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## EIGHT

# A View to the Future: Resolving the Dilemmas

What lessons can be learned from the Carter experience about how the United States should conduct its human rights policy? For all its mistakes and failures, the Carter policy showed the latent importance of the human rights issue. Jeane Kirkpatrick, Carter's most trenchant critic, commented: "not only should human rights play a central role in U.S. foreign policy, no U.S. foreign policy can possibly succeed that does not accord them a central role."<sup>1</sup> This is so because, as Jimmy Carter rightly said, the belief in human rights is the common blood that flows in American veins. Our sense of nationhood flows from the set of principles expressed in the Constitution and the Declaration of Independence. In order for the United States to act in the world with a degree of national unity and with a sense of conviction, our policy must be felt to be grounded in those principles. It is also so because the politics of the modern age are fought not only over territory and resources, and with missiles and factories, but over and with ideas—and human rights is the essence of the American idea.

There are those who doubt that human rights should be a focus of U.S. foreign policy. Some say that it is "wrong" to intervene in the domestic affairs of other countries. But this is not true in a legal sense. The relevant international law, essentially UN law, is a muddle. The UN Charter upholds the sanctity of "domestic jurisdiction" (Article 2[7]), but it also obligates members to respect "human rights and fundamental freedoms" (Articles 55 and 56). The confusion that this contradiction engenders is exemplified by General Assembly Resolution 2131 (XX) which proclaims: "Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State." This seems clear enough, although General Assembly resolutions are not legally binding. But the very next clause of the same resolution flatly contradicts the principle of non-intervention. It enjoins every state to "contribute to the complete elimination of racial discrimination...in all its forms and manifestations." In sum, the most reasonable interpretation of existing law is that *armed* intervention is proscribed, except conceivably in very extreme situations, but that moral intervention on behalf of human rights is permissible.

If it is not legally wrong, is it morally wrong to intervene in the affairs of other nations in order to encourage respect for human rights? Only if the nation, rather than the human individual, is regarded as the ultimate moral unit. But by what logic does the nation have moral standing apart from that of the human beings who make it up? The practical fact is that in the twentieth century especially, but throughout all history as well, nations have intervened politically, morally, and intellectually in the affairs of other nations. If we Americans cherish our human rights, and if we share with America's Founders the belief that these rights are "unalienable" or that they are goods with which people have been "endowed by their Creator," then it is certainly morally permissible, probably even morally obligatory, that we do what we can within reason to help other people to secure theirs.

There are two other arguments against human rights

policy that are much more formidable. One of these holds that Soviet power or Communism constitutes by far the most dangerous enemy of human rights in the world today, and that American power constitutes the irreplaceable shield of human rights wherever they now exist. Therefore any marginal gains for human rights that are bought at the expense of America's power relative to that of the Communists simply aren't worth it—they are likely to constitute a long-term net loss for the cause of human rights.

This argument is only half-true. Communism *is* by far the greatest enemy of human rights, but a human rights policy is not a hindrance to combatting Communism, it is essential to it. Some may prefer the term "freedom" or "democracy" to "human rights"—but whatever the name, the United States needs to have a response to Communism on the level of ideology. The essence of Communism—and the key to the threat that it poses both to American "interests" and to the cause of human rights—lies in the interplay of ideas and violence. Everywhere that Communism exists, it has come by force; nowhere has it triumphed by the force of its ideas alone. But almost everywhere its triumphs of arms have first been prepared by the use of "ideas"—propaganda, agitation, subversion, political maneuver—to enfeeble the opposition. Someone has wisely quipped that, to Communists, politics is the continuation of war by other means. Conversely, each victory of Communist arms strengthens it ideologically, lending plausibility to its claim to represent the future.

To resist Communism effectively, the United States must oppose it both in the realm of arms and in the realm of ideas. To ignore the former would be calamitous—even more directly for the cause of human rights than for the United States as a nation-state. If the United States sharply reduced its military forces and foreswore the effort to exercise global influence, as in the wake of Vietnam many Americans wished, it still might be able to survive intact, behind a relatively inexpensive curtain of nuclear missiles. But the cause of human rights would not survive outside our borders, and,

in time, perhaps not within them either.

But if Communism cannot be resisted without adequate arms, neither can it be resisted by arms alone. Arms alone are useless without men to wield them, men with loyalty and conviction. No Third World ruler commanded more and better arms than the Shah of Iran, but when he finally faced a real challenge, they proved of no use. The one democracy in the postwar era whose soldiers have shown real elan is Israel, and the reason is no mystery: they have a strong sense of what it is they are fighting for. In Central America today the United States is in danger of suffering truly damaging military defeats not because it is outgunned, but because its political position is so precarious.

In combatting Communism in the realm of ideas, the United States has many disadvantages and one great advantage. The disadvantages stem from the fact that democracy is ill-suited for "ideological combat." Communist governments possess vast propaganda apparatuses that the United States cannot and will never match. Communists believe that they possess the one truth, whereas democrats believe only in the freedom to search for the truth. In the "war of ideas," open-mindedness is often a poor match for certitude.

On the other hand, the great advantage that the United States holds is the evidence of experience. Our system is lightyears better, more humane, than the Communist system, measured by any standard, including those that Marxism itself proclaims. This is given mute but eloquent testimony by the simple fact that the United States is besieged by people from all over the world trying to get in, while every Communist country in the world posts armed guards and barbed wire to keep its people from getting out. The essence of this difference can be expressed in the words "human rights." And that is why it is powerfully in the interests of the United States to talk about and dramatize human rights, to keep the issue of human rights high on the agenda of public discourse and in the thoughts of individuals all over the world.

The other argument against a human rights policy holds that U.S. foreign policy must be guided by the "national interest" and that such altruistic goals as human rights can play no more than a peripheral part because, as Ernst Haas says: "A consistent and energetic policy in the human rights field makes impossible the attainment of other, often more important, objectives."<sup>2</sup> The critical flaw in this argument is that it is hard to think of any situation where the advancement of human rights conflicts with other U.S. interests. On the contrary, the advancement of human rights almost always serves concrete American interests, both because it is a victory for our system of values and because every country in the world where human rights flourish is friendly, some of course more than others, to the United States.

