

NOT RADICAL ENOUGH: WHY JIMMY CARTER FAILED TO CHANGE AMERICAN FOREIGN POLICY

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Resumen: President Jimmy Carter failed to translate his words and ideals concerning human rights into deeds and practices in US foreign policy. Carter, already in the formative period of his administration in 1976-1977, was too conservative and tradicional in his Outlook on internacional relations. While his Herat was at the right place, the Cold War was still his focus rather than a consistent implementation of a new human rights paradigm, especially with respect to American allies in the Developing World. Carter did not sufficiently reform the practice of Us foreign policy. He did not believe enough in advocating human rights so a meaningful recast of traditional priorities was difficult. Carter relied on existing policies, conduct, personalities and adminstrative structures. Carter's earnest intention to change America's policy, blending principles and commitment, was severely undermined by the Nacional Security Council (especially Zbigniew Brzezinski) well before the well known shifts to SALT II, Panama Canal Treaties, and the Middle East.

Palabras Clave: American foreign policy, Developing World, USA, Jimmy Carter, radical enough.

CARTER ON HUMAN RIGHTS

Jimmy Carter was eager to be on the right side of history, American and world alike, through affecting a meaningful change of the priorities espoused domestically, and the conduct exemplified globally, by the US government. He held that human rights are essential, especially amid the balancing act required by the turmoil of the fierce ideological and military conflict of the Cold War. His major public statements –during the 1974-6 campaign and shortly after assuming office– did not aim to blend realism with idealism. He would maintain

his beliefs, not compromise his convictions. Carter would thus thoroughly change reality¹.

Hoping to implement a new foundation for executing foreign policy, Carter criticized the American system of conducting international relations. He militated against the professional form of diplomatic governance rather than merely anecdotal, ad-hoc, bi-lateral or regional US behavior. The highly educated elite fervently and successfully opposed him. Carter could not reconcile the confusion and the inherent contradictions of such divergent constituencies, competing interests and conflicting principles.

The reforms he had in mind would remove the close-knit peer-group screening by pre-existing experts who could jeopardize his promise to give power to the people, providing freedom for the world rather than for America's conduct in the world. Pursuing human rights was also a political principle to legitimize his new paradigm for US foreign policy. Ostensibly, the public words aimed to present Carter as the custodian of a fundamental change; the reality was that the message was more about presidential powers and his personal leadership rather than a meaningful transformation of US foreign policy.

Carter failed to harness the humanistic energy of the political class for his ideological intervention in the crafting and execution of the atrophied US foreign policy. The protective blanket of the foreign policy/national security establishment smothered any meaningful change. He rose to presidential power on the buoyancy of his convictions, but, re- thinking the policy-formation process by making it participatory, Carter did not establish a formidable following of a competent cadre of advisors to help his

challenge to the established order and hierarchy in the National Security Council.

Carter did not provide a counter-narrative that exposed constructively the persistent gap between US rhetoric and action. Carter's public words on human rights were submerged as security issues, regional concerns and the potential reaction to new policies in Congress enjoyed a preponderance of constitutional powers over matters related to human rights. Carter later said, in a sarcastic, wounded tone that "I learned the hard way that there was no party loyalty or discipline when a complicated or controversial issue was at stake—none. Each legislator had to be wooed and won individually. It was every member for himself, and the devil take the hindmost!"². Official evaluations were steeped in amoral *realpolitik* considerations. They were thus based primarily on existing Cold War policies, the focus of their attention were strategic and commercial interests.

THE 'CHRISTOPHER GROUP'

As a part of this re-evaluation of US foreign policy and strategic planning, Deputy Secretary of State, Warren Christopher, led an Inter-Agency task force of eighteen experts between May to July 1977. It was the most solid attempt to consistently and systematically integrate norms of human rights into American foreign policy. Composed primarily of members of the State Department, the National Security Council and the Pentagon, it was authorized, by an explicit Presidential Directive within weeks of taking office, to review all existing bilateral and multilateral relations the US has abroad in the light of human rights goals. They re-evaluated and updated the goals and the conduct of many facets of US foreign policy, by countries, by regions and by themes³. These deliberations resulted in *Presidential Review Memorandum/National Security Council-28: Human Rights*⁴. Below I will analyze the substantive contents of this foundational document, although, due to space limitations, not all parts will be examined closely.

Its preface claimed that this "fundamental document integrated a human rights agenda into as many facets of American foreign policy as possible"⁵. Christopher dispatched a detailed, confidential note on Friday, July 8, 1977 with the agenda⁶. Given the close professional and personal relationship between Christopher and the Secretary of State, Cyrus Vance, the trust

and the powers vested in what was commonly designated as the "Christopher Group" was considerable. The problems arose with respect to the details.

A seasoned professional from the Johnson administration, and a specialist in international law, Christopher enjoyed a reputation as an honest broker and a skilled negotiator. He was in charge of resolving conflicts between human rights and other concerns. Christopher's *savoir faire* produced a thoughtful, diligent, elaborate mode of operation⁷. Much in evidence was his statesmanlike style of smoothly navigating substantive and bureaucratic issues so as to conform to—but not revolutionize—current American law and policy.⁸

Hardened practitioners of the foreign policy establishment offered a resourceful and yet skeptical adjustment of Carter's avowed desire for human rights to institutional structures and to practical realities. It was a process of maturation⁹. Seeking remedies, they merely validated the civic liberties imbedded in American culture, but excluded many social, economic and cultural rights from the American agenda. Almost universally accepted, these pivotal issues addressed labor conditions and the treatment of children. The Carter Administration did not, moreover, embrace the emerging 'solidarity' rights to development, to aid and to environmental concerns.

"PRM/NSC-28: Human Rights" was a diligent, disciplined probe. Embodying a gradual change of values, it did not present "absolute rules." Christopher claimed that it "rationalized" the decision-making policy, especially trying to make sure that the US did not "harm the poor and the vulnerable" in various countries, although he admitted that the results were mixed¹⁰. This directive preferred leadership over overt adversity. It sought a long-term equilibrium between abstract desires and concrete goals. The civil servants aimed for results which might be optimal for their own country; others could benefit, but only at little, if any, sacrifice of US interests. Evident was a modest, progressive platform, but one led by the motif of realism, viewing international relations as a contest of interests rather a focus on advancing human rights. This was different from the amoral *realpolitik* by degree rather than by kind. Such moderation in pursuit of peace, prosperity and justice reversed the phenomena

of a missionary zeal which Carter the candidate personified so ably before he became president.

The Carter Administration was already increasingly obliged by law and by its own proclamations to consider human rights in connection with aid, trade, and arms sales¹¹. That was complemented by the vision Carter espoused of forging a sense of global citizenship and a universal duty of care for those in distress. The "Christopher Group" offered a fledgling government a prudent path along which they might prevail over right-wing opponents and private corporations in navigating America's role in the world.

