Coalition's main activities are encouraging the recognition (through gubernatorial and mayoral proclamation) and celebration of Human Rights Week/Day and Bill of Rights Day in communities throughout the state, and sponsorship of an annual International Human Rights Award Dinner (since 1996) at which a North Carolinian who has contributed significantly to the advancement of human rights internationally is honored. Currently the Coalition is supported by 32 organizations, approximately half of which are state-wide and the rest, local.

3. Represented the affiliate as a founding (in 1997) and continuing member of North Carolinians for the Ratification of CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women). This Coalition, comprised of approximately 50 local and statewide groups, worked to influence the North Carolina House of Representative to adopt a resolution (66-41) in support of the

ratification of CEDAW by the United States Senate. The Coalition's educational activities are continuing.

4. Kept affiliate members apprised of Committee activities through articles in LIBERTY, the affiliate newsletter, and kept affiliate Board members informed through written and oral reports to the Board. In addition, a summary of the Committee's activities has often appeared in annual issues of the ACLU International Civil Liberties Report.

5. Among related activities during this period of members of the Committee (though as individuals) are the following:

a. Presentation of the seminar, "Beyond the Federal Constitution: The Use of the North Carolina Constitution and International Human Rights Law in Civil Rights Litigation," by committee member, Seth Cohen, in collaboration with former North Carolina Supreme Court Justice Harry Martin at a North Carolina Bar Foundation CLE, "Civil Rights Litigation in State and Federal Courts." The CLE was organized by Frank Goldsmith and Norman Smith, both members of the Committee.

b. Cohen, S. R. (1998, May) ACLU of North Carolina, ACLU International Civil Liberties Report, 61-64.

c. Martin, H. C. & Cohen, S. R. (1995, Spring). The use of human rights law in North Carolina courts: A primer, North Carolina State Bar Quarterly, 24-29. An article based on this appeared in the February 1996 issue of the ACLU International Civil Liberties Report.

d. Newman, S.E. (committee member), Baker-Ward, L, and Halberstadt, A. (1997, March). The Universal

Declaration of Human Rights and an inclusive revision. ACLU International Civil Liberties Report, 44-46.

- e. Smith, N. B. (1995). A plea for the total ban of land mines by international treaty. *Loyola of Los Angeles International and Comparative Law Journal*, 17, 507-534.
- f. Arranged and participated in a workshop, "Celebrating International Human Rights Day", at the 1997 ACLU Biennial, and helped prepare and staff the literature table at the 1997 and 1999 Biennials on behalf of the ACLU International Human Rights Task Force.

ACLU activity in international human rights appears to be increasing (Beeson & Hoffman, 2002). Perhaps one or more other affiliates will wish to establish its own committees on international human rights. Our Committee would be pleased to help. Feel free to contact us c/o Slater E. Newman, Chair, ACLU/NC Committee on International Human Rights, 315 Shepherd Street, Raleigh, NC, 27607; Phone (919)821-2014, FAX (919) 828-2064; e-mail slaterpat@mindspring.com

Endnotes

¹ In 1992 the North Carolina Civil Liberties Union became the American Civil Liberties Union of North Carolina.

² 3. Guidance at the time was available in ACLU Policy #401, "ACLU Role in International Civil Liberties Matters", adopted by the ACLU National Board in February 1973, and added to in June 1983. (There were subsequent additions in January 1992 and October 1994). Of related interest is a paper by Strossen (1992), proposing that, "There are three areas where our existing policy calls for ACLU action on the institutional front, where I think we should play a more active role: (1)

calling for U.S. ratification of international human rights agreements, with appropriate reservations where necessary to preserve civil liberties, (2) promoting the incorporation of international human rights standards within domestic law; and (3) cooperating with other organizations that defend human rights in other countries."

References

American Civil Liberties Union (2001, January), ACLU Policy #401, ACLU Role in International Civil Liberties Matters. In Policy Guide of the American Civil Liberties Union, New York, NY.

American Civil Liberties Union of North Carolina (2003, June). Available

Minutes of the ACLU of North Carolina , March 25, 1988-June 20, 2003).

Beeson, Ann and Hoffman, Paul (2002) Introduction to ACLU International Civil Liberties Report 2002. ACLU International Civil Liberties Report, 1-2.

Goldsmith, Frank, Jr. (1988, February). Civil liberties: Towards a broader perspective. Remarks to the North Carolina Civil Liberties Union upon receipt of the Frank Porter Graham Award, Asheville, NC

Hoffman, Paul (Ed., 1992-2002). ACLU International Civil Liberties Report. 1992-2002. Los Angeles, CA 1992-2000; Venice, CA 2001-2002.

Strossen, Nadine (1992, December) Introduction from ACLU President Nadine Strossen. ACLU International Civil Liberties Report, 1-3.