Destabilizing friendly dictatorial governments may not serve U.S. interests, but it may not serve the cause of human rights either. If a friendly dictatorship gives way to a more democratic government, the cause of human rights will benefit, and the interests of the United States will not ordinarily be harmed. On the other hand, if it gives way to a new dictatorship, ideologically hostile to the United States, that, as we have seen over and over again, ordinarily turns out to be a setback not only for American interests, but for human rights as well. In short, the fall of a dictator may or may not be a good thing for the United States or for human rights—that depends on what comes after. The triumph of democracy, however, will almost always be a good thing both for human rights and for the United States. The goal of our human rights policy should not be to destabilize existing governments, but to encourage democratic currents.

Confusion on this score has arisen from the strong association of human rights policy with the use of punitive measures. It is widely taken for granted that cutting foreign aid to dictators is the essence of any human rights policy. But punitive measures, as we have seen, are not very effective in advancing human rights. And, as it turns out, the main impetus behind the growth of punitive measures was the desire not to advance human rights but to diminish American

influence. It is not inherently wrong to give aid to dictatorial governments. No ruler in the history of the human race had on his hands more blood of his own citizens than Stalin. Yet who, today, apart perhaps from Solzhenitsyn, argues that it was wrong for the United States to have given aid to his government in the last world war? If punitive measures prove on the whole to be effective in advancing human rights, then it is doubtful that American interests will suffer much from their use. If they prove on the whole ineffective, then their use should be avoided or reserved for special situations.

If we avoid both heavy reliance on punitive measures and avoid destabilizing governments in the face of uncertain futures, then most of the presumed conflict between human rights goals and the national interest disappears. Some conflict perhaps remains. If the United States is speaking loudly about human rights, if it is succoring dissidents and encouraging democratic forces, this may cause some friction in our dealings with dictatorial governments, especially Communist ones. It injures, as Adam Ulam put it about the Russians, their "ideological-national pride."<sup>3</sup> The Russians, our adversaries but partners in SALT, and the Chinese, our semi-allies against the Russians, both respond angrily to U.S. talk about human rights. But neither of those governments is willing to abandon for a moment its claim that our way of life is both wrong and doomed, nor is either willing to allow its people to be exposed to our views, although they are completely free to convey their views to the American people, a freedom of which they are not too modest to avail themselves. If we allow their resentment to deter us from speaking out about human rights we will be engaging in a kind of unilateral ideological disarmament. This may possibly avert some friction, but it may just as well have the effect, like other forms of appeasement, of inviting new demands.

A well thought-out human rights policy may not be entirely free from conflicts with other U.S. policy goals (what policy is?), but the harm that may accrue to other U.S. interests will be small compared to the benefits that such a policy

can bring, benefits that will serve both our ideals and our interests.

What would be the elements of a well thought-out human rights policy? It would, first of all, appreciate that other cultures are different from ours and that every culture is worthy of respect, but it would not be deterred by charges of "ethnocentrism" from recognizing the special relevance of the American experience to the universal quest for human rights. The yearning for human rights, for individual dignity, for liberty, is widespread and age-old. But the achievement of human rights as a system, a way of life, is America's unique and wondrous contribution to mankind.

Of course, the American system was not cut from whole cloth. It built on many traditions. Nor is the American system the last word in human rights. Other systems of freedom have flowered since ours; some may have improved on ours in some respects. Our system is not and was not perfect, especially in the area of race where our flaws were glaring. But all this said, the largest fact remains that it was the American approach to human rights that made human rights a reality in the world.

This truth is embarrassing, for it sounds so self-congratulatory. But there is an important reason why we must not avoid it. The rhetoric of "human rights" is widely employed. Communists use it. Assorted Third World tyrants use it. Feckless and hypocritical UN committees use it. Plainly, not all of these human rights traditions are equally valid. The approach to "human rights" of the Communist world or most of the Third World or even of the UN has yielded little of value and much that is noxious, while the American approach has yielded nourishing fruit.

The American approach to human rights rests on certain premises about the nature of man and the primacy of the individual over the state; and it emphasizes certain principles—freedom of expression and association, due process of law, government by the consent of the governed. These are the ideas that our human rights policy must try to impart to the rest of the world.



We should work to strengthen and clarify the concept of "human rights." This means resisting the temptation to stretch the term to embrace such seemingly well-meaning ideas as that of "economic and social rights." We should of course be concerned with the economic well-being of people, and probably the amount of foreign aid we give should be greatly increased. This is a matter of basic compassion; to call it a matter of "rights" gains nothing—it will not feed a single extra person—but it endangers something else of great value. We should also cease treating the category of violations of the integrity of the person as if it were a category of rights separable from other rights. Of course we will want to speak more loudly, act more urgently, in response to the rampages of the Khmer Rouge, the homicidal mania of Idi Amin, or the insidious work of the Salvadoran death squads, than, say, to the fact that Jordan continues to be ruled as a hereditary monarchy. But proclaiming special categories of rights doesn't help us to do this; we do it out of common sense and natural revulsion. The only effect of proclaiming special categories of rights is to denigrate other rights.

The UN and its treaties should not be a focus of major attention in U.S. human rights policy. It has often been remarked that a problem with the UN is that it represents governments rather than people. But the problem, insofar as human rights are concerned, is worse than that. The UN isn't made up merely of governments, it is made up primarily of dictatorships. Virtually every violator of human rights in the world has a vote in the UN, but none of their victims has. There are sound diplomatic reasons for the United States to participate in the UN, but as an arena for advancing the cause of human rights it holds little promise. The same may be said for the human rights treaties adopted under UN auspices. We should ratify them if we can find a way, through reservations and the like, without jeopardizing our own constitutional processes, but we should not anticipate that they are likely any time in the foreseeable future to constitute anything more than elaborate monuments to hypocrisy.