A consistent human rights agenda could not replace traditional national interests and strategic imperatives. The policy elite did acknowledge, however, that some rights supercede borders. Internal conflicts—especially of ethnic and religious character—in a state may legitimately become the concern of the US, alone or, preferably, at the helm of a progressively-inclined international community through diplomacy, and, potentially, sanctions or coercive force. Inaction about protecting people, moreover, might be a bigger risk than deliberate deeds. By providing tangible points of reference, even if actions might be harmful to the United States in the short-term, they could pre-empt or prevent the festering of political grievances into anti-Americanism and humanitarian calamity.

Evident in "PRM/NSC-28: Human Rights" was the inherent philosophical and political paradox of maintaining American power even by paying a price in a lesser espousing of fundamental human rights values. The latter pattern is deemed as manipulation by most activists. The practical tone aimed to be constructive in an attempt to establish a momentum. Once basic goals of human rights were affirmed, an evolutionary attitude rather than a revolutionary approach would facilitate their successful implementation¹².

THE CONTENTS OF "PRM/NSC-28: HUMAN RIGHTS"

Part I cautiously defined "US objectives in the area of human rights." Section A contended that the "over-all objective" was "to encourage the respect that governments accord to human rights"¹³. This statement signaled that weak, gradual steps will prevail over instinctive

desires. The writing projected little zeal, seeking instead a broad consensus and a wide jurisdiction over aggressive actions.

The "Christopher Group" employed linguistic machinations and political tactics to diminish the options for decision-makers. It consistently referred to human rights in the singular "is" rather than in the plural "are," thus confining their scope. In a similar vein was the requirement merely to encourage respect for human rights rather than the more demanding promotion and protection of them¹⁴.

"PRM/NSC-28: Human Rights" was a defensive, minimalist text, enumerating a small number of strict standards, enforcement mechanisms, and binding legal duties. The typical vehicles of abuse—incumbent governments, whether duly elected or not (as no such distinction was expressed)—were identified as potential agents of change. Viable alternatives—for example: the mobilization of the international community, explicit support for oppressed peoples, and the empowerment of the weaker segments of affected societies, were rarely proposed, much less a challenge to the authority of abusive regimes.

States possess considerable leverage, and ameliorating their behavior through engagement was held to be plausible. But disputing the absolute nature of their sovereignty, the shield for many egregious offenses, was warranted yet absent. Cultivating different power bases in such polities—typically undemocratic, often tyrannical entities—such as opposition parties, grassroots organizations, and activists forced into exile, was implicitly ruled out.

Such a narrow definition contrasted with the comprehensive codification a generation earlier by the United Nations in the 1948 Universal Declaration of Human Rights¹⁵. "PRM/NSC-28: Human Rights" tempered those standards, authored primarily by foreigners and Eleanor Roosevelt, through a strategic proclamation: "To maximize our effectiveness our policy should be directed to the most fundamental and important human rights"¹⁶. In reality, however, they were compromised by compartmentalization into three diminished groups¹⁷. There was no recognition of any duty for solidarity with needy nations through consistent economic, or even occasional humanitarian, aid. What did remain reflected a focus on protecting individuals from the misdeeds of governments or from the likely

consequences of inaction when response was warranted¹⁸.

The "first group" of human rights concerned the integrity of the person –such as torture, arbitrary arrest and improper entry into private homes¹⁹. The character of the "second group" was more problematic. It addressed "basic needs" in the purview of "economic and social rights" for "food, shelter, health care and education." The focus was on "government action or inaction which either obstructs... or fails adequately to support the individual" who seek them²⁰.

The emphasis was on general issues and on personal needs rather than on a collective agenda. Solving celebrated cases might garner international prestige. By contrast, diagnosing and solving fundamental problems would necessitate concerted, prolonged interventions in troubled countries, challenging class divisions and allocations of resources, and be likely to involve weak minorities.

In irresolute language reminiscent of the UN's 1966 International Covenant on Economic, Social and Cultural Rights²¹, the "Christopher Group" noted that the fulfillment of such rights depended, "in part," on a nation's particular "economic and social circumstances and traditions"²². While not disavowing "humanitarian ideals and efforts," acknowledging the centrality of these goals in the "Third World" was pronounced in a manner that relegated support mostly to relief projects²³.

The "third group" of rights embraced civic and political liberties such as freedoms of ideological and religious expression, of participation in government, and of physical movement. The authors supported these in strong terms. They contended that "a policy that ignored them would be untrue to our heritage and basic values"²⁴.

They tried to pre-empt controversy that these concepts were insensitive to cultural diversity and imposed "eighteenth century Western ideas on non-Western societies where they have no roots or relevance" by categorically justifying these rights as "formally espoused by virtually all governments and are of worldwide significance as a matter of practice"²⁵.

The "Christopher Group" was concerned that an American foreign policy focused on human

rights might be misperceived at home (primarily by left-wing activists) and misrepresented abroad (by authoritarian regimes) as a recasting of European imperialism. Repudiating such allegations was done by asserting that there "is no necessary inconsistency between political and civil rights on the one hand and economic development on the other"²⁶. This signaled that commercial and strategic domination was not a goal, and that nor would the US automatically deny aid for malevolent states. Instead, the ambition would be for the long-term advancement and reform of needy, vulnerable countries.

To counter business and defense interests – particularly in Latin America and throughout Asia– the "Christopher Group" highlighted viable civil societies and independent community services. Strengthening their institutions could be more effective in promoting human rights than focusing on the condition of one individual or one family. Whereas torture and hunger were mentioned, there was no redress proposed for the systematic violation of labor laws by oppressive regimes, profit-seeking corporations, and plantation owners.

"PRM/NSC-28: Human Rights" envisioned a changed foreign policy while drawing upon the lessons of the American failures. It did not position the US as a role model. Support was voiced for a non- interventionist approach. "An understanding was manifested for a particular need... for caution [in order] to avoid giving our policy a parochial cast that appears to export American-style democracy. Our goal is the enhancement of basic human rights in diverse societies; we do not seek to change governments [nor] to remake societies"²⁷.

To further legitimize its conclusions, the "Christopher Group" referred to the contemporary national trauma: "Our experiences in Vietnam and elsewhere have taught us the limits of our power to influence the internal workings of other nations"²⁸.

The next decision was whether to prioritize the three groups of rights defined, or to treat all groups as being of equal concern, at least in the declaratory stage of a new policy. While Christopher did recommend that the three groups be accorded the same standing, he left the matter to a vote by the entire committee²⁹. He did opine that violations of rights in the first

group "tend to be the most egregious and horrible abuses of authority and thus deserve our most urgent attention"³⁰.

Focus on the first group could also generate a positive momentum. Solving individual problems might translate to personal popularity and political gains that would accrue to Carter. The US would have more "leverage" as it seeks "to achieve a reduced level of violations" in specific cases³¹. Nevertheless, the authors pledged to approach equally the three groups, the results of the vote on preference still pending. An earlier explanation stressed that the President and the Secretary of State expressly supported the legitimacy of protecting all of the categories of rights in forthcoming initiatives³².

