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Introduction of the 2023 Klatsky Endowed Lecture in Human Rights

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INTRODUCTION OF THE 2023 KLATSKY ENDOWED LECTURE IN HUMAN RIGHTS

Michael Scharf[†] & *Bruce Klatsky*^{††}

WELCOME BY MICHAEL SCHARF

Ladies and gentlemen, faculty, students, and community members, welcome to our 2023 Klatsky Distinguished Lecture. We are really in for a treat today because in addition to our lecturer, we have Bruce Klatsky himself with us to kick things off. So, let me tell you just a little bit about our patron, who makes this all possible. Bruce Klatsky was an alum of Case Western Reserve and then rose up to become the CEO of Phillips Van Heusen Corporation, one of the largest apparel manufacturers in the world.¹ Bruce has told me how twenty-five years ago he wanted the Van Heusen Corporation to be *the* corporation that was on the leading edge of human rights because so many corporations back then were being accused of child labor and other human rights violations.² Based on his corporate approach to human rights, he was invited to join the board of Human Rights Watch, which is the foremost human rights organization in the United States. And then, in 2001, while serving as a University Trustee, he endowed our Klatsky

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†† Bruce J. Klatsky, is an emeritus member of the Case Western Reserve University Board of Trustees, served as CEO and Chairman of the Board of Directors of Phillips-Van Heusen Corporation, and Treasurer of the Board of Directors of Human Rights Watch.

1. Phillips Van Heusen Corporation now operates under the name PVH Corp. and is one of the “largest global lifestyle companies in the world” with over 1000 factories and around 6000 retail locations. PVH CORP., MEDIA KIT: THE POWER OF PVH 3, 6 (2024); Under Klatsky’s leadership, PVH acquired brands such as Izod and Calvin Klein to retain its status as a global powerhouse in apparel and manufacturing. Lisa Lockwood, *Klatsky Stepping Down at PVH*, WOMEN’S WEAR DAILY (May 8, 2007, 12:00 AM), <https://wwd.com/feature/klatsky-stepping-down-at-pvh-497348-2031872/> [<https://perma.cc/3JWC-PQVM>].
2. See Steven R. Ratner, *Corporations and Human Rights: A Theory of Legal Responsibility*, 111 YALE L.J. 443, 446–47 (2001); see, e.g., *Child Labor Scandal Hits Adidas*, THE GUARDIAN, (Nov. 19, 2000, 17:47), <https://www.theguardian.com/uk/2000/nov/19/jasonburke.theobserver> [<https://perma.cc/8DTF-RCXG>].

Distinguished Lecture and two fellowships for our students at Human Rights Watch.³ Since then, we have had forty-four Klatsky Human Rights Watch Fellows and twenty-two Klatsky Distinguished Lecturers.⁴

The Klatsky endowment planted the seed for this law school's human rights program, which is now ranked among the top in the United States.⁵ A few years ago, our assistance to several international war crimes tribunals earned us a Nobel Peace Prize nomination.⁶ Most recently, we established the Yemen Accountability Project.⁷ Under the supervision of Professor Jim Johnson and with the support of alumnus Tim Geisse, we have had over 50 students a year pouring through publicly available reports to document the atrocities in the Yemen civil war, prepare White Papers, and draft indictments to assist in eventual prosecutions.⁸ And a few months ago, alumnus Austin Fragomen endowed our Asylum and Refugee Clinic,⁹ in which our students are litigating and winning asylum and torture cases in Federal Court.¹⁰

