

# Terrorism and Human Rights

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by Michael E. Tigar (Nov 21, 2001)

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The idea of terror comes to our tradition in images of fear. As the Psalmist wrote:

My heart is in anguish within me,  
The terrors of death have fallen upon me  
Fear and trembling come upon me,  
And horror overwhelms me.  
And I say, "O that I had wings like a dove!  
I would fly away and be at rest; yea, I would wander afar  
I would lodge in the wilderness.  
I would haste to find me a shelter from the raging wind and tempest."

In more modern times, however, we think of terror as organized but senseless violence, done in the name of an ideology. In the city of Beziers, in the year 1209, 15,000 men, women and children were slaughtered in order to root out the Albigensian heresy. "Whom should we kill," asked Philip Augustus' general. "Kill them all," the Papal Legate replied. "God will recognize his own."

In Ireland, Bosnia, Chechnya, South Africa, and a hundred other places in the world, young people will point to this or that spot and tell you a story. Someone's grandfather's grandfather killed someone else's grandfather's grandfather right over there. And the killing is not yet fully avenged. Ruskin wrote, "There is no snare set by the fiends for the mind of man than the illusion that our enemies are also the enemies of god." We have in our country been mostly spectators of this sort of thing, and must now catch up to the rest of the world in understanding its causes and remedies. I say we have "mostly" been spectators. From 1872 to 1920 there were more than 4,000 lynchings in America. Some of us remember Freedom Summer of 1964, when thousands of young people went South to Mississippi and other Southern states. In Mississippi alone, dozens of black churches were burned, and hundreds of civil rights workers beaten, brutalized and even killed.

Calmly now, therefore, with as keen a sense of history as we can command, what are the causes of the kind of violence we have seen? In Ireland, to take an example close by, we can trace the path of English oppression, which robbed people of their homes and land and, in the interest of forced unity forbade them to speak their language and to practice their beliefs. Irish resistance is spoken of in songs and stories. The pent-up anger has for nearly two centuries taken the form of urban violence, of terrorism. If we can see the roots of that violence, we may more clearly understand what is now going on around us. Our leaders' strident vow that terrorism is always illegitimate sounds cynical and hypocritical. After all, our own CIA has sometimes sought out practitioners of vengeful extremism. We have paid them and equipped them. We have sponsored them in the arts of assassination and bloodshed. This was the pattern that led to the deaths of Ronni and Orlando, as it had led earlier to the kidnapping and assassination in Chile of General Rene Schneider. One year ago, we had, in the Hinchey report, confirmation that our intelligence services cooperated, funded and received the benefit of Pinochet's reign of terror.

Indeed, in the Islamic world many of the groups we today denounce as terrorist were funded and armed by the United States as counterweights to the Soviets. Many of the guns our troops face today were furnished to arm the opposition to the Soviet army.

Our leaders' failure to acknowledge this history puts us all at the terrible risk that it will be repeated.

There are two basic forms of terrorism, both equally criminal. There is the state-sponsored terrorism. In the struggle against it, the Letelier-Moffitt award has honored, among others, The Archdiocese of San Salvador, the Vicariate of Chile, the Maryknoll Sisters, the Grupo de Apoyo, Jennifer Harbury, Bishop Mario Melanio Medina, the Free South Africa Movement, the Human Rights Coordinating Congress of Peru, and Joan Garces. Our award recipients confronted American guns and bullets, and forces trained in the School of the Americas.

The second form of terror, which usually takes the form of urban violence, often begins with insurgent groups fighting injustice. Then, at some point, a group of insurgents loses touch with the imperative need to embrace human values even in the struggle against inhumanity. Frighteningly, to those of us who watch the angry crowds on television, desperate people give their support to that kind of leadership. When I say desperate, I mean that kind of poverty and deprivation of which those in this room can scarcely imagine. I have walked in villages littered with the shards of shattered lives, and I have seen that anger.

The desperate followers of that kind of terrorist leadership are as much victims as those who perish in the attacks of which we read and hear.

Both state-sponsored terrorism and insurgent group terrorism are criminal. I have no doubt that there must exist the duty and the right and the power to investigate and to judge the killings of innocent people. But the legitimate right to conduct those investigations, and to inflict that punishment, lies only with those who accept the following obligations: -To struggle against all forms of terrorism, by whomever committed -To use means that honor and do not trample upon the tradition of human rights -To understand the reasons people will follow the lead of those who sponsor terrorism, and -to support the legitimate struggle of those people to live in dignity in accordance with those norms of human rights that have become norms of international law in the past three score years.