Selecting the first group of rights alone was determined to be morally indefensible. Such a choice could offer an "incentive" for various regimes not "to face up to the basic economic, social and political issues represented by the second and third groups." Significantly, however, even if the three groups were deemed to be equal, there would be a distinction in how they would be "pursued"³³.

Declaring that for the US, advancing economic rights is "primarily a matter of cooperation with and contribution to bilateral and multilateral foreign assistance efforts," the "Christopher Group" agreed that Americans "should do our share." It was careful, however, not to articulate binding standards that could require financial commitments³⁴. The authors contended that they were "seeking greater respect for all these rights" while being sensitive to "limits" that curtail "our power" and the American "ability to change human rights practices in other societies." Anticipating pressure for results, they stressed that the "expectations must be realistic." Actions "must concentrate on encouraging the maximum possible evolutionary improvement" [emphasis in the original], presaging a very low threshold for declaring victory³⁵.

Three contemporary examples affirmed the likelihood that "from such improvements major long-term changes may result or even, as in Portugal, Spain and Greece, yield dramatic improvements in the short run"³⁶. These southern European countries shifted from oppressive, albeit pro-American, regimes to democracies where human rights were increasingly and more consistently observed³⁷. US pressure for these transitions was minor;

France and West Germany were at least as influential in what was primarily a domestic process. American intervention even in friendly states was thus discouraged.

"[S]uccess" was gauged in terms of self-evaluated "best efforts." American actions taken in good faith would suffice. Results were "not assured." The emphasis was that "our policy should not be judged a failure" even if "violations persist, or are reduced in intensity or frequency very slowly or unevenly despite our best efforts"³⁸.

There followed an expansive "long term" and an indefinite "within the next few years" time frame for a notable accomplishment. The "Christopher Group" determined that this was "realistic," claiming the "pursuit" was parallel to the perennial search for peace, thus "effectively unending." It was merely incumbent upon the US to "render many governments increasingly conscious of human rights consideration"³⁹.

This tenacity should result in foreign leaders quantifying human rights in an equation of utility "in their policies, at home and abroad." To add a degree of credibility to this assertion, after less than half a year in office, the authors did aver that "[a] number of governments have already begun to do so"⁴⁰. The absence of examples diminished the value of this presentation. A reminder that divergence was warranted "by country and by the type of human rights violation involved" further undermined hopeful forecasts. Racist Rhodesia—governed by a white minority—was, however, an example of "exceptional circumstances in which we will affirmatively seek dramatic improvements"⁴¹.

Conspicuously overlooked was a confrontation with the apartheid regime in Rhodesia's immediate neighbor and close ally, South Africa. Internal black resistance, exemplified by the riots that began a year earlier in SOWETO, near Johannesburg, on June 16, 1976, demonstrated the acuteness of the crisis. While both countries were international pariahs, South Africa was not as severely reproached by the Carter Administration because of its strategic importance, although veterans of the civil rights movement were guiding American policies⁴².

Indeed, the US was only a minor partner in the struggle for racial equality and political enfranchisement in South Africa⁴³. The "Christopher group" concluded Section A by

stressing again that securing results in the group of rights concerning the integrity of the person in specific cases would be, "in general," easier or "considerably shorter"⁴⁴.

RATIONALIZING US FOREIGN POLICY OBJECTIVES IN HUMAN RIGHTS

The next part of "PRM/NSC-28: Human Rights" analyzed the "sound reasons" for pursuing limited human rights objectives as policy guidelines. Their substance was normative and utilitarian, reminiscent of Carter's speeches. The rationale could be a catalyst to a stronger agenda than this balanced and cautious document. Blending a testament to American culture with US aspirations, and an attempt to help conditions obtaining in the world, the authors contended that this impetus was imbedded in "national interest as well as our moral tradition and legal obligation"⁴⁵.

Six justifications were cited. First, "by virtue of our heritage and values" the United States does have an ethical duty to articulate and to pursue a foreign policy based on human rights⁴⁶. While no specifics were provided, the entire history of the US was in mind, thus encompassing the epic struggles of the Civil War and the Civil Rights Movement, but also the legacy of slavery and discrimination.

The second clause, the lengthiest in this section, expressed the need to strengthen the rule of law abroad. International conventions combined with US legal documents to provide for foreign aid to promote "increased observance of internationally recognized human rights in all countries"⁴⁷. Specifically mentioned were the October, 1945 United Nations Charter, the December, 1948 Universal Declaration of Human Rights, and the August, 1975 Helsinki Final Act.

The problem, however, was that the core of "PRM/NSC-28: Human Rights" militated against the spirit of this jurisprudence. Employing the UN (in the first two of the above documents) as a source of legitimization was commendable as an effort to denote an American commitment to recognizing a wide scope of human rights. Reliance on the Conference on Security and Cooperation in Europe (for the previously noted Helsinki document) was problematic. While it truly made human rights an international, rather than a domestic, issue, this reference also implied the

compromise of acknowledging human rights in exchange for a recognition of the sovereignty and the authority of oppressive regimes.

The three groups of rights presented in "PRM/NSC-28: Human Rights," and the usage of a controversial phrase, "internationally recognized human rights," added to the sense that what the American government was willing to promote was only the most circumscribed doctrine of human rights. This phrase, used in Congressional legislation in the 1970s, acquiesced to the modest, state-centered term "international," not employing the more conceptually powerful "universal" discourse permeating UN documents. It also implied that no authority other than the United States will judge what constitutes human rights.

The third clause in this section was prescient. It advanced human rights as a "substitute," and as "a standard based on governmental behavior toward people" for existing and "increasingly outmoded Marxist-non-Marxist standard" that guided American foreign policy during the Cold War.⁴⁸ Such a new approach would limit the preferential treatment granted to oppressive American allies. It could justify this focus on governments rather than on peoples in "PRM/NSC-28: Human Rights" by enhancing personal and collective responsibility⁴⁹.

This method was not revolutionary. The human rights included were limited. This third clause, a brief discussion amid five others, did not propose any routine enforcement mechanism and did not adequately facilitate, much less provide any method for the certification, or not, of adequate performance by foreign governments. Thus, a preference for peace and for the protection of traditional US interests might obtain over justice if the violations were not egregious.

The fourth clause celebrated the vigor of human rights activities in the United States. A Carter Administration focus on furthering human rights could foster collaboration with Congress. Consistent advocacy could be an agent for achieving legitimacy of American foreign policy in a nation which desired that its "moral and ethical values" be "reflected" in the conduct of its representatives, and which could "permit" it to be benignly projected abroad⁵⁰. Struggles with the legislative branch, a critical media, and an impatient public opinion were not anticipated sufficiently. Absent, in addition, was an analysis

of the potential strengths and weaknesses of a bipartisan foreign policy based on human rights.

The fifth clause criticized the Soviets "in particular." Advancing human rights would promote the "fundamental long-term American interest in a world of nations whose systems of governments and societies reflect individual freedom and dignity." This vision was contrasted with "totalitarianism," which the authors wanted to "reject," in a language reminiscent of the 1947 Truman Doctrine support for free peoples⁵¹.

