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Limits and Morality: The Emergence of Human Rights in America's Post-Vietnam Foreign  
Policy, 1968-1981

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B.A., Loyola College, 1995  
M.A., University of New Mexico, 2001

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An abstract of  
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School of Emory University in partial fulfillment  
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This study explains the emergence and institutionalization of human rights in American foreign policy in the “long 1970s” (1968-1981). I see the rise of human rights in the U.S. as a phenomenon that resulted from four major factors: 1) The Vietnam War and the social changes of the 1960s, 2) détente, 3) the ethnic revival, and 4) executive-legislative conflict. These factors occurred alongside other domestic currents, including broad recognition of limits to American power, a resurgent conservatism, and new congressional assertiveness. The international context was also significant. American policies were heavily influenced by world events and trends, such as the crackdown on dissident activity in Eastern Europe, Soviet emigration policies, authoritarianism in Latin America, and rising nationalism. The non-government influence – including the role of NGOs, public opinion, lobbies, voters, and the news media – was also important at certain points.

The narrative shows a period of nascent interest (c. 1968-72) followed by a time of rising expectations and growing institutionalization (c. 1973-78). This was then followed by a phase of diminishing expectations as advocates realized the difficulties of policy implementation (c. 1978-81). Yet although this last period saw a return to the containment doctrine and a concomitant decline in human rights rhetoric, the efforts of the mid-1970s had institutionalized the movement. The major political actors of the 1980s could not ignore the new congressional requirements or the increased public awareness of international rights violations.

Three major themes emerge in the telling of this story. First, political opportunism drove much of the period’s political activism. Second, political figures promoted several competing versions of morality. In response to Richard Nixon’s and Henry Kissinger’s perceived amorality, liberals and conservatives alike used human rights policies and rhetoric to claim the moral high ground. A third important theme is the influence of ethnic interest groups at a time in which traditional party coalitions were fracturing. Among the human rights issues publicized by American “ethnics” were the troubles in Northern Ireland, civil liberties in Poland, freedom of emigration for Soviet Jews, and decolonization in Africa.

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## **Chapter 1 – Introduction and Literature Survey**

Although “human rights” – broadly defined – have been a part of academic discourse for some time, historians have yet to fully explain how and why human rights policies became so integral to American diplomacy in the 1970s. I seek to contribute to our understanding of this subject and this time period by linking the domestic currents of the era with the political and diplomatic maneuvers that wrote such moral principles into law. In the next several pages I will explain this project and carry out a survey of the current literature. This survey will illustrate just how much remains to be said about the subject.

In summary, this is a political and diplomatic study of human rights in American foreign relations in the “long 1970s” (1968-1981). As such, it contributes to the historiography on morality in foreign policy and the domestic sources of American foreign relations. I am answering two basic questions: 1) Why did human rights policies emerge as such attractive political solutions? 2) Why were these policies so difficult to implement? The narrative shows a period of nascent interest (c. 1968-72) followed by a time of rising expectations and growing institutionalization (c. 1973-78). This was then followed by a phase of diminishing expectations as advocates realized the difficulties of policy implementation (c. 1978-81). Yet although this last period saw a return to the containment doctrine and a concomitant decline in human rights rhetoric, the efforts of the mid-1970s had institutionalized the movement. The major political actors of the 1980s could not ignore the new congressional requirements or the increased public awareness of international rights violations.

## Prologue

It goes without saying that the civil liberties tradition in America is long and storied, having evolved considerably from its 18<sup>th</sup> century Enlightenment origins. Yet “human rights” only became accepted in principle and in law within the context of the cataclysms of the 20<sup>th</sup> century. While Europe burned in 1941, Franklin Roosevelt appealed to Americans’ sense of a universal rights standard and summed up the essential meaning of his famous “four freedoms” by asserting, “Freedom means the supremacy of human rights everywhere.”<sup>1</sup> The carnage of the war – especially the wholesale slaughter of civilian populations – threw into sharp relief the need to establish and enforce international rights standards. American policymakers therefore became intimately involved in the establishment of conventions and mechanisms to oversee international human rights concerns in the immediate postwar years. This period saw a dramatic change in world attitudes toward basic rights and the proper establishment of international law, as evidenced by such milestones as the United Nations Charter (1945), the Nuremberg case law, the Universal Declaration of Human Rights (1948), the Genocide Convention (1948), revisions to the Geneva Conventions to redefine the status of civilians in conflicts (1949), and the European Convention on Human Rights (1950).

American leadership in these matters reflected a major shift in domestic attitudes toward internationalism. The obvious failings of prewar isolationism made the World War II generation in the U.S. far more willing to accept the burdens of Great Power status. Thus American policymakers were at the forefront of the effort to create and maintain the U.N. (with its all-important Security Council), the International Monetary

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<sup>1</sup> “President’s Annual Message to Congress,” 6 January 1941, *Public Papers of the Presidents* (hereinafter *PPP*), <http://www.presidency.ucsb.edu/ws/?pid=16092>.

Fund (IMF), and the World Bank. The emerging Cold War convinced the remaining isolationists that international events could have a serious bearing on American security, and this new, activist attitude became manifest in the Marshall Plan, the North Atlantic Treaty Organization (NATO), and Truman's containment doctrine.

Notwithstanding the international participants' good intentions, this prospective rights regime was difficult to put into practice. For starters, as Michael Ignatieff has pointed out, the founding human rights documents were somewhat contradictory: the U.N. Charter addressed states, while the Universal Declaration on Human Rights codified the inviolability of the individual. From the very start, then, the new regime of international law and human rights was defined by a conflict between the rights of states and the rights of individuals.<sup>2</sup> Furthermore, not only did the Cold War erect barriers between East and West over territory and ideology, but it also threw into sharp relief opposing interpretations of universal rights. The Western democracies tended to view fundamental rights in terms that exalted the individual, while the leaders of Communist Bloc nations emphasized the Marxist conception of economic and social rights.

In the U.S., disagreements over interpretation and implementation were profound. For traditional reasons of power and self-interest, the American attitude toward universal rights standards during the Cold War was ambivalent at best. Clearly the U.S. was not going to retreat behind an isolationist curtain after 1945. Yet debate would continue to rage over the proper use of American power, and American leaders of the 1950s and 60s typically chose expediency and realism over a more nuanced push for democratic principles abroad. A 1950 memorandum from George Kennan to Secretary of State Dean

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<sup>2</sup> Michael Ignatieff, "Human Rights," in Carla Hesse and Robert Post, eds., *Human Rights in Political Transitions: Gettysburg to Bosnia* (New York: Zone Books, 1999), 315.

Acheson regarding U.S. policy toward Latin America summarizes contemporary American policymakers' tendency to subjugate individual rights to the more important struggle against communism:

We cannot be too dogmatic about the methods by which local communists can be dealt with in [Latin America]. . . . Where the concepts and traditions of popular government are too weak to absorb successfully the intensity of the communist attack, then we must concede that harsh governmental methods of repression may be the only answer; that these measures may have to proceed from regimes whose origins and methods would not stand the test of American concepts of democratic procedure; and that such regimes and such methods may be preferable alternatives, and indeed the only alternative, to further communist successes.<sup>3</sup>

Although there was considerable domestic disagreement regarding American foreign policy in the 1950s and 60s, the notion of a Cold War “consensus” (as well as its close cousin, the “liberal consensus”) is a useful heuristic device for understanding this period. By this definition, government, corporate management, labor unions, and consumers broadly agreed that the federal government would fight communism overseas while ensuring economic growth at home. Political disagreements remained, but they concerned means, not ends. Washington would act to keep authoritarian leaders in power or depose left-leaning regimes throughout the developing world. The Central Intelligence Agency went on to engineer or influence coups in Guatemala and Iran in the early Cold

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<sup>3</sup> Quoted in Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the 20th Century* (Princeton: Princeton University Press, 1994), 179.

War years, and the U.S. government eventually continued supporting authoritarian regimes and elite families in much of the world.

The key point here is that America's postwar human rights momentum was nipped in the bud around 1950 as hard-power Cold War concerns began to overshadow vague standards of universal rights. For two decades thereafter a potent coalition of segregationist Southerners, states'-rights advocates, and traditional isolationists kept human rights questions off the legislative and diplomatic agenda. By the time Senator John Bricker of Ohio stepped up to limit the treaty-making power of the federal government through the Bricker Amendment, which effectively codified Cold War "moral" isolationism, the trend was irreversible. Any reformist energies Americans possessed in the 1950s and 60s would be aimed at solving the nation's considerable domestic racial problems, not international human rights violations. While Western Europeans worked within the framework of the ever-evolving European Convention beginning early in the 1950s, Americans had no such mechanism. As a result, "human rights" were largely ignored in the making of American foreign policy for two decades, and it was not until the 1970s that American policymakers at the legislative and executive levels began to seriously consider the role such rights standards should play in policy formulation.

### **Thesis and Problems of Historical Study: Why Human Rights? Why Now?**

This study explains the reemergence and institutionalization of human rights in American foreign policy between 1968 and 1981. I see the rise of human rights in the U.S. as a historically specific phenomenon that resulted from four major domestic factors: 1)

Vietnam and the social changes of the 1960s, 2) détente, 3) the ethnic revival, and 4) executive-legislative conflict. These factors occurred alongside other domestic currents, including broad recognition of limits to American power, a resurgent conservatism, and new congressional assertiveness. Because American human rights policies were aimed at governments around the world, the international context was also significant. American policies were heavily influenced by world events and trends, such as the crackdown on dissident activity in Eastern Europe, capricious Soviet emigration policies, authoritarianism in Latin America, and rising nationalism. And although political actors made most of the policy decisions in the U.S., the non-government context (including the role of non-government organizations, public opinion, ethnic lobbies, voters, and the news media) is also important at certain points in the narrative.

Three major themes emerge in the telling of this story. First, political opportunism drove much of the period's political activism. Human rights advocates within the federal government were consistently driven by their own political agendas, including especially their desire to attack the foreign policies of Richard Nixon, Gerald Ford, Henry Kissinger, and even Jimmy Carter. "Human rights" was a useful oppositional strategy in political campaigns, and it lent moral power to the broader congressional goal of reclaiming foreign policy control. Irrespective of individual politicians' true feelings about any specific human rights cause (and clearly many were at least partially motivated by genuine humanitarian concern), it is almost impossible to overstate the extent to which human rights debates and policies were driven by electoral politics. Second, political figures promoted several competing versions of morality. In response to Nixon and Kissinger's perceived amorality, liberals and conservatives alike

used human rights policies and rhetoric to claim the moral high ground. This was especially true with respect to criticism of Nixonian *realpolitik* and the East/West détente policy. Later, the Carter administration fought pitched battles over its own interpretations of morality in foreign policy. A third important theme is the influence of ethnic interest groups at a time in which traditional party coalitions were fracturing. Among the human rights issues publicized by American “ethnics” were the troubles in Northern Ireland, civil liberties in Poland, freedom of emigration for Soviet Jews, and decolonization in Africa.

The story of human rights in this period is, in a way, the story of American political development after the Vietnam era. Indeed, I am recounting several interlocking narratives here: how human rights became a part of the foreign policy process; how the American political system became more pluralistic; how the radicalism of the 1960s influenced the development of détente and human rights policies; and how ethnicity and race became more significant to American foreign relations. Of course, human rights as a policy concept did not grow out of the political realm alone. It also grew out of a changing image of humanity after the 1960s, including especially perceptions of rights, public morality, permissiveness, and racial and sexual matters. The political responses were, in many ways, reactions to the social changes. The growing interest in human rights concerns abroad paralleled the increasing acceptance of the “mosaic” character of the American nation, as well as the increased acceptance of ethnic and racial factors in the making of foreign policy. We might say that Americans in the 1970s had largely “gotten their house in order” concerning domestic civil rights issues and they were now

willing to cast their reform energies overseas.<sup>4</sup> As we will see, this confluence of circumstances was rather exclusive to this period. Finally, this is in many ways a study of ideas and their impact on the evolution of policies. I do not discount material factors; rather, I assert that ideas and rhetoric matter in a democracy, especially when leaders are trying to rally the public behind a moral cause.

The first intellectual problem of human rights as a historical topic derives from its uniqueness among the movements of the 1960s and 70s. Some have portrayed the 1970s as a time of waning political activism. Yet in reality this period saw a variety of new “rights” claims. As every student of modern American history knows, the Civil Rights Movement significantly altered the public perception of “rights” and galvanized a wide array of Americans into political and social activism. Combined with the increase in public discontentment and the general cultural shift toward individualism, this new attitude toward rights spawned several movements in the 1970s, including women’s liberation, gay rights, Chicano Power, and AIM (the American Indian Movement). Even European-American “ethnics” began to claim the language of “rights” and “identity” as a means of distinguishing themselves from what they perceived as a dominant, WASP, Middle America. Kenneth Cmiel referred to these movements when he wrote that “the 1970s should be treated neither as a moment of flagging liberal energy nor as a simple adjunct to the sixties but as a moment of more basic political restructuring.”<sup>5</sup>

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<sup>4</sup> Thomas Jay Nisley argues this point in *Democracy Promotion and U.S. Foreign Policy: The Role of Domestic Norms* (Ph.D. diss., University of Florida, 2002).

<sup>5</sup> Kenneth Cmiel, “The Emergence of Human Rights Politics in the United States,” *Journal of American History* 86, no. 3 (December 1999): 1234.

Against the backdrop of these other movements, the human rights movement was somewhat unique.<sup>6</sup> Its lack of identity stems in part from its international character. Although the human rights movement was certainly influenced by the same factors that spawned the other social movements of the 70s, the movement in the U.S. cannot be understood without reference to diplomacy. Thus scholars have been unable to paint an accurate picture of the human rights trend merely by examining the work of domestic activists and NGOs. Furthermore, the broad-based, international implications of rights movements after World War II must also be taken into account. In Michael Ignatieff's words, "The domestic history of most Western societies since 1945 could be written as a struggle for enfranchisement by . . . women, blacks, and homosexuals. . . . The international human rights revolution abroad would have been inconceivable without the rights revolution at home."<sup>7</sup> Only now are we beginning to bridge the gap between domestic social ferment and political and diplomatic decision-making. I argue that a variety of domestic concerns pushed some Americans to pay greater attention to human rights outside the United States.

Several specific changes in the international environment contributed to Americans' newfound interest in the subject. The Vietnam War was at the center of the shift to new approaches in foreign affairs and new attitudes toward the human costs of war. In the eyes of the public, the war's effect on civilians – especially the bombing campaigns and atrocities like the My Lai massacre – helped make human rights concerns

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<sup>6</sup> There is some debate as to whether we can call it a human rights "movement." I argue that there was, and is, an international human rights movement that meets many of the criteria through which social scientists differentiate between "movements" and other social manifestations (such as "crowds," "gatherings," and "mobs"). However, it is somewhat more difficult to argue that there was a specifically American, domestic human rights movement. Although the American version included a number of "movement" characteristics, it was also fragmented and included multiple goals.

<sup>7</sup> Ignatieff, "Human Rights," 321.

a part of the public discourse in the U.S. and elsewhere. Other international events in the late 1960s and early 1970s also contributed to this change in attitudes toward universal rights standards. These included military coups in Brazil, Greece, and Chile, and the ongoing chaos in Rhodesia and South Africa.<sup>8</sup>

Also significant was the unusually wide array of civil conflicts, military coups, and outright atrocities in this period. Before the 1960s, genocides, civil wars, and other mass killings took place in a relatively small number of nations. (If we discount the two world wars, these were perpetrated most notably in the U.S.S.R., China, Turkey, and India.) But in the 1960s and 70s the decolonization process precipitated civil wars, bloodlettings, and highly publicized human rights abuses in much of the developing world. The long list of affected nations and regions included Cambodia, Pakistan, Burundi, Angola, North and South Vietnam, Chile, Zaire, Indonesia, Nigeria, and Uganda.<sup>9</sup> As Kathryn Sikkink has pointed out, in Latin America alone upwards of a dozen nations underwent a wave of repression from the 1960s to the 1980s that was “unprecedented” in the twentieth century. “In virtually all cases,” writes Sikkink, “the repression was carried out under military regimes that had come to power through the wave of coups that swept the region in the 1960s and 1970s. . . . We have to go back to the colonial and independence periods to find comparable violence.”<sup>10</sup> The wide geographical distribution of suffering surely influenced Western attitudes concerning the rights of individuals living under such conditions. In the U.S., as in Europe, a tidal swell

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<sup>8</sup> Kathryn Sikkink, *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca: Cornell University Press, 2004), 54.

<sup>9</sup> *National Geographic* published a very illuminating graph of these bloodlettings under the title “A Century of Death,” January 2006, 30.

<sup>10</sup> Sikkink, *Mixed Signals*, 90-91.

of NGO activity helped bring these faraway issues to the attention of governments and the public.

Richard Nixon's détente policy also had a significant impact on the turn to a "moral" foreign policy, largely because the pursuit of better relations with the Soviets precipitated American influence in the internal affairs of the Eastern Bloc. The most prominent legislative attempt to wield this kind of influence – the Jackson-Vanik amendment to the 1974 Trade Act, which tied most-favored-nation trading status to the emigration of Soviet Jews – would not have been proposed if détente had not already redefined the international environment. The Cold War thaw precipitated by the détente process also increased the potential for action against nominal American allies. In earlier years, the anticommunist credentials of right-wing dictators were usually enough to earn a passing grade from American policymakers. But in the 1970s Americans grew much less tolerant of human rights abuses in non-communist states like Iran, Chile, and Argentina.

America's "right turn" also helps explain the growth of human rights lobbying and policymaking in the long 1970s. Although the Democrats' control of Congress and the continuing appeal of liberalism obscured the growth of the conservative movement, the details of the shift to the right are now familiar to students of recent American history.<sup>11</sup> Republicans saw in the fallout from Vietnam and the upheavals of the 1960s the potential for a new, conservative majority in America. Accordingly, Richard Nixon and his associates wooed former Democratic Party stalwarts – especially disenchanted

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<sup>11</sup> Two influential works that helped establish the blueprint for Nixon's strategy were Kevin P. Phillips, *The Emerging Republican Majority* (New Rochelle, N.Y.: Arlington House, 1969) and Pete Hamill, "The Revolt of the White Lower Middle Class," *New York Magazine*, 14 April 1969 (reprinted in Louise Kappe Howe, ed., *The White Majority, Between Poverty and Affluence* (New York: Random House, 1970)).

white southerners and urban, blue-collar voters in the North (“northern ethnics”) – while moderating the conservative message to broaden its appeal among older conservatives and potential new recruits to the Republican fold. These plans would have had limited success were it not for other broad changes taking place in the American polity. More Americans were embracing conservatism for a variety of reasons. Many former Democrats also believed that special interests had overtaken the Democratic Party, and some were equally disgusted with the new mood of permissiveness and immorality in the culture. By the mid-1970s even the famously apolitical evangelical Christians were an integral part of this backlash against permissiveness.<sup>12</sup> Meanwhile, the Baby Boomers were growing into responsible adulthood, and as such they were tying themselves to white-collar jobs, mortgages, and all the other trappings of modern life that tend to make moderate conservatism a more congenial ideology.

Although the domestic ramifications of this New Right coalition have been examined in great detail, few historians have tackled their implications for the development of human rights policies.<sup>13</sup> The human rights connection grew from conservatives’ near-constant criticism of American diplomacy in the 1970s. Conservative Democrats and Republicans were willing to take up the human rights mantle when it suited their purposes, and they were just as willing to lambaste their opponents’ human rights policies for the same reason. This dynamic was clearly visible in right-wing attacks on détente. Conservatives even forged coalitions with liberals

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<sup>12</sup> Scott Flipse, “Below-the-Belt Politics: Protestant Evangelicals, Abortion, and the Foundation of the New Religious Right, 1960-75,” in David Farber and Jeff Roche, eds., *The Conservative Sixties* (New York: Peter Lang, 2003), 127-141.

<sup>13</sup> Among these authors are Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2001); Robert Mason, *Richard Nixon and the Quest for a New Majority* (Chapel Hill: University of North Carolina Press, 2004); and Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2007).

whenever it was politically expedient. As we shall see, the 1976 presidential campaign was one such case.<sup>14</sup>

Finally, the “ethnic revival” of the 1960s and 70s was among the most significant factors in the entry of human rights into American foreign policy. This revival was characterized by a profound and widespread reawakening of interest in religious, ethnic, and ethno-religious identification. Inspired by long-term social transformations, Americans of a variety of lineages entered the public arena to assert their identities and to influence the body politic. This trend had its parallels in Europe (as in the “multiculturalism” drive in Britain and the civil rights movement in Northern Ireland), but it was far more significant in the U.S., where citizens began to lobby on behalf of their “countrymen” in a variety of other nations. As we will see, this lobbying very often took the form of human rights advocacy in places as diverse as Poland, Ukraine, Cuba, and Ulster. The ethnic influence highlighted an inherent irony. “Human rights” was a claim for universality and the breaking down of tribal and national barriers, yet ethnic politics in the U.S. exalted tribalism and special considerations for specific groups. My approach here – demonstrating the connections between the ethnic revival and the human rights push – is new to the literature on human rights in American diplomacy.

### **Periodization and Methodology**

This story has no specific beginning point, but for several reasons I have chosen to begin this study in 1968. First, it goes without saying that this was a watershed year – a time of social upheaval, sexual revolution, antiwar protests, political assassinations, radical youth movements, and “long, hot summers” of racial antagonism. As for foreign relations,

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<sup>14</sup> See Daniel Patrick Moynihan, “The Politics of Human Rights,” *Commentary*, August 1977, 22.

1968 witnessed the final death throes of the Cold War paradigm via the breakdown of the Vietnam consensus. Members of the Johnson administration and the American military had long claimed that the communists in Vietnam were on the verge of defeat, but the Tet Offensive showed that the allegedly beleaguered Vietnamese communists were still able to mount a deadly series of attacks. Tet made it altogether too clear that American claims of military success had been greatly exaggerated. The year 1968 marked the first time that a majority of Americans told pollsters that the nation's involvement in the war was a mistake.<sup>15</sup>

Perhaps the most salient political point about 1968 is that the chaos of this period heralded a change in presidential administrations. Once President Johnson pulled out of the race, the only thing upon which all of the other candidates agreed was that the nation's foreign policy needed to change. As Irving Kristol noted in May of that tumultuous year, "Everyone is to some extent aware that American foreign policy, after this [Vietnam] trauma, will never again be the same."<sup>16</sup> The lessons of the previous few years had taught them that the Cold War was now a different beast altogether, one in which the U.S. should decrease its commitments overseas and convince others to act as proxies. The Warsaw Pact invasion of Czechoslovakia and the Soviet arms buildup spurred reevaluations of NATO and gave American leaders a new interest in restoring transatlantic ties. It is perhaps also worth noting that the U.N. declared 1968 the International Year for Human Rights.

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<sup>15</sup> According to the Gallup organization, more than 50% of respondents answered "yes" to the following question for the first time in the summer of 1968: "In view of the developments since we entered the fighting, do you think the U.S. made a mistake sending troops to fight in Vietnam?" Richard Sobel, *The Impact of Public Opinion on U.S. Foreign Policy Since Vietnam* (Oxford: Oxford University Press, 2001), 36.

<sup>16</sup> Irving Kristol, "We Can't Resign as 'Policeman of the World,'" *New York Times*, 12 May 1968.

Beginning this study in 1968 also allows us to connect the rise of human rights to the changing fortunes of détente and the Civil Rights Movement. This year was arguably the starting point for détente in West Germany, France, the U.S., and the Soviet Union.<sup>17</sup> It was also a turning point for the Civil Rights movement and for race relations in general. The assassination of Martin Luther King, Jr. in April 1968 precipitated the last of the 1960s race riots and ushered in a new set of domestic civil rights goals and conflicts. Race relations in the post-MLK era would turn on issues like affirmative action, busing, and new interpretations of basic rights.

I am ending this study in 1981 for a few reasons. Several factors contributed to a shift in energies away from moral issues by this time, including the Soviet invasion of Afghanistan, the Iran-Hostage Crisis, the imposition of martial law in Poland, the end of détente, and the conservative backlash, which reached its zenith with the election of Ronald Reagan. By the time of the 1980 election, Jimmy Carter had learned that it was nearly impossible to sustain an electoral coalition through the pursuit of human rights causes. Yet despite these trends, by the beginning of the 1980s human rights advocates inside and outside of government had managed to write into law a new set of rules for American foreign relations.