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3. *CWRU School of Law Bestows Humanitarian Award for Advancing Global Justice on Leila Sadat*, CASE W. RSRV. UNIV. (Oct. 27, 2023), <https://case.edu/law/our-school/news/cwru-school-law-bestows-humanitarian-award-advancing-global-justice-leila-sadat> [<https://perma.cc/7UVF-Q45D>] [hereinafter *Humanitarian Award*].
 4. *Three Decades of Progress*, CASE W. RSRV. UNIV. (Aug. 2, 2021), <https://case.edu/law/our-school/news/three-decades-progress> [<https://perma.cc/ZQ6S-B6GC>] (Klatsky's endowment has provided Case Western Reserve University School of Law the opportunity to host a human rights lecture and grant an annual human rights fellowship for two students every year since 2001).
 5. *Social Justice Law Center*, CASE W. RSRV., <https://case.edu/law/centers-institutes/social-justice-law-center> [<https://perma.cc/6NUF-CMWP>].
 6. *About the Center*, CASE W. RSRV. UNIV., <https://case.edu/law/centers-institutes/cox-international-law-center/about-center> [perma.cc/NSM7-CVES].
 7. *Special Report: Student's Document War Crimes in Yemen Conflict*, 11 CASE GLOB. no. 1, 2019, at 4–7.
 8. *Id.* at 5–7.
 9. Christine Charnosky, *Fragomen Donates \$1M to Case Western Reserve University Law*, LAW.COM (Mar. 20, 2023), <https://www.law.com/2023/03/20/fragomens-donate-1m-to-case-western-reserve-university-law/> [perma.cc/Z7FH-WRWY].
 10. *See, e.g., CWRU Immigration Law Clinic Students Save Client from Deportation*, CASE W. RSRV. UNIV. (Apr. 30, 2021), <https://case.edu/law/our-school/news/cwru-immigration-law-clinic-students-save-client-deportation> [<https://perma.cc/KLY7-F2ZF>]; *see also Immigration Law Clinic Wins Torture Convention Case in Federal Court*, CASE W. RSRV. UNIV. (Apr. 19, 2022), <https://case.edu/law/our-school/news/cwru-immigration-clinic-students-successfully-argue-torture-claim-allowing-client-remain-us> [<https://perma.cc/JW5A-DUD4>].

This year is the seventy-fifth anniversary of the Universal Declaration of Human Rights,¹¹ which makes it a particularly important year for our Klatsky Distinguished Lecture in Human Rights. Before I introduce our speaker, I would like to ask Bruce Klatsky to come up and say a few words.

INTRODUCTION BY BRUCE KLATSKY

Thank you all for coming. I don't deserve all that praise, but I'll accept it because one of my favorite grandchildren is in the room. I have to tell you that it's a real privilege to be with you all today. I accepted Dean Scharf's invitation to speak on this anniversary date because he was able to attract one of the real heroes of the human rights movement, Leila Sadat.

Michael asked me to tell you about my background. My principal credential is having been thrown into the Wade Lagoon across the street from the Law School when I got pinned to my college sweetheart. Two things ensued from being thrown in the lagoon that day. One, I ended up marrying the girl that I pinned; and two, I had to get a penicillin shot. It was quite a day for me and my wife, who has been my lifetime supporter.

Anyway, we graduated, and I began what I thought was going to be an exciting career as a concert promoter. There followed shows with Marvin Gaye, Tammy Terrell, The Temptations, The Four Tops, Sam and Dave, and the emptying of my bank account. I never made a nickel. We then spent a few years in Washington, then moved back to New York, and I continued my quest for a job in the entertainment industry. Don Quixote¹² had nothing on me. I couldn't even get a job as an usher at NBC. So, after reading the employment section of the *Times*, I put on my only suit and headed off on the subway to two interviews. First, I headed to Goldman Sachs. By the time I hit Grand Central, I had sweated through my suit. So, I got off the train and went to Van Heusen instead and was hired as a clerk. And forty years later, I was Chairman and CEO of the corporation, and it was a terrific experience for me.

As Michael mentioned, one of the things I felt most strongly about was the way we treated our workers internationally. One of my first real jobs at Van Heusen was evaluating our productive capacity in the United States. We had thirty factories in the States, and it became very apparent to management that, with the price of U.S. labor, we couldn't sell a whole lot of three hundred dollar shirts or five hundred dollar

11. G.A. Res 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948).

12. Don Quixote is a fictional character who was so enthralled by the stories he read that he sought to go out on his own adventures and live a life worthy of honor like the characters he admired in his books. *See generally* MIGUEL DE CERVANTES, DON QUIXOTE (1605).

pairs of shoes, so we had to move production abroad. You haven't lived until you have stood on what's called a cutting table, looked out at five hundred mostly women employees, and told them you're closing their factory. They did nothing wrong. There were no other jobs for them in their community. It was the worst thing I have ever had to do. The counterpoint of that was I then got to travel all around the world to open new manufacturing facilities. Those facilities were better than anything we had in the United States. They treated their employees well. And that was largely a result of the culture of the corporation.

