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THE ALEXIS C. COUDERT MEMORIAL LECTURE*

On December 10, 1998, former United States Senator George J. Mitchell delivered the Alexis C. Coudert Memorial Lecture in the Meeting Hall at the House of the Association [of the Bar of the City of New York]. The Association took that occasion to bestow on Senator Mitchell honorary membership in the Association in recognition of his public service as United States Attorney, United States District Judge and United States Senator, and "in further recognition of his dedication to the rule of law, international human rights and the search for peace as evidenced by his pivotal role in bringing about a peace accord in Northern Ireland."

Senator Mitchell's Coudert lecture was the keynote address commencing a two-day conference, coordinated by the Association Committee on International Human Rights (David Nachman, Chair) and co-sponsored by thirteen metropolitan New York area law schools and the Union Internationale des Avocats, celebrating the fiftieth anniversary of the Universal Declaration of Human Rights.

David Nachman

Good evening, everybody. My name is David Nachman. I am very pleased to welcome you to the 50th Anniversary celebration of the Universal Declaration of Human Rights. Tonight truly is a celebration. Fifty years ago this very day the United Nations adopted the Universal Declaration.

In not too many words, this straightforward text sets forth our common aspiration that each human being in the world be treated with dignity and respect.

We have come a long way since December of 1948. The past year in particular has been a remarkable one for the cause of international human rights. With the notable exception of the United States and a few others, the nations of the world took the extraordinary step of creating an International Criminal

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Court designed to ensure that crimes against humanity never again go unpunished, and perhaps to create enough of a deterrent that the kind of crimes that took place in Cambodia and Bosnia and Rwanda are never committed again. Just a few weeks ago, the Law Lords of Great Britain ruled that former Chilean President Pinochet does not enjoy immunity for the horrible offenses of which he stands accused.

You know that human rights issues are firmly on the public agenda when even *The Economist* magazine runs a special survey on human rights law entitled "The World Is Watching."

Having said all that, there remains a tremendous amount of work to be done, and much of it is lawyers' work: getting the U.S. Senate to ratify the principal human rights covenants and treaties, filling in the jurisdiction and procedures of the new ICC, wrestling with the immunity and extradition issues that cases like Pinochet raise. Finding ways to enforce the international standards on working conditions that already are embodied in ILO conventions, ending the traffic in child and slave labor. The list goes on and on.

This Association, I am proud to say, has long played an important role in many of these debates. The leadership of the Association has been unfailingly supportive of this work, whether it be our recent mission to Northern Ireland, our efforts to expose and put an end to the systematic use of torture in Turkey, or our recent report calling on the U.S. Senate finally to ratify the Convention to End all Forms of Discrimination against Women.

I would like, at this time, to publicly thank both the Association's past presidents, several of whom are here tonight, and Michael Cooper, our current president, for the support and encouragement they have extended to the Association's human rights efforts, including this conference.

I would be remiss if I did not also take this opportunity to thank Louis Henkin, who is here tonight. Just about every lawyer in this city who has been involved in human rights matters learned at the knee of Professor Henkin, and there is no one who has advanced our understanding in this field as much as he has.

Tonight and over the next two days, we will explore the origins of The Universal Declaration, where it has taken us and

where we must still go in order to make real the vision contained in that Declaration.

We will hear from those who were there at the creation, giants in the field such as Louis Sohn and those who will be instrumental in the shape of things to come, people like Ken Roth, Trish Armstrong and Winston Nagan. Foreign lawyers will exchange ideas with American historians, diplomats will break bread with philosophers, and one or two judges will be on hand to keep order if things get too far out of hand.

A conference like this couldn't happen without the support of many people and I would like to mention just a few: First, we are indebted to each of the deans of the law schools that are cosponsoring this conference with the Association; namely, Brooklyn Law School, Cardozo Law School, Columbia, CUNY, Fordham, Hofstra, New York Law School, NYU, Pace, Rutgers-Newark, Rutgers-Camden, Seton Hall and St. John's. I would like to extend a special thanks to John Feerick of Fordham, who graciously offered to make Fordham's facilities available to us tomorrow and Saturday. Thank you, John.

We are grateful, as well, for the work of Steve Hammond, President of the UIA which also is cosponsoring this event. I said UIA because I can't pronounce the name in French.

Perhaps most important, this conference would not have been possible without a very generous grant from the Reuters Foundation. I would like especially to thank Doug Curtis and John Reid-Dodick, Assistant General Counsel and General Counsel of Reuters America, who made this conference possible. By the way, Reuters has mounted a very powerful photographic display around the theme of this conference, and you will be able to see that exhibit at Fordham tomorrow and Saturday.

So I am delighted that you all are here, yet I know you came tonight not to hear me speak, but because of our outstanding lecturer. I would like therefore to introduce Ed Matthews of the Coudert Brothers law firm and Chair of the Coudert Lecture Committee, who will say a few words about the Lecture. Thank you.

Edwin S. Matthews, Jr.

The Alexis C. Coudert Memorial Lecture on international law was established at this Association in honor of Alexis

Coudert following his death in 1980, after having served for 25 years as the Managing Partner of Coudert Brothers.