The final story of this period, then, is Reagan's unsuccessful nomination of Ernest W. Lefever as his assistant secretary of state for human rights and humanitarian affairs. Lefever was a controversial choice, not least because he had been highly critical of Carter's human rights policy and of liberal internationalism in general. A bipartisan effort by the Senate Foreign Relations Committee (led by Republican Senator Charles

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<sup>17</sup> See Jeremi Suri, *Power and Protest: Global Revolution and the Rise of Détente* (Cambridge: Harvard University Press, 2003).

Percy) swayed the majority of the Senate to press for Lefever's withdrawal. Reagan eventually withdrew Lefever, and the Senate confirmed the second, more moderate nominee, Elliott Abrams. This episode reveals the extent to which the activism of the 1970s had permeated the upper echelons of the federal government. Even President Reagan could not sidestep the new rights regime by nominating someone who would ignore human rights concerns. He had to deal with the institutionalized aspects of the movement, those points where norms had become laws.

I believe that human rights in foreign policy can serve as a way of unifying the political and diplomatic history of the long 1970s. At one end of the decade was Richard Nixon, a conservative who also happened to be an accommodator. Whatever his faults, he was a modern man who adapted to the times. Despite his public persona as a "law and order" opponent of busing and racial quotas, his record proved that he was not altogether unsympathetic to civil rights causes.<sup>18</sup> At the other end of the decade was Jimmy Carter, a liberal who had to accommodate his beliefs to the growing power of conservatives. He faced challenges not only from Republicans, but also from members of his own party. His attempts to alter his image and policies midway through his presidency showed that he was aware of the nation's rightward shift, but his decisions alienated much of his liberal base and spurred presidential challenges from fellow Democrats like Ted Kennedy. All things considered, the years 1968-81 witnessed a rights revolution that was intimately entwined with détente, international events, changing domestic attitudes toward "rights," and a more general public disillusionment with the political culture.

We can say, then, that those who advocated moral concerns in policymaking were tapping into two major trends in public sentiment: a wellspring of resentment and a

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<sup>18</sup> Dean Kotlowski, *Nixon's Civil Rights* (Cambridge: Harvard University Press, 2001).

powerful demand for positive ideas. As Jimmy Carter explained his human rights motivations early in 1977,

We've been through some sordid and embarrassing years recently with Vietnam and Cambodia and Watergate and the CIA revelations, and I felt like it was time for our country to hold a beacon light of something pure and decent and right and proper that would rally our citizens to a cause.<sup>19</sup>

He might have added that human rights policies were capable of fostering short-term unity between those on the left who saw in this approach a spirited defense of fundamental American principles and those on the right who saw it as another method of confronting the Soviets. "Human rights is the soul of our foreign policy," said Carter, "because human rights is the very soul of our sense of nationhood."<sup>20</sup>

My methodology involves a close analysis of the archival record of individuals who were directly involved in the contemporary social and political arenas. The first set of texts in this group concerns the major policymakers and their closest advisers, especially Nixon, Ford, Carter, Kissinger, Zbigniew Brzezinski, and Cyrus Vance. I am also including individuals whose proximity to power and ability to move between government and non-government organizations makes them worthy of our attention.

This latter group includes prominent legislators and cabinet members like Daniel Patrick Moynihan, Senator Henry Jackson, Patricia Derian (Carter's assistant secretary of state

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<sup>19</sup> "Interview with the President Remarks and a Question-and-Answer Session With a Group of Editors and News Directors," 15 July 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7820>.

<sup>20</sup> "Universal Declaration of Human Rights Remarks at a White House Meeting Commemorating the 30th Anniversary of the Declaration's Signing," 6 December 1978, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=30264>.

for human rights and humanitarian affairs), Congressman Donald Fraser, Congressman Tom Harkin, James M. Wilson (Ford's assistant secretary of state for human rights and humanitarian affairs), Robert Ingersoll (also of the State Department), and David Popper (ambassador to Chile). This group also includes prominent NGO founders and members such as Jeri Laber and Aryeh Neier. I am also tracing the activities of several domestic ethnic lobbies, especially those that were the most effective in rallying political support for their causes. Finally, I cannot ignore the dissidents, political prisoners, and others who were the ultimate subjects of so much American attention during this period. Therefore to further humanize the story, I am exploring the influence of key dissidents, from prominent ones like Andrei Sakharov and Aleksandr Solzhenitsyn to lesser-knowns like the Ukrainian nationalist Valentyn Moroz.

As my literature survey will demonstrate, few works on this topic are based on archival research. Therefore I am centering my project on the archival record. The most significant collections I have consulted are housed at the National Archives II in College Park, Maryland (the Nixon Presidential Materials and State Department General Records); the Richard Nixon Library in Yorba Linda, California; the Library of Congress (the papers of Daniel Patrick Moynihan, Arthur J. Goldberg, and Norman Podhoretz); the National Security Archive in Washington, D.C.; the Gerald R. Ford Library in Ann Arbor, Michigan; the Jimmy Carter Library in Atlanta, Georgia; the University of Washington (the papers of Senator Henry M. Jackson); Emory University (the papers of Morris Abram); the Bentley Historical Library in Ann Arbor, Michigan (the papers of the Human Rights Party); and the Golda Meier Library at the University of Wisconsin-Milwaukee (the papers of Bruno V. Bitker, Kenneth J. Merkel, and George H. Klicka).

The chapters are as follows:

In this first chapter I survey the literature on human rights, presidential foreign policy, détente, the ethnic revival, and the American political and diplomatic culture of the 1960s, 70s, and 80s. This survey will show just how much remains to be said about the entry of human rights into American political life in the long 1970s.

In chapter two I explore three major developments of the 1968-74 period: the domestic “crisis of confidence” in the wake of Vietnam; the Nixon foreign policy; and some specific overseas events (military dictatorship in Brazil and humanitarian crises in Bangladesh, Burundi, and Biafra). I argue that these factors combined to create a more congenial environment for the consideration of human rights concerns. As for the Nixon administration’s impact on morality in foreign policy, most analysts perceive Richard Nixon and Henry Kissinger as largely unconcerned with human rights matters. I do not seek to challenge this thesis; I do, however, hope to place Nixon closer to the center of the new, “moral” foreign policies of the post-1968 years. He was central to this story in three key ways. First, his détente policy changed the Cold War environment and gave Americans the ability to influence the internal affairs of Eastern Bloc nations. Second, his fiscal conservatism and his desire to fight the Cold War on the cheap bolstered the trend of cutting U.S. foreign aid. Third, he often claimed that he was interested in standing up for traditional moral values. Therefore on a rhetorical level, at the very least, Nixon expressed an interest in a new kind of “moral order” for the United States and the world.

In chapter three I explore the influence of the ethnic revival on the American political culture and on American human rights policies in the 1968-74 period. I demonstrate that the ethnic revival had broad implications for political and diplomatic life in the long 1970s. Because this was a period of partisan reorientation, “ethnic” Americans became a valuable commodity during each election season. Politicians were therefore willing to give extraordinary attention to ethnic interests, including these constituents’ concerns for their compatriots overseas. I describe Richard Nixon’s “ethnic strategy,” through which he attempted to bring white, working-class ethnics into the Republican fold. I then focus on the influence of Polish Americans and Jewish Americans in specific human rights cases.

Chapter four highlights congressional efforts to place human rights concerns onto the policymaking agenda. Through a close examination of the congressional hearings process, human rights legislation, and debates over foreign aid, I argue that “human rights” was a relatively painless source of congressional opposition to executive policies. I also assert that human rights policies were a partial solution to the long debate over U.S. foreign aid. Scholars have largely overlooked the connection between aid policies and rights policies. Congress as a whole attempted to wrest control of foreign policy (or at least as much as possible) from the executive branch, while individual senators and congressmen scored political points by lambasting Nixon’s, Kissinger’s, and Ford’s respective human rights records. Congress accomplished these goals through a variety of methods, including holding committee and subcommittee hearings on human rights in specific countries; passing nonbinding resolutions on human rights *causes celebres*; sending letters to the president on behalf of constituents interested in specific human

rights cases; and introducing and passing legislation to curb foreign aid and trade agreements to offending regimes. Significant figures in the narrative include Donald Fraser, Henry Jackson, and Frank Church.

In chapter five I delve into the limitations of the “moral” trend by focusing on the debate over the U.N.’s Genocide Convention (the international genocide treaty). Despite the human rights movement’s influence on diplomacy in the long 1970s, the U.S. did not ratify the convention in this period. The story of the convention’s tumultuous path through the Senate tells us a great deal about the reluctance to embrace multilateral solutions to rights dilemmas. Although the U.S. was arguably at the forefront of bilateral efforts in the 1970s, parallel efforts to enact multilateral policies failed across the board. In this chapter I explain why the Convention was consistently tabled until its eventual ratification in the late 1980s.

Chapter six, which covers the U.N. and international economic rights, continues the previous chapter’s discussion of the limits of multilateralism. I aim to show two things here: 1) Much of the world did not accept the Western conception of individual rights, and 2) the U.N. of the 1970s proved largely unable or unwilling to improve the human rights situation worldwide. Americans tended to interpret the Third World response with mild hostility, as symbolized by Daniel Patrick Moynihan’s crusade against “the tyranny of the majority” in the “radicalized” U.N. I argue that U.S. efforts on behalf of human rights often placed Americans at odds with the Third World and that these conflicts symbolized the flaws in “universal” rights claims.

In chapter seven I explore the 1976 election and the Carter presidency. The 1976 election illustrates many themes of this period, especially ethnic concerns and

oppositional politics. This election was also the first in which human rights was a primary topic of debate. Both Jimmy Carter and Ronald Reagan embraced moral rhetoric on the campaign trail as a means of assailing the Ford/Kissinger foreign policy. Once Carter was elected, he did a great deal to further the work that Congress and NGOs had begun a few years earlier. Nevertheless, he found that his campaign promises were hard to keep, not least among human rights activists and ethnics. No matter how much the Carter administration accomplished, these two constituencies seemed always to demand more. I examine Carter's actions and rhetoric, and I explore the major reasons for his change in priorities over the course of his presidency.

The final chapter focuses on Carter's attempt to use human rights policies to improve American relations with traditional allies in Europe. Just as legislators earlier in the 1970s had believed that a moral foreign policy could improve America's international image, the Carter administration sought to use the human rights policy to help solidify the Western Alliance. Unfortunately for Carter, his principles often conflicted with the complex realities of national interests and international agreements. His inability to win the support of the European allies was emblematic of his inability to please his domestic constituents, and the human rights policy's cool reception in the European capitals contributed to American perceptions of its limitations between 1977 and 1981.

In the epilogue I link the long 1970s to the Reagan years. Although the Carter administration was unable to build a new national consensus, Carter's efforts (combined with those of Congress, NGOs, and others) effectively institutionalized American vigilance in human rights matters. The Reagan administration could not completely

ignore such issues, as demonstrated in the fight over the 1981 nomination of Ernest Lefever as assistant secretary of state for human rights.

### Literature Survey

In order to illustrate the originality of my project and argument, I will review below the many strands of diplomatic, political, and social history that comprise the subject.

Because this is a topic of fairly recent vintage, some related stories have already been told in one form or another. In particular, the Soviet-Jewish emigration issue<sup>21</sup> and the Helsinki agreement<sup>22</sup> have been the subject of several studies. Nevertheless, as the following literature survey should make clear, much remains to be said about human rights in American foreign policy in the long 1970s.

Important works in the traditional diplomatic history canon rarely broached the subject of human rights as we understand it today. Hans Morgenthau published five editions of his seminal realist text *Politics among Nations* between 1948 and 1973, but he did not mention human rights or the Universal Declaration in any of them.<sup>23</sup> Only a posthumously-published sixth edition included a brief section on morality and human

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<sup>21</sup> Early considerations of the emigration issue came from Leonard Schroeter, *The Last Exodus* (New York: Universe Books, 1974); Colin Shindler, *Exit Visa: Détente, Human Rights, and the Jewish Emigration Movement in the U.S.S.R.* (London: Bachman and Turner, 1978); and William W. Orbach, *The American Movement to Aid Soviet Jews* (Amherst: University of Massachusetts Press, 1979). More recent additions to the historiography include Petrus Buwalda, *They Did Not Dwell Alone: Jewish Emigration from the Soviet Union, 1967-1990* (Baltimore: Johns Hopkins University Press, 1997) and a volume edited by Murray Friedman and Albert D. Chernin, *A Second Exodus: The American Movement to Free Soviet Jews* (Hanover, NH: The University Press of New England, 1999).

<sup>22</sup> The 1975 Helsinki Accords were signed by all the major states of Western Europe, Eastern Europe, and North America. The agreement included a set of human rights principles that eventually fostered the growth of organized dissident movements in Eastern Europe. For some of the major works on this subject, see William Korey, *The Promises We Keep: Human Rights, the Helsinki Process, and American Foreign Policy* (New York: St. Martin's Press, 1993); Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001); and Robert Kennedy Eichhorn, *The Helsinki Accords and their Effect on the Cold War* (Ph.D. diss., California State University – Fullerton, 1995).

<sup>23</sup> William Korey has touched upon this subject in *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine* (New York: St. Martin's Press, 1998), 3.

rights in international relations, with a characteristically (for Morgenthau) cautious interpretation of the value of such standards. Other seminal texts – including William Appleman Williams’s *The Tragedy of American Diplomacy* (1959) and George Kennan’s *American Diplomacy* (1951) – addressed only the tangential issue of Wilsonian progressivism.<sup>24</sup> This, however, was an entirely different subject than the post-World War II human rights push. “Human rights” were too new and underdeveloped to warrant much attention from diplomatic historians in the middle of the 20<sup>th</sup> century.

Moving into more recent historiography, the human rights surge of the 1970s has been indirectly examined from a few different angles. For starters, we have a litany of monographs on various aspects of this period’s foreign policies. Some of these works are dedicated to a specific president’s diplomacy, while others are biographies or studies of a president’s complete domestic and international record. Joan Hoff, Garry Wills, and Stephen Ambrose are among the more prominent of Richard Nixon’s political biographers.<sup>25</sup> More recently, Robert Dallek has sifted through the mountains of new archival material to reexamine the Nixon/Kissinger partnership, and he has rather unsurprisingly concluded that the two men shared an almost relentless desire for control.<sup>26</sup> Meanwhile, Douglas Brinkley and Yanek Mieczkowski have published favorable studies of the Ford presidency, the former in the form of a concise biography, the latter in the form of a more complex look at Ford’s successes and failures amid

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<sup>24</sup> William Appleman Williams, *The Tragedy of American Diplomacy* (Cleveland: World Publishing, 1959); George F. Kennan, *American Diplomacy, 1900-1950* (Chicago: University of Chicago Press, 1951).

<sup>25</sup> Joan Hoff, *Nixon Reconsidered* (New York: Basic Books, 1994); Garry Wills, *Nixon Agonistes: The Crisis of the Self-Made Man* (Boston: Houghton-Mifflin, 1970); Stephen A. Ambrose, *Nixon* (3 vols.) (New York: Simon and Schuster, 1987-1991).

<sup>26</sup> Robert Dallek, *Nixon and Kissinger: Partners in Power* (New York: HarperCollins, 2007).

America's troubles in the 1970s.<sup>27</sup> Other presidential scholars offer psychological explanations for executive behavior, as in Robert Dean's thesis that a "cult of masculinity" undergirded the decisions of leaders like Kennedy, Johnson, and Nixon.<sup>28</sup>

Several scholars have treated Jimmy Carter's human rights policy in some detail, and these authors have consistently addressed the possibility that Carter was "naïve." The first comprehensive attempts to appraise Carter's human rights policies came from diplomatic historian Gaddis Smith and neoconservative author Joshua Muravchik. Muravchik's *The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy* (1986) was a somewhat polemical attack on Carter's foreign policy. Meanwhile, Smith's *Morality, Reason, and Power* (1986) was a more thoroughgoing reexamination of Carter's entire foreign policy. Unlike Muravchik, Smith was willing to give Carter credit for his conceptual thinking, especially his desire to look beyond short-term Cold War advantages. Smith argued that Carter's "farsighted vision" was "morally responsible," but he criticized Carter for doing a poor job of promoting his vision to the American people.<sup>29</sup>

Four recent works have utilized new archival material to revise our understanding of Carter's policies. Robert A. Strong shows himself to be something of a Carter partisan by debunking the myth of Carter as an ineffectual leader who micromanaged White House affairs at his nation's peril.<sup>30</sup> Like Gaddis Smith, Strong argues that Carter's

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<sup>27</sup> Douglas Brinkley, *Gerald R. Ford* (New York: Times Books, 2007); Yanek Mieczkowski, *Gerald Ford and the Challenges of the 1970s* (Lexington: University Press of Kentucky, 2005).

<sup>28</sup> Robert Dean, *Imperial Brotherhood: Gender and the Making of Cold War Foreign Policy* (Amherst: University of Massachusetts Press, 2002).

<sup>29</sup> Gaddis Smith, *Morality, Reason, and Power: American Diplomacy in the Carter Years* (New York: Hill and Wang, 1986); Joshua Muravchik, *The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy* (Latham: Hamilton Press, 1986).

<sup>30</sup> Robert A. Strong, *Working in the World: Jimmy Carter and the Making of American Foreign Policy* (Baton Rouge: Louisiana State University Press, 2000).

major mistake was not properly educating the public on the purpose of his foreign and domestic policies. David F. Schmitz and Vanessa Walker also seek to debunk the image of Carter as a naïve leader, though they admit that his record on human rights was mixed.<sup>31</sup> They paint a brief portrait of human rights in the Carter administration before focusing on the case of Nicaragua. Meanwhile, political scientist Itai Nartzizenfield Sneh has addressed Carter's failure to effectively reorient American foreign policy.<sup>32</sup> Sneh asserts that Carter was too conservative and too committed to the Cold War to change the course of American foreign relations. National defense and security interests, Sneh suggests, began to undermine Carter's genuine intentions as soon as he entered the White House. Finally, Burton I. Kaufman has written one of the best single volumes on the Carter presidency as a whole, including a description of the Carter administration's infighting on the issue of human rights.<sup>33</sup> Kaufman follows the conventional wisdom in arguing that Carter shifted his attention away from human rights after his first two years in office. Kaufman also paints a picture of a basically competent and intelligent leader who nevertheless was unable to craft a coherent message that could sustain a base of support.

Although these studies are instructive for my purposes, they are too tightly focused on the Carter years. Even those that place Carter's policies into a long-term narrative generally dismiss the years before 1977. A. Glenn Mower, for example, contrasts the Carter and Reagan approaches to human rights issues in the late 1970s and

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<sup>31</sup> David F. Schmitz and Vanessa Walker, "Jimmy Carter and the Foreign Policy of Human Rights: The Development of a Post-Cold War Foreign Policy," *Diplomatic History* 28, vol. 1 (January 2004): 113-143.

<sup>32</sup> Itai Nartzizenfield Sneh, "Not Radical Enough: Why Jimmy Carter Failed to Change American Foreign Policy," *Historia Actual On-Line* 6 (Winter 2005): 55-70.

<sup>33</sup> Burton I. Kaufman and Scott Kaufman, *The Presidency of James Earl Carter, Jr.*, revised 2nd ed. (Lawrence: University Press of Kansas, 2006). Burton Kaufman authored the original edition in 1993.

the 1980s.<sup>34</sup> He introduces some long-term factors, but his book is largely a comparison between the Carter and Reagan administrations' human rights approaches. Furthermore, Mower's work, like that of Muravchik and Smith, is over two decades old and was researched without archival sources. The more recent studies utilize archival material, but they are brief works that neglect much of the broader context. And although shorter articles on Carter's human rights policy as it related to specific nations are instructive, they are also too narrowly focused on bilateral relationships.<sup>35</sup> Political biographies and character studies of key participants in the events of this period, including prominent political figures such as Senator Henry Jackson, Henry Kissinger, and Zbigniew Brzezinski, suffer from the same limits, as do studies on issues like Soviet Jewish emigration and the Helsinki agreement.<sup>36</sup>

Presidential studies too often fixate on domestic politics or a single foreign policy relationship or crisis.<sup>37</sup> For example, Karen Maries Hult and Charles E. Walcott's study of the Nixon/Ford/Carter years focuses on the governance process and its domestic

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<sup>34</sup> A. Glenn Mower, *Human Rights and American Foreign Policy: The Carter and Reagan Experiences* (New York: Greenwood, 1987). John Soares, in a recent essay, has emphasized continuity between President Carter's and President Reagan's Central America policies in 1979-81. John A. Soares, Jr., "Strategy, Ideology and Human Rights: Jimmy Carter Confronts the Left in Central America, 1979-1981," *Journal of Cold War Studies* 8, no. 4 (Fall 2006): 57-91.

<sup>35</sup> See for example Kenton Clymer, "Jimmy Carter, Human Rights, and Cambodia," *Diplomatic History* 27, no. 2 (April 2003): 245-278. See also the following articles in Rosenbaum and Ugrinsky, eds., *Jimmy Carter: Foreign Policy and Post-Presidential Years* (Westport, CT: Greenwood Press, 1994): Joseph Harrington, "American-Romanian Relations, 1977-1981: A Case Study in Carter's Human Rights Policy;" Srinivas M. Chary, "Principled Pragmatism: Carter, Human Rights, and Indo-American Relations;" R. Benneson DeJanes, "Managing Foreign Policy: Carter and the Regionalist Experiment Toward Africa, January 1977-May 1978;" and Carl Lieberman, "The Reaction of the Carter Administration to Human Rights Violations in Cambodia."

<sup>36</sup> Dorothy Fosdick, ed., *Staying the Course: Henry M. Jackson and National Security* (Seattle: University of Washington Press, 1987); Paula Stern, *Water's Edge: Domestic Politics and the Making of American Foreign Policy* (Westport, Conn.: Greenwood Press, 1979); Gerry Argyris Andrianopoulos, *Kissinger and Brzezinski: The NSC and the Struggle for Control of U.S. National Security Policy* (Basingstoke: Macmillan, 1991); John G. Stoessinger, *Henry Kissinger: The Anguish of Power* (New York: WW Norton and Co., 1976); Patrick G. Vaughan, *Zbigniew Brzezinski: The Political and Academic Life of a Cold War Visionary*, Ph.D. dissertation (West Virginia University, 2003).

<sup>37</sup> Karen Maries Hult and Charles E. Walcott, *Empowering the White House: Governance Under Nixon, Ford, and Carter* (Lawrence: University Press of Kansas, 2004).

outcomes. Likewise, the few comprehensive attempts to unify American foreign policy in this period fall short at the level of periodization and resources. Richard Melanson, in *American Foreign Policy since the Vietnam War*, uses Vietnam and the quest for consensus as a means of synthesizing the years between 1968 and 2000.<sup>38</sup> He divides this period into two parts: Nixon to Reagan (when the Cold War was still being fought), and Bush/Clinton (when the Cold War had ended). While this is a useful model for understanding the drive for consensus, Melanson overemphasizes continuities from Nixon to Reagan. Furthermore, he highlights presidential rhetoric as a means of getting at consensus building, and he posits a one-way model in which presidents *act* far more often than they *react*. As a political scientist, Melanson does not delve too deeply into archival sources, and he has very little to say about the human rights issue.

Other scholars have included the 1970s in studies of long-term changes in American public feeling regarding exceptionalism, limits, and the American national mission. For example, Frank Klingberg's "introversion/extroversion" model of American foreign relations places the 1970s into a cycle of relative isolation, a time of "introversion" (1967-1989) between two periods of "extroversion."<sup>39</sup> Paul Kennedy, Immanuel Wallerstein, and Eric Hobsbawm emphasize long-term American decline, which became visible to American leaders after Vietnam.<sup>40</sup> By this formulation, Nixon

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<sup>38</sup> Richard A. Melanson, *American Foreign Policy Since the Vietnam War: The Search for Consensus from Nixon to Clinton* (Armonk, NY: M.E. Sharpe, 2000).

<sup>39</sup> Klingberg argues that the "introversion" cycles seem to last about 21 years (1918-1940, 1967-1988) and are characterized by Americans addressing the previous era's international involvement. Meanwhile, periods of "extroversion" tend to last around 27 years (1891-1918; 1940-1967; 1988-2018), and are characterized by the U.S. expanding and extending its influence. Frank L. Klingberg, *Cyclical Trends in American Foreign Policy Moods: The Unfolding of America's World Role* (Lanham, Md.: University Press of America, 1983), 1-15.