This is not to say that we should give up altogether on using international instruments as a means of advancing human rights. Surely the goal of an international regime for the protection of human rights is a noble one. It is worth keeping alive in the hope that it might become more realistic in a post-Communist world. In the meantime, the European and Inter-American human rights conventions are valuable instruments and may offer models for the creation of others. These others needn't be regional, but the key is that they would have to be considerably less than universal, so as to avoid being dominated, as the UN is, by dictators. The United States needs mechanisms that serve to push our "authoritarian" Third World allies toward democratization while simultaneously paying recognition to their moral superiority to the world's totalitarians. Perhaps some international conventions could be fashioned that would serve this end.

A sound human rights policy will strive for consistency of application to all countries. Of course this does not mean treating all abusive governments identically. Some governments are worse enemies of human rights than others. And there are some other legitimate reasons for not treating all situations identically. It is legitimate to take into account a country's progress. Thus, for example, Czechoslovakia during the "Prague Spring" and Poland during the heyday of Solidarnosc were both still one-party states, but obviously the much more impressive fact at that moment was how much they had evolved toward respect for human rights. Common sense directed our attention to how far they had come, not to how far they had yet to go. Common sense also commands us to be mindful of a country's background in determining what we can expect from it. The Pinochet government is the more abhorrent for Chile's democratic history; whereas if Tanzania or Mozambique became tomorrow as free as Chile is today we could not help but be very gratified at the progress.

What is *not* legitimate in a human rights policy is inconsistency based on our own self-interest, raising our voice in

moral righteousness wherever it seems inexpensive to do so. It is hard to believe that a policy such as this will inspire many people for very long. On the other hand nothing could better impress the world with our moral seriousness than our willingness to stand by our human rights principles uniformly, even where it costs us something. This does mean, as the Reagan administration discovered after a few months, that "if we act as if offenses against freedom don't matter in countries friendly to us, no one will take seriously our words about Communist violations."<sup>4</sup> But the Carter administration showed that it is easy enough to put the squeeze on weak friendly countries. The more important test is whether we are willing to apply our human rights policy to powerful countries resistant to human rights, whether or not they are friendly. The best litmus tests are the Peoples's Republic of China and Saudi Arabia.

Pursuing a consistent policy is much easier if the policy does not involve heavy use of punitive measures. These ought to be saved for special situations, either where violations are extreme, as in Amin's Uganda, or where a single act, such as the generals' threat to abort the 1978 Dominican election, seems likely to have a decisive effect on the status of human rights in a country. The principal medium of human rights policy must be words. As Patricia Derian once said: "The whole of society...is based on ideas, and you do something about ideas with words."<sup>5</sup> If we rely on words rather than punishments, then we should not fear to be even-handed.

Do we have the courage to voice our support for China's democratic dissidents? Or to express our revulsion at the severing of hands of Saudi thieves? What will these countries do to us if we insist on the principle of speaking the truth about human rights as best we can discover it? There is good reason to believe that they will just learn to live with it, probably after first probing to see if they can intimidate us into backing off. The evidence for this comes from our experience with the human rights "Country Reports."

The first set of reports was issued early in 1977, and

evoked an angry reaction from countries that were criticized, including declarations by five Latin American countries rejecting all military aid from the United States so as not to be subject to the reports. Richard Holbrooke, Carter's assistant secretary of state for East Asian and Pacific Affairs, testified that: "I had never participated in any exercise in the State Department that I found more offensive than presenting...written, public, unclassified reports in which we passed judgment on other countries."<sup>6</sup> Other important Carter administration officials, including Jessica Tuchman, the National Security Council staff member in charge of human rights issues, shared Holbrooke's displeasure with the frictions engendered by the country reports.<sup>7</sup> Even Patricia Derian, for all her reputation as a firebrand, testified in 1978 after the release of the second annual batch of reports that she was unhappy with the task. "There is the underlying question of whether we should be writing such reports at all," she said. "There needs to be a better way."<sup>8</sup> By "a better way" Derian indicated she meant turning the country reports over to some quasi-governmental agency outside of the State Department, a proposal that was first raised by Warren Christopher, and which was later spelled out most fully by William F. Buckley in an article in *Foreign Affairs*.<sup>9</sup>

The Christopher-Derian-Buckley proposal never got off the ground, and the State Department produced a more thorough batch of reports during each of Derian's remaining years and during each subsequent year, notwithstanding the Reagan administration's initial ambivalence about human rights policy. The five Latin countries that were so offended in 1977 have since resumed accepting our aid, and although each year the reports grow more detailed and more accurate, they now are greeted with hardly a murmur of protest. The simple fact is that the rest of the world has gotten used to them, or has realized that this is something the United States is determined to continue doing, so there is no point in protesting.

The reports, moreover, have become one of the most valuable components of U.S. human rights policy. Former

Rep. Don Fraser, the originator of much human rights legislation, has said: "In the long run..the most useful provision in section 502(B) [governing human rights and military aid] was the requirement that the State Department report on human rights conditions in each of the countries."<sup>10</sup> Even with the many criticisms that liberals have of the Reagan administration in the area of human rights policy, the reports are widely credited for their seriousness and objectivity. The requirement of preparing the reports serves to draw attention within the State Department to human rights questions that might otherwise be passed over quickly. More important, the reports themselves are a precious resource. The very existence of an up-to-date source, bearing the "authoritative" imprimatur of the U.S. government, on the state of human rights in every country in the world is of inestimable service to the cause of human rights.

One might add that it is unlikely that these reports would be nearly as good or as useful had the job of preparing them been turned over to some quasi-public agency. The experience with a range of such authorities, from the U.S. Civil Rights Commission to public radio and television, teaches that they readily fall prey to the political biases of their members or staff, sometimes even to an extreme degree. It is unlikely that the reports would be as fair and objective as they are were it not for the fact that they are prepared in the State Department itself and those who prepare them know that they will be held to standards of objectivity commensurate with their public responsibilities.

