



Max M. Kampelman Papers

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FINAL

REMARKS BY
MAX M. KAMPELMAN
AMERICAN BAR ASSOCIATION CONFERENCE
DEMOCRACY AND THE RULE OF LAW
IN UNITED STATES FOREIGN POLICY

Washington, DC

December 2, 1993

Thank you very much. Your tribute is warm, welcome, and very flattering. I enjoyed every one of the lovely exaggerations that I have heard this evening and during our sessions earlier today.

There are pleasures in being alive and alert while eulogies are being delivered. To be honored by a committee of the American Bar Association and by a center of learning at the University of Virginia Law School was beyond my expectations, just as much of my life has been beyond my expectations. The Germans have their tradition of "festschrift," and we have John Norton Moore and John Shenefield. I am honored to provide an excuse for this important program on "Democracy and the Rule of Law in United States Foreign Policy."

A few days ago, stimulated perhaps by this and another event, a journalist interviewed me. At the conclusion, he asked me whether my Judaism played a key role in my philosophy, career and judgment. It did

not take me long to assert that my religious values were important to me. It is that train of thought that I would like to share with you.

I believe that the greatest contribution to civilization made by the ancient Hebrew tribes was their assertion that there is only one God. If there is only one God, then all of us are His children and, thus, brothers and sisters to one another. In that vein, a rabbi in the Talmud declared that the part of the Old Testament stating that Man was made in the image of God is probably the most important portion of the Bible. The most familiar and the most repeated of the Hebrew prayers is known as "The Shma:" "Here, O Israel, the Lord our God, the Lord is one." The concept of human brotherhood has become the ethic of most if not all religious faiths. It is the premise of our political democracy.

But we know that men and women do not always behave as children of God. An image is not at all the real thing. It may only be a superficial likeness. A corollary has evolved, therefore, as an integral part of Judaic teaching. The rabbis declared that there is in our heart and soul that which is good and noble and God-like; and there is in our heart and soul that which is base and evil. The story of our evolving nature is the story of the conflict between those forces within us and within the societies we create. We have the capacity to reach for the stars, but our feet remain planted in the dirt of the earth. The Catholic belief in "original sin" conveys a similar message. Reinhold Niebuhr, the Protestant theologian, called it "Children of Light and Children of Darkness." Freud called it the "id" and the "ego." How else can one

explain the Holocaust, the excesses of Stalinism, the brutality in the former Yugoslavia?

It is interesting and important to examine the political consequences of these teachings. My own thoughts remain tentative, but tantalizingly challenging, particularly given my own personal history as a liberal.

Modern liberalism has its roots in the Age of Reason with its faith in Man as a rational being. Many 18th and 19th century intellectuals identified themselves with this faith, but it is of interest to note that observant Jews, in the main, instinctively separated themselves from what later came to be recognized as the naive optimism of that period. They were skeptical partially because in the midst of that optimism they continued to experience severe anti-Semitism, discrimination, and cruelty. That strain of liberalism, however, continued to be strong. It wasn't until quite recent times that it began to lose influence and credibility as many began to question its assumptions. Conservatism, in the meantime, found itself unable to identify successfully with the concept of compassion and the aspiration of men and women for greater equality and dignity as Children of God.

Liberalism, in an effort to preserve its dominant role in modern political life in the face of a growing belief that it was mistaken to place the foundation of its position on reasonable, rational Man, developed an attitude of "denial." If you can deny to yourself and others that an event, or society, or person is evil and threatening, you can avoid facing the consequences of how to meet that evil. We saw this in the widespread

liberal assumption that communism in the Soviet Union or China was nobly motivated; that it was only red-baiters who were exaggerating and distorting its objectives.

Denial was also associated with philosophic relativism, where distinctions between right and wrong began to blur. What right do we have to judge others? The Gulag in Russia? Nazi concentration camps? Maybe. But we have homeless in the city streets. When Ronald Reagan used the term "evil empire," he was severely criticized. I remember asking what else other than "evil" is it to put political prisoners in psychiatric hospitals and give them drugs to diminish, distort and destroy their psyches?

When we persuade ourselves that evil does not exist, or has been exaggerated, or is not significantly worse than we are, there is less need or justification to do anything about resisting or defeating it. This also means that we should not waste our money on arms. Let us rather, so the refrain went, spend it on public housing or welfare. This refrain contributed to the weakening of liberalism as a dominant force in our body politic. But the refrain still continues. Opposition to defense expenditures led to opposition to President Reagan's SDI, Strategic Defense Initiative. By calling it "star wars" it became unnecessary to analyze it or understand it. After all, who wants to fight a war in space? But, without it there is no defense against ballistic missiles carrying nuclear, chemical or biological weapons, other than the threat to retaliate.