<sup>40</sup> Paul M. Kennedy, *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500-2000* (New York: Random House, 1988); Immanuel M. Wallerstein, *The Decline of American Power: The U.S. in a Chaotic World*. (New York: New Press, 2003); Eric Hobsbawm, *Age of Extremes: The Short Twentieth Century, 1914-1991* (London: Michael Joseph, 1994).

and his successors were operating in an international community that no longer assumed, or accepted, American hegemony. A close corollary to the “declinist” thesis is the argument that American leaders in the post-Vietnam years sought to build a system of “status quo powers” rather than lead the world in a struggle against totalitarianism.<sup>41</sup> This meant acceptance of the Soviet Union and China as essentially conservative powers that were no longer beholden to revolutionary ideologies. Still another view considers Americans’ reliance on the cherished language and symbols of “exceptionalism” as a means of approaching, but not quite achieving, a foreign policy consensus.<sup>42</sup> This model focuses on the popular language of American uniqueness, a language that continued to flourish despite the failures associated with Vietnam and Watergate.<sup>43</sup> Tony Smith, meanwhile, contends that “the central ambition of American foreign policy during the twentieth century” was the commitment to promoting democracy; this ambition, he admits, fluctuated wildly over time. Smith points out that the impulse was stifled during the Nixon years before returning with Carter.<sup>44</sup> David F. Schmitz directly challenges Smith by arguing that “the promotion of democracy was not a consistent, central goal of the United States.”<sup>45</sup> He further argues that support for right-wing dictatorships was an integral part of American foreign policy between 1965 and 1989. Of all these scholars,

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<sup>41</sup> This belief was closely associated with the liberal trade goals of the Trilateral Commission. John Dumbrell, *American Foreign Policy: Carter to Clinton* (London: MacMillan Press, 1997), 6-9. See also Walter LaFeber, *America, Russia and the Cold War, 1945-1992*, 7th ed. (New York: McGraw-Hill, 1993), chapter 11.

<sup>42</sup> Trevor B. McCrisken, *American Exceptionalism and the Legacy of Vietnam: U.S. Foreign Policy since 1974* (New York: Macmillan, 2003).

<sup>43</sup> We might also add Melanson, *American Foreign Policy since the Vietnam War* and John Robert Greene, *The Limits of Power: The Nixon and Ford Administrations* (Bloomington: Indiana University Press, 1992).

<sup>44</sup> Smith, *America’s Mission*, 3.

<sup>45</sup> David F. Schmitz, *The United States and Right-Wing Dictatorships, 1965-1989* (Cambridge: Cambridge University Press, 2006), esp. 5.

only Schmitz examines American human rights policies (mostly those of Jimmy Carter), while McCrisken and Melanson only briefly mention human rights issues.<sup>46</sup>

Once we get beyond political biographies, presidential studies, and long-term thematic texts, it becomes abundantly clear that the subject of human rights in foreign relations has been largely the domain of legal scholars and political scientists. Legal studies run the gamut from those that explain the specific rules of human rights treaty implementation to those that describe the relative outcomes of bilateral treaties and multilateral conventions. David S. Weissbrodt, Burns H. Weston, William A. Schabas, and Michael J. Perry are among the most prolific scholars of the legal aspects of international human rights, having authored or edited dozens of monographs, textbooks, articles, and anthologies on the subject. Weissbrodt's books and articles include *International Human Rights: Law, Policy, and Process*, which has become one of the standard texts in the field. Weston's recent titles cover topics ranging from child labor to environmental law.<sup>47</sup> Schabas is also one of the leading experts in the field, having penned several key texts on international human rights law, including *Genocide in International Law*, *The Abolition of the Death Penalty in International Law*, and *Précis*

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<sup>46</sup> Arthur Schlesinger, Jr.'s model of history "cycles" is another useful synthesis of long-term trends. Schlesinger summarizes the cyclical theories of American history as the long debate between those who view America as an "experiment" and those who view it as a "destiny." He goes on to argue that such cyclical and dualistic views of history are consequences of competing responses to modernity. Americans have drawn on different traditions in order to cope with changing times and new circumstances, but our inborn suspicion of illegitimate power has prevented us from allowing any single set of ideas to become too influential. Arthur Schlesinger, Jr., *The Cycles of American History* (Boston: Houghton Mifflin, 1986), 111.

<sup>47</sup> David S. Weissbrodt, Joan Patrick, and Frank Newman, *International Human Rights: Law, Policy, and Process*, 3rd ed. (Cincinnati: Anderson, 2001); "Do Human Rights Treaties Make Things Worse?" *Foreign Policy*, January/February 2003, 88-89. Weston's recent titles include *Human Rights in the World Community: Issues and Action* (co-edited with Richard Pierre Claude) (Philadelphia: University of Pennsylvania Press, 2006); *Child Labor and Human Rights: Making Children Matter* (Boulder: Lynne Rienner Publishers, 2005); and *International Environmental Law and World Order: A Problem-Oriented Coursebook* (with Lakshman D. Guruswamy, Sir Geoffrey W.R. Palmer, and Jonathan C. Carlson) (St. Paul, MN: West, 1999).

*du Droit International des Droits de la Personne*.<sup>48</sup> Finally, Perry – a specialist in law, religion, morality, and politics – has authored numerous articles and two major human rights texts: *The Constitution, the Courts and Human Rights*, and *The Idea of Human Rights*. In the former he defends judicial activism within the American legal system, while in the latter he ponders the notion of universal rights and moral relativism.<sup>49</sup> Yet despite this impressive output, these authors' works are of only limited use to diplomatic historians because they are largely ahistorical and are intended to facilitate an understanding of international law.

Some legal texts are instructive for students of modern diplomatic history, particularly those that show change over time. Sonia Cardenas has recently surveyed the literature on how international human rights pressure has impacted state behavior.<sup>50</sup> She shows that scholars' work on this subject tends to emphasize either realist notions of power and self-interest or the role of norms, identity, and social actors. This binary gives us some insight into times and places that are relevant to the 1970s and early 1980s, such as the Helsinki process in Eastern Europe.<sup>51</sup> A far more comprehensive study that straddles the territory between legal scholarship and political science is Oona A. Hathaway's essay on international human rights treaty compliance. Hathaway studied the behavior of 166 nations over a forty-year period and found that noncompliance with

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<sup>48</sup> William Schabas, *Genocide in International Law: The Crimes of Crimes* (Cambridge: Cambridge University Press, 2000); *Précis du Droit International des Droits de la Personne* (Montréal, Éditions Yvon Blais, 1997); *The Abolition of the Death Penalty in International Law*, 3<sup>rd</sup> ed. (Cambridge, Cambridge University Press, 2003).

<sup>49</sup> Michael J. Perry, *The Constitution, the Courts and Human Rights: An Inquiry into the Legitimacy of Constitutional Policymaking by the Judiciary* (New Haven: Yale University Press, 1982); *The Idea of Human Rights: Four Inquiries* (New York: Oxford University Press, 1998).

<sup>50</sup> Sonia Cardenas, "Norm Collision: Explaining the Effects of International Human Rights Pressure on State Behavior," *International Studies Review* 6, no. 2 (June 2004): 213-232.

<sup>51</sup> Other authors also explore why and how certain countries have gone from being human rights violators to followers of international practice. See Thomas Risse-Kappen, Steve C. Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

treaty obligations was surprisingly common. In her words, treaty ratification “is not infrequently associated with worse human rights ratings than otherwise expected.” Ratification of human rights treaties by fully democratic nations, though, seems to be associated with better practices. All in all, the record of international compliance has been rather bleak. “Given that I find not a single treaty for which ratification seems to be reliably associated with better human rights practices,” writes Hathaway, “and several for which it appears to be associated with worse practices, it would be premature to dismiss the possibility that human rights treaties may sometimes lead to poorer human rights practices within the countries that ratify them.”<sup>52</sup> This conclusion helps justify the notion that opponents of human rights treaties are not necessarily opponents of human rights *per se*.

Political scientists have been even more active in this field than have legal scholars, and Latin America has served as their most common region of study. This is fitting because the region was at the center of many human rights controversies in the 1970s. Lars Schoultz was one of the first to publish a comprehensive monograph on human rights and U.S.-Latin American relations.<sup>53</sup> Writing in the early 1980s, he presciently concluded that the domestic and international circumstances of the 1970s were so unique that they were unlikely to be repeated. He cited “an unusual conjunction” of events that led to a breakdown in the traditional U.S.-Latin American relationship and created the conditions for human rights to reach a new level of prominence. These events included Vietnam, Watergate, the 1973 Chile coup, President Carter’s personal and

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<sup>52</sup> Oona A. Hathaway, “Do Human Rights Treaties Make a Difference?” *The Yale Law Journal* 111, no. 8 (June, 2002): 1935-2042.

<sup>53</sup> Lars Schoultz, *Human Rights and United States Policy toward Latin America* (Princeton: Princeton University Press, 1981).

political beliefs, and the absence of a credible threat to U.S. security interests in Latin America. In addition, three significant factors in the wider U.S. foreign policy apparatus cemented human rights as a key aspect of policymaking in Latin America and elsewhere. First, a variety of interest groups and NGOs became quite influential in a short period. Second, a more aggressive Congress sought not only to assume more power in the foreign policy-making process, but also worked harder to translate moral principles into laws. Third, the executive branch in the middle and late 1970s expanded to include a human rights bureaucracy, which went on to play a key role in enforcing human rights legislation.

In more recent years Kathryn Sikkink has done a fine job of revising previous work on human rights in U.S.-Latin American relations.<sup>54</sup> In her latest book she argues that the U.S. has sent “mixed signals” to the rest of the world regarding its true intentions with respect to democratization and human rights. This inconsistency has resulted from the wide range of domestic interests and the general disorder of the democratic process. Sikkink makes it clear, however, that despite the apparent capriciousness, the U.S. definitely made measurable progress beginning in the 1970s, when a human rights agenda was institutionalized in U.S. foreign policy. She emphasizes “ideational” factors (the power of ideas) in her study, but she also takes into account “institutional” factors (writing ideals into law and practice). The latter help explain, for example, why the Reagan administration could not completely ignore human rights violations abroad, despite Reagan’s lack of enthusiasm for such crusades. The same could be said of Henry Kissinger’s inability to ignore human rights issues when he was secretary of state under President Ford.

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<sup>54</sup> Kathryn Sikkink, *Mixed Signals*, *passim*.

Although these works are valuable, Latin Americanists like Schoultz, Sikkink, and W.M. Leogrande limit their attempts to place American policy into the broader context of human rights issues in this period.<sup>55</sup> These authors have much to say about the role of American policies on Latin American nations, but relatively little to say about the myriad factors that brought about such changes in American political and social life. Furthermore, they gloss over or ignore archival material that is now available to researchers. For her part, Sikkink's emphasis on the role of NGOs and other non-state actors leads her to ignore much of the political story, such as the conflict between the executive and legislative branches. She delves into Kissinger's role in the Chilean and Argentine dictatorships, but she says little about the attitudes of others in the Nixon and Ford administrations. Schoultz's work, meanwhile, is nearly three decades old. Indeed, many such political science texts are out of date. David Newsom's fine 1986 edited volume on diplomacy and human rights still offers some useful ideas, but much of it is woefully dated. John P. Salzberg's essay on Congress's role in policymaking and R.J. Vincent's essay on the international response to U.S. human rights diplomacy are limited to a very thin data set of interviews and published documents.<sup>56</sup> Other studies of human rights, broadly defined, address time periods that are irrelevant to my project.<sup>57</sup>

Some scholars have emphasized the role that non-state actors and prominent NGOs like Amnesty International have played in bringing international human rights

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<sup>55</sup> W.M. Leogrande's *Our Own Backyard: The United States in Central America, 1977-1992* (Chapel Hill: University of North Carolina Press, 1998) is largely centered on Latin America's civil wars in the 1980s.

<sup>56</sup> David Newsom, ed., *The Diplomacy of Human Rights* (Lanham, Md.: University Press of America, 1986).

<sup>57</sup> Prominent legal scholar Julie A. Mertus, for example, routinely writes about human rights (and their neglect) in the post-Cold War world. Cf., *Bait and Switch: Human Rights and U.S. Foreign Policy* (New York: Routledge, 2004).

abuses to the attention of the Western public.<sup>58</sup> A few have posited a somewhat triumphal “end of history” model, which emphasizes a consistently growing respect for the concept of human rights since 1945.<sup>59</sup> As the title of Kirsten Sellars’s 2002 book *The Rise and Rise of Human Rights* suggests, she makes the case for the steady acceptance of a universal rights regime.<sup>60</sup> Her book is more complex than her title implies. I agree with her assessment that human rights campaigns “are almost always triggered by domestic impulses within the most powerful nations, rather than by repression in countries elsewhere,” as well as her argument that governments assess these campaigns “by their success on the home front.” However, I do not believe that the direct influence of NGOs can be conclusively proven, though the literature on this subject seems to suggest that in certain cases non-state actors have had a clear influence on policymakers’ decisions. I concur with another scholar who has recently alleged, “If human rights NGOs had not existed during the past thirty-five years, human rights would have a much less salient position in international relations.”<sup>61</sup> Although I am building my study around the work of key policymakers, I am including some of the NGO influence as well. I will highlight the contributions of non-state actors whenever they influenced policymakers or public debates.

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<sup>58</sup> Jonathan Power, *Like Water on Stone: The Story of Amnesty International* (Boston: Northeastern University Press, 2001).

<sup>59</sup> I am referring to Francis Fukuyama’s thesis in *The End of History and the Last Man* (New York: Avon, 1992), which has often been unfairly shorn of context by hostile reviewers. Fukuyama argued that history is directional and that capitalist liberal democracy is its logical endpoint. Given the late-20<sup>th</sup> century triumph of democracy in much of the world, it seemed as though a growing respect for individualism had won out in the long-term war of ideologies. Fukuyama readily conceded that this individualism would perhaps spur its own problems.

<sup>60</sup> Kirsten Sellars, *The Rise and Rise of Human Rights* (Phoenix Mill, UK: Sutton, 2002), xiii.

<sup>61</sup> David Forsythe, *Human Rights in International Relations* (Cambridge: Cambridge University Press, 2000), 177.

A few political scientists have written more comprehensive descriptions of human rights in American foreign relations. Sandy Vogelgesang's 1980 book *American Dream, Global Nightmare* was perhaps the first full monograph on the subject.<sup>62</sup> Vogelgesang, who had learned about her topic while working in the Foreign Service, evaluated diplomacy and domestic politics before focusing on three individuals who garnered the attention of the American activist community in the 1970s: a Cambodian refugee, a Soviet Jew, and an impoverished Salvadoran laborer. As her title implies, she argued that human rights policies forced American idealists to confront the harsh realities of the world. Yet although some of her narrative is useful on a factual level, the book is quite dated. She wrote it while Carter was still president, so her perspective and data set were limited. Furthermore, her pages are peppered with nearly as many questions as conclusions, which gives us some indication of just how complex these issues were for contemporary observers.

Another political scientist, Thomas J. Nisley, has more recently emphasized changes in "domestic norms" to explain how Americans became more favorable toward "democracy promotion" after the 1960s.<sup>63</sup> By his model, changing attitudes toward civil rights and race ("declining domestic levels of racism") led Americans to embrace a new emphasis on "democracy promotion" abroad. As for the U.S. after the 1960s, the "changing normative structure" was equaled by the "concurrent change in identity" from a European-American nation to a multicultural one. Although Nisley only briefly touches on human rights, his ideas about the influence of multi-ethnic politics on human

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<sup>62</sup> Sandy Vogelgesang, *American Dream, Global Nightmare: The Dilemma of U.S. Human Rights Policy* (New York: Norton, 1980). One of her early articles centered on the congressional role in human rights policymaking: "Domestic Politics Behind Human Rights Diplomacy," in Tom Farer, ed., *Toward a Humanitarian Diplomacy* (New York: NYU Press, 1980), 52-64.

<sup>63</sup> Nisley, *Democracy Promotion and U.S. Foreign Policy*, 41.

rights policies are interesting. His constructivist approach allows for the possibility that changing attitudes can have as much of an impact on policies as can material factors. While I find Nisley's approach useful, I disagree with the extent to which "positive" attitude changes impacted policies.

The congressional role has also earned the attention of human rights scholars. David P. Forsythe has written a great deal about Congress in recent decades. Among his many valuable arguments, he concluded some years ago that human rights voting in Congress was "largely but not completely a partisan and ideological matter."<sup>64</sup> Natalie Kaufman Hevener has also highlighted Congress's role by analyzing Senate opposition to human rights treaties after World War II.<sup>65</sup> Yet although her study is valuable from a conceptual standpoint, like many others in this sample she falls short at the level of sources and periodization. She emphasizes the period from the 1940s to the 1960s, and she relies heavily on legal documents rather than senators' private papers.

Another aspect of the congressional role in this story is the relationship between foreign aid and human rights policies. I find these foreign aid studies useful for understanding the political and social context of this period. Clair Apodaca and Michael Stohl, for example, have demonstrated that between the 1970s and the 1990s human rights considerations often played a role in the allocation of U.S. military aid and bilateral economic aid.<sup>66</sup> Looking at 140 countries, they concluded that human rights practices in a specific nation were often "a determinant factor in the decision to grant economic aid, albeit of secondary importance." They further concluded that U.S. bilateral economic aid

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<sup>64</sup> David P. Forsythe, *Human Rights and U.S. Foreign Policy: Congress Reconsidered* (Gainesville: University of Florida Press, 1988), 50.

<sup>65</sup> Natalie Kaufman Hevener, *Human Rights Treaties and the Senate: A History of Opposition* (Chapel Hill: University of North Carolina Press, 1990).

<sup>66</sup> Clair Apodaca and Michael Stohl, "United States Human Rights Policy and Foreign Assistance," *International Studies Quarterly* 43, no. 1 (1999): 185-198.

was influenced by a nation's human rights record, but (perhaps not surprisingly) "human rights considerations" were "neither the only nor the primary consideration in aid allocation."

The study of public opinion has grown into a considerable subfield of political science. Ole R. Holsti has published several articles on public opinion and foreign policy, including public opinion regarding "moral" issues like human rights. He asserts that the public was slightly more supportive of democracy promotion in the 1970s than politicians were. In particular, strong majorities approved linking international assistance to recipient nations' human rights records, and most Americans were critical of aid to countries with poor records. This period also saw the widest gap between public opinion and political action. Regarding the long-term numbers (1970s to 1990s), Holsti writes, "the data presented here point rather dramatically to the persisting . . . gap between the rhetoric of 'American exceptionalism' and the relatively low priority attached to human rights, especially when promotion and protection of such rights might entail significant costs or trade-offs."<sup>67</sup> Richard Sobel, meanwhile, sees public opinion in general as a restraining influence, but he argues that it was not the most significant determinant of policy in the post-Vietnam cases he studied. The public's attitudes, he asserts, have set the parameters within which policymakers have operated, and policymakers have had relative discretion about which policies to choose within those limits. This discretion has been wider when conflicts have been less publicized or when public support has been

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<sup>67</sup> Ole Holsti, "Public Opinion on Human Rights in American Foreign Policy," in David Forsythe, ed., *The United States and Human Rights: Looking Inward and Outward* (Lincoln: University of Nebraska Press, 2000), 131-174. See also Holsti's more general treatment of the subject of public opinion and American foreign policy, *Public Opinion and American Foreign Policy* (Ann Arbor: The University of Michigan Press, 1996).

higher, “But in general the American public [has] constrained what the colossal power of the U.S. could do in foreign interventions.”<sup>68</sup>

As for specific policymakers, Andrew Z. Katz has revised our understanding of Jimmy Carter’s attention to public opinion.<sup>69</sup> Whereas some scholars have suggested that Carter disregarded public opinion, Katz shows that Carter paid significant attention to opinion polls regarding U.S-Soviet relations and human rights. However, Carter’s polling experts did not assemble an accurate summary of public attitudes toward his foreign policy, and as a result he tried too late to adjust his policies to what appeared to be a strong degree of public disenchantment. In a similar study, Michael J. Towle demonstrates that the Truman, Johnson, and Carter administrations tended to congratulate themselves when their poll numbers were high. When their numbers were low they convinced themselves that the public did not truly understand the issues or the president’s position.<sup>70</sup>

Taken as a whole, the literature on public opinion suggests that the American public had a profound impact on policymakers in these years. For example, although during the peak years of détente (1972-73) a high percentage of Americans were happy that the Cold War seemed to be winding down, conservative opponents of presidential policies tapped into a hidden vein of popular dissatisfaction with this “new appeasement.” Their consistent opposition to executive policies eventually spurred widespread public disillusionment with the détente process.<sup>71</sup> Support for arms control agreements had been one of the constants in American public opinion since the 1950s,

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<sup>68</sup> Richard Sobel, *The Impact of Public Opinion on U.S. Foreign Policy*, x, 5.

<sup>69</sup> Andrew Z. Katz, “Public Opinion and the Contradictions of Jimmy Carter’s Foreign Policy,” *Presidential Studies Quarterly* 30, no. 4 (December 2000), 662-687.

<sup>70</sup> Michael J. Towle, *Out of Touch: The Presidency and Public Opinion* (College Station: Texas A&M University Press, 2004).

<sup>71</sup> Holsti, *Public Opinion and American Foreign Policy*, 70.

but the SALT II agreement stands as a singular exception to this rule, largely because the Committee for the Present Danger – a group founded by Cold War hawks to build awareness of the growing danger of Soviet power – orchestrated a massive public relations campaign against it. They criticized the very premise of détente, arguing that it gave the Soviets unfair advantages, and by the time the Soviets invaded Afghanistan at the end of 1979, SALT II was dead on arrival.<sup>72</sup>

Perhaps the most significant shortcomings of the studies I have mentioned thus far are their ahistorical nature, their narrowness of scope, their inattention to social context, and their lack of archival sources. Even historically informed studies invariably give short shrift to the 1970s.<sup>73</sup> Cathal J. Nolan, for example, has examined the conflicts and compromises inherent in Americans’ quest for “security” at home and “liberty” and rights abroad between World War I and the end of the Cold War.<sup>74</sup> Like the other authors in this survey, Nolan does not paint a complex picture of the 1970s, and he gives an inordinate amount of attention to U.S. attitudes toward the U.S.S.R. and the U.N. However, he does manage to offer a few useful concepts. In one chapter he addresses détente, arguing that human rights issues played a major role in its unraveling. I agree with this assertion, as well as his charge that the détente era gives us a good example of “how liberal and humanitarian ideas have at times undercut, rather than supported, national security interests.” Although I am not challenging Nolan’s argument, I believe that he only scratched the surface of the connection between human rights, détente, and American domestic life in the 1970s. Furthermore, he conducted no archival research.

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<sup>72</sup> Ibid., 72.

<sup>73</sup> For example, Kirsten Sellars, in *The Rise and Rise of Human Rights*, covers the 1940s to the 1990s roughly chronologically.

<sup>74</sup> Cathal J. Nolan, *Principled Diplomacy: Security and Rights in U.S. Foreign Policy* (Westport: Greenwood Press, 1993).

Scholars from other fields have also taken up human rights topics.

Anthropologist Linda Rabben, in her 2003 book *Fierce Legion of Friends*, recounts the long-term story of human rights in political thought and international relations. She begins with the Enlightenment origins of “natural rights” and goes on to explore various rights campaigns and *causes celebres* over the course of more than two centuries.<sup>75</sup> Her rather inclusive definition of human rights causes includes antislavery, lynching, and the famous cases of Sacco and Vanzetti, the Scottsboro “boys,” and the Rosenbergs. This approach exalts the individuals who publicized each cause, though it marginalizes the role of lawmakers and others. Furthermore, Rabben only briefly describes the 1970s in a short chapter on human rights campaigning since 1961.

Journalist and policy analyst David Rieff has joined others in asking whether a human rights “revolution” has really taken place in the modern era. Rieff argues that something of a revolution has taken place in rhetoric – though not necessarily in policies – since 1945. In Rieff’s opinion, the best evidence for this rhetorical revolution lies in the sheer volume of government pronouncements concerning “the pain of others” (to borrow a phrase from Rieff’s mother, Susan Sontag). “The language of human rights and humanitarianism,” Rieff asserts, is now “the exoteric language of public discourse” about difficult international questions. This demonstrates “the degree to which there really has been a human rights revolution in the attitudes, though not nearly to the same degree in the practices, of the Western public and its poll-addicted, pandering governments.”<sup>76</sup>

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<sup>75</sup> Linda Rabben, *Fierce Legion of Friends: A History of Human Rights Campaigns and Campaigners* (Madison: University of Wisconsin Press, 2003).