Shifting away from heavy use of punitive measures is desirable, but it is only part of a broader shift in emphasis: our human rights policy should be aimed less at governments than at people. Its goal should be to foster democratic currents, to create democrats. The National Endowment for Democracy will, it is to be hoped, become a vehicle for doing this. It remains to be seen whether Congress will give the endowment sufficient support to make significant progress in this work.

In its first annual report, the endowment outlined the

component parts of its democracy-building program, all of them commendable. These include activities designed to foster pluralism by aiding the growth of independent labor, business, and civic associations as nongovernmental centers of power; education in the theory and practice of democracy as well as practical training in party-building, poll-watching, parliamentary procedure, and the other mechanics of the democratic process; sponsorship of publications by dissidents in and exiles from dictatorial countries; research aimed at identifying some of the causes that explain why democracy has fared better in some developing countries than others; and support for the creation of a new international organization of democratic countries.

Most of the endowment's efforts are of necessity aimed either at countries with fledgling democratic institutions that need strengthening, or at countries whose governments, though dictatorial, tolerate some degree of open communication and activity by independent groups and individuals. A more formidable problem is presented by "closed societies" whose governments tolerate few if any independent communal activities. In such societies, the endowment's minimal goal is to "keep alive the flame of freedom."

Toward that end, U.S. human rights policy should give high priority to providing moral support to persecuted democrats and dissidents wherever they are found, and to focusing attention on their cases. President Carter reports in his memoirs that: "In all my discussions with...dissidents, and with citizens of other countries whose freedom had been curtailed, they always emphasized how important it was for us to continue reminding the world of their plight."<sup>11</sup> Some have argued that publicizing the cases of dissidents serves only to spur their persecutors to greater efforts in order to show their defiance of American pressures. But the clear majority of dissidents reject this argument. And even if there is no way to judge with certainty whether publicity will deter or invigorate the persecutors, there is still a powerful reason for being outspoken. These courageous dissidents have made sober decisions to accept bitter sacrifices for their

beliefs. We, alas, often will be able to do very little to ease their physical suffering. But there is something else that we can do for them that may be equally important—we can give them spiritual sustenance to ease their isolation. We can try to convey to them the knowledge that there is a world outside of their prisons, outside of their countries, that knows about their struggles and *believes they are right*. Such key Soviet dissidents as Andrei Sakharov seem always to take pains in their public statements to draw attention to as many individual cases as they reasonably can. Why should we do any less? The Human Rights Bureau should create some regular system, perhaps regular press briefings by the assistant secretary, to publicize current cases of persecuted dissidents.

With respect to those countries, such as the Communist, that restrict the inflow of information, we should, as part of our human rights policy, seek to exploit advances in technology that will help us to penetrate the communications barrier. For example, it apparently is possible to circumvent the jamming of radio broadcasts if we devote sufficient effort and resources to this task. New technologies in telephone and television transmissions may provide other opportunities.

However distant it may seem in many cases, the goal of a human rights policy is the same for all countries—the creation of political systems that are predicated on belief in human rights and that contain built-in mechanisms for their protection. The only political system that does that, though it can come in myriad variations, is democracy. In this sense a human rights policy is profoundly ideological, and should be unabashedly so. True, U.S. policy should avoid one of the things that the Carter administration was seeking to avoid when it insisted that its policy was not “ideological”—the appearance that the United States is criticizing Soviet violations merely in order to gain tactical advantage in a competition the real motivation for which is great power rivalry. But stressing the “ideological” nature of our criticisms of the Soviet system should help to make clear that we are motivated not by ulterior interests but by cherished beliefs. This will be all

the more convincing if we dare make the same human rights criticisms of those Communists who are our "allies" that we make of those who are our enemies.

To approach the human rights issue as if it were a matter merely of a series of discrete events—"violations"—is like trying to approach the problem of hunger without taking poverty into account. To say, as Patt Derian said, that human rights violations can occur under any system is true, but it is true in the same sense that it is true that death can come to a healthy person just as it can come to the critically ill. In some systems, violations occur as isolated exceptions. In others, violations are the very essence of the system. The struggle for human rights is not, cannot be, an endless chase after an infinite number of individual events. Rather, it is the struggle to establish a way of life based on respect for human rights.

Two political systems today offer themselves to the world as models—democracy and Communism. Most of the world has already adopted or come to live under one model or the other, while that which remains is constantly pulled between the two. One of these models is predicated on belief in human rights; the other is predicated on their denial. To attempt to conduct a human rights policy that is oblivious to the contest between these two models is to ignore the central human right question of our time.

A constant theme in America's history, although its strength has waxed and waned, is the sense of America's "mission" as the world's first democracy. In this century, that sense has been shaken by several developments: the advent of Communism, a system of more recent provenance than ours and with universal pretensions, that claims to be the true embodiment of the future; the collapse of democratic forms in one after another of the new states that gained independence after World War II; our defeat in Vietnam which called into question our ability to resist the spread of systems antithetical to our own and the wisdom of trying to do so. But the same streak in our national character that leads us at times to give way too much to enthusiasm can also lead



us to give way too much to disappointment. Communism may indeed prove to be the model for man's future, but if so it will be an unhappy future. The only thing certain is that the future is not ordained; it will be what men and women make it. That it may look more like our system than like Communism is a goal worth striving for. The experience of the newly independent states only shows us the difficulty of the task. And our experience in Vietnam shows us the difficulty in using our power effectively. The advent of the human rights issue, and the resonance that Jimmy Carter found in it, shows that the sense of mission, the democratic faith, still pulses in American veins. A sound and sustained human rights policy can help to vindicate that faith.