North Korea has just sold 150 of its new missiles to Iran. These are missiles with a range of 1,000 kilometers. Israel and Saudi Arabia and Turkey and more of our friends and allies are suddenly within range, vulnerable to immediate and total destruction from nuclear, chemical and biological weapons. There is no defense at hand! And, the Congress, led by many who believe themselves to be devoted friends of Israel, has again voted not only to cut ballistic defense funds further, but to cut funds for space research. Yet, the only way Israel can ever hope to have that extra minute or two of warning to enable attacking missiles to be stopped before they reach Israel's population and cities is through having eyes in space.

I cannot believe that vulnerability to destructive terrorist aggression is justified by any form of liberalism. It is time -- long overdue -- for liberalism, if it is to play a constructive role in the politics of the new world we are entering, to reinvigorate itself with the ethic, experience, understanding and wisdom of our religious values.

This form of liberalism has also had adverse domestic consequences. The criminal was not to be held fully responsible for the crimes he committed, because he, too, was a victim, a victim of a society which kept him in poverty, and, thus, forced him or her into a life of crime. I respectfully suggest, without now elaborating further, that this ignores the truth about our nature. Criminals must be held accountable for their behavior. We fail to fulfill our responsibilities as champions of human dignity if we deny that a growing number of criminals are a threat to that dignity which dare not be ignored.

Let me go on. Political democracy is based on the premise that no single individual has the wisdom or the right to govern the affairs of another without his or her consent. Democracy and its institutions exist to provide the mechanism for that consent. This does not mean that the majority will always be wise and correct with its decisions, but right or wrong, consent is present if those governed are free to become part of a majority and, in any event, can throw the rascals out.

This does not mean that the individual cannot be restrained. Government is the opposite of anarchy and accepts the need for restraint as well as persuasion. A democratic society sets up rules for itself. One fundamental prerequisite for those rules is that the mechanism for achieving consent of the governed be respected. The issues to be decided by those who govern must be vented, so that those governed have adequate information available to them to increase the possibility that their instincts and judgment are relatively well informed and hopefully intelligent and wise.

Thus, the right to speak out on the issues; the right to publish; the right to propagate and hear views on those issues; the right to assemble and talk about the issues -- without discrimination and government interference. But, why distort those noble and practical and sensible rules of the game? They are designed to strengthen democracy and expedite "consent" of the governed, so why extend them to protect behavior and words and pictures that are grossly offensive to reasonable sensitivities, indecent, pornographic? These insults to human dignity do not strengthen

our democracy or expedite the process of obtaining the consent of the governed. They are, irrelevant to them. They are abominations which society may or may decide not to tolerate. To assume that by protecting these abominations they are strengthening democracy is a delusion, contrary to the fundamental principal of human dignity on which our democracy is based. Freedom of speech is an integral part of our Constitution, not because we believe self-expression is good personal therapy, but because political democracy requires freedom of communication for ideas and programs and information. Pornography, nude dancing and obscene paintings are not forms of expression intended to be protected by the Constitution.

One further thought. The premise of democracy is based on the assumption that each human being has inherent equal dignity. Thus, it is wrong for the United States government itself or for our laws to permit the selection of an individual for employment because he is a "he," or "white," or Christian. I respectfully suggest that it is equally wrong to select an individual for employment because she is a "she," or "black," or "Latino". Merit must be the standard, no matter how superficially appealing the slogan of "diversity" may be. Otherwise we strengthen the tendency toward "Balkanization" in our country and weaken the threads of the democratic fiber which has been our strength.

I conclude by reminding myself that it is democracy, rather than the ideological rigidities of either liberalism or conservatism, that merits our loyalty and commitment. It is unlikely that the post-cold war euphoria that gripped us for a short period of time will soon bring with it the "end

of history," a new world of freedom. It is uncertain when or whether the clash of civilizations will end. I do know that the clash within us and the societies we create between that which is noble and that which is base and ignoble is likely to continue as we struggle to evolve further. To ignore that duality is to become irrelevant to reality.

it is not liberalism or conservatism, but it is only democracy that recognizes respects and reflects that duality as I quote Reinhold Niebuhr: "Man's capacity for justice makes democracy possible, but man's inclination toward injustice makes it necessary." Our challenge is to advance the evolutionary development of the Children of God by identifying and defeating the darkness element of the being within us as we work for the day when the species Homo Sapiens evolves to become the species Human Being.

Thank you.



18 mg 12/23

AMERICAN BAR ASSOCIATION

Standing Committee on Law
and National Security
South Lobby
1800 M Street, NW
Washington, DC 20036
202-466-8463
202-331-2220 (Fax)

November 8, 1993

Dear Colleague:

On Thursday and Friday, December 2-3, 1993, the ABA Standing Committee on Law and National Security and the Center for National Security Law will co-sponsor a national conference on **"Democracy and The Rule of Law in United States Foreign Policy"** which will be held at The Capital Hilton, 16th & K Streets, N.W., Washington, D.C. Continuing Legal Education (CLE) credit will be available.