<sup>76</sup> David Rieff, “A New Age of Liberal Imperialism?” in Jeffrey N. Wasserstrom, Lynn Hunt, and Marilyn B. Young, eds., *Human Rights and Revolutions* (Lanham: Rowman and Littlefield, 2000), 179.

Meanwhile, participants in the human rights debates of this period have written – to varying degrees of effectiveness – about their personal experiences with these issues. Such works are plentiful, but they tend to be rather limited in scope.<sup>77</sup> William Korey, for example, has published some valuable work on the Helsinki process, the Universal Declaration of Human Rights, and the role of NGOs in human rights policymaking.<sup>78</sup> As a specialist in Soviet Jewry, he has much to say about East/West issues and the Cold War. Yet his most relevant book (*A Curious Grapevine*) is also somewhat polemical; rather than letting the sources speak for themselves, he makes some suspect interpretations. In it he explores much of the postwar period, but he gives an inordinate amount of attention to the U.N., which was far less significant to the human rights story of the 1970s. He also spends a great deal of time on the Jackson-Vanik amendment, which has been adequately described by many other scholars. Like others in this literature survey, Korey’s data set was limited to published materials and interviews.

Robert F. Drinan, S.J., a Catholic priest who served as a congressman from 1971 to 1981, participated in many rights debates in this period, and his writings reflect his insider view. In a 1987 book he emphasized the gap between American promises and achievements in bringing moral principles to international affairs.<sup>79</sup> He pointed out, for example, the mixed American record of ratifying U.N. human rights conventions and other agreements. He also asserted that the Reagan administration (which was still in power at the time) was far more interested in anticommunism than in universal rights

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<sup>77</sup> Such books include Jeri Laber, *The Courage of Strangers: Coming of Age with the Human Rights Movement* (New York: Public Affairs, 2002) and Morris B. Abram, *The Day is Short: An Autobiography* (New York: Harcourt Brace Jovanovich, 1982).

<sup>78</sup> Korey, *The Promises We Keep*; and *NGOs and the Universal Declaration of Human Rights*. Korey was defending human rights treaties in the 1960s, when it was still rather unfashionable to do so. See “Human Rights Treaties: Why is the U.S. Stalling?” *Foreign Affairs* 45, no. 3 (April 1967): 414-424.

<sup>79</sup> Robert F. Drinan, S.J., *Cry of the Oppressed: The History and Hope of the Human Rights Revolution* (New York: Harper & Row, 1987).

standards. A more recent Drinan work offers a few insights into post-1960s policies, including his surprising conclusion that Congress would have been interested in human rights in the early 1970s even if the nation had not been reeling from Watergate and Vietnam.<sup>80</sup> In the final analysis, inside accounts like Korey's and Drinan's are often quite instructive as primary sources, but they tend to be limited to what the author saw and experienced firsthand. They do not adequately cover the interplay of domestic politics and diplomacy.

Although historians have only recently taken up human rights as a subject of inquiry, they are writing more and more about the topic. Paul Gordon Lauren is one of the most prominent diplomatic historians to address human rights in international history. His Pulitzer Prize-nominated book, *The Evolution of International Human Rights: Visions Seen*, is a tour de force study of the creation and continuing evolution of the Universal Declaration of Human Rights.<sup>81</sup> He highlights the efforts of countless individuals and argues for the truly international character of the human rights movement. He begins with the ancient world and the Enlightenment, and then expends most of his effort describing the evolution of attitudes toward rights in the 20<sup>th</sup> century. As such, his book serves as a valuable primer on human rights in international relations after 1945. Lauren also offers many perceptive asides, including some intriguing comparisons between the U.S. and the U.S.S.R. (e.g., both feared U.N. oversight and entangling rights agreements). Yet he only offers one brief chapter on the 1970s. Furthermore, his international outlook necessarily limits what he can say about the

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<sup>80</sup> Drinan, *The Mobilization of Shame: A World View of Human Rights* (New Haven: Yale University Press, 2001).

<sup>81</sup> Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, 2<sup>nd</sup> ed. (Philadelphia: University of Pennsylvania Press, 2003).

domestic influences in the U.S. that sparked such extraordinary attention to human rights issues in the 1970s.

The late Kenneth Cmiel was another prominent historian of human rights. In an interesting historiographical essay he demonstrated that “human rights” had only emerged as a legitimate subject of historical inquiry in the 1990s.<sup>82</sup> He described the multiple causes of historians’ reluctance to interrogate human rights, including the subject’s international character (after all, the academy has long had an ambiguous attitude toward international history) and the fact that most historians are particularists. On this latter point, he stressed that historians’ tendency to want to know “in great depth the local scene they survey” – a methodology which is often described via Clifford Geertz’s term “thick description” – has led to “a sort of reflexive cultural relativism” in which discussion of universal rights standards is considered “suspect, with the odors of cultural imperialism and simple-minded rationalism vaguely hanging about it.” Only in the post-Cold War, “globalized” 1990s and 2000s have historians been moved to tackle the subject in any depth. Cmiel has even coined a counterpart to Geertz’s term. Human rights images and rhetoric, he argues, rely on “thin description,” or the perceived universality of their ability to arrest one’s attention. To be sure, the evolution of “rights” from the Enlightenment to the present is a historical subject of long standing, but interest in universal standards has greatly increased since 1990. Historians have managed to publish a good deal of scholarship on the activism of the immediate post-World War II years, but much more remains to be said about the 1970s, which witnessed the rise of a “second wave” of activism. Cmiel points out that the few historians of the latter period

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<sup>82</sup> Kenneth Cmiel, “The Recent History of Human Rights,” *American Historical Review* 109, no. 1 (February 2004): 117-135.

have (correctly) placed greater emphasis on NGOs and government action rather than the U.N., which was fairly ineffective in this period.

In another essay, Cmiel summarized the growth of advocacy in the 1970s.<sup>83</sup> Here he emphasized the role of NGOs and the growth of transnational advocacy networks. He pointed out the significance of new technology, with which activists could more effectively publicize rights abuses overseas. This expansion in the availability of information (to government, news media, etc.) led to the entry of “human rights” into the policy process before the Carter presidency. “It was the quantity and quality of the facts gathered that mattered,” wrote Cmiel.<sup>84</sup> Equally important was a “postpopulist” methodology, whereby human rights advocacy organizations shunned traditional mass mobilization methods in favor of direct approaches to political elites. Cmiel’s summary is quite instructive, but he acknowledged that much remained to be said about the subject in this period.

The prominent Canadian historian, politician, and well known public intellectual Michael Ignatieff has penned several books and articles on human rights and nation-building.<sup>85</sup> Because his contributions combine history with philosophy, international law, and current events, his works offer some useful concepts to students of modern

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<sup>83</sup> Cmiel, “The Emergence of Human Rights Politics,” 1231-1250. Cmiel’s other contributions to this subfield include his article, “Freedom of Information, Human Rights, and the Origins of Third-World Solidarity,” in Mark Philip Bradley and Patrice Petro, eds., *Truth Claims: Representation and Human Rights* (New Brunswick: Rutgers University Press, 2002), 107-130. This article tells the story of how “freedom of information,” which Westerners considered a human right in the late-1940s, was kept out of human rights directives by a third-world bloc. This, he argues, was the origin of third-world solidarity. When Cmiel died in 2006 he was writing a book on the ideological origins of the Universal Declaration tentatively titled *The Human Rights Idea: The Ideological Origins of the Universal Declaration of Human Rights*.

<sup>84</sup> *Ibid.*, 1241.

<sup>85</sup> Michael Ignatieff, “Human Rights,” 313-324; *The Rights Revolution* (Toronto: Canadian Broadcasting Corporation, 2000); *Human Rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001). See also, “Is the Human Rights Era Ending?” *New York Times*, 5 February 2002, for a brief look at the 1990s “heyday” of humanitarian interventions.

history. In a 1999 article he considered the difficulties inherent in creating and legislating sets of international standards. He coined the term “rights narcissism” to describe how states like the U.S., France, and Britain often apply a double-standard to their own actions while criticizing those of others, as for example when these governments recoil from having their own human rights records brought before international tribunals. In a more recent book he focuses on the post-1945 (and especially post-1960s) rights revolution within the context of a multilingual and multi-ethnic Canada. Meanwhile, his 2001 book *Human Rights as Politics and Idolatry* is a largely philosophical set of commentaries on the usefulness of “human rights” as a concept in modern society.

The recent historiography on American conservatism largely neglects human rights in foreign policy. William C. Berman’s *America’s Right Turn: From Nixon to Clinton* is a groundbreaking study of the many currents of the modern conservative trend, from the Christian Right to disaffected blue-collar voters in industrial cities. Robert Mason, in *Richard Nixon and the Quest for a New Majority*, similarly explores Nixon’s strategy for harnessing the indignation of white southerners, the northern working class, and suburban Middle America. Others who have recounted aspects of this complex story include Lisa McGirr, whose *Suburban Warriors: The Origins of the New American Right* focuses on grass-roots conservatism in Orange County, California in the 1960s and 70s. Jefferson Cowie, meanwhile, has examined Nixon’s attempts to woo the white working class to the Republican fold. These works are all insightful, but they are almost exclusively concerned with domestic life and politics. For example, although Mason

acknowledges the importance of Nixon's foreign policy successes, he explains the president's consensus-building as a domestic political process.<sup>86</sup>

Two historians have composed more nuanced views of Richard Nixon's attitudes toward race and rights. Joan Hoff's political biography stands as one of the most significant works of Nixon revisionism in the last two decades. Hoff argues that Nixon was a moderate-to-liberal leader who was wise enough to see that the Great Society could not be completely gutted.<sup>87</sup> Dean Kotlowksi also paints a more complex portrait of Nixon's views on civil rights from his time in Congress through his years in the White House. Kotlowksi asserts that Nixon understood white resistance to black demands; accordingly, Nixon utilized rhetoric that played to this crowd. However, this rhetoric veiled Nixon's true belief in promoting racial uplift and black empowerment through economic growth.<sup>88</sup>

A quick perusal of the literature on détente similarly reveals that most scholars have examined the subject from the standpoint of Great Power relations and arms negotiations, with only the barest mention of human rights. Jeremi Suri has recently given us a groundbreaking look at the international history of détente and its origins in the social upheavals of Western Europe, the U.S.S.R., the U.S., and China.<sup>89</sup> Suri paints a fascinating picture of post-1968 world leaders threatened by domestic challenges to the status quo. In his estimation, détente emerged as a means of undercutting radicalism by softening the harder edges of East/West relations. This essentially ratified the Cold War

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<sup>86</sup> Robert Mason, *Richard Nixon and the Quest for a New Majority*; William C. Berman, *America's Right Turn: From Nixon to Clinton*, 2nd ed. (Baltimore: Johns Hopkins University Press, 1998); McGirr, *Suburban Warriors*; Jefferson Cowie, "Nixon's Class Struggle: Romancing the New Right Worker, 1969-1973," *Labor History* 43, no. 3 (August 2002): 257-283. See also Flipse, "Below-the-Belt Politics," 127-141.

<sup>87</sup> Hoff, *Nixon Reconsidered*.

<sup>88</sup> Kotlowksi, *Nixon's Civil Rights*.

<sup>89</sup> Suri, *Power and Protest*.

order. Yet despite Suri's creativity, he has virtually nothing to say about the international human rights regime that paralleled the development of détente. In 1994 Raymond L. Garthoff updated his 1985 study of détente and U.S.-Soviet relations from Nixon to Reagan. Garthoff, a longtime Foreign Service officer with decades of experience in Soviet affairs, understandably emphasized defense policy, nuclear weapons, and the Soviet perspective. In a later book, *The Great Transition*, which explores the final years of the Cold War, Garthoff does touch on some East/West human rights issues. But he does so only briefly, and only in reference to the Reagan years.<sup>90</sup> Odd Arne Westad's edited volume on the fall of détente is largely concerned with a few major interpretations as to why détente unraveled at the end of the 1970s. One essay from this collection describes the influence of U.S. domestic politics, but even here there is virtually no mention of human rights.<sup>91</sup> Finally, Jeffrey Douglas Merritt used limited source material in his 1986 dissertation on the American response to human rights violations in the Soviet Union. Other studies of this period, such as John Robert Greene's work on the Nixon and Ford administrations, focus mainly on American domestic life and politics, ignoring human rights altogether.<sup>92</sup>

Historians have also neglected the connection between the ethnic revival and human rights policymaking. For the purposes of this literature survey, we can divide scholarly examinations of the ethnic revival into two categories: contemporary studies

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<sup>90</sup> Raymond L. Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan* (Washington: Brookings Institution, 1994); *The Great Transition: American-Soviet Relations and the End of the Cold War* (Washington: Brookings Institution, 1994).

<sup>91</sup> Dan Caldwell, "The Demise of Détente and U.S. Domestic Politics," in Odd Arne Westad, ed., *The Fall of Détente: Soviet-American Relations during the Carter Years* (Oslo, Norway: Scandinavian University Press, 1997), 95-117.

<sup>92</sup> Jeffrey Douglas Merritt, *Unilateral Human Rights Intercession: The American Response to Human Rights Violations in Brazil, Uganda, and the Soviet Union, 1969-1979* (Ph.D. diss., Columbia University, 1986); Greene, *The Limits of Power*.

and historical studies. The former were written by social scientists who had noted the ethnic trend in the 1970s.<sup>93</sup> Scholars as diverse as Orlando Patterson, Michael Novak, Daniel Patrick Moynihan, and Nathan Glazer expended considerable effort to get at the revival's meaning and consequences.<sup>94</sup> Novak used the term "the unmeltable ethnics" to describe these Americans, whom he considered "the new political force of the 1970s." He became the revival's most prominent defender, and he rather optimistically concluded that the rise in ethnic identification was a natural consequence of the essential human urge to "belong." Glazer and Moynihan, meanwhile, who put this topic on the map with their well-known book *Beyond the Melting Pot*, argued that ethnic groups functioned largely as interest groups.<sup>95</sup> In their model, ethnicity was a more effective form of social organization than social class. Orlando Patterson, meanwhile, was critical of ethnic movements, which he considered precursors to a rather unsavory tribalism. Still others denied that the U.S. had undergone a true pluralist renewal. Herbert Gans, Gunnar Myrdal, and Arthur Schlesinger, Jr. charged that the revival was an invention of elites.<sup>96</sup> Gans made clear the connection between class and ethnicity, suggesting that ethnicity was often a "surrogate" for class. In his words, ethnicity was "largely a working class culture," and the ethnic revivals were "better described as class-based social movements

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<sup>93</sup> Cf. Orlando Patterson, *Ethnic Chauvinism: The Reactionary Impulse* (New York: Stein and Day, 1977), esp. 147-185; Joshua A. Fishman, *The Rise and Fall of the Ethnic Revival: Perspectives on Language and Identity* (New York: Mouton, 1985); Sallie TeSelle, ed., *The Rediscovery of Ethnicity: Its Implications for Culture and Politics in America* (New York: Harper and Row, 1973); Howard F. Stein and Robert F. Hill, *The Ethnic Imperative: Examining the New White Ethnic Movement* (University Park: Pennsylvania State University Press, 1977).

<sup>94</sup> Michael Novak, *The Rise of the Unmeltable Ethnics: The New Political Force of the Seventies* (New York: MacMillan, 1972). For a rather critical review of Novak's book, see Garry Wills, "The Rise of the Unmeltable Ethnics," *New York Times*, 23 April 1972. Among other things, Wills criticized Novak's desire to shift ethnics away from the conservative movement.

<sup>95</sup> Nathan Glazer and Daniel Patrick Moynihan, *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians and Irish of New York City* (Cambridge: MIT University Press, 1963; 2<sup>nd</sup> ed., 1970); *Ethnicity: Theory and Experience* (Cambridge: MIT University Press, 1975), "Introduction," 1-26.

<sup>96</sup> Alexander DeConde, *Ethnicity, Race, and American Foreign Policy: A History* (Boston: Northeastern University Press, 1992), 158.

clad in ethnic clothes.”<sup>97</sup> In more recent years, Kathleen Neils Conzen and David A. Gerber have emphasized what they call “the invention of ethnicity.” (This thesis resembles Benedict Anderson’s concept of nations as “imagined communities.”)<sup>98</sup> They interpret the ethnic revival as “a response to a crisis resulting from the shattering of the core values of the dominant ethnoculture.”

Historical studies of the ethnic revival, and of ethnicity in general, are becoming more common. Some scholars have examined the power of ethnic lobbies or changing demographics in American politics.<sup>99</sup> In one recent volume, Thomas Ambrosio demonstrates the long-term power and scope of ethnic lobbying in American foreign policy.<sup>100</sup> He shows that ethnic lobbying has a long history, and he argues that post-1960s social pluralism has fostered a political pluralism which is clearly evidenced in the increased influence of ethnic lobbies on American diplomacy. Yet although his work is conceptually valuable, Ambrosio does not take up the subject of human rights in any detail. In more recent years, a few historians have delved more deeply into the ethnic revival. Most significantly, Mathew Frye Jacobson has published an insightful cultural history of the revival from the 1960s onward.<sup>101</sup> Jacobson shows that the ethnic revival owed much of its early momentum to the “pride” and “identity” aspects of the Civil Rights Movement. He also provocatively charges that American ethnics in the 1970s

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<sup>97</sup> Herbert Gans, “Symbolic Ethnicity: The Future of Ethnic Groups and Cultures in America,” *Ethnic and Racial Studies* 2, no. 1 (January 1979): 1-20; “Second-Generation Decline: Scenarios for the Economic and Ethnic Futures of the Post-1965 American Immigrants,” *Ethnic and Racial Studies* 15, no. 2 (1992): 173-192.

<sup>98</sup> Kathleen Neils Conzen and David A. Gerber, “The Invention of Ethnicity: A Perspective from the U.S.A.,” *Journal of American Ethnic History* 12, no. 1 (Fall 1992), 3-41.

<sup>99</sup> Helene Christol and Serge Richard, eds., *Hyphenated Diplomacy: European Immigration and U.S. Foreign Policy, 1914-1984* (Aix-en-Provence: Université de Provence, 1985); Gene M. Grossman and Elhanan Helpman, *Interest Groups and Trade Policy* (Princeton: Princeton University Press, 2002).

<sup>100</sup> Thomas Ambrosio, ed., *Ethnic Identity Groups and U.S. Foreign Policy* (Westport: Praeger, 2002).

<sup>101</sup> Mathew Frye Jacobson, *Roots Too: White Ethnic Revival in Post-Civil Rights America* (Cambridge: Harvard University Press, 2006).

were equally driven by the desire to differentiate themselves from “mainstream,” WASP America at a time in which guilt over racial discrimination and fear of black reprisals were rampant. Yet as compelling as Jacobson’s work is, he is almost exclusively concerned with American domestic life. He only briefly touches on foreign relations by mentioning in a few pages American ethnics’ “attachments” to their overseas kin. Furthermore, most of his sources are cultural texts, such as films, television programs, dramas, and literature. Jacobson does not link the domestic situation to the diplomacy of the period, nor does he take up the human rights question in any detail.

One book that more clearly connects the ethnic revival to the politics of the 1970s is Lawrence M. O’Rourke’s biography of Monsignor Geno Baroni, who was a significant defender of the ethnic trend. Baroni founded the National Center for Urban Ethnic Affairs and the National Italian American Foundation, and in 1977 he was appointed to Jimmy Carter’s administration as an urban specialist. O’Rourke argues that Baroni was the driving force behind Carter’s successful Catholic ethnic strategy. He further asserts that the ethnic movement was not – as many observers speculate – inherently conservative. Most Catholic ethnics sympathized with the civil rights movement, and polls showed that white Catholics were less likely than white Protestants to think blacks were pushing too fast for equality.<sup>102</sup> Ethnics also tended to back a more traditional New Deal economic agenda, and several prominent “ethnic” Catholics were politically liberal. The aforementioned Father Drinan, for example, was the first member of the House of

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<sup>102</sup> Lawrence M. O’Rourke, *Geno: The Life and Mission of Geno Baroni* (New York: Paulist Press, 1991), 85.

Representatives to call for Richard Nixon's impeachment (though he did so over the Cambodia incursion, not Watergate).<sup>103</sup>

O'Rourke offers an interesting thesis, but his focus on Baroni gives the reader the sense that the conservative movement had no appeal for urban, ethnic Catholics. Clearly this was not the case, as issues like permissiveness and abortion allowed Richard Nixon to pull many Catholic voters into the Republican fold in 1968 and 1972. The Jesuit priest John McLaughlin served on Nixon's White House staff, and Nixon appointed Father Theodore Hesburgh, President of Notre Dame University, as chairman of the U.S. Civil Rights Commission. (Hesburgh's criticism of Nixon's policies led Nixon to dismiss him in 1972.) Furthermore, O'Rourke shows that Baroni was interested solely in domestic affairs such as urban decay, poverty, and education. Indeed, his only connection to a human rights issue was his counseling of President Carter on the return of the Crown of St. Stephen to Hungary (a subject to be discussed in chapter seven). As with the other biographies I have listed in this survey, O'Rourke understandably overemphasizes the role of his subject. So even this biographical work on a key member of the ethnic revival steers clear of foreign relations issues in general and human rights in particular.

As this literature survey clearly shows, there are still many gaps in our understanding of human rights in foreign policy, ethnicity in the American political culture, and the goals and outcomes of diplomacy in the 1960s, 70s, and 80s. Because historians in general – and diplomatic historians in particular – have for so long neglected human rights as a subject of inquiry, I hope that my study will contribute a great deal to what we know about this topic and time period.

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<sup>103</sup> "The Rev. Robert Drinan," *The Telegraph* (UK), 9 February 2007, <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2007/02/09/db0903.xml>.

## **Chapter 2 – Vietnam, the Nixon Administration, and the New Moral Order,** **1968-74**

As I described in chapter one, the “rights” momentum of the immediate post-World War II years was lost by the early 1950s as a result of many factors, including Cold War concerns and a resurgence of traditional isolationism. Considering the dormant status of human rights causes in the 1950s and 60s, their reappearance around 1970 seems relatively sudden. In this chapter I describe some of the major reasons for the re-entry of human rights into American politics and diplomacy in the long 1970s. I explore three parallel developments in the 1968-74 period: Vietnam and the domestic “crisis of confidence,” the Nixon administration’s foreign policy, and high-profile international events.

These developments fall into two major categories. The first encompasses domestic factors that helped forge new attitudes toward human rights, while the second encompasses international events that influenced American political discourse. These international factors included the war in Southeast Asia and the My Lai massacre; the anti-torture campaign aimed at Brazil and Greece; and civil wars in Bangladesh, Burundi, and Biafra. Taken as a whole, these external events influenced presidential foreign policy, State Department debates, and congressional approaches to foreign affairs. Some additional factors from this early period – the Soviet-Jewish emigration issue, the influence of the ethnic revival, and debates over foreign aid – will be addressed in later chapters.

## Vietnam and the Domestic Crisis of Confidence

Taking the domestic factors first, we must come to grips with the breakdown in the liberal consensus and the containment doctrine. Cracks in the Cold War consensus began to appear early in the 1960s, especially from the ranks of congressional liberals like Senators William Fulbright and Eugene McCarthy. In October 1962, McCarthy used a moral argument to publicly break ranks with his party's platform on foreign affairs, saying, "We cannot impose international policy at will, no matter how morally right, without taking into account the national interest of other states who are our allies or who, at least, are not actively aligned against us . . . There is a base of moral necessity . . . of respect for the rights of other nations and peoples." As early as 1964, McCarthy was implying that there were limits to American abilities, as when he stated that the U.S. "must come to terms, at last, with the realities of a world in which neither good nor evil is absolute and in which those who move events or make history are those who have understood not how much but how little it is within our power to change."<sup>1</sup> At around the same time, Congressmen Donald Fraser and Bradford Morse of the House Foreign Affairs Committee endorsed political development (the adoption of democratic practices) over economic development as a litmus test for the granting of U.S. foreign aid. These were among the first of many liberal defections from the Cold War paradigm. In 1966 Fulbright solidified his now-famous thesis on "the arrogance of power," through which he argued that American hubris was leading the nation down the road to humiliation and defeat.<sup>2</sup>

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<sup>1</sup> Quoted in Dominic Sandbrook, *Eugene McCarthy and the Rise and Fall of Postwar American Liberalism* (New York: Anchor Books, 2004), 122, 129.

<sup>2</sup> J. William Fulbright, *The Arrogance of Power* (New York: Random House, 1966).