## NOTES

1. Jeane Kirkpatrick, "Human Rights and American Foreign Policy: A Symposium," *Commentary*, Vol. 72, No. 5 (November 1981), p. 42.
2. Ernst Haas, "Human Rights," in Oye, Lieber and Rothchild, eds., *Eagle Entangled* (New York: Longman, 1979), p. 169.
3. Adam Ulam, "U.S.-Soviet Relations: Unhappy Coexistence," *Foreign Affairs*, Vol. 57, No. 3, p. 559.
4. William Clark, Deputy Secretary of State, and Richard T. Kennedy, Under Secretary, "Memorandum for the Secretary, Subject: Reinvigoration of Human Rights Policy," Oct. 26, 1981, p. 3, copy in author's files.
5. CBS Television and Radio, "Face the Nation," Dec. 25, 1977, transcript p. 16.
6. U.S., Congress, House, Committee on Foreign Affairs, *Reconciling Human Rights and U.S. Security Interests in Asia, Hearings before the Subcommittees on Asian and Pacific Affairs and on Human Rights and International Organizations*, 97th Cong., 2nd sess., 1982, p. 62.
7. Interview with Jessica Tuchman, held in Washington, D.C., Dec. 29, 1983.
8. U.S., Congress, House, Committee on Appropriations, *Foreign Assistance and Related Agencies Appropriations for FY1979, Part 2*, 95th Cong., 2nd Sess., 1978., p. 437.

9. William F. Buckley, "Human Rights and Foreign Policy: A Proposal," *Foreign Affairs*, Vol. 58, No. 4 (Spring 1980) pp. 775-796.
10. U.S., Congress, House, Committee on Foreign Affairs, *Human Rights and U.S. Foreign Policy, Hearings before the Subcommittee on International Organizations*, 96th Cong., 1st sess., 1979, p. 300.
11. Jimmy Carter, *Keeping Faith* (New York: Bantam Books, 1982), p. 149.

# Appendix

*Notes and explanations regarding the statistical exercise aimed at measuring the effects of punitive measures.*

I. The Freedom House scale contains no measure of "economic and social" rights, nor is there any other scale of these rights that would allow measurements fine enough to gauge changes over the course of a single administration. The Overseas Development Council's "Physical Quality of Life Index" is a creative effort to measure social and economic progress.<sup>1</sup> It is, however, useless for the purpose of measuring the effects of a policy of only a few years' duration because it is not based on data that are available on an annual basis, but rather on data for five-year or ten-year spans.<sup>2</sup> The absence of a scale for "economic and social rights" is, in any event, not fatal to my exercise because, despite its rhetorical emphasis on "economic and social rights," the Carter administration rarely resorted to material sanctions out of its concern about these rights. Rather, the sanctions it exacted were almost always in response to violations of civil and political rights, most often violations of the "integrity of the person," which, in the Freedom House scheme, would be included in the scales of political and civil rights.

II. It may be objected that the scale used by Freedom House reflects a "conservative" political bias. Thus, for example, Lars Schoultz complains that "Freedom House's undisguised hostility toward socialist economies, renders its rankings of human rights performance somewhat inconsistent."<sup>3</sup> Schoultz, who admires the governments of Cuba and Nicaragua,<sup>4</sup> probably disagrees strenuously with the

most recent Freedom House rating which gives both of these countries worse ratings than it gives to El Salvador.<sup>5</sup> But even if these objections are well taken, they have little bearing on my exercise which aims to examine changes in Freedom House's ratings of individual countries from one year to the next and does not aim to compare countries with each other. After all it is not just this year that Freedom House gives El Salvador a better human rights rating than it gives Cuba; it has done the same for each of the previous ten years. Moreover, in terms of the change *within* countries, Freedom House shows a slight improvement in Cuba over the past seven years and a deteriorating trend in El Salvador, judgments with which Freedom House's critics would probably agree. As far as I can see, the only sense in which these ideological objections to Freedom House's ratings would create a cogent doubt about the "validity" of my exercise is in the case of a country in which there was a change from a left-wing to a right-wing government, or vice versa, during the years which I am examining. There is only one such case among the 28 countries on which I am focusing—Nicaragua—and its impact is mathematically insignificant.

III. The 28 countries receiving punitive measures were Afghanistan, Argentina, Benin, Central African Empire, Chile, El Salvador, Ethiopia, Guatemala, Guinea, South Korea, Laos, Paraguay, the Philippines, Uruguay, Vietnam, So. Yemen, Indonesia, Bolivia, Haiti, Nicaragua, Zaire, So. Africa, Bangladesh, Mozambique, Somalia, Liberia, Pakistan, and Guyana. This list comprises those countries named in reports to Congress by various arms of the executive branch and, in the case of security assistance, those named by Stephen B. Cohen, the deputy assistant secretary for Human Rights in charge of security assistance, in his article, "Conditioning U.S. Security Assistance on Human Rights Practices."<sup>6</sup> These were the recipients of punitive measures taken explicitly on human rights grounds. Other countries may have suffered decreases in economic or military aid for a confluence of reasons, of which human rights was one or was thought to be one by some of the officials involved in

the decision—but there is no record of this. The absence of such cases, if they exist, from the group that I am examining is not fatal to my exercise, because it is fair to assume that if human rights-based sanctions had any discernible effect, it would show up more clearly in the cases where the sanction was clear and explicit than in those where it was ambiguous and inferential.

IV. Under PL480, the “Food for Peace” program, countries defined by AID as having serious human rights problems were not barred from receiving food, because it met basic human needs, but they were required to sign special agreements with AID granting the United States closer scrutiny over the allocation of the food or of any funds derived from its sale, in order to assure that this aid was indeed benefiting the neediest. Of my list of 28, six countries (Indonesia, Bangladesh, Mozambique, Somalia, Pakistan and Liberia) received no sanctions other than being required to sign such agreements. Because this was a formal procedure applied to human rights violators, I have included these six on my list, but, because no aid was actually cut, another observer might find it more fitting to omit the six. This would make no significant change in the figures. Without the six, the average score of the remaining 22 was 11.8 (instead of 11.7) at the beginning of 1977 and 12.0 (instead of 11.9) at the beginning of 1981. If, in deference to the ideological critiques of the Freedom House ratings discussed above, Nicaragua is entirely eliminated from the calculations, the averages are 11.7 at the beginning, and 12.0 at the end, of the Carter administration.