This Conference will honor Ambassador Max M. Kampelman, a Counselor to the Standing Committee and champion of freedom around the world. A frequent participant in Standing Committee programs, Ambassador Kampelman has distinguished himself in and out of government since his days as Legislative Counsel to Senator Hubert Humphrey. He holds both a J.D. and a Ph.D. in Political Science, and has taught on the faculties of Bennington, Claremont, and several other colleges and universities. He is perhaps best known for his work as Head of the U.S. Delegation to the Negotiations on Nuclear and Space Arms in Geneva, and, especially, as Head of numerous U.S. delegations to the Conference on Security and Cooperation in Europe during the terms of three presidents. A former Chairman of the Board of Freedom House, Ambassador Kampelman is an internationally respected authority on the issues being addressed at this Conference.

In recent years, an impressive body of data is accumulating that democratic governments not only better protect human rights and political freedoms but also do not engage in war with one another and have higher average economic growth with stronger environmental protection than totalitarian non-democratic regimes. In response, the Conference on Security and Cooperation in Europe has, in the "Copenhagen Document," adopted a charter for democracy as the next step in realization of human rights on a worldwide basis. In this setting, governmental officials, as well as academic theorists, are increasingly focused on the importance of democracy building or "rule of law engagement" in United States foreign policy. Indeed, this has become an important theme of the Clinton Administration, which has announced a new policy of democratic "enlargement," rather than simply "containment," which was the centerpiece of U.S. post-World War II policy toward the former Soviet Union. But this message is also a message with strong bipartisan support, as is evidenced by President Nixon's argument during the Bush Administration for a more active program to assist former states of the Soviet Union in building democracy and the rule of law. Indeed, some are suggesting that the data are now so strong on the importance of governmental systems -- and of moving from totalitarianism of all hues toward democracy -- that a focus on governmental systems should be a central foreign policy focus and may even require a new paradigm in international law and international relations theory.

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November 5, 1993

Page 2

A \$25.00 conference fee, and \$30.00 per luncheon and \$40.00 for dinner will be charged to help defray conference costs. Checks made payable to the "American Bar Association" should be included with the enclosed registration form and returned by **Wednesday, November 24, 1993** to Holly McMahon, American Bar Association, South Lobby, 1800 M Street, NW, Washington, DC 20036. In the event you should find it necessary to cancel your reservation, a refund will be made provided notice of cancellation is received in our office by **5:00 P.M., Monday, November 29, 1993** at (202) 466-8463. There is no charge for members of the press but reservations are appreciated.

We have made arrangements for conference participants to stay at The Capital Hilton Hotel. A block of rooms have been reserved for this conference. You must make your reservations with the hotel by **Monday, November 15th**. The hotel has informed us that they will be completely sold out at conference time. Please phone the Reservation Office, (202) 393-1000, directly to make your own reservations. The hotel room rate is \$150.00 per night for a single or a double. Please advise the Reservation Office that you are with the American Bar Association conference to receive the group rate. You will be responsible for making your own hotel reservations and guaranteeing late arrival if necessary.

Special discounts are offered by United, Delta, and America West airlines for ABA programs. These airlines offer discounts off standard Coach (Y) fare without imposing advance purchase or minimum stay requirements. Please give your travel agent these ABA discount account numbers:

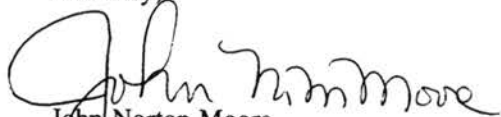
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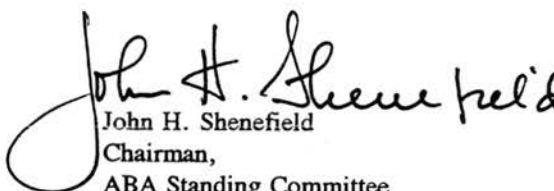
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This will be a timely Conference, assembling some of the top thinkers and policy-makers to share views on one of the most important new concepts of our time. The Conference is expected to draw a large audience, and will reach an even broader audience through the power of the media. We hope that you will be able to participate.

Sincerely,



John Norton Moore
Director,
The Center for National Security Law &
Walter L. Brown Professor of Law,
The University of Virginia School of Law



John H. Shenefield
Chairman,
ABA Standing Committee
on Law and National Security

Enclosure

JNM/ph

cc: Holly McMahon, Staff Director

DRAFT PROGRAM OF INVITED SPEAKERS *

**DEMOCRACY AND THE RULE OF LAW IN FOREIGN POLICY:
A TRIBUTE TO AMBASSADOR MAX M. KAMPELMAN**

December 2-3, 1993

**The Capital Hilton
16th & K Streets, N.W.
Washington, DC**

**Co-sponsored by the American Bar Association
Standing Committee on Law and National Security and
the Center for National Security Law**

THURSDAY, DECEMBER 2

8:00 AM Registration and Continental Breakfast

8:30 AM Welcoming Remarks and Tribute to Ambassador Max M. Kampelman

John H. Shenefield
Chairman, ABA Standing Committee on Law and
National Security

John Norton Moore
Walter L. Brown Professor of Law, University of Virginia
School of Law and
Director, Center for National Security Law