Although in retrospect these criticisms were harbingers of the coming storm, these sentiments were in a minority. It was not until the Vietnam War became a stalemate that dissenters began to mount a serious challenge to the containment policy. Indeed, nothing more clearly exposed the flaws in containment than the Southeast Asian quagmire. The first cracks in the domestic consensus regarding Vietnam came with the protracted nature of the war. President Johnson's inability to strike a quick knockout blow to the North Vietnamese led to greater instability in the region, as well as growing domestic disenchantment with Johnson's leadership.

Once again Fulbright and McCarthy were ahead of the curve with their criticism of Johnson's Vietnam policy, and it is significant that their critiques were largely moral in nature. In early 1966, before it had become fashionable to criticize the war effort, McCarthy said of the bombing of North Vietnam, "The serious problem today is that we are called upon to make a kind of moral commitment to an objective or to a set of purposes which we do not clearly understand." He went on to say that a national debate over the bombing would be "a proper point for the beginning of a much deeper and much more extensive discussion not only of Vietnam, but also of the whole function of America in history during this second half of the twentieth century." Within a few months McCarthy was publicly calling into question the moral foundations of American foreign policy. He told one audience late in 1966 to reject American "moral isolation," and he asserted that Vietnam had forced Americans to put aside "the rather widely accepted idea that America had a mission to sit in judgment on other nations."<sup>3</sup>

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<sup>3</sup> Sandbrook, *Eugene McCarthy*, 135, 141. In December of that year, McCarthy gave lectures at Harvard titled, "The Moral Aspects of Foreign Policy" and "Morality in Government."

By the end of the decade these sentiments had become part of the mainstream, and public attitudes toward political leadership and the nation's future had changed considerably. As we have seen, beginning in 1968 the majority of Americans began to admit that Vietnam was a mistake.<sup>4</sup> Disillusionment with the Vietnam policy naturally spurred questions, as well as new foreign policy solutions. In the words of a 1968 report from the conservative American Security Council, Americans were "asking themselves in effect: What should be the role of the United States in world affairs?"<sup>5</sup> In the late 1960s the Republican Party consistently ran oppositional campaigns that pointed out the shortcomings of President Johnson's foreign policy and liberalism in general. A 1967 Republican working paper was typical of this position: "The United States, the world's most powerful nation, can hardly expect to be the subject of universal and unalloyed affection . . . , but we should be able to make other peoples understand, believe, and respect us."<sup>6</sup> Even Lyndon Johnson faced up to the limits of American power and the Great Society during his final year in office. In his last budget message to Congress he admitted, "We cannot do everything we would wish to do. And so we must choose carefully among the many competing demands on our resources."<sup>7</sup>

Richard Nixon latched onto these themes when he ran for president in 1968. As we would expect, he routinely assailed Great Society liberalism. But more significant

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<sup>4</sup> Richard Sobel, *The Impact of Public Opinion on U.S. Foreign Policy Since Vietnam* (Oxford: Oxford University Press, 2001), 36.

<sup>5</sup> "National Power and Responsibility," *Washington Report*, 29 July 1968. The author continued, "Unlike the isolationists of the interwar years," who "did not doubt the physical or moral strength of the United States," the neo-isolationists of the 1960s "castigate their country."

<sup>6</sup> Draft report, "The American Image Abroad," Republican Coordinating Committee's Task Force on the Conduct of Foreign Relations, 11 December 1967, "Foreign Policy Criticism 1968 (1 of 5)" folder, box 44, Campaign 1968 Research Files, Richard Nixon Library and Birthplace, Yorba Linda, CA (hereinafter RNLB).

<sup>7</sup> Lyndon Johnson, "Annual Budget Message to the Congress, Fiscal Year 1969," 29 January 1968, *Public Papers of the Presidents (hereinafter PPP)*, <http://www.presidency.ucsb.edu/ws/?pid=29015>.

were his statements on American power, ideals, and leadership in foreign affairs.

“Increasingly today we find ourselves confronting a paradox of American power,” he told a radio audience shortly before the 1968 election.

Never has a nation had such power, and never has a nation sought to use its power for better purposes – but seldom has a nation been so mistrusted in its purposes or so frustrated in its efforts. Our example has lost its fire. Our leadership has lost its drive. The world has lost its respect for our judgment, its faith in our ideals, its confidence in our dollar, its trust in our word.<sup>8</sup>

At around the same time, he told an audience in Michigan in reference to the North Koreans’ seizure of the *U.S.S. Pueblo*, “The American people are tired of losing.”<sup>9</sup>

Foreshadowing the symbols he would invoke during his first term as president, he argued that “the Forgotten Americans” and “the Forsaken Americans” deserved better.<sup>10</sup> “There has been an erosion of pride in America and in being American,” he argued. “Vast numbers of people feel that society has left them, or that they want to leave society; they feel alienated, out of tune with America’s ideals . . . Vast numbers of people are looking for inspiration, for direction, for an answer to the question, ‘Where is America going?’”<sup>11</sup>

Politicians like Nixon were clearly responding to Americans’ new willingness to scrutinize the actions of their government and their military in the wake of the Vietnam debacle. The bombing campaigns, the search and destroy tactics, and the war of attrition

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<sup>8</sup> CBS Radio Address, 19 October 1968, “Speech File – ‘To Keep the Peace’” folder, box 100, RNLB.

<sup>9</sup> Speech, 23 October 1968, “Speech File – Battle Creek, MI” folder, box 101, RNLB.

<sup>10</sup> Speech, 30 October 1968, “Speech File – Address – ‘Mandate to Gain the Initiative’” folder, box 102, RNLB.

<sup>11</sup> “A Testing Time for Americans,” Nixon Yearbook Publication 1968, folder 9, box 4, Acker Collection, RNLB.

revived older debates about the rights of civilians during wartime. Stories trickling back from combat veterans also raised serious questions about the rights of Vietnamese prisoners, as well as the rights of the young American men who had been drafted into combat. Between 1970 and 1972 several events highlighted the human rights issues of America's involvement in Vietnam. An organization called Vietnam Veterans Against the War held a highly publicized "Winter Soldier Investigation," which featured three days of testimony from Vietnam veterans of all services (the first to testify was future senator and presidential candidate John Kerry). Recurring themes in these testimonies were American brutality, use of arbitrary violence, and violations of the basic human rights of the Vietnamese. Former Marine William Crandall's opening statement set the tone of the event:

We went to preserve the peace and our testimony will show that we have set all of Indochina aflame. We went to defend the Vietnamese people and our testimony will show that we are committing genocide against them. We went to fight for freedom and our testimony will show that we have turned Vietnam into a series of concentration camps.<sup>12</sup>

The testimonials that followed were lengthy, detailed, and often extremely graphic. Shortly after the final session, Senator Mark O. Hatfield of Oregon called for a congressional investigation into the soldiers' allegations.

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<sup>12</sup> Full text available at the University of Virginia's *Sixties Project*, [http://lists.village.virginia.edu/sixties/HTML\\_docs/Resources/Primary/Winter\\_Soldier/WS\\_02\\_opening.html](http://lists.village.virginia.edu/sixties/HTML_docs/Resources/Primary/Winter_Soldier/WS_02_opening.html).

When we consider the war's influence on American perceptions of human rights, the My Lai "massacre" was perhaps the most significant single event. My Lai was a South Vietnamese village in which American soldiers killed several hundred Vietnamese civilians in March 1968 (shortly after the Tet Offensive). The action was kept secret for many months, but the story eventually made its way to the Army's top brass. In September 1969 the service charged several soldiers with misconduct, and shortly thereafter investigative journalist Seymour Hersh broke the story to the public. A highly publicized investigation then took place, during which the soldiers claimed that they had been ordered to carry out the killings based on reports that the villagers were Viet Cong sympathizers. Upwards of two dozen officers and enlisted men were charged with premeditated murder and related crimes, but only Lieutenant William Calley was convicted. He was sentenced to life in prison in March 1971, but President Nixon ordered him freed pending appeal. The appeals process was lengthy, and Calley eventually served 4 ½ months at the Leavenworth military prison followed by 3½ years of house arrest at Fort Benning.

The public revelations of My Lai led to a prolonged period of national soul-searching, international outrage, and a reduction in domestic support for the war effort. Americans asked how many other atrocities were being carried out in their name. Were the soldiers at My Lai merely acting on orders against a legitimate threat? Or had the war driven ordinary American boys to become hardened killers capable of slaughtering women and children without remorse? One Marine veteran of World War II wrote to Senator Henry Jackson, "I am today, ashamed to be an American. . . . I feel unclean as an American." A Vancouver, Washington man similarly wrote, "Surely I and every other

American is guilty. We are guilty in that all of us have contributed to the attitude and conditions that created this situation.” A Seattle woman lamented, “To think that soldiers from our country would kill little kids – my God, what are we coming to?” Another of Jackson’s constituents asserted, “The longer we fight in this war, the deeper we’re dragging ourselves into national and international disgrace to say nothing of the loss of self-respect we are breeding into our individual hearts and minds. We’re losing our souls.”<sup>13</sup> My Lai even compelled many citizens to affix the term “genocide” to America’s entire Vietnam experience.

The news media kept the story in the popular consciousness by covering the ensuing trials and courts martial incessantly between 1969 and 1972. The story itself may not have had such resonance if it had not been for the public release of photos taken by Army photographer Ronald Haeberle. These images clearly showed that unarmed women and children had been the chief victims of the massacre. In terms of their ability to bring the atrocities of the war home to ordinary Americans, Haeberle’s photos were as powerful as the iconic, Pulitzer Prize-winning images of Eddie Adams (street execution in Saigon, 1968) and Nick Ut (children running from a napalmed village, 1972). Once

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<sup>13</sup> Other letters were similar. A woman from Bellevue, Washington wrote, “The sons of our culture taking part in such deliberate brutality and mass murder is incredible. No investigations or court martial or punishment can wipe from our consciences the idea that American soldiers gave and followed such killing orders.” Many other letter-writers defended the soldiers. “I cannot understand why the Government, particularly the Defense Department is going along with the propaganda about the supposed atrocity in Vietnam,” wrote one of Jackson’s constituents. “The only one who would profit by this would be the enemy . . . What is wrong in high circles in our Government? It looks as if the late Senator Joe McCarthy was right, and there is something rotten.” An Army veteran wrote, “I feel [Lt. Calley] is being railroaded . . . You congressmen sent us over there, now damn it back us up. War is war. This is a cold cruel fact.” “Vietnam – My Lai Incident” folder, box 184, Senate Papers, 1964-72, Henry M. Jackson Papers, University of Washington, Seattle, WA.

the My Lai photos were published, Henry Kissinger and Defense Secretary Melvin Laird privately bemoaned the impossibility of “sweep[ing] the whole thing under the rug.”<sup>14</sup>

The My Lai story illustrates the most salient point about the Vietnam War and the moral shift in foreign policymaking: it spawned a long-term reexamination of the nation’s destiny and purpose. As a group of university students told Henry Kissinger in 1971, because of the war and the social upheavals of the 1960s, a considerable number of students felt “alienation” and “apathy,” and “really wanted nothing to do with the system.” The federal government, they told Kissinger, had “usurped power” and “did not incorporate all elements of society.” One argued that the “crisis” was “in democracy in general.” There was “a general withdrawal from governmental processes,” a student asserted; people were “no longer willing to believe.” Another noted that the bombing of Cambodia and the Kent State shootings had led the majority of activist students to ask, “What good [does] nonviolence do?” Students now “dropped out” and were “indifferent.”<sup>15</sup>

The drop-off in public confidence – variously described as a “credibility gap,” a “national malaise,” and a “crisis of confidence”<sup>16</sup> – had numerous political outcomes.

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<sup>14</sup> Telcon, Melvin Laird and Henry Kissinger, 21 November 1969, in Thomas Blanton and William Burr, eds., *National Security Archive Briefing Book 23*, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB123/index.htm>.

<sup>15</sup> This was from one of the many occasions in which Kissinger addressed student groups and answered their questions about foreign policy. Memcon, 2 March 1971, “Memcon – Henry Kissinger University Student Body” folder, box 1025, Presidential/HAK Memcons, Nixon Papers, National Archives II, College Park, MD (hereinafter NARA II).

<sup>16</sup> Daniel Patrick Moynihan used the term in his 1967 *Public Interest* article, “A Crisis of Confidence?,” which addressed violence and America’s domestic troubles. This was reprinted in a slightly different form in “Has this Country Gone Mad?” *The Saturday Evening Post*, 4 May 1968; and in Robert Campbell, ed., *New Morality or No Morality* (New York: Bruce Publishing Co., 1969). In 1968, the Republican Coordinating Committee wrote a report titled, “Democratic Foreign Policy – The Crisis of Confidence.” The authors of the report wrote, “The wreckage of our foreign policy is strewn around the world for all to see . . . America is on the defensive throughout the world. Our leadership is disputed and openly challenged. Our prestige is greatly eroded.” The Democrats’ chief mistake was that “principles have all too often been sacrificed to expediency. . . . In their totality, Democratic foreign policy failures have

For starters, Congress attempted to reclaim its constitutional power through measures like the War Powers Act, which limited the president's ability to consider war as a policy option.<sup>17</sup> Members of Congress also initiated high-profile investigations of government activities, including especially the actions of law enforcement and intelligence agencies. The most famous such investigative committees were the Church and Pike committees, which investigated the CIA, and the House Select Committee on Assassinations, which looked into the John F. Kennedy and Martin Luther King, Jr. assassinations.

Investigations of CIA misdeeds led to a further clampdown on covert operations budgets, as well as a revision of the CIA's mandate.<sup>18</sup> All the while, journalists were emboldened by their success in influencing public opinion about the Vietnam War, the presidency, and unscrupulous government activities in general. Presidents Nixon, Ford, and Carter learned all too well that the news media in the 1970s were willing to attack government leaders in a way that would have been unimaginable before Vietnam.

Public apathy and mistrust were also reflected in polling data. The Harris Alienation Index (calculated from public survey responses to statements such as "What you think doesn't count very much anymore," and, "The people running the country don't really care what happens to you") showed a significant drop in Americans' feelings of involvement and confidence in their leaders between 1966 and 1975. The "alienation index" average rose from 29% in 1966 to 59% in 1974, and it remained relatively

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created a crisis of confidence in the world." (emphasis in original) "Democratic Foreign Policy – The Crisis of Confidence," 6 May 1968, "Foreign Policy Criticism through 1967 (1 of 2)" folder, box 44, Campaign 1968 Research Files, RNLB.

<sup>17</sup> This act was a repudiation of the 1964 Tonkin Gulf Resolution, which had effectively given President Johnson a blank check to escalate the American military commitment in Vietnam.

<sup>18</sup> See Kathryn Olmsted, *Challenging the Secret Government: The Post-Watergate Investigations of the CIA and FBI* (Chapel Hill: University of North Carolina Press, 1996), 7-21.

consistent through the rest of the 1970s and 80s.<sup>19</sup> In a 1974 *Time* magazine poll, 71% of respondents said they believed “things are going badly in the country,” 68% thought “the country is in deep and serious trouble today,” and 88% mistrusted “the people in power in this country.”<sup>20</sup> Shortly after Nixon resigned the presidency, the editors of *The New Republic* dubbed this period “The Tarnished Age.”<sup>21</sup> Americans also generally believed that the pace of national life had changed for the worse and that the nation was losing its moorings. When pollsters asked respondents in 1969, “In general, do you think that our way of life in this country is changing too fast or too slowly,” 60% said “too fast.” Of this 60%, nearly all stated that this was a “very serious” or “fairly serious” problem.<sup>22</sup> Gonzo journalist Hunter S. Thompson artfully clarified the public mood regarding American political culture when he wrote in 1972,

[President] Johnson did a lot of rotten things in those five bloody years, but when the history books are written he will emerge in his proper role as the man who caused an entire generation of Americans to lose all respect for the Presidency, the White House, the Army, and in fact the whole structure of “government.” . . . and then, to wrap it all up another cheapjack hustler moved into the White House.<sup>23</sup>

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<sup>19</sup> The Harris Poll information is published in several annual volumes. See Humphrey Taylor, “The Harris Poll #71,” 30 December 1998, [http://www.harrisinteractive.com/harris\\_poll/index.asp?PID=136](http://www.harrisinteractive.com/harris_poll/index.asp?PID=136).

<sup>20</sup> Daniel Yankelovich, “A Crisis of Moral Legitimacy?” *Dissent*, Fall 1974, 526-532.

<sup>21</sup> “The Tarnished Age,” *New Republic*, 26 October 1974, 3.

<sup>22</sup> When members of this group were asked, “What sort of changes did you have in mind when you said things are changing too fast,” the top two responses were “pace of life” and “change in young people.” See “David Derge Handbooks, Political Databank, Vol. 4 (2 of 3)” folder, box 10, David Derge Collection, RNLB. Derge was the head of a research polling organization with the rather unfortunate acronym BRA (Behavioral Research Associates).

<sup>23</sup> Hunter S. Thompson, *Fear and Loathing on the Campaign Trail '72* (New York: Warner Books, 1983; orig. 1973), 86.

Compounding Americans' feelings of alienation from the democratic process was the perception of a decline in national power. The Soviets were carrying out a massive arms buildup in an attempt to achieve nuclear parity. At the same time, American industry was facing a challenge from former protégés Japan and West Germany. The U.S. also had a difficult time "managing" the Third World. The growing number of decolonized nations led to an imbalance in the United Nations by the 1960s, and as a result non-aligned and Soviet-aligned developing countries regularly launched verbal attacks against the industrial democracies. To add insult to injury, the dollar underwent a series of shocks as the Bretton Woods system collapsed, and the American economy entered a period of record inflation and high unemployment. The American standard of living dropped from first to tenth in the world, and Americans felt a kind of uncertainty unknown since World War II.

A series of international events only served to underscore the national debate over limits to American power. Those who lived through these years remember quite vividly the oil embargoes, the Middle Eastern wars, the Iran-Hostage Crisis, the Soviet invasion of Afghanistan, and the world economic crisis. The long gas lines and exorbitant heating bills spawned by the energy crisis brought home Americans' reliance on imported oil, while the humiliating hostage crisis at decade's end revealed their impotence when confronting hostility overseas. These shocks gave Americans a feeling of powerlessness in international affairs. This new attention to the nation's limits was reflected in Carter's famous "national malaise" speech of 1979, in which he defined the zeitgeist of this era by saying, "The threat is . . . a crisis of confidence. It is a crisis that strikes at the very heart

and soul and spirit of our national will. We can see this crisis in the growing doubt about the meaning of our own lives and in the loss of a unity of purpose for our nation. The erosion of our confidence in the future is threatening to destroy the social and the political fabric of America.”<sup>24</sup>

Many literary titles of the period reflected this pessimism. Eugene McCarthy’s *The Limits of Power: America’s Role in the World* (1967), Hal Lindsey’s best-selling *The Late, Great Planet Earth* (1970), and Christopher Lasch’s *The Culture of Narcissism: American Life in an Age of Diminishing Expectations* (1979) are well known to scholars of this era. Lasch’s book, in particular, was an able examination of the contemporary American cultural crisis. Some of this period’s forgotten titles are equally telling, including Philip Slater’s *The Pursuit of Loneliness: American Culture at the Breaking Point* (1970) and Harry Magdoff’s *The End of Prosperity: The American Economy in the 1970s* (1977). America’s foreign relations were also clearly at a turning point, as evidenced by such academic titles as *Consensus at the Crossroads: Dialogues in American Foreign Policy* (1972), *A World Elsewhere: The New American Foreign Policy* (1973), *Changing Sources of Power: American Politics in the 1970s* (1971), and *The New Era in American Foreign Policy* (1973).<sup>25</sup>

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<sup>24</sup> “Energy and National Goals Address to the Nation,” 15 July 1979, PPP, <http://www.presidency.ucsb.edu/ws/?pid=32596>.

<sup>25</sup> Eugene McCarthy, *The Limits of Power: America’s Role in the World* (New York: Holt, Rinehart, and Winston, 1967); Christopher Lasch, *The Culture of Narcissism: American Life in an Age of Diminishing Expectations* (New York: Norton, 1978); Hal Lindsey and Carole C. Carlson, *The Late Great Planet Earth* (Grand Rapids: Zondervan, 1970); Philip Slater, *The Pursuit of Loneliness: American Culture at the Breaking Point* (Boston: Beacon Press, 1970); Harry Magdoff, *The End of Prosperity: The American Economy in the 1970s* (New York: Monthly Review Press, 1977); Howard Bliss, ed., *Consensus at the Crossroads: Dialogues in American Foreign Policy* (New York: Dodd, Mead, 1972); James Chace, *A World Elsewhere: The New American Foreign Policy* (New York: Scribner, 1973); Frederick Dutton, *Changing Sources of Power: American Politics in the 1970s* (New York: McGraw-Hill, 1971); John Henry Gilbert, ed., *The New Era in American Foreign Policy* (New York: St. Martin’s Press, 1973).

When contemplating the seemingly insurmountable list of problems, many Americans in the 1970s hoped that principles could triumph where flawed individuals had failed. That is to say, although fewer Americans felt that their nation could effect change across a broad spectrum overseas, liberal democratic principles remained central to their national identity. One manifestation of these hopes was a growing interest in human rights. Meanwhile, much of the domestic reformist spirit of the previous decade continued, as evidenced by the burgeoning women's rights movement and the crystallization of civil rights reforms. Taken together, these two impulses – the continuing reformist spirit of the 1960s and the new pessimism of the 1970s – laid the foundation of the human rights movement in America.

Together with the growing interest in reestablishing traditional democratic principles, the term “human rights” gained a new currency. Throughout the 1950s and early 60s, most Americans had considered domestic “civil” rights the primary battlefield of humanistic concern. Human rights – according to the logic of the day – were largely the concern of multilateral bodies like the United Nations Commission on Human Rights (UNHCR) and the European Commission of Human Rights. Likewise, the term “human rights” only came into its own for activists across a broad range of issues after 1970.

This shift in usage began during the mid-to-late 1960s, when the Civil Rights Movement took a radical turn following the eradication of *de jure* segregation and voting rights restrictions. When the movement turned its attention to the cities of the North and West, the more militant splinter groups put together a radical set of demands for economic and social “rights,” such as the right to housing, clothing, food, equal treatment, freedom from police brutality, and the like. These activists were joined by

Marxists and other radicals, many of whom co-opted the term “human rights” to describe their grievances against mainstream America. One scholar has recently demonstrated the extent to which Martin Luther King, Jr. embraced socialist and internationalist methods as part of his crusade against poverty between 1966 and 1968.<sup>26</sup> King also began to use the term “human rights” during this crusade. It seems, then, that the term entered the popular lexicon to describe a more radical, domestic list of the traditional Enlightenment rights.<sup>27</sup> The embrace of the term “human rights” was also part of a general trend toward “rights” rhetoric in post-1960s America. The increasing use of the term among the radical left was motivated by many of the same sentiments that drove other causes of these years, such as women’s rights, gay rights, Hispanic rights, and abortion rights. “Human rights” – both the term and the ideals it encompassed – was very much a part of this pantheon.

Mainstream liberals also began to appropriate the term to describe similar domestic goals. Democratic presidential nominee Hubert Humphrey told an audience that the 1968 election would be “a referendum on human rights,” which he defined as the creation of more opportunity, jobs, justice, and education in the U.S.<sup>28</sup> He repeated this charge in the final months before the election. Countless other examples of this “linguistic turn” abounded. For example, in 1967 the state of Minnesota established a Department of Human Rights to combat discrimination.<sup>29</sup> In 1969, a group of liberal

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<sup>26</sup> Thomas F. Jackson, *From Civil Rights to Human Rights: Martin Luther King, Jr. and the Struggle for Economic Justice* (Philadelphia: University of Pennsylvania Press, 2007).

<sup>27</sup> The Nixon Papers include a “human rights” heading in the Subject Files. There are 42 boxes under this subject heading, but nearly all are related to civil rights, campus unrest, riots, unemployment, and other domestic issues. Nixon Papers, WHCF, Subject Files, HU (Human Rights), boxes 38-42, NARA II.

<sup>28</sup> Max Frankel, “Humphrey Terms Campaign a Poll on Human Rights,” *New York Times*, 9 September 1968.

<sup>29</sup> “A History of Minnesota Department of Human Rights,” [http://www.humanrights.state.mn.us/about\\_history.html](http://www.humanrights.state.mn.us/about_history.html).