In a reference to the hopes inspired by the Helsinki Final Act less than two years earlier, the "Christopher Group" expected that the "growth" of "democratic forces" behind the Iron Curtain, will "in time," meaning primarily based on indigenous forces and without US sacrifices, reap visible results. This incremental augmentation "may contribute to the development of more open societies"⁵².

The sixth and final clause also addressed the Soviet Union by name. It is of importance that concomitantly Brezhnev was securing his grip on domestic power there, becoming President – in addition to the position of Secretary General he already held – in June 16, 1977. The "Christopher Group" contended that emphasis on human rights could help the US in the "philosophical debate" it waged with the Communist countries in the Cold War⁵³. Memories of highly-publicized arguments over the contrasting virtues of American and Soviet political, social and economic foundations were rampant⁵⁴.

The ideological, practical strength of human rights could serve as a guide "to the type of society worth developing." The "Christopher Group" pointed out that advancing a platform of human rights could strategically help the pro-American cause "in those European states with competitive Communist parties and in much of the Third World"⁵⁵.

France and Italy were prime examples in Europe. Dictatorships such as China, Cuba and Libya claimed public support for an anti-American agenda. A focus on the integrity of the individual and on civic liberties could challenge the legitimacy of these adversaries within their own borders and in the international community. An emphasis upon social and economic rights could assist US interests in such confrontations

by offering a better way between communism and capitalism.

Preventing abuse and offering remedies would be constructive. Such an approach could, however, also invite allegations of misconduct by pro-American regimes who wished to have no reform of their own domestic affairs. If the US were a role-model, emulating its system would also behoove incumbent regimes in regions such as Latin America to assure better access to open markets and to stop the regular violation of the rights of poor people.

INTERMEDIATE OBJECTIVES

In section C, "Broad Intermediate Objectives," twelve such goals were itemized⁵⁶. This was the most comprehensive segment of "PRM/NSC-28: Human Rights." It was a realistic, feasible action list. The issues outlined, however, were not controversial thanks to their generality; some of them amounted to mere platitudes. Subclause (a) wanted American foreign policy to "heighten international and national awareness of human rights concerns"⁵⁷. This benevolent cause did not anticipate any sacrifice of significant resources, to secure it, nor were specific measures envisioned.

Subclause (b) argued for a gradual, timid introduction of standards that might "steadily increase the norms of acceptability in the human rights field, thus making our human rights policy a dynamic one."⁵⁸ This language did not project an immediate challenge to existing conditions, as brutal they were in many countries, including those otherwise friendly to the United States.

Subclause (c) epitomized much of the implicit intent of this document. It would offer a strong incentive to diplomats and to politicians. The stated desire was to "maintain US leadership of the human rights movement"⁵⁹. Whether Americans actually held this leadership position was debatable; one imagines that this self-importance ought to have conferred a duty to act rather than a merely passive privilege. To enhance the credibility of "PRM/NSC-28: Human Rights," specifics on how to change the manner in which culprits operate or mobilizing independent organizations to the advancement of human rights should have been added.

Subclause (d) was more courageous, offering a rational incentive for troubled regimes to treat their subjects properly by arguing that violations would exact the payment of economic price and bring exposure to public shame. The "Christopher Group" argued that a focus on human rights in American foreign policy would "demonstrate that countries which violate basic human rights [the three groups of rights mentioned above] do so at a cost and, conversely, that countries with positive records or improving performance benefit tangibly and intangible [sic] from their efforts"⁶⁰.

Subclause (e) built upon the contentions leading up to it, aimed to increase American prestige. This clause was open-ended. It endeavored to "attract international support for our efforts."⁶¹

Subclause (f) was constructive, opting for multilateral collaboration with other agencies concerned with the cause of human rights, although no specifics were provided and the reduced scope suggested would limit its application. The hope was to "promote and strengthen the efforts of international institutions as well as non-governmental organizations to protect human rights"⁶².

Subclause (g) addressed philosophical cohesion and political affinity, offering economic benefits in exchange for appropriate conduct. It called for Americans to "increase our identification with countries where there is a trend toward greater respect for human rights"⁶³. As the standard for tangible accomplishment was low, discretion was left in the hands of policy-makers, and attempts could count more than results. This could enable pro-American regimes merely to make gestures while avoiding any substantial progress.

Subclause (h) approached the situation from the other side. The hope was to "lessen US identification with governments that commit or [which] tolerate gross human rights violations and whose conduct demonstrates a trend away from respect for human beings."⁶⁴ The insertion of "gross" would permit a distinction between minor and major infractions. It could, moreover, allow the foreign policy establishment more discretion when weighing the merits of friends or foes, leaving strategic relationships intact.

Subclause (i) was brief yet potentially drastic, calling for US leaders to "ensure that our own conduct measures up to the same standards we

apply to others."⁶⁵ Written after the abuses of the 1970s in southeast Asia and in Latin America, it prescribed more demanding normative comportment on the part of American officials abroad, especially those authorized to use military coercion and economic duress.

Another implication concerned the improved domestic situation following the successes of the civil rights movement. This rectification could shield the United States against foreign claims of a perceived American hypocrisy, albeit ongoing manifestations of racial discrimination would be exploited by shrewd opponents. The death penalty, tantamount by many foreign definitions to a gross violation of the rights of the individual, was overlooked. The Supreme Court had permitted the resumption of executions in the previous year⁶⁶. That left the US alone in the Western World in this respect. Any critique by the Carter Administration of the practice of death penalty would be highly controversial.

Indeed, subclause (j) addressed the same topic. It wanted the US to "seek a rapid end to patterns of gross governmental violations of the person"⁶⁷. Also implicated was the issue of the contemporary disappearances of political dissidents –the *desparaciados*– in places such as Argentina during the "Dirty War" waged by its ruling army against left-wing activists, real or imagined. Similar cases were credibly reported throughout Latin America.

Subclause (k) was laudable at the declaratory level – to "increase the level of humanitarian relief of refugees throughout the world"⁶⁸. Problems would occur upon implementation. Support would have to be found in Congress and in public opinion for specific cases, or for financially-demanding, distressed areas such as Central Africa, where only minor American interests existed. Prolonged relief efforts and logistically challenging enterprises would be even more difficult; they could torpedo the realization of worthy ambitions.

The "Christopher Group" did not outline a specific course to enhance awareness or to facilitate action. They avoided rendering a judgment as to whether US should favor humanitarian actions, and if such projects should become multilateral, given that UN agencies or regional organizations would likely be utilized in areas of contention between the US and the USSR.

The final subclause, (I), assigned crucial power to Christopher personally, and, to a lesser extent, to the rest of his group. The aim was to "ensure coordination of Executive Branch efforts in behalf of human rights, as well as integration of US human rights policy within our over- all foreign policy"⁶⁹.