8:45 AM Framing the Issues

The Honorable Steny H. Hoyer
U.S. Representative and Co-Chairman
Commission on Security and Cooperation in Europe

9:00 AM I. *Democracy Building and Its Relationship to National Foreign Policy Goals*

Moderator: Susan Kaufman Purcell
Vice President
Americas Society

Presenter: Bruce Russett*
International Relations
Yale University

Discussants: Bette Bao Lord
Chairman of the Board
Freedom House

The Honorable W. Scott Thompson
Professor of International Politics
Fletcher School of Law and Diplomacy
and Member of the Board of Directors
United States Institute of Peace

George S. Weigel, Jr.
President, Ethics and Public Policy Center

10:45 AM **II. *Democratic Systems and War Avoidance: Toward a New Foreign Policy Paradigm***

Moderator: The Honorable Richard Schifter
Special Assistant to the President and Counselor
National Security Council

Presenter: John Norton Moore

Discussants: Richard J. Grunawalt
Director, Naval Warfare Studies
The Naval War College

Rudy J. Rummel
Haiku Institute of Peace Research

Max Singer
President, The Potomac Organization and
Co-Author, *The Real World Order: Zones of
Peace/Zones of Turmoil*

12:30 PM **Luncheon**

Address: The Honorable Strobe Talbot*
Ambassador-at-Large and Special Advisor to the
Secretary of State on the New Independent States

2:00 PM **III. *Democratic Systems and Human Rights: The Linkage Between Governmental Systems and Human Dignity--The Challenge of Copenhagen***

Moderator: Adrian Karatnycky
Executive Director, Freedom House

Presenter: Carl Gershman
President, National Endowment for Democracy

Discussants: Thomas Buergenthal
National Law Center, George Washington University and
Former Judge, Inter-American Court on Human Rights

Malvina Halberstam
Yeshiva University
Benjamin N. Cardozo School of Law

Joshua Muravchik
Resident Scholar
American Enterprise Institute for Public Policy Research

His Excellency Helmut Tuerk*
Ambassador to the United States from Austria

3:30 PM **IV. *Democratic Systems and Economic Development: What Do We Know About Comparative Economic Performance of Different Political Systems***

Moderator: Ben Wattenberg*
Senior Fellow
American Enterprise Institute for Public Policy Research

Presenter: Gerald W. Scully
University of Texas at Dallas
Author "Constitutional Environments and
Economic Growth"

Discussants: Alan Reynolds
Director, Economic Research
Hudson Institute

Irwin M. Stelzer
Director, Regulatory Policy Studies and Resident Scholar
American Enterprise Institute for Public Policy Research

6:30 PM **Reception**

7:30 PM **Dinner**

"A Tribute to Ambassador Max M. Kampelman"

Master of Ceremonies:

The Honorable Steny H. Hoyer

Comments: **Ambassador Max M. Kampelman**

Speaker: **His Excellency Itamar Rabinovich**
Ambassador of Israel to the United States

FRIDAY, DECEMBER 3

8:30 AM **Continental Breakfast**

9:00 AM **V. *Democratic Systems and Environmental Protection: What Do We
Know About Comparative Environmental Performance of Different
Systems?***

Moderator: **Richard E. Friedman**
Rosenthal & Schanfield

Presenter: **Murray Feshbach**
Research Professor of Demography
Georgetown University

Discussants: **Gregory Guroff**
Senior Associate
Center for Post-Soviet Studies

Robert Jastrow
President, George C. Marshall Institute

Maritta Koch-Weser
World Bank

10:45 AM **VI. *Democracy Building: Russia***

Moderator: John H. Shenefield

Presenter: The Honorable James H. Billington
The Librarian of Congress

Discussants: The Honorable R. Nicholas Burns
Special Assistant to the President and Senior Director,
Russia/Ukraine/Eurasia Affairs
National Security Council

Sergey Chetverikov
Hogan & Hartson, Former Deputy Ambassador
of Russia to the United States

The Honorable William W. Schwarzer
Director, The Federal Judicial Center

12:30 PM **Luncheon**

Address: The Honorable Richard Schifter
Special Assistant to the President and Counselor
National Security Council

2:00 PM **VII. *Democracy Building: Eastern Europe***

Moderator: Condoleezza Rice*
Provost, Stanford University and
Member Editorial Board Journal of Democracy

Presenter: A. E. Dick Howard
University of Virginia School of Law

Discussants: Neil J. Kritz
Assistant General Counsel
United States Institute of Peace

Herman Schwartz
Washington College of Law
American University

Paul Somogyi*
Executive Director
Free Trade Union Institute

Frederick Quinn
Director, Rule of Law Programs
Conference on Security and Cooperation in Europe
Office for Democratic Institutions and Human Rights

His Excellency Michael Zantovsky
Ambassador to the United States
from the Czech Republic