Republican academics proposed that the executive branch create a cabinet-level department of human rights to heal racial divisions in America.<sup>30</sup> In 1970 and 71 several school systems and municipalities enacted “human rights policies” aimed at fighting racism and “guaranteeing” equal rights for students and employees.<sup>31</sup> One abortion rights group even called itself Human Rights for Women.<sup>32</sup> The key point here is that in the late 1960s and early 1970s Americans became more and more accustomed to hearing and using this term with respect to domestic “rights” issues.

One interesting example of this linguistic phenomenon came in the form of the left-wing Human Rights Party, which was founded in Ann Arbor, Michigan in 1970. The party’s radical credentials were suggested by its membership, which drew from the revolutionary elite of metropolitan Detroit: Students for a Democratic Society, the John Sinclair-chaired White Panther Party, the Radical Independent Party, and the close associates of Detroit hard-rock stalwarts MC5. The party’s platform read like a primer of contemporary radicalism, including calls for immediate U.S. military withdrawal from all foreign soil, closure of state prisons, state-funded provision of day care and healthcare, and the abolition of the Selective Service.<sup>33</sup> The party actually succeeded in electing members to two Detroit-area city councils, and it accomplished many achievements at the local level. (Ann Arbor became quite famous for its laughably lenient five-dollar fine for public use of marijuana, a law that was the handiwork of the Human Rights Party.) Its members joined with several other such local parties to form a national “third party” for

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<sup>30</sup> “Ripon Society Asks New Rights Agency,” *New York Times*, 9 February 1969.

<sup>31</sup> See for example, Joseph D. Whitaker, “Fairfax Schools Adopt Human Rights Policy,” *Washington Post*, 15 October 1971.

<sup>32</sup> David Farber, *The Age of Great Dreams: America in the 1960s* (New York: Hill and Wang, 1994), 254.

<sup>33</sup> See Terrence R. Restivo, *The Building of a New Left Conglomerate in the City of Ann Arbor: VOICE, the Black Action Movement and the Human Rights Party* (M.A. thesis, Duquesne University, 2006), <http://etd1.library.duq.edu/theses/available/etd-03312006-154729/unrestricted/RestivoThesis.pdf>.

the 1972 election; Gore Vidal and Ralph Nader were prominent participants at its organizing convention.<sup>34</sup> The party's influence eventually faded, and in the mid-1970s it merged with the Socialist Party of Michigan.<sup>35</sup>

Despite their short life spans, organizations like the Human Rights Party and the Radical Independent Party demonstrate some of the connections between the radicalism of the 1960s and the more practical, rational activism of the 1970s. They also demonstrate the increasing willingness of the new radicals to speak out on international issues. In 1971 the Human Rights Party cobbled together a foreign policy platform that was quite typical of the period's neo-Marxist radicals, demanding nationalization of U.S.-owned businesses abroad and a hands-off approach to national liberation movements. Although these were merely statements of principle, they tapped into a more general public feeling of dissatisfaction with America's Cold War foreign policy. The platform charged that "the CIA and AID deliberately interfere in the internal affairs of other nations," and that "U.S. military forces . . . provide weapons and support to many unpopular governments." These positions would have seemed all but unprintable some years earlier, but by 1971 they were nearly mainstream. The platform's authors concluded with a statement that was very much at the center of American public thinking: "Foreign policy must represent the best interests of the world's people, not U.S. or

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<sup>34</sup> "Leftist Parties Planning a Strong, Joint Presidential Ticket in '72," *New York Times*, 6 July 1971. The convention was held in Albuquerque, New Mexico. The author noted that "residents of the convention area were edgy, but they soon concluded that it was an orderly meeting of serious people rather than the rumored radical pot-smoking campout."

<sup>35</sup> For a good description of the party's creation, evolution, platforms, and related ephemera, as well as some insights into the Ann Arbor youth movement of the 1960s and 70s, see "The White Panther Report," "Radical Independent Party: A Brief Introduction," "Platform in Brief: Ann Arbor Radical Independent Party," "Radical Independent Party, 1970-71," and "Organization, 1972-1975" folders, boxes 1-3, Human Rights Party Records, Bentley Historical Library, Ann Arbor, MI.

international corporations.”<sup>36</sup> Clearly the term “human rights” was being used more and more often in the early 1970s to refer to a universal rights standard.

### **The Nixon Foreign Policy**

While the Vietnam War and the domestic crisis of confidence led to demands for new solutions to diplomatic problems, the human rights policies themselves grew from the complex interplay of the era’s political actors. It would be nearly impossible to understand American foreign relations in the 1968-1974 period without understanding Richard Nixon’s foreign policy. Through his bold approach to international affairs, he had a major impact on many events of these years. He also proved to be a dynamic figure who was willing to accommodate himself to the prevailing political winds. His administration is remembered for several significant accomplishments in the international arena, including détente with the Soviets, rapprochement with China, and extrication of the U.S. from Vietnam. But historical examinations of his administration’s human rights record have shown little nuance. By the standard interpretation, Richard Nixon and Henry Kissinger jettisoned the moralistic rhetoric and attitudes of their predecessors. Most analysts concede that their worldview was defined by a quest for order and *realpolitik* and that they generally overlooked human rights concerns while focusing on the more pressing concern of peace between the superpowers.

Although this thesis is fairly sound, Nixon was closer to the center of the new, “moral” foreign policies of the post-1968 period than most scholars assume. He was central to this story in several ways. First, his pursuit of better relations with the Soviets

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<sup>36</sup> “Foreign Policy and Militarism,” n.d., “Radical Independent Party, 1970-71 – Platform convention 1971” folder, box 1, Human Rights Party Records.

(“détente”) inadvertently facilitated an American influence in the internal affairs of the Eastern bloc.<sup>37</sup> Indeed, we cannot understand the human rights movement irrespective of détente. Congressional and NGO interest in many human rights causes developed as a direct result of the Cold War thaw. For example, the Jackson-Vanik amendment, which tied most-favored-nation trading status to the emigration of Soviet Jews, grew directly from the realm of new possibilities engendered by détente. The thaw also increased the potential for action against nominal American allies. In earlier years, the anticommunist credentials of right-wing dictators were usually enough to earn a passing grade from American policymakers – a situation epitomized by Secretary of State Cordell Hull’s famous appraisal of Dominican dictator Rafael Trujillo: “He may be a son-of-a-bitch, but he’s OUR son-of-a-bitch.” But in the 1970s Americans grew much less tolerant of human rights abuses in non-communist states like Iran, Chile, and Argentina.

A second Nixon influence was his attempt to bring white, working-class “ethnics” into the Republican fold. Because this was a period of political transition and shifting voting patterns, these ethnics became a valuable commodity in presidential and congressional elections in the 1970s and early 80s. Politicians were therefore willing to give extraordinary attention to ethnics’ interests, including these constituents’ concerns for their compatriots overseas. (I will explore the ethnic angle in later chapters.) A third influence was Nixon’s fiscal conservatism and his desire to fight the Cold War on the cheap, which furthered the trend of reductions in U.S. foreign aid. Congress cut foreign aid to several nations in the 1970s, often as a result of these nations’ human rights records. Nixon was not the sole source of this trend, but his approval of such cuts was an

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<sup>37</sup> Of course, détente was as much a reaction to world realities as it was an effort to shape the world anew. Nevertheless, it included bold, visionary aspects that are worthy of attention.

important stimulus to further action on human rights issues. Finally, Nixon was a Quaker and a bit of a moralist, and he often claimed that he was interested in standing up for traditional moral values. Therefore on a rhetorical level at least, Nixon expressed interest in a new “moral order” for the United States and the world. This rhetoric occasionally translated into action on international issues, as when he supported ratification of the Genocide Convention and backed humanitarian relief efforts in war-torn regions. Indeed, Nixon comes through in the archival record as far more influential to the human rights movement than other observers have estimated. He also seems to have been somewhat less Machiavellian than Kissinger.

In order to understand the early development of human rights diplomacy in this period, and in order to appreciate Nixon and Kissinger’s importance to the growth of the human rights movement, we must take a close look at Nixon’s overall foreign policy. Among the major tenets of his worldview, he adhered to the traditional “balance of power” model. Nixon believed that the U.S. should work closely with the powers that mattered: Europe, China, and the Soviet Union. Implicitly, this position meant that other regions – Africa, Latin America, and South Asia – were far less significant to American interests. “There are certain countries that matter in the world and certain countries that don’t matter in the world at the present time,” Nixon told his chief of staff during his first term. “After you’ve dealt in two summit meetings – one in Peking and the other in Moscow – with major subjects, it is really terribly difficult to deal with even a country as important as Mexico.”<sup>38</sup>

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<sup>38</sup> Transcript of conversation, Nixon and H.R. Haldeman, 15 June 1972, National Security Archive, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB95/mex29.pdf>.

Nixon also worked from the assumption that all international relationships and problems were intertwined, and that these relationships evolved in tandem. He was far-sighted in the sense that he sought long-term solutions for long-term problems while also keeping an eye on the exigencies of American electoral politics. As a tangible sign of this attitude, he sought to connect areas of East-West concern. As he later explained this approach,

During the transition period [of 1968-69], Kissinger and I developed a new policy for dealing with the Soviets. Since U.S.-Soviet interests as the world's two competing nuclear superpowers were so widespread and overlapping, it was unrealistic to separate or compartmentalize areas of concern. Therefore we decided to link progress in such areas of Soviet concern as strategic arms limitation and increased trade with progress in areas that were important to us – Vietnam, the Mideast, and Berlin.<sup>39</sup>

This approach came to be known as “linkage.”

From President Johnson's failings, Nixon learned that he should not devote all of his attention to the Vietnam War, which he considered a short-term problem. As Kissinger told a group of conservatives during Nixon's first term in office, “The Vietnam War is not the important thing; what is urgent is a macro-grip on world politics.”<sup>40</sup> This is not to say that Vietnam was insignificant; indeed, the war dominated Nixon's outlook during his first term. He sought to maintain the American commitment to South

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<sup>39</sup> Nixon, *RN: The Memoirs of Richard Nixon* (New York: Grosset and Dunlop, 1978), 346.

<sup>40</sup> Memcon, Kissinger, Grunwald, Sidey, et al., 29 July 1971, “Memcon – Henry Kissinger, Henry Grunwald” folder, box 1025, Presidential/HAK Memcons, Nixon Papers, NARA II.

Vietnam, and he eventually approached the Soviets and the Chinese for help in ending the war.<sup>41</sup> Yet regardless of the war's hold on the national consciousness, he did not let it dominate his foreign policy as it had dominated that of his predecessor.

Nixon also wanted to run foreign policy from the White House without interference from the State Department, Congress, or federal bureaucrats. He considered the State Department a “recalcitrant bureaucracy,” and he sought to dismantle and rebuild the career Foreign Service. He told Kissinger shortly after the 1972 election that he was determined that his “one legacy is to ruin the Foreign Service. I mean ruin it – the old Foreign Service – and to build a new one. I’m going to do it.” As he saw it, American diplomats were too liberal and too “cautious, unimaginative, slow-moving, and risk-averse.” This struggle, which mirrored his conflicts with other branches of government, was to prove costly to his presidency. (He never actually went forward with major changes to the Foreign Service, in part because he nominated Kissinger to be secretary of state and in part because Watergate began to distract his attention.)<sup>42</sup>

Nixon summarized (“expanded” might be a more appropriate word) his administration’s policies in a series of three massive reports to Congress between 1970 and 1972 titled “The President’s Annual Review of Foreign Policy.” The 1970 report was the first of its kind made by a president to Congress, and at 40,000 words it was also the longest report ever sent to Congress with the exception of budget messages. This first report was a clear evocation of the “Nixon Doctrine,” which Nixon defined as a realistic reexamination of America’s role in the world in light of the changes that had taken place since 1945. Its general sentiment was summarized in the introductory statement: “The

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<sup>41</sup> Nixon, *RN*, 349.

<sup>42</sup> *Ibid.*, 39, 340-41. See also “Angry Nixon Vowed to ‘Ruin’ Diplomatic Corps,” *CNN*, 4 January 2007, <http://www.cnn.com/2007/POLITICS/01/03/nixon.foreign.service.ap/index.html>.

postwar period in international relations has ended.” The Vietnam War was winding down; the economies of Europe and Asia were challenging the U.S.; and the Soviets and Chinese were engaged in a bitter struggle for leadership of the communist world. Although the U.S. needed to continue to live up to its commitments, Nixon argued, it also needed its friends to shoulder more of the burden. He introduced the report to the White House press corps by stating that it marked “a watershed in American foreign policy.” The United States, he asserted, would “participate in the defense and development of allies and friends, but . . . America cannot and will not conceive all the plans, design all the programs, execute all the decisions and undertake all the defense of the free nations of the world. We will help where it makes a real difference and is considered in our interest.”<sup>43</sup> Although this reexamination of America’s interests may have seemed to some observers like an abandonment of commitments, Nixon repeatedly emphasized that America was neither retreating from its friends nor running from its enemies. The American military arsenal would remain formidable, and the U.S. would only negotiate from a position of strength.

The report was not only intended to clarify the administration’s intentions to international friends and foes, but it was also aimed at American opponents of the Nixon presidency. As an internationalist, Nixon was troubled by the growing neo-isolationism of the liberal establishment and the radical Left, many of whom wanted to abandon international endeavors and focus instead on domestic problems. Nixon made his attitude clear to his advisers in no uncertain terms while the foreign policy report was in the drafting stage. In a revealing note to Kissinger, he contended that

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<sup>43</sup> “Remarks of the President,” 16 February 1970, “The President’s Annual Review, 2/8/70, Vol. I (1 of 3)” folder, Subject Files, NSC Files, Nixon Papers, NARA II.

The peacenik types who will be primarily the reading audience for this report will want to find any evidences possible which will give comfort to their feeling that ‘the United States should reduce its world role and start taking care of the ghettos instead of worrying about Afghanistan.’ For over twenty years, however, I have been saying ‘that we can have the best social programs in the world – ones that will end poverty, clean up our air, water and land, provide minimum income, etc., and it isn’t going to make any difference if we are not around to enjoy it.’ I am not suggesting that this be put into the report in such specific, blunt terms but the thought must be put in just as strongly. (emphasis in original)<sup>44</sup>

It is worth pointing out that America’s Western allies reacted positively to the 1970 report. This was perhaps to be expected, considering how unpopular Lyndon Johnson’s Vietnam policy had been. In Western Europe, editorials ran the gamut from the *Times of London* saying that Nixon was “[liberated] from the shackles of past errors,” to the *Daily Telegraph* positing that the report was “the most comprehensive and explicit statement of foreign policy aims and programs ever voluntarily made public by any major power.” In France, *Le Monde* declared that “the interventionist zeal of yesteryear has disappeared,” while *L’Aurore* wrote that Nixon had “decided to break away from the policy of interventionism” and follow a course in which the world will see “no talk of domination or paternalism.” The conservative *Daily Mail* rather colorfully reflected,

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<sup>44</sup> Memo, Nixon to Kissinger, 10 February 1970, “The President’s Annual Review, 2/8/70, Vol. I (2 of 3)” folder, Subject Files, NSC Files, Nixon Papers, NARA II.

“There is no question of the U.S. withdrawing to enjoy her wealth in isolation. Mr. Nixon sticks to his commitments to shelter the West with his nuclear umbrella and to water the desert with dollars. But he is determined to wipe out the image of the ‘ugly American . . . ’”<sup>45</sup>

The intellectual underpinnings of Nixon’s foreign policy had a significant impact on his administration’s attitude toward human rights issues. A major difference between the Nixon administration and his predecessors was Nixon’s disavowal of ideology and idealism. Nixon wanted a more pragmatic framework with which to solve problems and build a new world order. As Kissinger told a group of business leaders in 1971, “In this administration, we have attempted to reduce dogmatic hostilities around the world. Our policies are not idealistic, moralistic. We do not plead altruism – a tendency far too common in the history of American foreign affairs.” In order to avoid the “frustrations and fluctuations” that threatened diplomacy, “we must know our own interest and pursue it.”<sup>46</sup>

Nixon’s reputation on this point is well deserved for the most part. On several occasions he clearly stated that he was interested in the global view, not the individual rights of people in other nations. As he told a reporter shortly before the 1968 presidential election, Americans would have to learn to recognize “that we cannot mold other nations in our image. The American style democracy that we find works so well for us may not always work well for others.” This thinly-veiled attack on the “global melioration” aspects of liberal internationalism was inspired in large measure by

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<sup>45</sup> Quotes from “Special Memorandum – Foreign Radio and Press Reaction,” 26 February 1970, “The President’s Annual Review, 2/8/70, Vol. I (1 of 3)” folder, Subject Files, NSC Files, Nixon Papers, NARA II.

<sup>46</sup> Memcon, Kissinger at Herbert Stein Dinner, 22 September 1971, “Henry Kissinger, Herbert Stein” folder, box 1025, Presidential/HAK Memcons, Nixon Papers, NARA II.

America's Vietnam adventure. Nixon went on to clarify the dangers of interfering in the domestic affairs of other nations:

That doesn't mean that I am opting for military dictatorships . . . But I have reached the conclusion that around the world for the United States to attempt to say that, well, this nation or that nation or that nation doesn't have the kind of a government that we think is what we would want for it, I think for us to do that is more than we can take on our plate. I think what we have to do is to use our influence as effectively as we can . . . in behalf of the rights of freedom of speech, freedom of press and to the greatest extent possible representative democracy. But I don't think we can impose it.<sup>47</sup>

Once Nixon became president, he summarized these ideas in blunt terms to one U.S. ambassador: "We hope that governments will evolve toward constitutional procedures but . . . we deal with governments as they are."<sup>48</sup> Soviet foreign minister Andrei Gromyko later recalled of Nixon's diplomacy, "I cannot remember an occasion when he launched into a digression on the differing social structures of our states. He always presented himself as a pragmatist . . . a man who preferred to keep discussions on a purely practical level."<sup>49</sup>

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<sup>47</sup> Interview with KOMO-TV Seattle, 24 September 1968, "TV Interview with Don McGaffin" folder, box 98, Speech File, RNLB.

<sup>48</sup> Nixon quoted by U.S. Ambassador to Brazil, William Rountree, Senate Committee on Foreign Relations, *United States Policies and Programs in Brazil: Hearings*, Subcommittee on Western Hemisphere Affairs, 92<sup>nd</sup> Cong., 1<sup>st</sup> sess (Washington, DC: GPO, 1971), 290.

<sup>49</sup> Quoted in Jacob Heilbrunn, *They Knew They Were Right: The Rise of the Neocons* (New York: Doubleday, 2007), 144.

Despite Nixon's apparent lack of interest in most human rights causes, his conservatism was surprisingly congenial to much of the contemporary human rights push. One aspect of this conservatism was his Quaker-inspired moralism, which manifested itself in repeated calls for a return to individual initiative in America. Although this moralistic side of Nixon has been lost in the popular fascination with his political maneuvers and the Watergate scandal, it formed a considerable part of his political philosophy. A second aspect of his conservatism was his desire to limit federal spending, a position that contributed to the budget-cutting trend of the 1970s.

Republicans had traditionally promoted individualism, and Nixon was no exception. He came to office arguing that less government would mean more individualism, and thus greater "rights" (in the sense that all rights exalt the individual). "[T]he one thing on which all else in America depends," he said during the 1968 campaign, "is the restoration of the place of the individual in the structure of our society. . . . The American dream . . . grows out of a sense of the inviolate dignity of the individual, and of the immense potential of the free human spirit."<sup>50</sup> His "New Federalism" plan, which promoted the flow of power from Washington back to the states, was also well within the tradition of American conservatism. In his acceptance speech at the 1968 Republican national convention, he told his audience, "It's time to have power go back from Washington to the states and the cities of this country." He then added, "Let us enlist in this great cause the millions of Americans in volunteer organizations who will bring a dedication to this task that no amount of money could ever buy."<sup>51</sup>

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<sup>50</sup> "A Testing Time for Americans," Nixon Yearbook Publication 1968, folder 9, box 4, Acker Collection, RNLB.

<sup>51</sup> "Nixon's Acceptance of the Republican Party Nomination for President," 8 August 1968,

Nixon prescribed individualism as a remedy not only for the lagging economy, but also for the general public feeling of alienation and spiritual vacuity. People felt alienated, he argued, because the government had grown too unwieldy. “I believe that an underlying reason for the feeling of emptiness in so many hearts today,” he told a campaign audience, “stems from the loss of personal freedom.”<sup>52</sup> He also sounded out his Quaker roots by saying, “If we are to restore our lost pride and our old vigor, if America is to resume her rightful and essential role in the world, Americans – all of us – will have to acquire new self-discipline. We will have to shoulder more responsibility.”<sup>53</sup>

He also returned again and again to the theme of America’s “spiritual” crisis. As he told an audience in 1968, “[T]he moral and spiritual health of the American people” were of the utmost importance. “It is not just a question of the balance of world political power, or the gravity of the communist challenge; it is not merely a matter of guns and butter; it is a question of souls. . . . In our day and age of protracted crisis, there is desperate need for strength of character and spirit if we are to survive.”<sup>54</sup> He elaborated on this theme in his 1969 inaugural address, stating, “We find ourselves rich in goods but ragged in spirit. . . . To a crisis of the spirit, we need an answer of the spirit. And to find that answer, we need only look within ourselves . . . [to] celebrate the simple things, the basic things – such as goodness, decency, love, kindness. Greatness comes in simple

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<http://watergate.info/nixon/acceptance-speech-1968.shtml>. Even in 1980 Nixon counseled President-Elect Ronald Reagan not to be afraid to cut defense spending: “Like you, I am a strong national defense man. But the Pentagon should not be a sacred cow. Forty-six percent of all civilian employees of the government work for the Defense Department. . . . I could not urge more strongly that the Defense Department should not be considered off limits.” Letter, Nixon to Reagan, 17 November 1980, “Reagan, Ronald 1980-1981” folder, (no box #), Post-Presidential Correspondence, RNLB.

<sup>52</sup> Speech, College of William and Mary, 2 October 1968, “Speech File – 1968, October 2” folder, box 99, RNLB.

<sup>53</sup> Nixon, “A Testing Time for Americans,” Nixon Yearbook Publication 1968, folder 9, box 4, Acker Collection, RNLB.

<sup>54</sup> Nixon, “A Nation’s Faith in God,” untitled folder, box 102, RNLB (Orig. in *Decision*, November 1962).

trappings.” (Jimmy Carter would emphasize these same themes almost exactly ten years later in his “national malaise” speech.) In Nixon’s first State of the Union address, he argued, “We can be the best clothed, best fed, best housed people in the world, enjoying clean air, clean water, beautiful parks, but we could still be the unhappiest people in the world without an indefinable spirit – the lift of a driving dream which has made America, from its beginning, the hope of the world.”<sup>55</sup> He even repeated this mantra in his famous impromptu midnight visit with protesting students at the Lincoln Memorial in 1970. “Cleaning up the air and the water and the streets,” he declared to these young people, “is not going to solve the deepest problems that concern us all. Those are material problems. . . . What we all must think about is why we are here. What are those elements of the spirit which really matter?”<sup>56</sup>

These attitudes are significant to this study because they carried over into the political and diplomatic realm. Nixon’s foreign policy and domestic policy beliefs grew in large measure from his personal philosophy. We can see this in his quest for order, individualism, budget cuts, and the like. As we will see, these beliefs were consistent with many aspects of the contemporary human rights movement.

If we are to understand American foreign policy in this period, we must also examine the goals and actions of Henry Kissinger, for he was at the center of the policymaking nexus from 1969 to 1977. He was the object of both liberal and conservative derision throughout this period, though his attitudes and approaches were slightly different from Nixon’s. Perhaps the most Machiavellian of modern

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<sup>55</sup> “Annual Message to Congress on the State of the Union,” 22 January 1970, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=2921>.