During his career, Alexis was one America's foremost international lawyers. International law was at the center of his practice and that of his firm.

"International law," what an illusive notion. Alexis used to say that the practice of international law, whether in commercial or private or governmental matters, is essentially the practice of local law for people in different countries. If done well, it fosters truth, trust and understanding, and makes the world a better place.

Alexis would have been pleased to see you all here tonight, although if warned that someone was going to compliment him — so goes the legend of this humble man — he would have asked to leave the room. As he is no longer here, except in spirit, we do not risk his embarrassment when we pay homage to his remarkable qualities.

Those who knew Alexis spoke of his lucid intelligence, his rare simplicity and his patrician grace and charm. His measured ambition and active international view transformed his law firm beyond its ancient limits into a worldwide institution. As others have described him, he was the absolute antithesis of everything acquisitive, self-promotional, narrow or crabbed in our profession or in the world today. But there is much more to his example.

These qualities were not only of an extraordinary human being, but, I submit, still provide us with important guidance as to how the rights of human beings of differing and different cultures and views can be protected on this planet, which is the subject of this lecture and of our concern tonight.

Many still benefit from Alexis' readiness — quietly and rationally — to examine every thought that came his way, never ignoring human emotions, but subjecting them and the needs from which they came to the same careful scrutiny.

He practiced a humanistic law. For him the law was never just words or rules; rather, it embodied culture, politics, economics, philosophy and multifaceted human concerns, always requiring judgment in its application.

Even after 20 years, we remember how he cared for others, especially those younger and less fortunate. Alexis always

treated everyone with a gentle, native decency, even in the face of tensions and hostilities which inevitably inject themselves in human affairs.

He always showed an essential tolerance for the ideas of others no matter how strange or, on initial view, how far-fetched. He seemed always, even in heated argument, just to be listening and learning. Alexis received and examined opposing views with a measure of charity that accepted as a given that different cultures produce different people who often do not think alike.

His ideas came into every discussion in a natural and easy way. Usually his advice was offered under the cover of quiet conversation and just slipped in. Even when costly of his time and energy, he encouraged initiative and self-reliance in those around him.

He shied from intervening in the affairs of others or telling them what to do. When required to do so, he acted minimally, consistent with achieving objectives, but with restrained judgment that was palpable to those affected.

This is the example of Alexis Coudert, this and much more was our gift from this wonderful man, whom we love and remember with this lecture. I would now like to present to you the President of our Association, Michael Cooper, who will introduce Senator Mitchell, who through his own dramatically successful efforts in reestablishing trust and understanding between ever-warring peoples, has practiced international law in the example of Alexis Coudert and made our world a more hopeful, better place. Thank you.

Introduction by Michael A. Cooper

Thank you, Ed, and please extend our thanks to your partners for making this lecture possible. I also want to thank David; I happen to be one of the people in the room who knows how hard he has worked to prepare for this conference. And it has started, it's here. Finally, I, too, want to thank the Reuters Foundation and my good friend and former colleague, John Reid-Dodick, General Counsel of Reuters America, who is here.

This is an evening to which I have for several weeks looked forward with anticipation and relish because it's an evening

that presents us with a unique opportunity to conjoin, to bring together, three significant occasions.

First, the opening session of a conference celebrating the 50th Anniversary of The Universal Declaration of Human Rights.

Second, the delivery of the Alexis Coudert Memorial Lecture.

And third, our conferral of honorary membership in this Association on the person who will deliver that lecture, George J. Mitchell.

A stranger to this association might reasonably ask why a municipal bar association is cosponsoring an anniversary celebration for a Universal Declaration of Human Rights, but anyone with even slight familiarity with this Association knows that for decades it has been deeply interested, deeply concerned with human rights on the world scene, not just in this city or even not just in this country.

In 1949 and 1950, the Association's International Law Committee issued reports on the draft international covenant on human rights and the genocide convention. The importance that we attribute to international human rights is evidenced by the fact that in 1972, we created a committee to address that subject specifically. That committee, which David now chairs, has issued reports, written letters to foreign officials, filed amicus briefs on a wide range of human rights issues and undertaken missions to other countries to investigate and report on alleged human rights abuses.

Indeed, if you think about it, there is an inseparable link between human rights and the reason this Association was founded 128 years ago: to combat corruption in the judiciary and other branches of government and to elevate the standards of the legal profession. For a legal profession and a judiciary that are truly independent and truly have integrity, are essential bulwarks of the respect for, and enforcement of, human rights.

It was natural to take the opening session of this three-day conference as occasion to give the Alexis Coudert Lecture, for the Coudert firm created that lectureship as a forum for an address on an international law topic of, and I quote, "public importance."

Coudert lecturers in the past have included former Attorney General Nicholas Katzenbach and former State Department Legal Advisor Abraham Sofaer. This evening's lecture will be delivered by a man of whom I think I can say without hyperbole that he is truly a hero of our times.

I suspect, Senator Mitchell, that you may be getting a little bit tired now of listening to a recitation of the particulars of your life story, but this audience should know the stages of your remarkable service to your home state, to this country and to the world.