3:30 PM **VIII. *Democracy Building: Africa, Asia, and Latin America***

Moderator: William C. Doherty*
Executive Director
American Institute for Free Labor Development

Presenter: Penn Kemble
Deputy Director
United States Information Agency

Discussants: George B. N. Ayittey
Visiting Professor of Economics
The American University
Author of "Indigenous African Institutions"

Ambassador Francis M. Deng*
Former Jennings Randolph Fellow, U.S. Institute of Peace and
Former Ambassador of the Sudan to the United States

General George A. Joulwan, U.S. Army*
Supreme Allied Commander
NATO

Larry Garber
Agency for International Development

Richard H. Solomon
President
United States Institute of Peace

***This is a list of invited speakers and does not reflect acceptance**

Updated November 8, 1993

REGISTRATION FORM

**DEMOCRACY AND THE RULE OF LAW IN FOREIGN POLICY:
A TRIBUTE TO AMBASSADOR MAX M. KAMPELMAN**

**December 2-3, 1993
The Capital Hilton Hotel
16th & K Streets, N.W.
Washington, D.C.**

**A Conference Sponsored by the
Standing Committee on Law and National Security
of the American Bar Association, and the
Center for National Security Law,
University of Virginia School of Law**

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Conference Registration Fee: \$25.00 (All attendees must be registered)

Meals:

_____ I will attend the Thursday, December 2, luncheon @ \$30.00 _____

_____ I will attend the Thursday, December 2, dinner @ \$40.00 _____

_____ I will attend the Friday, December 3, luncheon @ \$30.00 _____

_____ Registration Fee: _____ \$25.00

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Holly McMahon, Standing Committee on Law and National Security,
1800 M Street, Suite 200, South Lobby, Washington, DC 20036



THOMAS BUERGENTHAL
Director

INTERNATIONAL RULE OF LAW INSTITUTE

Direct Line (202) 994-7002

September 26, 1994

Ambassador Max M. Kampelman
Fried, Frank, Harris, Shriver & Jacobsen
1001 Pennsylvania Avenue, NW
Suite 800
Washington, DC 20004-2505

Dear Max:

In enclosing a copy of *The CSCE and the Turbulent New Europe*, I want to express my profound appreciation to you for your invaluable contributions to this conference and for your support in making it possible.

As always, it was also a great personal pleasure for me to work with you and to learn from you. Many thanks.

Warmest regards.

Cordially,

Thomas Buergenthal
Director and Lobingier Professor of
Comparative and International Law

P.S. Although this book has been out for a few months already, we received our copies only a week ago.

THE CSCE AND THE TURBULENT NEW EUROPE

LIST OF PARTICIPANTS

Dr. Stanimir Alexandrov, Deputy Chief of Mission, Embassy of Bulgaria to the United States.

Dr. Jose E. Alvarez, Associate Director, International Rule of Law Center, The George Washington University.

Baron Wilhelm Bentinck, Deputy Chief of Mission, Embassy of The Netherlands to the United States.

Dr. Richard B. Bilder, Burrus-Bascom Professor of Law, University of Wisconsin School of Law.

Professor Marc J. Bossuyt, Commissioner General for Refugees, Belgium.

Dr. Aurel Braun, Professor of Political Science, University of Toronto, Canada.

Dr. Thomas Buergenthal, Lobingier Professor of International and Comparative Law; Director, International Rule of Law Center, The George Washington University.

Talbot d'Alemberte, Esq., Steel, Hector & Davis, Miami; Former President, American Bar Association.

H.E. Jaime de Ojeda, Ambassador of Spain to the United States.

Professor Vojin Dimitrijevic, Chairman, United Nations Covenant Committee; President, Yugoslav Forum for Human Rights and Legal Security of Citizens.

Mr. Otto Ditz, Counselor, Embassy of Austria to the United States.

Mr. Ulrich Dreesen, German Foreign Ministry.

Dr. Andrew Drzemczewski, Directorate of Human Rights, Council of Europe.

Professor Asbjorn Eide, Director, Norwegian Institute of Human Rights, Oslo.

Dr. Aristide Fenster, Counselor, German Embassy to the United States.

Ms. Jane Fisher, Deputy Staff Director, U.S. Commission on the CSCE.

Dr. Gregory Flynn, Director, Center for German and European Studies, Georgetown University.

Dr. Horst Freitag, Counselor, German Embassy to the United States.

Professor Jack Friedenthal, Dean, The National Law Center, The George Washington University.

Ms. Felice Gaer, Executive Director, The Jacob Blaustein Institute for the Advancement of Human Rights.

Dr. Vera Gracheva, Counselor on Human Rights, Embassy of Russia to the United States.

Mr. Claus Gramckow, Associate, Program and Organization, Friedrich Naumann Foundation.

Dr. Claudio Grossman, Professor of Law and Director of International Legal Studies Program, American University School of Law; Member, Board of Directors, International Human Rights Law Group.