<sup>56</sup> Nixon’s lengthy narrative of this unusual story is archived in “Memorandum of Events May 1, 1970” folder, box 11, President’s Personal File, Staff Member and Office Files, White House Special Files, Nixon Papers, NARA II.

policymakers, Kissinger's disdain for the Wilsonian approach was legendary, as was his inattention to human rights issues. Indeed, in recent years scholars and journalists have not merely criticized Kissinger's indifference; several have actually accused him of complicity in rights violations through his support of authoritarian regimes in countries like Chile and Indonesia.<sup>57</sup> Kissinger once severely browbeat David Popper, the U.S. ambassador to Chile, for raising human rights issues with the leaders of that country. When Popper complained about the Pinochet regime's abuses in 1974, Kissinger wrote a terse reply in the margins of a State Department cable: "Tell Popper to cut the political science lectures."<sup>58</sup> Kissinger only mentioned human rights in passing (and largely dismissively) in his books *White House Years*, *Years of Upheaval*, and *Diplomacy*.<sup>59</sup> Furthermore, the archival record does not cast Kissinger in a very positive light. He often went beyond the call of duty to prevent American efforts that might have led to better human rights practices overseas. Even in those cases when Nixon was inclined to act on behalf of oppressed people abroad – as in the humanitarian crises in Bangladesh and Burundi – Kissinger seemed indifferent at best and irritated at worst. Nevertheless, Kissinger's diplomatic philosophy was not without its defenders.

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<sup>57</sup> Scholars like Christopher Hitchens and Seymour Hersh have built up a substantial bibliography on the "real" Henry Kissinger. The National Security Archive has also published several electronic briefing books and document collections that cast Kissinger in a bad light. Cf., Christopher Hitchens, *The Trial of Henry Kissinger* (New York: Verso, 2001); and Seymour Hersh, *The Price of Power: Kissinger in the Nixon White House* (New York: Summit Books, 1983).

<sup>58</sup> Quoted in David Forsythe, *Human Rights and World Politics*, 2<sup>nd</sup> ed. (Lincoln: University of Nebraska Press, 1989), 92. Kissinger has earned quite a reputation for these blunt salvos. Concerning the Kurds' plight in 1975 after the U.S. decided to back the Iran-Iraq Algiers agreement, which some observers considered an American betrayal of the Kurds, Kissinger chastened administration critics by saying, "Covert action should not be confused with missionary work." Quoted in the Pike Committee Report, "The Select Committee's Investigative Record," *Village Voice*, 16 February 1976, 85.

<sup>59</sup> Henry Kissinger, *White House Years* (Boston: Little, Brown, 1979); *Diplomacy* (New York: Simon and Schuster, 1994). On Kissinger's attitude toward democracy in American foreign policy, see Kissinger, *The Necessity for Choice* (New York: Harper, 1961), 308; Walter Isaacson, *Kissinger: A Biography* (New York: Simon and Schuster, 1992), 611; Kissinger, *Years of Upheaval* (Boston: Little, Brown, 1982), ch. 22; and Kissinger, *Diplomacy*, 747.

As a historian schooled in the diplomacy of Metternich and Talleyrand, Kissinger was a strong believer in traditional power politics and the balance of power. Like Nixon, he preferred dealing only with the most important nations. (This was easier when he was national security adviser. When Nixon appointed him secretary of state in 1973, Kissinger found that he had to interact with the rest of the world as well). The developing world mattered little to him, except in those places where the U.S. and the Soviets battled by proxy. As for nations with undemocratic governments, Kissinger tended to believe that the U.S. needed to maintain relations with whoever was in power, even if Americans might abhor their system of government and attitude toward liberal democracy. This philosophy helps explain the Nixon administration's overtures to China and the Soviet Union. Kissinger believed that the Cold War was a permanent fixture of the international scene, and he viewed the Soviet Union as a "status quo power" that had long since abandoned its revolutionary principles in order to shore up its status as an economic and military powerhouse. American attacks on the Soviets' human rights record, he believed, could only make superpower conflicts more likely.

As for diplomatic style, Kissinger believed in bilateral relationships with important leaders, and he was well known for his ability to get results through flattery and polite cajoling. He was thus unlikely, to say the least, to assail a foreign leader for "rights violations" because he feared that such a move could only imperil a working diplomatic relationship. He also disliked public pronouncements and multilateral agreements, both of which he considered bereft of substance. The real job of diplomacy, he argued, was to hammer out bilateral agreements based on mutual interest, not to make grand pronouncements of principle that would have no effect in the long run. He

believed that most human rights advocates were too fond of such weak pronouncements. We should also keep in mind that Kissinger was dealing with some of the most critical issues of the day: nuclear confrontation, great power politics, and wars in the Middle East and Southeast Asia. Given these worries, he felt justified in ignoring the human rights-related criticisms of congressmen and activists. Furthermore, he was unelected, and thus did not have to pander to popular opinion.

### **Détente and Human Rights**

Détente with the Soviet Union and rapprochement with China became the twin pillars of the Nixon/Kissinger foreign policy after 1970. Indeed, Nixon was suggesting an opening to China as early as 1967.<sup>60</sup> Reasonable observers, he believed, could no longer argue that the Kremlin was directing a monolithic world communist bloc. A high-level Sino-Soviet split had begun in 1959 and accelerated throughout the 1960s. In the second half of the 1960s in particular, the leadership and propaganda outlets of each nation routinely denounced the other. These tensions reached the boiling point in 1969 when the Soviets and Chinese became engaged in a series of bloody border clashes in the Ussuri River region, a conflict that threatened to develop into a full-scale war. In Europe, meanwhile, when the Dubček government in Czechoslovakia attempted to implement “socialism with a human face,” the ensuing Prague Spring was crushed by a Warsaw Pact invasion in August of 1968. Such events demonstrated the lack of unity in the communist world.

Thus as the 1970s dawned, East/West fears were not as strong as they had been in the 1950s and 60s (nor, for that matter, were they as strong as they would be in the 1980s). Nixon and Kissinger realized that they could play the Soviets and Chinese off

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<sup>60</sup> See Nixon’s article, “Asia after Vietnam,” *Foreign Affairs* 46, no. 1 (October 1967): 121.

one another, and all three nations realized they had something to gain from closer relations. The Soviets desired Western technology and trade, the Chinese communists sought recognition of their rule, and the Americans wanted to fight the Cold War on the cheap through arms limitation agreements and reductions in the military budget. Nixon also sought Soviet and Chinese assistance in ending the Vietnam War (though he did not succeed in this goal), and the leaders of all three nations believed that they would benefit from a Cold War thaw. According to Kissinger, détente did not come about because he or Nixon thought that East and West had so much in common. It was precisely the opposite. In his words,

We have always believed that détente is necessary precisely because we have opposing interests in many parts of the world and totally different social systems. Détente is necessary because of the danger posed by the accumulation of nuclear weapons on both sides. We are in favor of détente because we want to limit the risks of major nuclear conflict. . . . It does not eliminate the conflicting interests.<sup>61</sup>

Nixon's willingness to negotiate with communist states suggested that he was a political moderate. "Unlike some anticommunists," he wrote after leaving the White House, "who think we should refuse to recognize or deal with the Communists . . . I have always believed that we can and must communicate and, when possible, negotiate with Communist nations. They are too powerful to ignore."<sup>62</sup> In his 1969 inaugural address

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<sup>61</sup> Kissinger interview with Kalb, Kaplow, and Valerani, 12 November 1973, "Visit to Africa, Near East" folder (2), box 179, Records of the Executive Secretariat, RG 59, State Department General Records, NARA II.

<sup>62</sup> Nixon, *RN*, 344.

he told the American people, “After a period of confrontation, we are entering an era of negotiation. Let all nations know that during this administration our lines of communication will be open.”<sup>63</sup>

It is important to place détente within the context of Nixon’s attitude toward Europe. As an admirer of European statesmen and the European-American cultural heritage, he considered Western Europe to be one of the major pillars of world power and America’s most important partner in defending Western civilization. His interest in Europe led him to take a nuanced approach to European affairs. He sought to revitalize NATO and transatlantic ties, and he regularly solicited the advice of European leaders on everything from defense policy to the war in Vietnam. This atlanticism stood in stark contrast to the approach of his predecessor, Lyndon Johnson, who had been unable to win European approval for his Vietnam policy. Nixon’s attention to Europe also meant an attention to European demands in both East and West. In other words, the détente policy was forged with an implicit consideration of the interests of America’s European allies. After all, East/West relations concerned Europe first and foremost. European leaders were fearful in the late 1960s and early 1970s of U.S. withdrawal from Europe, or at least U.S. force reductions.<sup>64</sup>

In the months before Nixon was elected president, he alluded to the special bond Americans had with Europe, and he made it clear that he considered Europe one of the bulwarks of liberal, democratic capitalism. He spoke of the emergence of “a genuinely

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<sup>63</sup> Ibid., 347; “Inaugural Address,” 20 January 1969, *PPP*, <http://www.presidency.ucsb.edu/ws/print.php?pid=1941>.

<sup>64</sup> As a sign of Nixon’s European focus and his interest in a few powerful countries, he told his aides that he would only hold two-day meetings with the heads of state of Britain, France, Germany, Italy, Japan, and the U.S.S.R. Memo, H.R. Haldeman to Henry Kissinger, 22 February 1971, “[CF] CO – Countries [1969-70]” folder, box 5, Confidential Files 1969-74, Subject Files, White House Special Files, Nixon Papers, NARA II.

global community” and asserted that “a strong, independent Europe within the Atlantic alliance could make for a healthier Atlantic community, at the same time providing a strong negotiating hand with the Soviet Union.” He also feared that the breakdown of civility and social order in the U.S. was hurting American prestige across the Atlantic. “The Europeans,” he argued, “were appalled at what they daily saw happening in America [in the 1960s]: at the violence, the lawlessness, the prejudice, the hate, the disenchantment of our youth, the decline of our dollar, the loss of credibility by our national leadership. . . . They expect the leaders of the free world to do better.”<sup>65</sup> Once Nixon was elected, his first presidential trip was to Western Europe, and in the ensuing years he took many such trips in order to consult with European leaders like DeGaulle, Adenauer, Brandt, Wilson, and Heath. As he wrote later of his initial visit, “I wanted this trip, my first abroad as President, to establish the principle that we would consult with our allies before negotiating with our potential adversaries. . . . to show the world that the new American President was not completely obsessed with Vietnam.” Afterward he felt that the trip “showed the NATO leaders that a new and interested administration which respected their views had come to power in Washington.”<sup>66</sup> Clearly, then, the Nixon/Kissinger détente policy was closely intertwined with Nixon’s atlanticist tendencies.

Some analysts have considered détente and human rights as irreconcilable policy frameworks, but in reality they were always linked. As I have stated, we cannot understand human rights in American foreign policy irrespective of détente. For starters, human rights and détente were both international by nature, and both developed from

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<sup>65</sup> CBS Radio address, 13 October 1968, “Speech File – ‘The Time to Save NATO’” folder, box 100, RNLB.

<sup>66</sup> Nixon, *RN*, 370, 375.

multiple sources. Although Nixon and Kissinger saw détente as primarily U.S.-Soviet in nature, it was influenced by parallel developments in France, West Germany, Eastern Europe, and even China. The French had a role in bringing about détente in the late 1960s via President de Gaulle's limited overtures toward the Soviets. Meanwhile, West German Chancellor Willy Brandt – together with his Social Democratic Party colleagues, Egon Bahr and Herbert Wehner – pieced together *Ostpolitik*, through which Brandt cultivated closer ties with East Germany. Even Lyndon Johnson made some fledgling moves toward a détente-like thaw as early as 1966. As one historian has written, “Johnson’s achievements – most significantly the Nuclear Nonproliferation Treaty – stand out as creating the essential basis for easing relations.”<sup>67</sup>

A more important direct connection between détente and the emerging human rights movement was the possibility that détente could have favorable benefits for the peoples of Eastern Europe. Many observers supposed that a more open relationship with the Soviets and a more liberal set of trade agreements would improve the flow of ideas and diminish the more repressive tendencies of the Eastern bloc governments. American insiders understood this at the time, though Nixon administration officials were unwilling to state it publicly too often for fear of inflating expectations that could lead to a letdown.<sup>68</sup> (As détente met more resistance from both liberals and conservatives after

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<sup>67</sup> Thomas Alan Schwartz, *Lyndon Johnson and Europe: In the Shadow of Vietnam* (Cambridge: Harvard University Press, 2004), 142, 226. Schwartz further argues that Johnson’s speech in October 1966 “now stands out as an unheralded yet significant milestone in the pursuit of détente.” In this speech Johnson sent an overt message to the communist world regarding America’s openness to negotiation on a number of fronts: “We want the Soviet Union and the nations of Eastern Europe to know that we and our allies shall go step by step with them as far as they are willing to advance.” Patrick Dean, the British Ambassador to the U.S., suggested in early 1967 that “[Johnson’s] primary interest in foreign affairs is the improvement in relations with the Soviet Union.”

<sup>68</sup> Nixon explained this stance to Charles de Gaulle in 1969. See Memcon, Nixon and de Gaulle, 28 February 1969, “Memcons – The President, General de Gaulle” folder, box 1023, Presidential/HAK Memcons, Nixon Papers, NARA II.

1972, members of the Nixon administration were more open to claiming benefits for Eastern Europeans.)<sup>69</sup> But behind the scenes there was an ongoing conversation about liberalization in Eastern Europe. State Department experts, for example, counseled that détente would likely pose more harm to the Soviet system than to the American system. In a 1970 study written for Kissinger, Assistant Secretary of State William Cargo wrote,

[F]rom the viewpoint of Eastern Europe, amply demonstrated by the historical record, any loosening of Moscow's control brings East European attempts to reassert independence. In this sense Moscow is far more vulnerable than we are. And in this sense, détente is far more dangerous potentially for them than for us. . . . The weakness of the Soviet position in Eastern Europe would perhaps come on view, and the hold on independence by some countries, notably Rumania, might be strengthened.

“The Russians must know,” Cargo went on to say, that they could not pursue the short-term benefits of détente “without venturing into the changes that East and West Europeans want détente to bring. They cannot promise benefits and then try to shorten the leash on Eastern Europe, without hurting themselves.” The U.S. could also potentially influence the lives of Eastern Europeans because these people wanted Western technology, capital, and goods – “things not available from the U.S.S.R.” Therefore all of the governments and party leaders of Eastern Europe supported détente.

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<sup>69</sup> See, for example, Kissinger's testimony during his 1973 confirmation hearings. At one point he stated, “In several of these countries [détente] has led . . . to a greater – what we would call liberalization within this governmental structure.” Senate Committee on Foreign Relations, *Hearings on the Nomination of Henry A. Kissinger*, 93<sup>rd</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1973), 42.

“Détente and greater freedom of action in Eastern Europe go hand in hand,” concluded Cargo.<sup>70</sup>

Making the case for détente’s influence on the human rights push is a bit unusual. A critic of this viewpoint might ask how it is possible to overcome the way in which détente muted the East/West criticisms that had defined the Cold War for two decades. After all, it was certainly true that Nixon and Kissinger came to accept the Soviet Union as a world power whose leaders were more interested in preserving international stability than in fomenting Marxist revolutions. Or as Michael Ignatieff has asserted, détente “traded rights for order.” One way of getting around this quandary is to stress that in the long run this tradeoff made human rights NGOs – in both the East and the West – much more significant actors, especially after the Helsinki accords were signed in 1975.<sup>71</sup> More significantly from the perspective of the U.S., détente also opened the Eastern bloc to scrutiny from members of the U.S. government who were outside the “Nixinger” circle, particularly congressmen and senators. I will develop these ideas in a later chapter on the interaction between Congress, the executive, and the American public.

### **The Impact of External Events**

Beyond the clear impact of the Vietnam War, the social upheavals of the 60s, and the Nixon foreign policy, several international events helped bring humanitarian and human rights issues to the attention of the American public. As I have already noted, in the late 1960s and 1970s the world witnessed a unique and profound increase in civil conflicts and atrocities. The decolonization process led to power vacuums – and thus to civil wars

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<sup>70</sup> Memo, William I. Cargo to Henry Kissinger, 17 August 1970, no. 00538, National Security Archive.

<sup>71</sup> Michael Ignatieff, “Human Rights,” in Carla Hesse and Robert Post, eds., *Human Rights in Political Transitions: Gettysburg to Bosnia* (New York: Zone Books, 1999), 317.

and highly-publicized human rights abuses – in dozens of countries, including Pakistan, Angola, Zaire, Cambodia, and Indonesia. A similarly unusual rise in the number of military coups accompanied these civil conflicts.<sup>72</sup>

This aberrant rise in world conflicts had an impact on the early momentum toward a human rights movement in America. The violent nature of these humanitarian crises was widely reported in the mainstream Western news media. Moreover, the growing number of human rights NGOs dispersed bloody images and gruesome firsthand descriptions to influential people and news outlets. Citizens in the Western democracies were thus inundated with stories about human rights abuses in the developing world, and these images further spurred the increase in human rights interest in the United States. Another way in which the U.S. was connected to these events was through the Nixon administration's handling of diplomacy. Although his administration tended to follow the realist line with respect to groups it would publicly support, Nixon was surprisingly active in his pursuit of humanitarian relief efforts and he routinely expressed private support for the victims. On some occasions he even went out of his way to criticize perpetrators, even when these were nominal U.S. allies. The crises of this period forced American policymakers to debate the proper extent of U.S. intervention. I will discuss the American diplomatic connection to four of the most significant cases: Brazil, Bangladesh, Burundi, and Biafra.

One of the earliest human rights causes of this period was the international campaign to ban torture in Brazil.<sup>73</sup> The Brazilian military regime began to use torture in

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<sup>72</sup> Kathryn Sikkink, *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca: Cornell University Press, 2004), 54; "A Century of Death," *National Geographic*, January 2006, 30.

<sup>73</sup> Unless indicated otherwise, I am relying here on information from James N. Green, "Clerics, Exiles, and Academics: Opposition to the Brazilian Military Dictatorship in the United States, 1969-1974," *Latin*

1967-68, and the campaign against these tactics began shortly thereafter. The results of this campaign were far-reaching. Several scholars have pointed out that anti-torture activism on behalf of Brazilian political prisoners served as the catalyst for a much broader, international movement against torture.<sup>74</sup> And since this campaign predated the more famous post-1973 abuses of Chilean dictator Augusto Pinochet, anti-torture activism was arguably an important driving force behind the wider human rights movement in Latin America, the U.S., and elsewhere.

Activists and NGOs involved in the campaign made effective use of the news media, leading to a large number of reports on Brazilian torture in 1970-71.<sup>75</sup> (Torture was not widely reported in the mainstream press before the 1970s.) Critics of the Brazilian government did not use legal arguments, but rather focused on the reprehensible nature and self-evident immorality of the government's tactics. *Time* ran a feature on the subject, while the *New York Times* and *Washington Post* published over two dozen articles that *headlined* torture in Brazil (many other articles covered the subject in other forms).<sup>76</sup> Some of these news reports suggested an American connection to the Brazilian government's actions through the allocation of Agency for International Development (AID) funds, which were likely used in programs to train and supply Brazilian police. Anti-torture activists also claimed that American officers were training

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*American Politics and Society* 45, no. 1 (Spring 2003): 87-117; Barbara Keys, "The Nixon Administration, Brazil, and the International Campaign against Torture," unpublished paper presented at the Conference of the Society for Historians of American Foreign Relations, June 2007; and Martha K. Huggins, *Political Policing: The United States and Latin America* (Durham: Duke University Press, 1998), 141-185.

<sup>74</sup> Lars Schoultz, *Human Rights and United States Policy toward Latin America* (Princeton: Princeton University Press, 1981), 6; David Forsythe, *Human Rights and World Politics*, 2<sup>nd</sup> ed. (Lincoln: University of Nebraska Press, 1989), 142; Green, "Clerics, Exiles, and Academics," *passim*.

<sup>75</sup> In addition to journalistic treatments, a few book-length accounts were published in Latin America during this early period. See, for example, Rodrigo Alarcon, *Brasil: Represión y Tortura* (Santiago de Chile: Editorial Orbe, 1971) and Marcio Moreira Alves, *A Grain of Mustard Seed: The Awakening of the Brazilian Revolution* (Garden City, NY: Anchor Books, 1973). Alves was a journalist and member of the Brazilian Congress. His opposition to the military's policies forced him into exile in 1969.

<sup>76</sup> Keys, "The Nixon Administration."

Brazilians in the use of torture, though they never proved the claim. A 1970 *Washington Post* editorial stated that “a nasty showdown” was coming in Brazil and that the U.S. was “in danger of getting itself caught up on the side of the oppressors, forced to choose wrong.”<sup>77</sup> The following year, two nationally-syndicated columnists wrote an article titled “Brazilian Blood on Our Hands,” in which they lamented the “tragedy” that “a stern telephone call from the American ambassador . . . would have saved” countless lives. They further argued that the U.S. government’s “strong support of Brazil at every level” was “keep[ing] in unchecked power the most repressive regime in the Western Hemisphere.”<sup>78</sup>

Such articles contributed to a public conversation about American involvement in the Brazilian government’s tactics, and members of Congress eventually took a direct interest in the issue. It is worth noting that few American policymakers were yet willing to express their disdain for human rights violations in overtly moral terms; most questioned instead whether the nation should allow American dollars to fund corrupt or undemocratic regimes. Nixon and Kissinger thought the Brazilians were handling their internal affairs effectively, and thus they did not publicly criticize the Brazilian leadership. However, as with so many other political issues of this period, the Democrat-dominated Congress challenged the administration. Senator Edward Kennedy gave a speech in April 1970 at the University of Montana in which he singled out abuses in Brazil. “The United States continues to support regimes in Latin America that deny basic human rights,” he argued. “We stand silent while political prisoners are tortured in Brazil. . . . I point out this situation . . . because Brazil is ruled by a government that we

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<sup>77</sup> “Oppression in Brazil,” *Washington Post*, 28 February 1970.

<sup>78</sup> Frank Mankiewicz and Tom Braden, “Brazilian Blood on Our Hands,” *Washington Post*, 23 March 1971.

fully support with money, arms, technical assistance, and the comfort of close diplomatic relations.”<sup>79</sup> Shortly thereafter, State Department officials publicly stated that the administration had “repeatedly” raised the issue with Brazilian officials.<sup>80</sup> However, when Senator Frank Church began hearings on American relations with Brazil in 1971, Senator Pell pressed the U.S. ambassador to admit that the State Department had done little to change Brazilian behavior.<sup>81</sup> U.S. aid to Brazil was eventually reduced and cut off entirely. The military government remained in power, but incidences of torture decreased. In the final analysis, the case of Brazilian torture shows how the American public could be reached via a combination of news reports, statements from politicians, and images and testimony from NGOs. It also showed the activist community that a focused campaign could raise public awareness of suffering, essentially turning a Brazilian domestic issue into an international concern.

The other events of the late 1960s and early 1970s that brought humanitarian and human rights crises home to Americans took place on a much larger scale than Brazilian torture. The most significant international atrocity of this period was the Bangladesh crisis of 1971. This war between East and West Pakistan (which became Bangladesh and Pakistan as a result of the conflict) grew out of Bengali demands for autonomy, and led to hundreds of thousands of Bengali civilian deaths and thousands of military deaths.<sup>82</sup> Furthermore, around ten million refugees entered eastern India. The atrocities perpetrated against Bengalis were widely publicized in the West.

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<sup>79</sup> The speech was originally given at the University of Montana. It was reprinted in Edward M. Kennedy, “Beginning Anew in Latin America: The Alianza in Trouble,” *Saturday Review*, 17 October 1970, 19.

<sup>80</sup> “U.S. Presses Brazil on Torture Issues,” *New York Times*, 23 April 1970.

<sup>81</sup> Senate Committee, *United States Policies and Programs in Brazil*, 290-295.

<sup>82</sup> Matthew White compiled a comprehensive list of death toll estimates and concluded that the median estimate was around 1.25 million. He also noted that the high estimates of Bengali deaths “are almost ten times the low estimates.” “Death Tolls for the Major Wars and Atrocities of the Twentieth Century,” <http://users.erols.com/mwhite28/warstat2.htm>.

The American response to the situation was mixed. The Nixon administration saw the war through the lens of its other international goals. “When the Nixon administration took office,” said Henry Kissinger, “our policy objective on the subcontinent was, quite simply, to avoid adding another complication to our agenda.”<sup>83</sup> Once the war broke out, Nixon stated that it was “imperative” to look at the situation “above all in terms of U.S. interests.” One of the great dangers was the possibility of an India-Pakistan war, which some Indians wanted in order to break up Pakistan. Nixon therefore wanted the U.S. to stay out of the conflict, though he did support the government of Pakistan. This “tilt” toward Pakistan was motivated by a desire to stave off possible Soviet domination of India and the region as a whole. After all, the U.S.S.R. supported India and the Bengalis in the war, perhaps because the Soviets wanted to gain a foothold in the region. Nixon also had his sights set on a rapprochement with the Chinese, who were supporting Pakistan. Nixon and Kissinger also had issues with the Indian government in general, and especially its Prime Minister, Indira Gandhi. When Nixon counseled in March 1971 that the U.S. should “keep cool and not do anything” because “there’s nothing in it for us either way,” Kissinger concurred that such an intervention “would infuriate the Pakistanis . . . and the Indians are not noted for their gratitude.”<sup>84</sup> When the two men later discussed a meeting with Gandhi, Nixon called her a “bitch,” and Kissinger added, “the Indians are bastards anyway. They started a war over there.”<sup>85</sup> The U.S. did not send troops, but late in the war Nixon sent the aircraft

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<sup>83</sup> Kissinger, *White House Years*, 848.