I was the first non-family member to serve as CEO and Chairman of Van Heusen.¹³ And I was very proud of the factories that I participated in establishing throughout the world. But we were lumped in with other companies that had established sweatshops and were violating the rights of their employees. Human rights advocates were attacking me personally as well as my company.¹⁴ The final straw was when my son was attending a conference in Mexico and met a woman at the hotel bar who said that she was coming back from Guatemala, where she was helping to unionize a factory that was owned by a horrible man named Bruce "Crapski." Every day, this man would come into the factory with a .45 strapped to his hip and shoot it into the ceiling, terrorizing the workers. And if he saw any women young enough to get pregnant, he would kick them in the stomach.¹⁵ When my son relayed this story to me, I was distraught.

I realized then that I needed help with our reputation. Fortunately, I was introduced to Bob Bernstein, the founder of Human Rights Watch.¹⁶ We would meet every week for a cup of coffee, and he would advise me on how to improve our image, and we began to turn things around. After three years, he asked me to sit on the Board of Human

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13. Stephanie Strom, *Phillips-Van Heusen Goes Outside Family for Chief*, N.Y. TIMES, May 22, 1993, at 35.
 14. Press Release, U.S. Lab. Educ. in the Americas Project, *Leading U.S. Shirt Maker Misleads White House, Says Guat. Union Leader in Meeting with Co.'s CEO* (June 15, 1999), <http://www.hartford-hwp.com/archives/47/133.html> [<https://perma.cc/VX8B-D7B5>].
 15. *See, e.g.*, Amnesty Int'l, *Guatemala: Maquila Among Trade Unionists Targeted*, AI Index AMR 34/28/95, at 3 (Nov. 1995); *see, e.g. Guatemala: Union Busting in the Maquiladoras*, MULTINAT'L MONITOR, Nov. 1991, <https://www.multinationalmonitor.org/hyper/issues/1991/11/coats.html> [<https://perma.cc/Y9XV-Q3KH>].
 16. *Robert L. Bernstein (In Memoriam 1923-2019)*, HUM. RTS. WATCH, <https://www.hrw.org/about/people/robert-l-bernstein-memoriam-1923-2019> [<https://perma.cc/JSB6-F53Q>]; Human Rights Watch is a nonprofit dedicated to investigating and reporting on human rights abuses occurring globally. The organization then uses its influence and insight to advocate for justice through legislation and policy changes. *About Us*, HUM. RTS. WATCH, <https://www.hrw.org/about/about-us> [perma.cc/NS7P-YXT7].

Rights Watch. I was the first businessperson to join the Board,¹⁷ and it was a remarkable experience. I spent the next fifteen years learning about and contributing to the human rights of people around the planet.¹⁸ As the only businessperson on the Board, I became the treasurer, the auditor, and ultimately, the Vice Chair of Human Rights Watch.¹⁹ Before I reached the end of my term limit on the Board, I was able to convince Human Rights Watch to establish two fellowships for Case Western Reserve University School of Law students, the first permanent fellowships established by the organization. And I simultaneously established an endowment at the Law School to support students undertaking these fellowships and for this annual lecture.²⁰

As I began to prepare my remarks today, I reflected on what exactly was a human right. My thoughts drifted back to the Magna Carta,²¹ to the French Revolution,²² to the Emancipation Proclamation,²³ and to the Universal Declaration of Human Rights.²⁴ Sometimes human rights are ambiguous. Sometimes they're evolving. Five years ago, nobody was talking about technology and human rights. But now there is concern about international phone hacking and election interference by Russia.²⁵

Speaking of Russia, President Vladimir Putin has been indicted for war crimes in Ukraine by the International Criminal Court.²⁶ But the