Mary Sue Hafner, Esq., General Counsel, U.S. Commission on the CSCE.

Dr. Morton Halperin, Consultant to the Secretary of Defense, United States Department of Defense.

Mr. Aleski Harkonen, Counselor, Embassy of Finland to the United States.

Dr. A.E. Dick Howard, White Burkett Miller Professor of Law and Public Affairs, University of Virginia School of Law.

Congressman Steny Hoyer, Co-Chairman, U.S. Commission on the CSCE; Chairman, Democratic Caucus.

Mr. Jim Jeffrey, CSCE Coordinator, United States Department of State.

Ambassador Max M. Kampelman, Conference Co-Chair; Fried, Frank, Harris, Shriver & Jacobson, Washington, D.C.

Professor Zdzislaw Kedzia, Director, Poznan Human Rights Institute; Minister-Counselor, Polish Mission to the United Nations (Geneva).

Neil Kritz, Esq., Assistant General Counsel, United States Institute of Peace, Washington, D.C.

Mr. Peter Launsky-Tieffenthal, Counselor, Embassy of Austria to the United States.

Mr. Eric Lebedel, Counselor, Embassy of France to the United States.

Ambassador John Maresca, United States Negotiator, Conflict in Nagorno-Karabakh, Department of State.

Mr. Lars-Ake Nilsson, CSCE Coordinator, Swedish Foreign Ministry.

Ms. Heike Nyland, Friedrich Naumann Foundation.

Dr. Diane Orentlicher, Associate Professor of Law, American University School of Law; Board of Directors, International League for Human Rights.

Mr. John Packer, Personal Assistant to the CSCE High Commissioner on National Minorities.

Dr. Frederick Quinn, CSCE Office of Democratic Institutions and Human Rights, Warsaw.

Nancy Ely Rafael, Esq., Deputy Assistant Secretary of State for Human Rights, United States Department of State.

Professor Allan Rosas, Director, Abo Akademi University Institute for Human Rights; Vice Chairman, Finnish Advisory Committee for International Human Rights.

Dr. Stephen Roth, former Director, Institute of Jewish Affairs, London.

Ms. Shirley Rueddy, Bureau of European Affairs, United States Department of State.

H.E. Helmut Schaefer, Conference Co-Chair; Minister of State, German Foreign Ministry.

Mr. Bernd Scheitterlein, Regional Representative for North America, Friedrich Naumann Foundation.

Ambassador Richard Schifter, Fried, Frank, Harris, Shriver & Jacobson, Washington D.C.

Erika Schlager, Esq., Staff Analyst, U.S. Commission on the CSCE.

Mr. Volker Schlegel, German Foreign Ministry.

Dr. Peter Schmidt, Stiftung Wissenschaft und Politik, Munich.

Dr. Herman Schwartz, Professor of Law, American University School of Law; Member of the Board, Congressional Human Rights Foundation.

Mr. John Shattuck, Assistant Secretary of State Designate, Bureau for Human Rights, United States Department of State.

The Honorable Jerome Shestack, Wolf, Block, Schorr, Solis & Cohen, Philadelphia;
Chairman, International League for Human Rights.

Dr. Louis Sohn, Distinguished Research Professor of Law; Director of Research and Studies,
International Rule of Law Center, The George Washington University.

Mr. David Squire, Chairman, The Jacob Blaustein Institute for the Advancement of Human Rights.

Dr. Ralph G. Steinhardt, Associate Director, International Rule of Law Center, The George Washington University.

David Stewart, Esq., Assistant Legal Adviser for Human Rights and Refugees, United States Department of State.

H.E. Dr. Ernst Sucharipa, Under Secretary of State for Political Affairs, Austrian Foreign Ministry.

H.E. Pal Tar, Ambassador, Embassy of Hungary to the United States.

H.E. Max van der Stoep, CSCE High Commissioner for National Minorities.

H.E. Professor Pieter Van Dijk, Member, Council of State, The Netherlands.

Mr. Jerzy Wieclaw, Counselor, Embassy of Poland to the United States.

Mr. Lars-Gunnar Wigemark, CSCE Counselor, Embassy of Sweden to the United States.

Ambassador Samuel Wise, Staff Director, U.S. Commission on the CSCE.

Ambassador Warren Zimmermann, Director, Bureau for Refugee Programs, United States Department of State.



12/2-3/93

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Standing Committee on Law
and National Security

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MEMORANDUM TO STANDING COMMITTEE ON LAW AND NATIONAL
SECURITY, ADVISORY COMMITTEE, COUNSELORS,
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FROM: JOHN H. SHENEFIELD

RE: COMMITTEE INFORMATION AND DATES

October 14, 1993

As we begin our Standing Committee year, welcome to our new as well as our returning members. Appointed this year to the Standing Committee by ABA President Ide are **Elizabeth R. Rindskopf**, General Counsel of the Central Intelligence Agency, **J. Michael McWilliams**, Immediate Past President of the American Bar Association and **Harold H. Koh**, Professor, Yale Law School.