## NOTES

1. Morris David Morris, *Measuring the Condition of the World's Poor* (New York: Pergamon Press, 1979).
2. See Roger D. Hansen and Contributors, *U.S. Foreign Policy and the Third World: Agenda 1982* (New York: Praeger, 1982), p. 170, notes 4 and 5.
3. “U.S. Policy Toward Human Rights in Latin America: A

Comparative Analysis of Two Administrations," in Ved Nanada, James Scarritt, and George Shephard, Jr., eds., *Global Human Rights: Public Policies, Comparative Measures and NGO Strategies* (Boulder: Westview, 1981), p. 80.

4. See Lars Schoultz, *Human Rights and United States Policy toward Latin America* (Princeton: Princeton U. Press, 1981), pp. 378-379.
5. Raymond D. Gastil, "The Comparative Survey of Freedom 1984," *Freedom at Issue*, No. 76 (January-February 1984), pp. 8-9.
6. Stephen B. Cohen, "Conditioning U.S. Security Assistance on Human Rights Practices," *American Journal of International Law*, Vol. 76 (1982), p. 270.

# Index

- Abourezk, James, 164  
Abrams, Elliott, xii, 100, 119  
Abzug, Bella, 3  
Afghanistan, 34, 44, 46, 61, 124, 130, 203  
Agency for International Development (AID), 36, 161, 188  
Algeria, 55, 126, 151  
Allende, Salvador, 14  
American Convention on Human Rights, 78, 83  
Americans for Democratic Action (ADA), 3  
Amin, Idi, 27, 133  
Amin, 28  
Amnesty International, 134-135, 165  
Anderson, Patrick, 2  
Angola, 122, 146  
Argentina, 28, 36, 39-40, 42, 44-46, 102-103, 124-126, 129, 131, 178-179, 198, 212  
  
Badillo, Herman, 164  
Baez, Joan, 166, 167  
Bahrain, 151  
Bangladesh, 199  
Barnet, Richard, 11  
Baron, Alan, 9  
Begin, Menachem, 202  
Belgrade conference, 34  
Benin, 122, 124, 130  
Benson, Lucy, 92, 206-207  
Berger, Peter, 60  
boat people, 168  
Bolivia, 42, 44  
Brazil, 29, 36, 42  
  
Brezhnev, Leonid, 30-31, 35  
Brown, Frederick Z., 23  
Brown, Peter G., 213  
Brown, Sam, 3  
Brzezinski Zbigniew, xii-xiii, 6-7, 13, 16, 27, 33, 45, 55-56, 91, 114, 116, 137, 142, 204, 211  
Buckley, William F., 231  
Bukovsky, Vladimir, 11, 30, 202  
Bundy, William, 206, 209, 212  
Bureau of Human Rights and Humanitarian Affairs, 40-41, 100, 129, 141  
Burma, 126  
Byrd Amendment, 132  
  
Caddell, Patrick, 5, 7  
Cambodia, 1, 36, 61, 115, 146-147  
Cameron, Bruce, 4, 164, 169-171, 181  
Carter, Jimmy, xi, 1, 5-7, 9, 15, 17, 46, 53-55, 68-69, 75-76, 81, 88, 95, 142-143, 145-146, 151-152, 172-173, 212, 214-216, 221, 233  
Carter Administration. *See* Human rights policy  
Ceaurescu, Nicolae, 145, 151, 216  
Central African Empire, 124, 127  
Central America, 224  
Central America. *See also individual countries*  
Chagnon, Jacqui, 166-170  
Chile, 1, 13, 25, 36, 38, 45, 118-120, 124-127, 129, 131, 179, 183, 229  
China, 56, 115, 148, 226  
Christopher Group, 41, 162  
Christopher, Warren, 12, 17, 41-42, 90,

- 129, 140, 172, 231  
 Church, Frank, 9  
 civil and political rights, 98, 100  
 Clergy and Laity Concerned, 166  
 Coalition for a Democratic Majority (CDM), 3, 9  
 Coalition for a New Foreign and Military Policy, 165  
 Cohen, Roberta, 12  
 Cohen, Stephen, 11-12, 40, 44, 121-122, 124-125, 141, 210-212  
 Collitt, Leslie, 26  
 Communism, 4, 53, 58, 60-63, 65-68, 101, 235  
 Congressional Research Service, 34, 120-121, 132-133, 136, 138-139, 141, 143, 147, 150, 174, 188  
 Convention on the Elimination of All Forms of Racial Discrimination, 45  
 Convention on the Prevention and Punishment of the Crime of Genocide, 78  
 Cottam, Richard, 211  
 Council on Hemispheric Affairs, 38  
 "Country Reports", 41, 122, 145, 230-232  
 Covenant on Civil and Political Rights, 81  
 Cranston, Maurice, 95  
 Cuba, 55, 61, 146, 203  
 Czechoslovakia, 23, 132, 229
- Deng Xiao Ping, 56, 151  
 Department of State, 45, 120, 122-123  
 Derian, Patricia xii-xiii, 9-11, 18, 35, 42, 46, 54, 57, 75, 84, 89, 94, 100, 115, 117, 133, 137, 140-142, 144, 146, 162, 173, 181-183, 210, 230-231, 235  
 D'Escoto, Miguel, 207  
 DeYoung, Karen, 208  
 Dimpleby, Jonathan, 113  
 discrimination, 78  
 Dobrynin, Anatoly, 24  
 Dominican Republic, 69, 186, 198, 212, 230  
 Drew, Elizabeth, 5, 7, 18, 132
- East Germany, 60  
 economic and social rights, 88, 90-91, 93, 96-97, 104, 216, 228
- Ecuador, 199  
 Egypt, 151  
 Eizenstat, Stuart, 4-5  
 El Salvador, 29, 42, 44-45, 124, 131, 147  
 Equatorial Guinea, 135  
 Estonia, 61  
 Ethiopia, 28, 44, 122, 124, 130, 136, 179  
 European Convention on Human Rights, 77, 83  
 Export-Import Bank, 44-45, 129-130, 144, 162, 164
- Fagen, Richard R., 207  
 Fairbanks, Charles, 203  
 Fallows, James, 1  
 Fascell, Dante, 162, 190  
 Federal Republic of Germany, 120  
 Feinberg, Richard, 13, 39, 209  
 Finland, 61  
 "Food for Peace" program, 121, 130  
 Ford, Gerald, xiii, 5-6, 54  
 Ford administration. *See* Human rights policy  
 Foreign Assistance and Related Programs Act of 1978, 41, 123, 190  
 Fraser, Donald, 99, 113, 175, 232  
 Freedom House, 27, 103, 127, 131, 165, 176-177, 197  
 Fulbright, J. William, 3
- Genocide Convention, 45  
 German Democratic Republic, 120  
 Gershman, Carl, 202  
 Ghana, 199  
 Gierek, Edward, 57-58, 151, 216  
 Ginzburg, Alexandr, 11, 26  
 Grenada, 69, 84, 130  
 Griesgraber, Jo Marie, 39, 46, 175, 182, 186  
 Guatemala, 29, 44, 69, 124, 131-132, 184  
 Guinea, 122, 124, 127, 130, 135, 199  
 Guinea-Bissau, 122, 126  
 Guyana, 130
- Haas, Ernst, 96, 199, 225  
 Haiti, 44, 122  
 Harkin, Tom, 164-165  
 Hatfield, Mark, 164  
 Helsinki Accords, 34, 83-84  
 Helsinki "Final Act", 83-84