Senator Mitchell was not born to privilege; his father was a school custodian and his mother worked in a woolen mill in Waterville, Maine. After attending Bowdoin College and serving as an officer in the U.S. Army Counter-intelligence Corps he earned his law degree at Georgetown where he studied, as my father did, in the evening division, and worked during the day to support himself as an insurance claims adjuster.

Following graduation, he spent two years in the Department of Justice Antitrust Division and then became Executive Assistant to Senator Edwin Muskie. Senator Mitchell returned to Maine in 1965 and entered private practice, but he remained active in politics, serving as State Chairman of the Maine Democratic Party and a Democratic National Committeeman. He was appointed United States Attorney for Maine in 1977 and two years later, he took the oath as a United States District Judge.

To an outside observer, the critical turning point in George Mitchell's career came in 1980 when Senator Muskie, who had been appointed Secretary of State, recommended to the then Governor of Maine that George Mitchell be appointed to complete the remaining two years of Senator Muskie's Senate term.

The acceptance of that recommendation marked the beginning of George Mitchell's 14 years in the United States Senate, during which he was elected and then reelected in his own right, so impressing his constituents that when he ran for reelection in 1988, he received 81 percent of the votes cast.

Senator Mitchell swiftly rose to leadership in the Senate. In 1985 and 1986 he was chairman of the Senate Democratic Senatorial Campaign Committee, and two years later, he was elected majority leader, a position he held until he left the Senate. Sen-

ator Mitchell's accomplishments in supporting and securing enactment of landmark legislation alone would earn him a place in history books. He championed the first major Acid Rain Bill, reauthorization of the Clean Air Act and the Americans With Disabilities Act, among others.

There is one moment in George Mitchell's Senate career that is indelibly imprinted in my memory, and, as I have learned in recent weeks, in the memory of many others as well. As a member of the Select Committee on the Iran-Contra Affair, Senator Mitchell endured, as millions of Americans did, hour after hour of pious testimony by Oliver North, who, with the aid of effective counsel, kept the committee and its counsel at bay.

At least until Senator Mitchell leaned forward and in a quiet voice said to Oliver North, "Please remember that it is possible for an American to disagree with you on aid to the Contras and still love God, and still love this country, just as much as you do. Although he is regularly asked to do so, God does not take sides in American politics."

I don't know how many of you heard that statement at the time, as I did, but it was a defining moment in those hearings and remains to me the single most effective statement I have ever heard deflating a self-important witness.

A powerful argument could be made for honoring George Mitchell if he had done nothing of note since leaving the Senate. But far from doing nothing, he has played a pivotal role in helping to resolve one of the most bitter and intractable conflicts of the century.

In 1995, President Clinton appointed him Special Advisor to the President and Secretary of State to consider economic initiatives in Northern Ireland. He was then asked by the British and Irish Governments to chair the International Commission on Disarmament in Northern Ireland. That Commission issued a widely acclaimed report in January 1996, but the end of a 16-month cease-fire delayed the peace process.

Senator Mitchell patiently persevered. In June 1996, he was formally installed as Chairman of the Northern Ireland peace talks and after nearly two years of negotiations, on April 10th of this year, a multilateral peace agreement known as the "Good Friday Agreement" was signed, and shortly was sup-

ported by public referenda in both Northern Ireland and the Irish Republic.

That Agreement is extraordinarily complex. It addresses relationships within Northern Ireland, between Northern Ireland and the Irish Republic, and between Ireland and the United Kingdom. Significantly for this occasion, the Agreement provides for the incorporation of the European Convention on Human Rights into the law of Northern Ireland and for the establishment of a Human Rights Commission in Northern Ireland.

For his leadership and negotiating skill in bringing an end to three decades of bloody sectarian strife and human suffering, Senator Mitchell was nominated for the Nobel Peace Prize, and he received both the Philadelphia Peace Prize and just last month, one mile north of this building, the Fordham-Stein Prize.

We don't have a tangible prize to award to Senator Mitchell, but we can pay tribute to his public service here and abroad by conferring on him honorary membership in this Association. Many organizations confer honorary memberships with some frequency. The Association of the Bar of the City of New York does not. Under our Constitution, honorary membership is reserved for judges, justices and members of the legal profession who are of "pre-eminent distinction," and it is not conferred every year. Senator Mitchell joins an illustrious list of honorary members, including, fittingly, former President of Ireland and now U.N. Commissioner of Human Rights, Mary Robinson.

Senator Mitchell, I would be grateful if you would join me as I read the citation of the certificate awarding you honorary membership in the Association. It says: "The Association of the Bar of the City of New York elects George J. Mitchell to honorary membership."

Having found him by unanimous vote of the Executive Committee to be of pre-eminent distinction in the legal community.

In recognition of his contributions to the law and social justice, including his service as United States Attorney for Maine, United States District Judge, United States Senator and Majority Leader of the United States Senate, and in further recognition of his dedication to the rule of law, international human rights and the

search for peace as evidenced by his pivotal role in bringing about a peace accord in Northern Ireland, we welcome him as an Honorary Member of the Association on this 10th day of December, 1998.