SPECIFIC OBJECTIVES

Section (D) of "PRM/NSC-28: Human Rights" moved from the general to specifics. It provided names of countries where direct involvement was considered warranted. The "Christopher Group" maintained that pursuing exact steps in "particular countries and international institutions" would require more work, stressing that "this effort is presently underway at both the Department of State and posts abroad"⁷⁰. The focus was on diplomacy rather than on defense.

Some examples were mentioned –an end to the "state of siege" under cover of which General Augusto Pinochet's regime systematically violated human rights in Chile following the September 11, 1973 military coup, the need for majority rule in white-ruled Rhodesia, and access to free emigration from the Soviet bloc. There was, however, an important addition to these "apparent goals": South Korea, a sensitive country by virtue of its being a strategic ally of the US in northeast Asia. The release of the Myongdong defendants –Catholic dissidents perceived as criminals by the pro-American regime– there was seen as a concrete objective⁷¹.

American "credibility" was the paramount goal, especially in the developing world.⁷² To support this goal, the "Christopher Group" sought a three-fold thrust of potential diplomatic benefits. These would be gained by 1- castigating an arch-rival (the USSR); 2- confronting a racist predicament in a friendly regime (Rhodesia); and 3- censuring authoritarian American allies (Chile and South Korea).

The tone of "PRM/NSC-28: Human Rights" suggested an incremental approach. Recognizing the Communist regime and establishing diplomatic relations with it –and potentially also with Vietnam– would be the first steps toward developing the normal relations required to enable the US access to top Chinese policy-makers. This approach, however, was acquiescence, even by an administration led by Democrats ostensibly committed to the advancement of the respect for and the

observation of human rights, to the strict authoritarian paths of those regimes.

Such a conduct established, or at least perpetuated, a pattern of subordinating substantial attempts to rectify blatant violations of human rights in Communist China (and Vietnam) to strategic and business concerns. It was also tantamount to turning a blind eye to sales of conventional and non-conventional arms by China to aggressive belligerents worldwide.

CALCULATING REACTIONS

Following the presentation of relevant points in "PRM-NSC/28: Human Rights," the first paragraph in section (E) continued with a general discussion of which of the objectives, if any, would merit "primacy." It highlighted the unexpected situations that might arise, the flexibility that such prospects required, and the substantial overlap among these complex issues in what were identified as being probable scenarios⁷³.

In a transparent indication of where the narrative of their recommendations was leading, Christopher and his team set out their preliminary and working hypothesis. It amounted, in essence, to a straightforward presentation of the overall mission statement they crafted, thus meriting a full quote:

There will clearly be situations in which efforts to achieve our human rights goals will have to be modified, delayed or curtailed in deference to other important objectives. It should be stressed, however, that the clear implication of making the promotion of human rights a fundamental tenet of our foreign policy is that there will henceforth be fewer instances when promotion of human rights will be viewed as a marginal objective. Even when other objectives outweigh the human rights factor, our policies should, nevertheless, be implemented in a manner that promotes human rights to the extent possible.

It is likely that adoption of a serious human rights policy will entail additional costs besides the trade-off referred to above, which are a concomitant of the adoption of any new objective⁷⁴. Christopher and his group then moved from divining the contours of a general policy of human rights to the more particular issues involved. It was a thoughtful calculation of the price of pursuing a meaningful

transformation of foreign policy goals. There was quite a bit of overlapping among the factors and variables involved.

"First, our actions and statements regarding human rights objectives may involve criticism of the situation in another country, which is likely to be viewed as either offensive or threatening by the government concerned. As a result, it could strain our relations and have a negative impact on other interests"⁷⁵. Naturally, the fear that friendly but non-aligned countries in the Developing World could move closer to the Soviet Union in the bi-polar struggle, or prefer European countries who had little regard to moral issues when executing economic transactions, was evident in the foregoing proposition.

This reasoning continued with a direct reference to the Communist bloc. "The sensitivity of the Soviet Union to our human rights initiatives represents a dramatic manifestation of the possible risks involved, in this case a strain in crucial East-West relations"⁷⁶. Coupled with the previous indication that some sort of continuity in the co-operative spirit of detente was warranted, this was a further reminder that lacking a pronounced vital interest, the United States was unwilling to sacrifice its working relationship with the USSR for the human rights of vulnerable yet silent populations behind the Iron Curtain.

The authors then addressed another potential consequence of heightened awareness and American government activism on human rights issues: the even more brutal pursuit of repression. They worried that such pressure might "prompt a greater degree" of official misconduct as a political reaction to internal and foreign challenges⁷⁷.

Their logic was that outright formal American support for human rights would "encourage dissident groups to act with more strength or because it wants to demonstrate its refusal to buckle to our demands. That pressure might enable the offending government to wrap a banner of national sovereignty around itself and draw additional popular support, in spite of its repressive practices"⁷⁸.

The third justification for an attentive but very careful policy was that US actions "may affect adversely multilateral institution or ongoing programs, particularly in the economic area,

which have their own US-endorsed objectives"⁷⁹. While no specific names were mentioned, initiatives by UN agencies such as the International Labor Organization, UNICEF, UNRWA, the World Bank, and the International Monetary Fund in the Developing World were clearly in mind.

This impression is strengthened by the concluding sentence of this paragraph: "In particular, using our vote in international financial institutions will tend to politicize them, with possible long-term adverse effects"⁸⁰. Thus the impact on immediate crisis management in cases such as drought, famine, and earthquakes which disproportionately affected distressed areas governed by human rights-violating despots in the developing world was incorporated into policy formulations.

The hope that comprehensive education, welfare and agrarian programs created or supported by the United States would benefit populations in distress was noble and well-founded by experience in various areas of the world, including Latin America. But the implication was that under the pretense of non-interference in autonomous bodies, or of avoiding a compromise of their allegedly impartial proceedings, countries in whose well-being the US was interested would likely receive preferential treatment, their human rights record notwithstanding.

The reality was that the aforementioned institutions were hardly purely professional, economic or humanitarian in nature. Even at their inception at the end of World War II –as a result of lessons learned from the failure of the 1919 Versailles Treaty– these were organs of the superpowers, especially of the Western ones.

The fourth reason marshaled in paragraph (E) was set out in a wide, potentially all-encompassing clause. The argument was that "other US foreign policy interests could be undermined by the alienation that the human rights policy produces in other governments"⁸¹. To be sure, examples from South America and from northwestern Europe –unnamed fellow NATO members– were adduced in an effort to confine the indefinite broadness of this stipulation.

Nevertheless, the signal of Christopher and his esteemed co-writers was clear. They stated that friction with allies and close friends could be

assuaged by the inclusion of a sunset clause in respect of certain missions. They specifically cautioned that US "efforts to obtain favorable results in the North-South discussions could be diminished if countries such as Brazil and Argentina were to alter their moderate position because of our human rights stance"⁸².

Argentina's "Dirty War" –with its repression and the "disappearances" of thousands of political opponents– was becoming increasingly egregious. Relationships with these two states, both beset by the rule of harsh military juntas, were commercially and strategically important to the United States. They also epitomized, as noted in "PRM- NSC/28: Human Rights," the American desire to conduct a constructive dialogue with pivotal anti-Communist countries, especially in the Western Hemisphere.