- Henkin, Louis, 93-94, 96  
 Hertzberg, Hendrik, 1, 89, 146  
 Hitler, 174  
 Hoffmann, Stanley, 113, 115, 148  
 Holbrooke, Richard, xii, 114, 138, 186, 231  
 Hoveyda, Fereydoun, 92  
 Hughes, Thomas, 202  
 Human Rights and Humanitarian Affairs, Bureau of, 40-41, 233  
 Human rights movement, 165-171  
 Human rights policy:  
   Carter administration: categories of, 98-105; decline of, 45-47; goals, 17-18; institutionalizing of, 40-45; launching of, 23-40; origins of, 1-7; personnel, 7-17; role of Congress, 162-165; vocabulary of, 59  
   Ford administration, 172  
   Reagan administration, 100, 119, 198-199  
 Human Rights Working Group, 165-167, 170  
 Humphrey, John, 84  
 Huntington, Samuel P., 68-69, 98  
 Hyde, Henry, 114
- India, 61, 198  
 Indonesia, 42, 44, 122, 140, 186, 198, 212  
 Institute for Human Rights and Freedom, 162, 190  
 Institute for Policy Studies (IPS), 10  
 integrity of the person, 99, 101, 103-105, 131-132, 135, 216, 228  
 Interagency Group on Human Rights and Foreign Assistance, 40  
 International Commission of Jurists, 165  
 International Covenant on Civil and Political Rights, 76  
 International Covenant on Economic, Social, and Cultural Rights, 77, 96  
 International Financial Institutions Act of 1977, 123  
 International Labor Organization, 201  
 international law, 75, 82, 84  
 International League for Human Rights, 117, 165, 214
- Iran, Shah of, 141, 181, 185, 205-206, 209-211, 216, 224  
 Iran, 46, 69, 92, 119, 137, 141, 181, 185, 201, 203-206, 209-212  
 Iraq, 55, 151  
 Israel, 152, 224
- Jackson Amendment, 2, 5  
 Jackson, Henry, xii, 3, 8  
 Japan, 69  
 Jordan, 151
- Kampuchea, 122, 127  
 Karnow, Stanley, 25  
 Kennedy, Edward, 11  
 Khmer Rouge, 36  
 Khomeini, The Ayatollah 14, 185, 201, 205, 211  
 Khrushchev, Nikita, 64  
 Kirkpatrick, Jeane, 3, 57, 101, 114, 206, 221  
 Kissinger, Henry, xi, 54, 199  
 Koch, Ed, 163  
 Korea, 126, 136  
 Krinsky, George, 26  
 Kuwait, 151
- Laos, 61, 124-125, 167, 170  
 Latin America, 35-37, 101-102, 115, 131-132, 138, 143, 149, 201-202  
 Latin America. *See also individual countries*  
   Soviet dissidents: *see also* Alexander Solzhenitsyn; Alexander Ginzburg; Vladimir Bukovsky; Andrei Sakharov; Anatoly Shcharansky
- Latvia, 61  
 Lawyers Committee for International Human Rights, 102  
 Ledeen, Michael, 141, 185, 210-211  
 Lefever, Ernest, xi  
 Lenin, Vladimir Ilyich, 62-63, 65  
 Lerner, Max, 212  
 Letelier, Orlando, 13  
 Lewis, Anthony, 18  
 Lewis, William 141, 185, 210-211  
 Liberia, 122  
 Libya, 151