To our Advisory Committee, President Ide has appointed **Alison B. Brotman**, attorney and regional counsel for Bell Atlantic Mobile Systems, **Franz Oppenheimer**, a lawyer with Fort & Schlefer, and **James Chandler**, Professor of Law and Director of the Computer Law Institute at George Washington University. I am personally very pleased with this selection and look forward to an exciting year.

The Young Lawyers Division has appointed a new liaison to our Committee, **Timothy A. Guiden**, Captain, U.S. Air Force. **Robert Zeitler** will continue to be our Law Student Division liaison. We are also fortunate to have **Howard Handelman** as our Board of Governor's liaison again this year.

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Several initiatives are currently underway. Please make note of our upcoming Committee meeting and conference date:

1. Committee Meeting - The first meeting of the Standing Committee on Law and National Security will be held on **December 4 from 8:30 a.m. to 1:00 p.m.** at the Capitol Hilton Hotel, 16th and K St., NW in Washington, DC. An agenda and packet of information will be sent to you prior to the meeting. The Capitol Hilton is holding a block of rooms for us December 2-4 at a special rate.

2. Upcoming Conference on "Democracy and The Rule of Law in United States Foreign Policy" - This conference will be held on **December 2-3** at the Capitol Hilton, 16th and K Streets in Washington, DC. Note the conference has been planned in conjunction with the Committee meeting. A detailed program including a registration form will be mailed later this month. The conference is a tribute to Ambassador Max Kampelman, a Counselor to the Standing Committee and an internationally respected authority on the issues being addressed at this Conference. A reception and dinner honoring Ambassador Kampelman will be held at **6:30 p.m. on Thursday, December 2 at the Capitol Hilton.**

3. Task Force on Weapons of Mass Destruction - The Standing Committee has received funding from the US Institute of Peace for a project titled, "Transnational Proliferation Deterrence Regimes: Contributions by the American Legal Community." This eight-month project, to be directed by the Committee's Task Force, will seek to mobilize legal expertise and international professional networks in support of nonproliferation and export control regimes. The next Task Force meeting will be held on October 21 in my law offices, 1800 M St., NW, 10th Floor from 9:30 a.m. to 11:00 a.m. Please let Holly know if you would like to attend.

4. Working Group on the Control of Terrorism - This working group, appointed by President Ide, under the direction of the Standing Committee, was charged with the responsibility of determining an appropriate role for the ABA in dealing with terrorism as it relates to the rule of law. A series of briefings is planned for late October, followed by a recommendation by the Working Group to the ABA President.

5. **Breakfast Meetings** - The first breakfast meeting will be held at the International Club on **Thursday, October 21** at 8:00 a.m. David Kay, former Chief Inspector for the Iraqi Action Team is the speaker. Future breakfasts will be held on **November 18, December 16, January 20, February 17, March 17, and April 21.** Changes to some breakfast dates occasionally occur, depending on the speaker. There will always be a letter of invitation sent 3 weeks before each breakfast.

6. **Summary of Dates:**

October 21	Committee Breakfast Meeting
October 21	Task Force on Weapons of Mass Destruction Meeting
December 2-3	National Security Law Conference
December 2	Standing Committee Dinner
December 4	Standing Committee Meeting

I look forward to seeing all of you soon. If Holly McMahon, our staff director, can be of assistance to you or provide you with additional information, please call her at 202-466-8463.

DRAFT PROGRAM OF INVITED SPEAKERS *

**DEMOCRACY AND THE RULE OF LAW IN FOREIGN POLICY:
A TRIBUTE TO AMBASSADOR MAX M. KAMPELMAN**

December 2-3, 1993

**The Capital Hilton
16th & K Streets, N.W.
Washington, DC**

**Co-sponsored by the American Bar Association
Standing Committee on Law and National Security and
the Center for National Security Law**

THURSDAY, DECEMBER 2

8:00 AM Registration and Continental Breakfast

8:30 AM Welcoming Remarks and Tribute to Ambassador Max M. Kampelman

John H. Shenefield

Chairman, ABA Standing Committee on Law and
National Security

John Norton Moore

Walter L. Brown Professor of Law, University of Virginia
School of Law and
Director, Center for National Security Law

8:45 AM Framing the Issues

The Honorable Steny H. Hoyer

U.S. Representative and Co-Chairman
Commission on Security and Cooperation in Europe

**9:00 AM I. *Democracy Building and Its Relationship to National Foreign Policy
Goals***

Moderator: Susan Kaufman Purcell

Vice President
Americas Society

Presenter: Bruce Russett*
International Relations
Yale University

Discussants: Bette Bao Lord
Chairman of the Board
Freedom House

The Honorable W. Scott Thompson
Professor of International Politics
Fletcher School of Law and Diplomacy
and Member of the Board of Directors
United States Institute of Peace