The hope represented by this argument was that authoritarian leaders, if neither shamed, pilloried nor ostracized, would gradually improve the observance of human rights, economic development, and the miserable living conditions of large segments of their populations. US corporations, enjoying access to the corridors of power in the United States, would also benefit. That would mean, however, the abandonment of individual activists and of societal coalitions for social justice. Often championed by the local clergy, these activists were battling ruthless authorities possessed of a monopoly over political, military and financial power throughout Latin America.

Apparently, in order to assuage or to pre-empt such fears, this paragraph continued with a bracketed assertion that "It must be noted, however, that the moderation of these two countries is soundly based in their own economic self-interest"⁸³. This passage therefore indirectly suggested that a more harmonious political order in Brazil and Argentina as well as throughout the region could evolve without explicit US patronage.

Such peaceful transitions could be derived from the advantages open markets, inspired by free societies, and vice versa, could offer in sharp contrast to the risks to human liberty embodied in the radical alternatives that Marxist, pro-Cuban movements were presenting. There was no guarantee that such inter-governmental, state-to-state rather than society-to-society path circumventing the ruling elites would work. Nevertheless, continuity, rather than revolution,

seemed to better serve traditional American interests.

A final concern was that "some other Western democracies" supported the "general principles" of US policy, but disagreed with its "tactics." This carried a risk that "certain... initiatives, if not properly coordinated, could lead to differences" in relations with "NATO allies" that could "be exploited by the Soviet Union"⁸⁴.

While the identity of even a single country in this category was conspicuously absent, several reasonable examples may be offered. South Africa and Chile were regarded as pariahs by many NATO members, especially the Scandinavians and Canada. This outlook was not generally shared by US officials. While they publicly denounced blatant human rights violations by such regimes, American policy-makers were more attuned to Soviet provocations and subversions, and their potential strategic implications when effective actions were being considered.

Hence lukewarm remonstrations against pro-American governing elites would, at best, merely partially correct certain abuses. Dispassionate perspectives of realpolitik, both at home and abroad, were decisive, not human rights goals. An example was the continued, overwhelming level of almost unconditional American support for Israeli policies.

In contrast, the French and the Belgians continued to pursue commercial profit in some of their former colonies in Africa such as Cote D'Ivoire, Senegal, Niger, Zaire. Human rights violations of many kinds were notoriously rampant in such countries. But private and corporate interests, enjoying an excellent level of access to state leaders in Paris and in Brussels, easily subordinated moral and ethical questions.

British officials might be more lenient toward former colonies such as Nigeria, Kenya, and in southern Asia. The Dutch might be protective of their former possession, Indonesia. The vital interests industrial countries had in the Middle East could derail criticism of the violations of human rights in countries in which there were crucial American commercial and oil interests. The French and the Italians had proximity and historical and commercial connections to North African nations such as Libya and Algeria, which might become targets of US policies.

The authors thus opined that to focus on weaker or on anti-American countries might prove to be counterproductive. It might arouse public and diplomatic outcries of hypocrisy by progressive governments in Canada and in Britain.

The fifth issue addressed in this context was a partial regurgitation of previous concerns. These were "potentially unavoidable inconsistencies, particularly to the public eye." Christopher feared that such disparities "will expose us to severe criticism." Specific names of strategic partners in Asia were brought up: "Allies such as [South] Korea, Iran and the Philippines, for instance, cannot be immune from some applicability of the policy without endangering the integrity of our policy"⁸⁵.

The domestic consequences of an ambivalent American approach toward the endemic violations of human rights by regimes would have been mixed. Strong pressure and withdrawal of support could be deadly to these regimes. The alternatives –Marxist or Islamic alike– were not promising considering the lack of strong and independent civil societies in those countries. Nevertheless, continued solidarity with ruling elites would negate much of Carter's ethical crusade, and squander his moral capital.

US troops were securing, and in fact guaranteeing, the viability of South Korea. They have done so since landing there in the summer of 1950, as the leaders of UN action to counter the prospect of an invasion from the north. Large naval and air bases operated by the United States military in the Philippines, formerly a US possession, were a cornerstone of the latter's economy and stability, and thus the backbone of the corrupt, undemocratic regime led by Ferdinand Marcos.

Fears of Communist subversion –aided and abetted by the Soviet Union, China, North Korea and Vietnam– made South Korea and the Philippines irreducible American clients in the Cold War. Indonesia was not mentioned, but its location in southeast Asia, and its own human rights abuses of political liberties under the Suharto regime, especially in East Timor, the former Portuguese colony which it has subjugated since 1975, were comparable. To quite a lesser extent, so would have Thailand, Malaysia, Singapore, and Brunei. These countries had severely curtailed civic freedoms to prevent and to derail any viable opposition.

Similarly, Iran was at a strategic geopolitical crossroads. Located in the Middle East, on the Persian Gulf, near the Caucuses and abutting the Caspian Sea, it was also confronting the Soviet Union. Its own vast resources of oil, its proximity to other major countries exporting this essential commodity, and its American-equipped, well-armed troops, made Iran indispensable to US defense of this crucial region.

In 1953, the CIA orchestrated the coup that reinstated the same Shah (who still ruled Iran in 1977) Muhammad Reza Pahlavi. This operation followed a potent and popular challenge to the reigning monarch by the Prime Minister, a progressive leader suspected of pro-Soviet leanings. Muhammad Mossadegh sternly opposed the granting of generous oil franchises to Western companies in exchange for bribes and favors to the business/political elite.

The American experts much preferred the preservation of an authoritarian, corrupt regime –buffeted by a secret police, the SAVAK, which routinely practiced torture against rivals of the Shah easily violated the human rights standards set in "PRM/NSC-28: Human Rights"– to any readily available alternative. Hayatollah Khomeini, a prominent fundamentalist Muslim clergy man, was a vociferous opponent of the Shah on moral, religious and political grounds.

The same sentence in the "PRM/NSC-28: Human Rights" which implored against providing total impunity to these strategic allies continued, after a bit, to plead that such discretion must be avoided. This paragraph concluded by Christopher's and his team's advocating that such confidants should not be able to escape criticism and "neither can powerful adversaries like the Soviet Union and the PRC"⁸⁶.

The sixth element of cost was quite important and very sensitive. The authors expected that those countries which would be censured, partners and antagonists alike, would regard a good offense as being their best means of defense. They predicted that "the implementation of our policy is likely to engender reciprocal criticism not only from Communist nations but also from erstwhile friends"⁸⁷.

To be sure, this would be the natural response of typical politicians at home and abroad who

would not want to acknowledge any fault lest it be interpreted or misperceived to be a sign of weakness. Such a reaction would likely utilize well-positioned commercial contacts, ideological collaborators, and even personal friends, plus the potential embedded in the accessibility provided through the American lobbying system and its very open mass media, which is often amenable to publicizing well-spoken criticism of US policy by those otherwise known as enemies of Communism.

