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# Lawyer's Detente: Sweeping Soviet Human Rights Aside

By BILL PEARL

Not long ago a prominent Soviet lawyer wrote a book denouncing supporters of human rights in the Soviet Union. He explained that Andrei Sakharov, the only Russian ever to win the Nobel Peace Prize, was "a calumniator and instigator" who assists "the opponents of peace" and whose "actions display a dangerous intention to trample" the Helsinki human-rights accords. The fact that Mr. Sakharov was given a criminal sentence without a trial showed "leniency" and was "in full conformity with the prerogatives of the supreme government body and the legal norms."

Thus wrote Prof. Samuel Zivis, vice president of the Association of Soviet Lawyers. Recently, Mr. Zivis was received in the U.S. by officials of the American Bar Association. As part of a six-man Soviet delegation, he met the ABA's president and board of governors. Someone even arranged a meeting with Chief Justice Warren Burger at the Supreme Court. That same day, the ABA signed an agreement with Prof. Zivis's organization to encourage cooperation in "areas of mutual professional interest," an agreement "guided by mutual respect."

Treating Prof. Zivis and his colleagues with "respect" speaks volumes about one's own respect for justice. Consider Prof. Zivis's book, which explains various aspects of Soviet law:

• Psychiatric hospitals are not used to punish political and religious prisoners; it's just that "similar behavior may be as-

essed differently in different socio-cultural conditions." This is analogous to "the case of cannibalism. What we perceive as an anomaly is known to be regarded as normal in other cultural contexts. . . ." Those who sign appeals against punitive medicine in the Soviet Union are "soft-hearted philistines."

• Reports of starvation in the Gulag Archipelago arose because "Amnesty International, seeking to distort the true state of affairs, compares the adulterated 'data' on the calorie intake . . . to the criteria established by the World Health Organization. . . ." Prisoners actually "obtain additional calories from supplementary sources such as the food they buy with their own money in food stores or stalls in the corrective labor institution. . . ."

• Every prisoner of conscience in the Soviet Union is a liar. Anatoly Shcharansky, Yuri Orlov, Anatoly Koryagin, all of them. Each one got exactly what he deserved. And as for Mr. Sakharov, the "measures exerted on him were gracious."

Prof. Zivis and his colleagues are the mechanics for the Politburo's counterfeit justice system. Consorting with such people does not enhance the stature of the U.S. legal profession or advance the cause of peace.

ABA President John Shepherd says lawyers have a duty to help achieve world peace by advancement of the rule of law. He's right, but that doesn't mean legitimizing lawlessness camouflaged as law.

If this were 1938, would the ABA sign a

mutually respectful agreement with lawyers from Nazi Germany, who applauded the Nuremberg Laws and the Gestapo? Would this contribute to world peace? (For the record, Prof. Zivis also serves as first vice chairman of the "Anti-Zionist Committee of the Soviet Public.")

How many ABA members would want their organization to help improve relations with the South African government? Is the Soviet government less repressive? More representative?

Fortunately, there's a better approach. In 1975, the Soviet Union signed the Helsinki Accords, promising to "respect human rights and fundamental freedoms, including the freedom of thought"; to "promote and encourage the effective exercise of civil [and] political" rights; and to conform to promises of the right to "seek, receive and impart information and ideas through any media and regardless of frontiers." If these promises were observed they would be one of history's greatest conflict-resolution mechanisms. And, of course, they would make the ABA's agreement superfluous.

Some people in the Soviet Union are trying to hold their government to its promises; others are part of the legal apparatus that breaks those promises. The former promote trust and peace; the latter justify state-imposed barriers and the status quo. With whom should American lawyers align themselves?

The ABA has adopted policies and resolutions on the rule of law, but the Politburo knows when actions put the lie to words.

To demonstrate a real commitment to the rule of law, and thus to peace, the ABA should terminate its mutually respectful agreement until the Association of Soviet Lawyers calls on its government to end its breaches of the Helsinki Accords.

It's also time for the Reagan administration to invoke the Helsinki proviso, a law that empowers the secretary of state to deny Communist Party apparatchiks automatic clearance to visit the U.S. while the Soviets violate the Helsinki Accords. The State Department should make it clear that on that basis, no member of the Soviet party apparatus will receive a visa until the Sakharovs arrive in the West.

Andrei Sakharov helped invent the Soviet hydrogen bomb. He warned us to treat compliance with the Helsinki Accords as a matter of our security. Sending peace activists to "psychiatric hospitals" makes all of us less safe; in the nuclear age, silencing voices of moderation is not an "internal affair." Mr. Sakharov, a non-lawyer, risked his life to defend the rule of law; instead of legitimizing the traveling salesmen for his tormentors, U.S. lawyers should embrace his understanding of the rule of law and peace:

"As long as a country has no civil liberty . . . there exists no effective body of public opinion to control the conduct of government and its functionaries. Such a situation is not just a misfortune for citizens unprotected against tyranny and lawlessness; it is a menace to international security. . . . [T]he words of Martin Luther King Jr. ['Injustice anywhere is a threat to justice everywhere'] best express my thesis. . . . The fate of each of us and all of us is at stake."

No credible source has seen the Sakharovs alive since February. The State Department has never invoked the Helsinki proviso. The ABA is entitled to terminate its mutually respectful agreement on three months' notice.

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