George S. Weigel, Jr.
President, Ethics and Public Policy Center

10:45 AM **II. *Democratic Systems and War Avoidance: Toward a New Foreign Policy Paradigm***

Moderator: The Honorable Richard Schifter
Special Assistant to the President and Counselor
National Security Council

Presenter: John Norton Moore

Discussants: Richard J. Grunawalt
Director, Naval Warfare Studies
The Naval War College

Rudy J. Rummel
Haiku Institute of Peace Research

Max Singer
President, The Potomac Organization and
Co-Author, *The Real World Order: Zones of
Peace/Zones of Turmoil*

12:30 PM **Luncheon**

Address: The Honorable Strobe Talbot*
Ambassador-at-Large and Special Advisor to the
Secretary of State on the New Independent States

2:00 PM **III. *Democratic Systems and Human Rights: The Linkage Between Governmental Systems and Human Dignity--The Challenge of Copenhagen***

Moderator: **Adrian Karatnycky**
Executive Director, Freedom House

Presenter: **Carl Gershman**
President, National Endowment for Democracy

Discussants: **Thomas Buergenthal**
National Law Center, George Washington University and
Former Judge, Inter-American Court on Human Rights

Malvina Halberstam
Yeshiva University
Benjamin N. Cardozo School of Law

Joshua Muravchik
Resident Scholar
American Enterprise Institute for Public Policy Research

His Excellency Helmut Tuerk*
Ambassador to the United States from Austria

3:30 PM **IV. *Democratic Systems and Economic Development: What Do We Know About Comparative Economic Performance of Different Political Systems***

Moderator: **Ben Wattenberg***
Senior Fellow
American Enterprise Institute for Public Policy Research

Presenter: **Gerald W. Scully**
University of Texas at Dallas
Author "Constitutional Environments and
Economic Growth"

Discussants: **Alan Reynolds**
Director, Economic Research
Hudson Institute

Irwin M. Stelzer
Director, Regulatory Policy Studies and Resident Scholar
American Enterprise Institute for Public Policy Research

6:30 PM **Reception**

7:30 PM **Dinner**

"A Tribute to Ambassador Max M. Kampelman"

Master of Ceremonies:

The Honorable Steny H. Hoyer

Comments: **Ambassador Max M. Kampelman**

Speaker: **His Excellency Itamar Rabinovich**
Ambassador of Israel to the United States

FRIDAY, DECEMBER 3

8:30 AM **Continental Breakfast**

9:00 AM **V. *Democratic Systems and Environmental Protection: What Do We Know About Comparative Environmental Performance of Different Systems?***

Moderator: **Richard E. Friedman**
Rosenthal & Schanfield

Presenter: **Murray Feshbach**
Research Professor of Demography
Georgetown University

Discussants: **Gregory Guroff**
Senior Associate
Center for Post-Soviet Studies

Robert Jastrow
President, George C. Marshall Institute

Maritta Koch-Weser
World Bank

10:45 AM **VI. *Democracy Building: Russia***

Moderator: **John H. Shenefield**

Presenter: **The Honorable James H. Billington**
The Librarian of Congress

Discussants: **The Honorable R. Nicholas Burns**
Special Assistant to the President and Senior Director,
Russia/Ukraine/Eurasia Affairs
National Security Council

Sergey Chetverikov
Hogan & Hartson, Former Deputy Ambassador
of Russia to the United States

The Honorable William W. Schwarzer
Director, The Federal Judicial Center

12:30 PM **Luncheon**

Address: **The Honorable Richard Schifter**
Special Assistant to the President and Counselor
National Security Council

2:00 PM **VII. *Democracy Building: Eastern Europe***

Moderator: **Condoleezza Rice***
Provost, Stanford University and
Member Editorial Board Journal of Democracy

Presenter: **A. E. Dick Howard**
University of Virginia School of Law

Discussants: **Neil J. Kritz**
Assistant General Counsel
United States Institute of Peace

Herman Schwartz
Washington College of Law
American University

Paul Somogyi*
Executive Director
Free Trade Union Institute

Frederick Quinn
Director, Rule of Law Programs
Conference on Security and Cooperation in Europe
Office for Democratic Institutions and Human Rights

His Excellency Michael Zantovsky
Ambassador to the United States
from the Czech Republic

3:30 PM **VIII. *Democracy Building: Africa, Asia, and Latin America***

Moderator: William C. Doherty*
Executive Director
American Institute for Free Labor Development

Presenter: Penn Kemble
Deputy Director
United States Information Agency

Discussants: George B. N. Ayittey
Visiting Professor of Economics
The American University
Author of "Indigenous African Institutions"

Ambassador Francis M. Deng*
Former Jennings Randolph Fellow, U.S. Institute of Peace and
Former Ambassador of the Sudan to the United States

General George A. Joulwan, U.S. Army*
Supreme Allied Commander
NATO

Larry Garber
Agency for International Development

Richard H. Solomon
President
United States Institute of Peace

***This is a list of invited speakers and does not reflect acceptance**

Updated November 8, 1993