The authors already had a countermeasure in mind: "Our response here should be to welcome criticism that is constructive, noting that our system provides ready methods for remedying social and economic ills"⁸⁸. Highlighting the advantage of the freedoms offered in the US was wise. Also implied was a possible reliance on faultfinding by outsiders to create political capital at home to push for plausible changes in social and economic measures.

The seventh concern was how not to infringe upon indigenous customs in affected countries. The following language was sensitive and reasonable, but it could also serve as an excuse for unacceptable shortcomings: "in many societies departures from generally recognized norms of human rights may be dictated by adherence to age-old social and religious traditions"⁸⁹. While prudence was warranted, the sudden transition from state-level discourse to societal concerns was potentially self-serving.

This admonition continued: "Our failure to recognize cultural conflicts can damage our human rights and other objectives. We must constantly reassess our own standards to ensure that we are not confusing truly objectionable conduct with unfamiliar traditional patterns of relationship or conduct"⁹⁰. This suggestion could amount to a license for oppressive elites to continue their abusive conduct towards weaker groups and dissident individuals indefinitely, or to simply ignore concerns about their violations of human rights on such a pretext.

There was no indication of any effort that might be undertaken by the US in various affected countries to encourage gradual change from within their own political cultures. As the advocacy of human rights agenda progressed in the 1980s, this kind of a self-serving outlook, perpetuating hierarchical power structures, became a common defense of depriving civic liberties among non-Western politicians. This

view was most profoundly expressed by Singapore's leader, Lee Kwan Yew, often termed "cultural relativism"⁹¹.

The eighth component in this context was even more ominous, especially with respect to those unnamed Latin American countries with which the US has strategic partnerships. The prospect was that "to the extent that pursuit of our human rights objectives results in reduction of security assistance to, and cooperation with, offending governments, it can be expected that the general state of relations between our military establishment and the military organization of those regimes will deteriorate"⁹².

Many career officers from exactly these types of armies –employed much more often against internal opponents, peaceful and violent alike, rather than against external threats– had already been training for decades on US soil in facilities such as the School of the Americas. Within the United States various private corporations – many of them constituents of what President Eisenhower called in his 1960 Farewell Address "the military- industrial complex,"– but also major agriculture conglomerates, derived substantial profits from lucrative deals through commerce with oppressive and corrupt regimes.

In turn, many of these businesses and industries provided jobs and political clout inside the United States. Their access to establishment power and their influence upon public opinion could derail the implementation of a probing human rights agenda in American foreign policy.

Christopher and his fellow authors continued by stressing the strategic expedience warranted in certain cases. "In some few instances where our own defense needs are dependent on local co-operation, there may be reductions of effectiveness that adversely affect US security interests"⁹³. Many Latin American countries could qualify. Some of those holding dignified positions in the army or the police during the day might become executioners in the service of quasi-governmental organizations at night.

Such militias usually served as death squads. By definition, they routinely violated human rights. Ostensibly, their "extra-judicial" actions were in the service of fighting communism. In reality, however, extortion, drug dealing and other criminal endeavors were frequently

camouflaged as political self-defense by well-placed operatives.

These officers, in their capacity as civil servants, were likely to work in collaboration with US personnel. Sometimes they were trained by Americans, and were also concomitantly paid as informants or recognized as being assets by the CIA. This pattern repeatedly presented very complicated practical and moral dilemmas. The thrust of the recommendations in "PRM/NSC-28: Human Rights" suggested that monitoring and enforcing human rights would become secondary to other issues in this context.

The ninth concern was the price of advocating human rights. The "effort will have significant dollar costs if it is pursued seriously. This study refers to a substantial increase in economic assistance, the cost of which may itself be more than the American taxpayer will want to bear"⁹⁴. Inflation, high interest rates, the level of taxation, continued budget deficits, and the accumulated national debt, were the perennial concerns of the policy-makers. Politicians and administrators were always burdened by numerous demands on the part of domestic groups clamoring for access to those who possessed the power to allocate and to distribute resources.

This was a warning to those who would have to implement a human rights policy and then to account for its cost publicly, given the huge number of justifiable alternatives. The unwelcome prospect for those who need to be elected and re-elected (or appointed and re-appointed) periodically was heightened by the conclusion that "increased refugee assistance and additional resources for USIA"⁹⁵, the Radios, cultural affairs programs and other human rights-related activities will require increased resources, although some costs can of course be absorbed by re-programming existing activities"⁹⁶.

Even the very utilization of terms which cause anxiety to bureaucrats such as "additional" and "resources" was a cautionary signal, a warning that severe administrative and political difficulties could be expected. The explicit mention of the United States Information Agency, the clear reference to broadcasting systems such as Radio Liberty and Radio Free Europe, which were aimed at the Soviet bloc, to radio Marti, which targeted a Cuban audience, and of assorted other projects, was laying the

foundations for excusing inaction, or delegating effective authority while saving budgetary funding. This sentence was an advertisement to officials that they could claim publicly that they promoted the cause of human rights by relying on a variety of existing government agencies, the functional missions and the interests of these established programs notwithstanding, the likely outcome being that only minor, marginal benefit could be derived for the advancement of human rights abroad by such haphazard measures.

Assimilated into pro-American or anti-Soviet propaganda machines, even a genuine human rights program would be subsumed or not be taken seriously, merely adding up to not much more than lip service. Much of the substance would probably be branded as being political, thus draining legitimacy from the larger human rights agenda, which could come to be perceived as a mere tool in the hands of such widely distrusted organs as the CIA, the machinery and agents of which operated or supported many of these American initiatives in foreign lands.

The tenth and final issue raised in this section of the memorandum was more hopeful. The authors evoked the issues of credibility, legitimacy, public shame and political capital at home and abroad. They feared "the potential cost if we do not pursue a human rights policy – a backlash of public cynicism and Congressional impatience and distrust, which may have an inhibiting or detrimental effect on the whole range of the Administration's foreign policy"⁹⁷. This prospect obviously took into account the circumstances that brought Carter into office – the mood in the American polity following the Vietnam War, the Watergate Scandal and the revelations about the CIA's misdeeds, all of which were specifically addressed and reviewed by Congress.

CONCLUSION

"PRM/NSC-28: Human Rights" with so many negatives to the introduction of a forceful human rights policy speaks for itself. Coupled with the substance of these paragraphs, the overall preponderance was easily on the side of caution and the pursuit of minor actions. Human rights were clearly viewed as a secular, divisible matter rather than as a religious, sacrosanct dogma the cost of which was no object. Carter's grassroots appeal was more personal than programmatic. He also lacked a firm support in Congress, so an incumbent president could not

mobilize the establishment to unilaterally disarm itself of securely controlling foreign and defense

policies.

NOTAS

¹ My argument is thus in direct contrast to the thesis presented ably by David F. Schmitz and Vanessa Walker in their otherwise highly-informed article, "Jimmy Carter and the Foreign Policy of Human Rights: The Development of a Post-Cold War Foreign Policy". *Diplomatic History*, Vol. 28, 1 (January 2004), 113-144. We both agree that Carter was not naïve. They contend that Carter systematically *integrated* human rights considerations into US policy-formulation, whereas I think *subordination* of the human rights agenda is the proper reading of his administration's deeds.

