

Introduction

FRANK C. NEWMAN*

On April 9, 1983, at the Southwestern University School of Law in Los Angeles, more than 150 lawyers and other interested individuals registered (and paid fees) to attend a symposium on the International Law of Human Rights. Another score or more were panelists, planners and student volunteers. Joining the law school—as sponsors—were the ABA Subcommittee on Human Rights Education, the American Society of International Law, the International Law Section of the Los Angeles County Bar Association, and the ACLU Foundation of Southern California.

An “overview” by me and David Hinkley, Western Regional Director of Amnesty USA, was followed by three panels: “The Rights of Immigrants and Refugees in U.S. Courts,” “The International Bill of Human Rights in California Courts,” and “The White House Human Rights Policy and International Law: In Conflict?” The panelists and moderators were Michael Posner and Aryeh Neier of New York, Jack Goldklang and Amy Young-Anawaty of Washington, D.C., Hans Linde of Oregon, and Connie de la Vega, James Fischer, Paul Hoffman, John Huerta, Robert Lutz, Peter Schey, and Dinah Shelton of California.

The symposium was one of a series of meetings, informally related, that have dealt with “the new precedents” on using International Human Rights Law in national courts.¹ Literature on the subject has been exploding since the 1980 filing of Justice Irving Kaufman’s landmark opinion in *Filartiga v. Pena-Irala*.²

Nearly all that literature deals with federal courts. Justice Hans Linde is one of the few state court judges who in recent opinions has addressed the

*Jackson H. Ralston Professor of International Law, University of California, Berkeley (Boalt Hall), and Associate Justice of the California Supreme Court (*ret.*).

¹*See Proceedings: Conference on International Human Rights Law in State and Federal Courts* (1982) 17 U.S.F. L. REV. 1; and Burke, Coliver, de la Vega, & Rosenbaum *Application of International Human Rights Law in State and Federal Courts* (1983) 18 TEX. INT’L L.J. 291.

See also Annual Report of the Lawyers Committee for International Human Rights (1982-83, 36 W. 44th St., New York 10036) pp. 17-18 and 23-26; documents on Advocacy Strategies in International Human Rights, Allard K. Lowenstein Human Rights Project, Yale Law School (Nov. 6, 1982); Civil Rights and Human Rights: Practitioners’ Perspectives, International Human Rights Law Group, Washington, D.C. (Xerox 1980).

²630 F.2d 876 (2d Cir. 1980). Supplementing the discussions cited here and by my colleagues, *infra*, I recommend highly the forthcoming (1) Richard Lillich, *The Role of Domestic Courts in Enforcing International Human Rights Law* in HANNUM, GUIDE TO INTERNATIONAL HUMAN RIGHTS PRACTICE; (2) THE U.N. CHARTER AND U.S. CIVIL RIGHTS LITIGATION 1946-55 by Bert Lockwood, editor of *Human Rights Quarterly* and director of the Urban Morgan Institute for Human Rights at Cincinnati University. [*See also* WHISMAN, BIBLIOGRAPHY: ARTICLES AND CASES ON INTERNATIONAL HUMAN RIGHTS, *infra*, 83 ed.]

question.³ Connie de le Vega is in the vanguard of public-interest lawyers who have foreseen the impact that international law might have on their kinds of adjudication. Professor Paul Hoffman, chief planner and organizer of the Los Angeles symposium, is a skilled litigator whose understanding of "the new precedents" seems to me unique, particularly as to his view that some state courts indeed may be more receptive than will the United States Supreme Court and its federal subsidiaries.⁴ Now, therefore (with the cooperation of Robert Lutz, editor of this journal, and editorial assistance from Sandra Coliver, President of Human Rights Advocates Inc., Berkeley, and Chair of the International Human Rights Committee of the San Francisco Lawyers Club), we present to U.S. international lawyers a revised version of the remarks, of Paul Hoffman, Hans Linde and Connie de la Vega.

³*Sterling v. Cupp* (1981) 290 Or. 611, 625 P.2d 123. Recent California opinions that refer to International Human Rights instruments include *American Nat'l*, 32 Cal. 3d 603, 608; *Mirmirani*, 30 Cal. 3d 375, 388; *Hofferber*, 28 Cal. 3d 161, 171; *Santa Barbara*, 27 Cal. 3d 123, 130; *Privatera*, 23 Cal. 3d 697, 740; *Cramer*, *id.* at 150; *Levins*, 22 Cal. 3d 620, 625.

⁴*Cf.* Collins & Welsh, *The Court v. Rights*, N.Y. Times, Oct. 7, 1983, p. 31.