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17. See generally *Board of Directors*, HUM. RTS. WATCH, <https://www.hrw.org/about/people/board-directors> [<https://perma.cc/9X42-S7SR>].
 18. See generally *The Human Rights Watch Council*, HUM. RTS. WATCH, <https://www.hrw.org/join-us/human-rights-watch-council> [<https://perma.cc/J4GK-SYK9>]; see also *Bruce Klatsky: Apparel and Manufacturing*, TAU INV. MGMT., <https://tau-investment.com/team/bruce-klatsky/> [<https://perma.cc/JZN9-SRA6>].
 19. See generally *Bruce Klatsky: Apparel and Manufacturing*, *supra* note 18.
 20. *Humanitarian Award*, *supra* note 3.
 21. Magna Carta, 1215 (U.K.).
 22. 1958 CONST. Preamble (Fr.).
 23. Emancipation Proclamation No. 95 (Jan. 1, 1863).
 24. G.A. Res 217 (III) A, *supra* note 11.
 25. Robert Legare & Haley Ott, *Russian Hackers Accused of Targeting U.S. Intelligence Community with Spear Phishing Campaign*, CBS, <https://www.cbsnews.com/news/russian-hackers-u-s-intelligence-community-spear-phishing-campaign/> [<https://perma.cc/AN2M-ML8H>] (Dec. 7, 2023, 11:04 AM); Jonathan Landay & Simon Lewis, *US Intelligence Report Alleging Russia Election Interference Shared with 100 Countries*, REUTERS (Oct. 20, 2023, 3:18 PM), <https://www.reuters.com/world/us/us-intelligence-report-alleging-russia-election-interference-shared-with-100-2023-10-20/> [<https://perma.cc/PJ36-3QNW>].
 26. Alex Leff et al., *The International Criminal Court Issues an Arrest Warrant for Putin*, NPR, <https://www.npr.org/2023/03/17/1164267436/international-criminal-court-arrest-warrant-putin-ukraine-alleged-war-crimes> [<https://perma.cc/U595-N4P7>] (Mar. 17, 2023, 7:28 PM).

United States is not a Party to the International Criminal Court treaty.²⁷ Nor has the United States ratified the landmine treaty or the Rights of the Child Convention.²⁸ And it wouldn't be appropriate for me to discuss human rights without saying that all of us must do our best to get those treaties endorsed and supported by our country.

I am particularly concerned that democracy is seriously at risk in our world today. Winston Churchill famously said, "democracy is the worst form of government except all those other forms that have been tried from time to time."²⁹ And that's something that really has resonated with me. Autocracy may be more efficient, but its lack of concern for individual rights and freedoms makes it fertile ground for extremism of the worst kind. Mr. Putin is an autocrat and so many countries that live under an autocracy don't respect the rights of their people;³⁰ they only care about their power, and that's what generates so many human rights violations. Even in our own country, democracy is at risk.³¹ Spending time advocating for democracy is one of the most important things we can do for human rights at home and abroad.

I want to conclude by sharing three quotes that have helped keep my head on straight and helped me understand that no matter how much it cost me to build an air-conditioned plant, no matter how much it cost me to have a nurse in every plant, no matter how much it cost me to have high labor standards and fair wages, it was worthwhile.³²

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27. *Q&A: The International Criminal Court and the United States*, HUM. RTS. WATCH (Sept. 2, 2020, 12:00 AM), <https://www.hrw.org/news/2020/09/02/qa-international-criminal-court-and-united-states> [<https://perma.cc/3Y8C-JZ38>].
 28. *The Ottawa Convention: Signatories and States-Parties*, ARMS CONTROL ASS'N (Sept. 2022), <https://www.armscontrol.org/factsheets/ottawasisgs> [<https://perma.cc/DVY5-R4AU>]; *How Do US States Measure Up on Child Rights?*, HUM. RTS. WATCH, <https://hrw.org/feature/2022/09/13/how-do-states-measure-up-child-rights> [<https://perma.cc/ABQ9-6HHN>] (Sept. 7, 2023).
 29. Winston Churchill, Prime Minister, U.K., Debate in House of Commons (Nov. 11, 1947).
 30. See, e.g., Gerardo Berthin, *Fighting Corruption is Key to Countering Authoritarianism, and Protecting Human Rights*, FREEDOM HOUSE (Jan. 11, 2023), <https://freedomhouse.org/article/fighting-corruption-key-countering-authoritarianism-and-protecting-human-rights> [<https://perma.cc/65GN-35QC>]; see also Vladimir Sorokin, *Vladimir Putin Sits Atop a Crumbling Pyramid of Power*, THE GUARDIAN (Feb. 27, 2022, 2:14), <https://www.theguardian.com/commentisfree/2022/feb/27/vladimir-putin-russia-ukraine-power> [<https://perma.cc/5L7C-D3LN>].
 31. See, e.g., Larry Diamond, *All Democracy is Global: Why America Can't Shrink from the Fight of Freedom*, FOREIGN AFF. (Sept. 6, 2022), https://www.foreignaffairs.com/united-states/all-democracy-global-america-cant-shrink-fight-freedom-larry-diamond?check_logged_in=1 [<https://perma.cc/Q3YA-WS4T>].
 32. See generally LIVING WAGE STRATEGY, PVH.