² Carter, J., *Keeping Faith: Memoirs of a President*. New York and London, Bantam Books, 1982, 80.

³ Vertical files, Presidential Review Memorandum/National Security Council Box, Jimmy Carter Library.

⁴ Christopher, Warren, "Presidential Review Memorandum/NSC- 28: Human Rights". *NLC-1002-A-246-1*, July 8, 1977. ["PRM/NSC-28: Human Rights"]. Initially a secret strategic foreign policy document, this text was released more than twenty years later when Democrats held power again during the Clinton Administration (in which Christopher was the Secretary of State, 1993-1997). The contents were perceived as reflecting positively on the Carter Administration, in contrast to the subsequent Reagan-Bush years, and as a prologue to the foreign policy pursued by the Clinton Administration. Declassification was certified on January 13, 1998, within four months of the beginning of the review process, as attested to by a stamp at the bottom left of page 1 of "PRM/NSC-28: Human Rights." The copy analyzed was sent to Dr. Jessica Tuchman of the National Security Council who was first on the list of seventeen recipients.

⁵ Christopher, Warren, "A conversation with the author". *Carnegie Council on Ethics and International Affairs*, June 20, 2001.

⁶ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 1.

⁷ For an example see Strong, Robert A., *Working in the World: Jimmy Carter and the Making of American Foreign Policy*. Baton Rouge, Miller Center Series on the American Presidency, Louisiana State University Press, 2000, 86-88.

⁸ Christopher had experience in negotiating multilateral agreements, such as regulating textile production and export, in which his *modus operandi* was to seek reciprocal benefits.

⁹ See John W. Kingdon, *Agendas, Alternatives and Public Policies*. New York, Harper Collins, 1995 for a hypothesis on the formation and implementation of new agendas.

¹⁰ Christopher, Warren, "A conversation with the author", op. cit.

¹¹ Strong, Robert A., *Working in the World...*, op. cit., 86.

¹² *Ibid*, 9-10.

¹³ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 1.

¹⁴ *Ibid*.

¹⁵ Adopted and proclaimed on December 10, 1948 by UN GA RES/217 (A), UN Doc. A/810, at 71 (1948). While its binding legal force is in doubt, its moral authority is widely acknowledged.

¹⁶ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 1.

¹⁷ This was in contrast to the three generations – liberty, equality, and solidarity– that corresponded to the pith and substance of the Universal Declaration of Human Rights. See Karl Vasak's taxonomy in Weston, Burn H., "Human Rights", in *The New Encyclopedia Britannica*, Vol. 20, London, 15th ed., 1992, (565-664), 568.

¹⁸ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 1-2.

¹⁹ *Ibid*, 1.

²⁰ *Ibid*, 1-2.

²¹ Adopted and opened for signature, ratification, and accession by United Nations GA RES/2200 A (XXI) on December 16, 1966. It entered into force on January 3, 1976 in accordance with its Article 27, 999 UNTS.3 The US signed this covenant, but did not ratify it, primarily due to the fear that such incorporation would amount to a financial commitment to aid developing countries.

²² Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 2-3.

²³ *Ibid*, 2.

²⁴ *Ibid*.

²⁵ *Ibid*, 2-3.

²⁶ *Ibid*, 3.

²⁷ *Ibid*, 4. [emphasis supplied]

²⁸ *Ibid*.

²⁹ Interestingly, a space was reserved for a vote on the matter by each recipient. "Accord priority to governmental violations of the integrity of the person" or "Accord equal importance to all three groups of rights" were the options. Dr. Tuchman chose the former. *Ibid*, 6.

³⁰ *Ibid*, 4.

³¹ *Ibid*, 4-5.

³² *Ibid*, 2.

³³ *Ibid*, 5.

³⁴ *Ibid*, 5-6.

³⁵ *Ibid*, 7.

³⁶ *Ibid*.

³⁷ Portugal was becoming a viable democracy following a pro-Marxist coup in October, 1974, unseating a tyrannical rule; in Spain, the November, 1975 death of the long-time dictator, General Francisco Franco, ushered in a constitutional monarchy; in Greece, the military junta collapsed in

the summer of 1974, relaunching a representative government after a seven year hiatus.

³⁸ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 7.

³⁹ Ibid, 7-8.

⁴⁰ Ibid, 8.

⁴¹ Ibid, 7.

⁴² Accounting for the downgrading of concerns about human rights were South Africa's location at the Cape of Good Hope, crucial for the West in the context of the Cold War (especially toward Angola through its own illegal control of Namibia –South West Africa). South Africa had stronger viability thanks to a larger population, an effective army, and its possession of vast resources such as uranium and diamonds.

⁴³ Subsequently, the domestic stewardship of Nelson Mandella, aided by growing dismay abroad expressed by strict sanctions imposed by international organizations such as the United Nations the Commonwealth, forced the whites to concede power to the majority blacks in South Africa in 1994.

⁴⁴ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 7.

⁴⁵ Ibid, 8.

⁴⁶ Ibid.

⁴⁷ Ibid, 8-9.

⁴⁸ Ibid, 9.

⁴⁹ See a similar argument from for a universal, non-partisan, juridical and philosophical point of view in Henkin, Louis, *The Age of Rights*. New York, Columbia University Press, 1990.

⁵⁰ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 9.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Indeed, the fierce competition between the two blocs was previously evident in such memorable moments as the "kitchen debate" between the Soviet Premier, Nikita Khrushchev, and the US Vice President, Richard Nixon, a July, 1959. They had an animated exchange at the American National Exhibition in Moscow over the merits of socialism and capitalism which helped strengthen Nixon's credentials as a staunch defender of US interests abroad.

⁵⁵ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 9.

⁵⁶ Ibid, 9-11.

⁵⁷ Ibid, 10.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ There was a hiatus that lasted four years from the end of one session of the Supreme Court to another.

It began in 1972 with the *Gregg v. Georgia* decision. The 1976 holding in the case of *Furman v. Georgia*, 408 US 238 (1972) relaunched this practice.

⁶⁷ Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 10.

⁶⁸ Ibid, 11.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid, 11-12.

⁷² Ibid, 12.

⁷³ Ibid, 12-16.

⁷⁴ Ibid, 12- 13.

⁷⁵ Ibid, 13.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid, 13-14.

⁷⁹ Ibid, 14.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid, 14-15.

⁸⁶ Ibid, 15.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid, 15.

⁹⁰ Ibid.

⁹¹ Cranston, Maurice, "Are There Any Human Rights?". *Daedalus*, Fall 1983, 8.

⁹² Christopher, Warren, "Presidential Review Memorandum/NSC- 28", op. cit., 15.

⁹³ Ibid.

⁹⁴ Ibid, 16.

⁹⁵ USIA: United States Information Agency.

⁹⁶ Ibid.

⁹⁷ Ibid.