- Lithuania, 61  
 Long, Clarence, 133, 163, 173, 207  
 Luce, Don, 166
- MacLean, Douglas, 213  
 Madagascar, 126  
 Malawi, 130  
 Mali, 122, 126, 130  
 Maputo Declaration, 135  
 Maynes, Charles William, 134  
 McGovern, George, 3, 9  
 Mondale, Walter, 132  
 Morgenthau, Hans, 163  
 Morocco, 44, 151  
 Moynihan, Daniel Patrick, xii, 3-4, 62, 153, 202  
 Mozambique, 92, 122, 127, 134, 146, 229  
 Muzorewa, Abel, 202
- Nachmanoff, Arnold, 126  
 National Endowment for Democracy, 190, 232-233  
 National Security Council, 7, 12, 41, 172  
 Newsom, David, xiii, 162, 179, 186, 198, 212  
 Nicaragua, 44, 46, 122, 130, 180, 183, 201, 204-207, 209, 212, 215  
 Niger, 199  
 Nigeria, 199  
 Nisbet, Robert, 61  
 Nitze, Paul, 8  
 North American Congress on Latin America (NACLA), 13-14  
 North Korea, 61, 140, 148  
 North Vietnam, 61
- Oman, 151  
 OPIC, 45, 144  
 Organization of American States, 35, 201, 208  
 Orlov, Yuri, 29  
 Osnos, Peter, 23  
 Overseas Private Investment Corporation (OPIC), 44-45, 130, 144, 162, 164-165
- Pakistan, 1, 140  
 Palmer, Stephen, 12  
 Panama, 122, 126, 130
- Paraguay, 44, 115, 124, 131  
 Park, Chungettee, 42  
 Pastor, Robert, 13, 178, 186, 206, 208  
 People's Democratic Republic of Yemen (South Yemen), 124, 127  
 People's Republic of China, 55, 61, 122, 144, 146, 230  
 People's Republic of the Congo, 122, 130  
 Peru, 199  
 Philippines, The, 42, 44, 113, 118, 124-126, 144, 179  
 Pinochet, 183, 202  
 PLO, 152  
 Pol Pot, 60, 146  
 Poland, 57-58, 61, 146, 213, 229  
 Precht, Henry, 211  
 Punitive measures:  
     alternatives to, 185-191; effective-  
     ness of 174-178; harmful effects,  
     178-185; role of Congress, 162-  
     165; 171-174
- Qatar, 151
- Raskin, Marcus, 11  
 Reagan, Ronald, xi  
 Reagan administration, human rights  
     policy, xii  
 Reagan administration. *See* Human  
     rights policy  
 Rhodesia, 132-136  
 Romania, 125-126, 130, 132, 145-146  
 Roosevelt, Eleanor, 77  
 Rosenfeld, Stephen, 8  
 Rousselot, John, 164  
 Rubin, Barry, 211  
 Russia, 226  
 Rwanda, 126, 130, 199
- Sakharov, Andrei, 11, 23-25, 202, 233  
 SALT agreement, 18, 29, 31-32, 35, 46,  
     142-143, 203-204, 226  
 Salzberg, John, 12, 165  
 Sandinista National Liberation Front,  
     180  
 Sandinistas, 46, 201, 205, 209  
 Saudi Arabia, 82, 115, 118, 130, 141-  
     142, 151-152, 230

- Scharansky, Anatoly, 14  
 Schlesinger, Arthur, 33, 97, 115, 117, 214  
 Schneider, Mark, 11-12, 89, 93, 103, 121, 138-139, 172, 185, 187  
 Schoultz, Lars, 40, 149, 166, 180, 209  
 Shcharansky, Anatoly, 30  
 Shestack, Jerome, 117  
 Shishkin, A. F., 66-67  
 Shulman, Marshall, 16, 32, 39  
 Singapore, 42  
 Sirkin, Abraham M., 117-118  
 Smith, Ian, 23, 25  
 Solzhenitsyn, Alexander, xiii, 6, 26, 226  
 Somalia, 55, 122, 126-127, 130  
 Somoza, Anastasio 180, 183, 202, 205-209, 215  
 South Africa, 45, 82, 129, 132, 134-136  
 South Korea, 28, 42, 44, 61, 113, 115, 124-125, 140, 144  
 South Vietnam, 61  
 South Yemen, 183  
 Soviet dissidents, 16, 26, 30, 33, 143, 233  
 Soviet Jewry, 143  
 Soviet Union, 2, 15-16, 24-27, 29-34, 39, 46, 53-55, 59, 61, 83, 101, 115, 130, 132, 143, 148, 199, 202-204  
 Spain, 198  
 Stalin, Joseph, 60, 64, 174  
 State Department, 26, 32, 40, 42, 45, 54, 82, 92, 145, 182, 231-232  
 Sudan, 151  
 Sullivan, William, 137, 212  
 Swaziland, 199  
 Syria, 122, 126, 130, 151  
  
 Taiwan, 144  
 Tanzania, 122, 126, 130, 229  
 Tarr, Cedric W., Jr., 39  
 Thailand, 42, 44  
 Third World, 89-91, 93, 171, 187, 201, 204, 216, 227  
 Third World. *See also individual countries*  
 Thorn, Ludmilla, 27, 34  
 Tibet, 61  
 Tito, 145, 151, 216  
 Todman, Terence, 37-39  
 Togo, 126, 130  
 Trotsky, Leon, 65  
  
 Tuchman, Jessica, 12, 41, 89, 92, 99, 115, 172, 231  
 Tunisia, 44, 151  
 Turpin, William, 91  
 Tyson, Brady, 14, 38  
  
 Udall, Morris, 3, 9  
 Uganda, 27, 60, 115, 133-135, 230  
 Ulam, Adam, 226  
 United Arab Emirates, 151  
 United Nations, 30, 45, 76, 82, 97, 123, 153, 227-229  
 Universal Declaration of Human Rights, 76-77, 81-82, 95, 97  
 Uruguay, 28, 42, 44-45, 118, 124, 129, 131  
 USSR. *See Soviet Union*  
  
 Vance, Cyrus 7, 9, 15-17, 24-26, 28-29, 31-33, 35, 55, 88, 100, 133-134, 136-137, 138, 140, 147, 179  
 Vietnam, 1, 55, 124-125, 146, 148, 166-168, 170-171  
 Vogelgesang, Sandra, 33, 89, 147, 210  
 Vorster, John 132-133  
  
 Warnke, Paul, 8  
 Watson, J.S., 84  
 Wattenberg, Ben, 3, 9  
 West Bank, 152  
  
 yellow rain, 167  
 Yemen, 151  
 Young, Andrew, 9, 14, 38, 57, 89, 93  
 Yugoslavia, 42, 60, 115, 125-126, 130, 144-146  
  
 Zaire, 44, 122