To put the matter another way, the only kind of justice worthy of the name is social justice. Social justice includes both process and legitimacy. It includes process because that has been the lesson of history for three millennia. It includes process because we have seen the cost of doing otherwise. We have seen how the arrogance of power has detained people without probable cause, refused or subverted impartial judicial review of detention, and drowned out calls for reason and proof with strident cries for vengeance. Hundreds of people, perhaps more, are being held right now while our government disregards these guaranties. The Department that calls itself Justice is using this excuse to repeal dozens of guaranties of procedural fairness, not only in so-called terrorism investigations but across the board. Social justice includes legitimacy because the proper exercise of force can only be in the context of redressing the social ills that have led people to follow false echoes. In the realm of foreign and military policy, I cannot imagine that raining bombs on a country filled with starving people will serve the long-term interest in discouraging people from following extremist leadership. From 1954 onwards, when we took over from the French in Indochina, our country sought to impose a military solution on a social conflict. Hundreds of thousands of lives and billions of dollars later, we had accomplished nothing of any value.

When we think of crimes against humanity, we must remember that governments and governmental groups are the most dangerous criminals. They have the most power to inflict harm, and are the most likely to be recidivists. State-sponsored terrorism is the most dangerous brand, especially when it masquerades as justice.

You and I know, if we pause to think, that history was never a straight line. But in these past twenty-five years we have been, I believe, on an upward path. We have clarified and then vindicated – over and over – the norms against torture, repression, and exploitation. We have applauded our comrades who ended the military regime in Chile and the apartheid regime in South Africa. We have helped to build a more coherent and powerful institutional structure to define, defend and extend human rights. We have shattered the illusion of impunity that surrounded heads of state. In the domestic arena, we have brought the human rights debate home. By honoring the Mine Workers' leadership, the Kensington Welfare Rights Union, the Georgia Project for Democratic Renewal and others, we have broadcast an important lesson. Of course, defining and defending the rights enshrined in the American constitution is vital. But

in struggles for human liberation all over the world, a new generation of rights has come into being, and with them a new set of obligations imposed upon national governments. These obligations include not only refraining from torture, discrimination, genocide and the crime against humanity; they also embrace positive duties in the areas of health, education, the right to organize.

Our country is accustomed to preaching the rhetoric of rights to others, and we have shown that it is time to bring that rhetoric home. The International Court of Justice rebuked our courts for having permitted the execution of the LaGrand brothers in violation of international law, and other governments raise their voices against our refusal to respect those norms. We are seeing the fruits of our struggle. We are seeing the universalization of these norms, for which those we honored have contended, and for which some of them paid with their lives.

There is a dialectic in history. Heraclitus saw it 2,500 years ago. He wrote, "Were there no injustice, men would never have known the name of justice." More to the point, so long as there is injustice, its victims will organize, band together and struggle against it. We call that the forward march of human history, in the past, now, and in time to be.

Those who advocate bombs and guns and all the rest of the military solution are reliving old mistakes and on the road to making new ones. They are the ones who brought you Vietnam, El Salvador, and Bosnia. Their allies are the ones who right now are seeking to impose a military solution on the Palestinian people. They must take for themselves the words of Herzen, "We are not the doctors. We are the disease."

Fighting terrorism means stripping state-sponsored terrorists of their impunity and bringing them to justice – Pinochet, and yes, Henry Kissinger. Fighting terrorism means shining a light into the darkest corners of human existence, and bringing a real promise of human rights to all the world's people, so that desperate men and women are not driven to follow leaders whose only real message is vengeance.

When we see that the struggle for human rights in all the world is the surest and best means to prevent and to punish terrorism properly so-called, we then understand what progress we have made, and we will see where we need to go from here.

The test of a theory of history is its power to interpret past events in ways that illuminate the present and help us to see the path before us. Our theory of history, our secular faith if you will, was and is that Ronni's and Orlando's deaths were symptoms of terrorism's inherent weakness and harbingers of its demise. That truth sounds even more clearly today. Of course, our forward progress is beset with danger, as it always is, and will always be. The danger is double if we lose our own sense of history and commitment. The voices that cry for vengeance urge us to renounce our time-tested fighting faith, and continue the cycle of senseless violence.

We honored Pete Seeger one year. He has often sung the old Quaker hymn, *How Can I Keep From Singing?*, and it reminds us of the power of our vision:

*What though the tempest round me roar  
I hear the truth, it liveth  
What though the darkness round me close  
Songs in the night it giveth*