First, Teddy Roosevelt once said:

The credit belongs to the man [or woman] who is actually in the arena, whose face is marred by dust and sweat and blood . . . who knows the great enthusiasms, the great devotions; who spends himself [or herself] in a worthy cause; . . . who at best, in the end of triumph knows this thrill of high achievement, and who at worst, if he [or she] fails, at least fails while daring greatly, so that his [or her] place shall never be with those cold and timid souls who know neither victory nor defeat.³³

Second, Rabbi Hillel said: “If we’re only for ourselves, then what are we?”

And third, Martin Niemöller, a German Lutheran Minister said shortly after the Second World War: “First they came for the socialists, and I didn’t speak out because I was not a socialist. Then they came for the trade unionists, and I did not speak out because I was not a trade unionist. Then they came for the Jews, and I did not speak out because I was not a Jew. And then they came for me, and there was no one left to speak for me.”³⁴

I leave you all with tremendous admiration, and the hope that you will be inspired by those quotes. We want to be able to look back and say to all concerned, your families, your children, or your grandchildren, that we did all we could with the resources required to make this a better world. Thank you all very much.

Michael Scharf: We are so lucky to have Bruce Klatsky in our corner. Now it is my great pleasure to introduce our distinguished lecturer, Leila Sadat, and to present her with the Frederick K. Cox International Law Center Humanitarian Award for Advancing Global Justice. Leila is really one of the stars in the world of human rights and international criminal law. Today you’re going to hear about how she is the modern-day Raphael Lemkin. He is the professor who coined the term “genocide” and convinced the world to establish the Genocide Convention after World War II.³⁵ Professor Sadat has done the same thing with the Crimes Against Humanity Convention.³⁶ But that’s not

33. Theodore Roosevelt, President, U.S., *Citizenship in a Republic* (Apr. 23, 1910).

34. *Martin Niemöller: “First They Came For . . . ”*, U.S. HOLOCAUST MEM’L MUSEUM (Apr. 11, 2023), <https://encyclopedia.ushmm.org/content/en/article/martin-niemoller-first-they-came-for-the-socialists> [https://perma.cc/GV4H-3RTL].

35. *Coining a Word and Championing a Cause: The Story of Raphael Lemkin*, U.S. HOLOCAUST MEM’L MUSEUM (May 2, 2023), <https://encyclopedia.ushmm.org/content/en/article/coining-a-word-and-championing-a-cause-the-story-of-raphael-lemkin> [https://perma.cc/FS7S-DJP7].

36. *See* Leila Sadat, *Forging a Convention for Crimes Against Humanity*, WASH. MAG. (Aug. 7, 2023), <https://source.wustl.edu/2023/08/forging-a-convention-for-crimes-against-humanity/> [https://perma.cc/JQ8G-79KS].

all she's done over the years. She's an award-winning author.³⁷ She preceded me as president and is now chairman of the board of the American Branch of the International Law Association.³⁸ She has been appointed by the International Criminal Court Chief Prosecutor to be Special Advisor on Crimes Against Humanity.³⁹ We are thrilled to have her tell us about forging a convention for crimes against humanity.

37. *Leila Sadat*, WASH. UNIV. ST. LOUIS SCH. L., <https://law.wustl.edu/faculty-staff-directory/profile/leila-sadat/> [https://perma.cc/9AQA-WDB6].

38. *Id.*

39. *Id.*