<sup>84</sup> Telcon, Nixon and Kissinger, 30 March 1971. Published in *Foreign Relations of the U.S.* (hereinafter *FRUS*), 1969-1976, Volume XI, South Asia Crisis, 1971, doc. 15. Nixon also stated in this conversation, “What the hell can we do? . . . I don’t like it, but I didn’t like shooting starving Biafrans either. What do they think we are going to do but help the Indians.”

<sup>85</sup> Kissinger went on to say, “While she was a bitch, we got what we wanted too. . . . I mean, she will not be able to go home and say that the United States didn’t give her a warm reception and therefore, in despair,

carrier *U.S.S Enterprise* to the Bay of Bengal, a provocative move matched by the Soviets' insertion of their own nuclear submarine.

Still, Nixon did show an interest in the war's humanitarian crisis. Indeed, it was virtually impossible to ignore the enormous, heavily-publicized refugee problem (this was the impetus for ex-Beatle George Harrison's famous 1971 "Concert for Bangladesh"). Nixon also recognized that the news media and the American public had grown weary of Vietnam. "The big story," he told his advisers, "is Pakistan." Politicians were "raising hell" about the refugee problem, said Nixon, "and they *should* from the standpoint of human suffering. . . . We will go all out to help the refugees and to help people in East Pakistan." This would not be the last time that Nixon expressed an interest in helping to alleviate suffering in a war-torn territory. Yet he also made it clear that his overall foreign policy had not changed: "We will not measure our relationship with the government in terms of what it has done in East Pakistan," he told his advisers. "By that criterion, we would cut off relations with every communist government in the world because of the slaughter that has taken place in the communist countries."<sup>86</sup> Nixon allowed Rita Hauser, the administration's representative at the U.N., to state that the humanitarian aspects of the crisis were proper subjects for consideration by the U.N.<sup>87</sup>

The refugee issue aside, American policymakers were unsure of how to handle the human rights issues involved. (Scholars tend to differentiate between "humanitarian" and "human rights" issues. The former is defined by the need to bring necessities like

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she's got to go to war." Nixon concurred, saying, "We really slobbered over the old witch." Memcon, Nixon, Kissinger, and Haldeman, 5 November 1971, in *FRUS*, Volume E-7, *Documents on South Asia*, 1969-1972, doc. 150.

<sup>86</sup> Memorandum for the Record, 11 August 1971, NPMP NSC Files, Indo-Pak War, box 578, National Security Archive, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB79/BEBB21.pdf>. Also available in the *FRUS* volume, *Volume XI, South Asia Crisis*, 1971.

<sup>87</sup> She argued this point in the U.N.'s Economic and Social Council, 12 May 1971.

food and medicine to civilian victims of war or famine, while the latter is typically defined in terms of an individual's right to personal liberty, freedom of conscience, and the like.)<sup>88</sup> As Western NGOs and news outlets published more reports of Pakistani atrocities, American policymakers became anxious. Congress imposed sanctions on Pakistan to prevent the U.S. government from selling it arms, but the Nixon administration was able to deliver weapons and supplies to the Pakistanis via Iran.<sup>89</sup> Furthermore, the administration expressed little concern for the plight of Bengalis, even though some American diplomats in Bangladesh were using the term "genocide" to describe the situation there. "Here in Dacca," wrote U.S. Consul General Archer Blood, "we are mute and horrified witnesses to a reign of terror by the Pakistani military."<sup>90</sup> A few weeks later, twenty-nine Foreign Service officers joined him in expressing shock and amazement that the administration had been so callous in the region. In a missive that has become known as the "Blood telegram," they wrote, "Our government has failed to denounce the suppression of democracy . . . [and] atrocities" while "bending over backwards to placate the West Pakistan dominated government. Our government has evidenced what many will consider moral bankruptcy. . . . unfortunately the overworked term genocide is applicable [in Bangladesh]."<sup>91</sup> The State Department, too, was well

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<sup>88</sup> See, for example, Rita Hauser's 1973 testimony before the Fraser subcommittee, in which she expressed her preference for "[separating] the humanitarian from the human rights" because she believed they were "two separate questions." She added that although the U.S. could do more in the area of human rights, "we often . . . lead the way in humanitarian assistance." House Committee on Foreign Affairs, *International Protection of Human Rights: The Work of International Organizations and the Role of U.S. Foreign Policy*, 93<sup>rd</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1974), 232.

<sup>89</sup> For the context of the conflict between Congress and Nixon, see Senate Judiciary Committee, "Crisis in South Asia – A Report to the Subcommittee Investigating the Problem of Refugees and Their Settlement" (Washington, DC: GPO, 1971), 66.

<sup>90</sup> U.S. Consulate (Dacca) Cable, "Selective Genocide," 28 March 1971, published in *The Tilt: The U.S. and the South Asian Crisis of 1971*, National Security Archive Electronic Briefing Book No. 79, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB79>.

<sup>91</sup> U.S. Consulate (Dacca) Cable, "Dissent from U.S. Policy Toward East Pakistan," 6 April 1971, published in *The Tilt*, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB79/BEBB8.pdf>.

aware of the Pakistani government's desire to keep certain atrocities from being publicized.<sup>92</sup>

The crisis ended in December 1971 with an Indian and Bangladeshi victory. Bangladeshi independence followed shortly thereafter. The wider lesson from the standpoint of the U.S. was that Nixon and Kissinger steered clear of public statements that would throw their wider foreign policy goals into disarray. The crisis also exposed a profound rift between the White House and the State Department. In the interests of geopolitical strategy, Nixon and Kissinger supported a dictatorship against a democracy. India had long been a special link in the American chain of modernization and democratization projects in Asia, but now it seemed that China was taking India's place. Nevertheless, Nixon did take a surprising interest in the humanitarian aspects of the crisis, and the scale of suffering in the region helped open Americans' eyes to human rights issues.

The next major international crisis of this period – the Biafran War of 1967-70, also known as the Nigerian Civil War, or The War of Biafran Secession – grew from a series of state-sponsored killings in Eastern Nigeria. When the people of the Biafra region declared themselves independent, the Nigerian government used military force against the secessionists, especially the largely Christian, Igbo ethnic group. One of the government's chief methods of fighting the separatists was to cut off food supplies to the region, which led tens of thousands to starve. The military aspect of the war was also brutal. In the words of one observer, the Biafra war “was not just another African

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<sup>92</sup> Under the heading “Political Problems,” a State Department memo suggested that the government of Pakistan delayed making a U.N. request for relief in East Pakistan “apparently because it feared that a U.N. representative in East Bengal might not restrict his attention to relief matters but delve into possible violations of human rights.” Memorandum, Eliot to Kissinger, 27 May 1971, SOC 10-PAK, Central Files 1970-73, RG 59, State Department General Records, NARA II.

skirmish. . . . It was the first war in which African armies led by African officers fought each other with modern weapons.”<sup>93</sup>

Images from the war hit American newspapers and televisions during the summer of 1968, and domestic pressure began to build for the Johnson administration to act. But because the U.S. was still deeply embroiled in the Vietnam conflict, the administration followed a non-intervention policy in Biafra. However, American policymakers did keep an eye on the region. Once the Soviets began to sell weapons to the Nigerian government, the American and British governments began to fear that the Soviet Union would displace Britain as the Nigerian government’s favored patron. The tripartite U.S. policy was to support the British goal of an early end to the war in order to ensure Nigerian unity (this was heavily criticized in some quarters<sup>94</sup>); distribute large amounts of relief aid; and prohibit American military intervention or weapons sales.

The Nixon administration continued Johnson’s policy of non-intervention, and it stepped up humanitarian relief efforts via the Red Cross and Joint Church Aid. He also appointed a Special Coordinator of Relief to oversee the humanitarian program. Nixon privately sympathized with the Biafrans; at one point he even wrote into the margins of a memo from Kissinger, “I hope the Biafrans survive!” Nixon also complained about the State Department policy of non-recognition of Biafra. In April 1969, he wrote to Kissinger in reference to the stalemated war, “I have decided that our policy supporting the Feds [Nigerian Federal Government] is wrong. They can’t make it. Let’s begin to

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<sup>93</sup> George A. Obiozor, *The United States and the Nigerian Civil War: An American Dilemma in Africa, 1966-1970* (Lagos: Nigerian Institute of International Affairs, 1993), xi.

<sup>94</sup> Dan Jacobs wrote a damning indictment of British complicity in the Nigerian government’s starvation campaign (which, he assumed, was a means of ending the war quickly) followed by a cover-up. The British were the former colonial power in the region. One motivation, argued Jacobs, was the presence of as-yet-unexploited oil reserves in Nigeria. See Jacobs, *The Brutality of Nations* (New York: Alfred A. Knopf, 1987).

get State off this kick.”<sup>95</sup> He did little about it, however, largely because he had other priorities. The U.S. government insisted on sending aid through approved international relief agencies. Unfortunately the channeling of relief through Lagos allowed the Nigerian government to prevent its distribution in the war-torn eastern region.<sup>96</sup>

Despite Nixon’s private sympathy for the Biafran cause, his administration saw American national interests more closely tied to a strong, unified Nigeria. When the Organization for African Unity (OAU) voted overwhelmingly against the Biafran separatists (the OAU nations’ leaders feared secessionist movements within their own borders), the Nixon administration was then able to claim that its policy reflected the will of most Africans. This was consistent with his overall global strategy of backing U.S. proxies while keeping American troops out of the fight. Nixon sincerely backed the humanitarian relief efforts, but some of the administration’s efforts were engineered for domestic public consumption because American public opinion was on the side of the Biafrans.<sup>97</sup> At one point, Kissinger referred to an administration statement on relief aid by saying, “We can reasonably expect dramatic window dressing of this kind to soften the domestic critics for a while.”<sup>98</sup>

Although the Biafra region was of limited strategic significance to the U.S., especially when compared with Bangladesh, the humanitarian crisis there was important to the story of American human rights politics. The Nixon administration took an important step when it approved funding for humanitarian aid. Furthermore, when Biafrans charged Nigerians with trying to exterminate them, these charges gave new life

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<sup>95</sup> Memo, Kissinger to Nixon, 15 May 1969, doc. 65, *FRUS*, vol. E-5, Documents on Africa, 1969-72; memo, Kissinger to Nixon, 8 April 1969, doc. 54, *ibid.*; Telcon, Nixon and Kissinger, 18 July 1969, doc. 90, *ibid.*

<sup>96</sup> Obiozor, *The United States and the Nigerian Civil War*, vi-vii.

<sup>97</sup> *Ibid.*, 79-89. This is a succinct chapter on U.S. public opinion and involvement in the Biafra War.

<sup>98</sup> Memo, Kissinger to Nixon, 7 July 1969, doc. 82, *FRUS*, vol. E-5, Documents on Africa, 1969-72.

to genocide debates worldwide. The Biafran War also coincided with the emergence of new human rights NGOs. One such organization, *Médecins Sans Frontières* (Doctors without Borders), was formed by French doctors as a direct result of the crisis. As for the parallel trend of media attention to human suffering, Biafra was one of the major sources of such images. These images could not help but burnish in the minds of Americans the need for greater activism to prevent such crises in the future.

Another corner of Africa witnessed mass carnage only a few years later. Tens of thousands of Hutus and Tutsis were slaughtered in Burundi over the course of a few months in 1972 during an organized, government-sponsored killing spree, which was then followed by a series of reprisals. Much like the images of violence in Biafra and Bangladesh, those of Burundi entered the homes of Western newsreaders and television viewers *en masse* during this period.

Although the Nixon administration did its best to keep out of the fray, on several occasions the U.S. mission in Burundi attempted to apprise the State Department of the gravity of the situation. U.S. Ambassador Thomas Patrick Malady and Deputy Chief of Mission Michael Hoyt sent dozens of cables in which they used terms like “bloodbath” and “extermination” to describe the carnage. Yet despite the tone of these cables, Hoyt advised against diplomatic intervention because he believed that it would be “counterproductive,” and the State Department went on to recommend a non-intervention policy.<sup>99</sup> Just as in the Biafra case, the Organization for African Unity voted overwhelmingly to support the Burundi government over the victimized minority. For reasons of *realpolitik*, the Nixon administration supported OAU initiatives. Nixon

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<sup>99</sup> Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Perennial, 2002), 82-84.

believed that interference from non-African sources – including those of the communist bloc – would only complicate matters. One apocryphal story from the Burundi episode gives us some indication of just how complicated these issues were for American policymakers. When a junior State Department official suggested that action be taken to stop the Tutsis' killing spree, his superior replied, "Do you know of any official whose career has been advanced because he spoke out for human rights?"<sup>100</sup>

Considering Nixon's personal feelings regarding the other crises of this period, it should come as no surprise that he privately supported the minority in Burundi. When Burundi was scheduled to receive a World Bank loan for internal improvements late in 1972, Secretary of State Rogers advised President Nixon that it was "unusual" for the U.S. leadership to oppose such loans "particularly on political grounds." Nixon therefore approved the loan, but he also demanded that his administration's approval include, in his words, "a strong statement by the U.S. disapproving Burundi's genocide." No doubt he surprised his advisers when he added, "The statement is to be broadly publicized." After reminding his inner circle that his approval of the loan did not equal American approval of the Burundi government's policy, he noted, "I consider this an opportunity to get out the horrible story of what happened there."<sup>101</sup>

Nixon's varied approach to these crises is not so surprising if we take a holistic view of his policies toward the developing world. His administration gave no aid to South Africa, nor did it grant any aid to Portugal's African territories that would help Portugal maintain its policies there. He also backed an arms embargo against both South Africa and Portugal, except in the NATO area. The U.S. adhered to the U.N. program of

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<sup>100</sup> Quoted in *Ibid.*, 83.

<sup>101</sup> Memo, Kissinger to Nixon, 2 December 1972, doc. 230, *FRUS*, vol. E-5, Documents on Africa, 1969-72.

economic sanctions against Rhodesia, except where congressional legislation exempted strategic materials. Finally, the Nixon administration also recognized U.N. jurisdiction in Namibia, and it discouraged new investment there.

These international crises demonstrate the American government's quandary during the latter Vietnam years and beyond. The American public would not accept overt military involvement in Third World civil wars, yet American economic and strategic interests were often at stake. Policymakers therefore had to prescribe cautious solutions that would prevent U.S. entanglement in such conflicts. The humanitarian aspect of these struggles became a major part of the American response during the early 1970s. At the same time, the Western news media publicized many images of these crises, and these images helped acquaint Americans with the worsening plight of the developing world.

### **Chapter 3 – The Ethnic Dimension of Human Rights in American Foreign Policy, 1968-1974**

In this chapter I link the American human rights movement to the “ethnic revival,” which also reached its apex during the long 1970s. The parameters and significance of this revival are somewhat contested; nevertheless, we can settle on a few general conclusions. The ethnic revival was a reawakening of ethnic and ethno-religious pride and activism that began in the 1960s and accelerated in the 1970s. Inspired by long-term social transformations, Americans of a variety of lineages entered the public arena to assert their identities and to influence political and diplomatic outcomes. This trend had its parallels in Europe, but the revival was far more significant in the U.S.

In the complex social and political milieu of the post-Vietnam years, many of the conditions that fueled the ethnic revival also fueled the human rights movement. Because this was a period of political transitions and shifting party loyalties, the political establishment was willing to give extraordinary attention to ethnic concerns, including human rights causes abroad. Put simply, the ethnic revival was a reality that politicians with national political aspirations could not ignore. Thus politicians’ need to court “ethnic” constituents was a significant factor in their embrace of human rights causes and legislation. Furthermore, “ethnicity” seems a useful framework for understanding the development of both the human rights movement and the Cold War after the 1960s. Scholars have largely neglected this connection when telling the story of contemporary foreign policy developments.

## Prologue: The Ethnic Revival

A bit of background on the revival will help place these events into their proper context. With the forces of modernity driving Americans toward greater homogeneity, mid-20<sup>th</sup> century social theories predicted the “end of ethnicity.” The ideological narrowing of the Cold War combined with unprecedented economic growth to fuel development of the modern “mass” society, and as a result ethnic differences and class antagonisms seemed to wane. The prominent political scientist Gabriel Almond wrote in 1960 that the assimilationist paradigm had triumphed in American social and political life. “Ethnic groups which have historically provided the bases for ‘special interest’ foreign policies seriously affecting our decisions,” he wrote, “insofar as they involved the countries of origin of significant immigrant groups in the U.S. (i.e., the Irish, the Germans, the eastern and southern Europeans, and the Jews),” no longer held sway.<sup>1</sup> Yet although the assimilation trend seemed irreversible, to paraphrase Mark Twain, we now know that reports of ethnicity’s death were greatly exaggerated. The 1960s ushered in a new and unexpected set of practices and attitudes toward ethnic identification. When these trends accelerated in the 1970s, observers began to refer to a full-fledged “ethnic revival.”

This revival had many causes. For starters, a major change in the immigration laws in 1965 opened American shores to large numbers of immigrants for the first time since the early 1920s. When President Kennedy proposed this legislation, he emphasized skills-based immigration. However, a number of heavily “ethnic” lobbying groups, including Northern labor unions and churches, worked to ensure the focus on family-oriented immigration, which has been a hallmark of American immigration laws ever since. Few at the time could have known that European immigration would slow

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<sup>1</sup> Gabriel A. Almond, *The American People and Foreign Policy*, 2<sup>nd</sup> ed. (New York: Praeger, 1960), xxv.

dramatically in the decades to come while immigration from Latin America and Asia would increase several fold.<sup>2</sup>

The 1965 law had the practical effect of allowing Americans of various ethnicities and religions to petition the U.S. government on behalf of their kin abroad. A second result of the law was a dramatic increase in immigration after 1968 (when the legislation took effect), which led to the creation of new ethnic lobbying groups. In 1968 Hispanics created the National Council of La Raza, the first American lobby to take on a wide variety of Hispanic concerns. Similar organizations began to frame immigration as a “human rights” issue, some even claiming that Mexicans had a moral right to an open border because the American Southwest had been cleaved from Mexico’s northern frontier in the 19<sup>th</sup> century. With several million legal and illegal immigrants entering the U.S. in the 1970s, immigration debates naturally took on racial overtones. (By 1976, two out of every three immigrants were arriving from Asia or Latin America.)<sup>3</sup>

Another factor in the ethnic revival’s origins was what has come to be known as “Hansen’s Law.” This law was named for the Swedish-American scholar Marcus Lee Hansen, who in the 1930s devised the theory of generational change in attitudes toward the homeland among immigrants and their offspring.<sup>4</sup> By this theory, the children of immigrants (the “second generation”) eschewed the trappings of Old World customs and the rather awkward manner in which their parents retained their traditional language and culture. The third generation, though, tended to feel a connection to the Old-World via

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<sup>2</sup> Also known as the Hart-Celler Act, or the INS Act of 1965.

<sup>3</sup> Alexander DeConde, *Ethnicity, Race, and American Foreign Policy: A History* (Boston: Northeastern University Press, 1992), 157, 162. The clear increase in immigration led Congress to establish a Select Commission on Immigration and Refugee Policy. Little came of its efforts, but its creation symbolizes the prevailing trends.

<sup>4</sup> Marcus Lee Hansen, “The Third Generation in America,” *Commentary*, November 1952, 492-500. Hansen originally published the “third generation” thesis in 1938.

their grandparents. Hansen's Law was significant because many of the most prominent actors in the ethnic revival were born between the 1930s and the 1950s, and thus were members of this "third generation."

Of far greater significance to the story of the ethnic revival were the complex and far-reaching effects of the Civil Rights Movement. The movement was significant to this story in two major ways. First, it spawned a language by which "group strength" could undergird group identity and the pursuit of individual rights. What began with African Americans' struggle for basic civil and political rights in the American South eventually evolved into something much more profound by the late 1960s: an affirmation of the necessity of preserving unique, minority cultures in a pluralistic society. This was evident in the movement's shift to militancy and in the accompanying calls for "black power," which would eventually be taken up by many other ethnic and religious groups. In 1967 Charles Hamilton and Stokely Carmichael wrote in *Black Power*, "We have been oppressed as a group, not as individuals. We will not find our way out of that oppression until both we and America accept the need for Negro Americans, as well as for Jews, Italians, Poles, and white Anglo-Saxon Protestants, among others, to have and wield group power." Writing just three years later, the editors of the *Ukrainian Weekly* echoed the same sentiments when they wrote, "The notion of 'Ukrainian Power' – a borrowing to be sure from America's black community – is passing in Ukrainian circles from a mere phrase to a workable and quite feasible concept."<sup>5</sup> Much like African Americans, white ethnics were beginning to claim an "other than white" status by the early 1970s.

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<sup>5</sup> Both quoted in Mathew Frye Jacobson, *Roots Too: White Ethnic Revival in Post-Civil Rights America* (Cambridge: Harvard University Press, 2006), 20.

The second major influence of the civil rights movement was the backlash against it. White ethnics were an integral component of the backlash against many of the movement's goals. The Ellis Island mythology of poor immigrants rising to full "American" status began to have powerful political implications beginning in the 1960s.<sup>6</sup> In response to accusations of racism and white privilege, ethnics pieced together an alternative immigration narrative that emphasized their ancestors' arrival onto American shores beginning in the late-19<sup>th</sup> century, long after the days of slavery and Indian persecution had ended. These ethnics effectively asked: Why cannot blacks pull themselves up by their own bootstraps the way my (Irish, Italian, Jewish, etc.) grandparents did?<sup>7</sup> The backlash of the "Northern ethnics" contributed much to the rightward shift of American political opinion after the 1960s. And as we will see, Richard Nixon went to great lengths to court ethnics *en masse* in 1968 and 1972 as part of what we might consider the Northern corollary to his well-known Southern strategy. We can conclude, then, that the ethnic revival was influenced as much by the civil rights movement's positive aspects (the quest for equality, pride in one's origins, and the new importance of "identity") as by its eventual political outcomes (especially violent opposition to integration and Great Society programs).

If we go a bit beyond contemporary *events*, we see that contemporary *lifestyles* – including the widespread alienation, or *anomie*, of post-World War II America – also played a role in the ethnic revival.<sup>8</sup> According to the prevailing psychological wisdom of the day, young people were experiencing a "crisis of identity" or feelings of alienation

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<sup>6</sup> Ibid., ch. 1.

<sup>7</sup> See, for example, Jonathan Rieder, *Canarsie: The Jews and Italians of Brooklyn against Liberalism* (Cambridge: Harvard University Press, 1985).

<sup>8</sup> I am borrowing this idea from Orlando Patterson, *Ethnic Chauvinism: The Reactionary Impulse* (New York: Stein and Day, 1977), 147-185.

from modern society, culture, and tradition. Sociologist Daniel Bell blamed what he called the “superabundance” and suburban affluence of the “post-industrial” nation. In combination with the disturbing realities of the Vietnam War (which was taking place while the Baby Boomers were reaching adulthood), this middle-class lifestyle led countless youths and adults to lose faith in the values of modern civilization.

This is a well-worn tale, to be sure, but the point is that other forms of protest or “dropping out” – whether the counterculture, radical politics, the antiwar movement, the civil rights movement, or otherwise – proved to be of limited long-term value. These all faded in one way or another, but ethnic revivalism was one of the escapes that became firmly ensconced by the early 1970s. “The closed, particularistic [ethnic] neighborhood was . . . the perfect answer to the problems of atomization in modern mass society,” wrote one scholar. “Its certain, traditional values, so familiar, so wonderfully simple yet profound, offered the spiritual support for which drugs, easy sex, and hard rock had simply been temporary palliatives.”<sup>9</sup> The connection between the quest for meaning and the growth of ethnic identification was quite profound. As a prominent Catholic priest wrote in 1971, “Ethnics are trying to find out who they are at a time when America itself [is] undergoing a ‘national identity crisis.’”<sup>10</sup>

Social scientists at the time took note of the developing ethnic trend.<sup>11</sup> Scholars as diverse as Orlando Patterson, Michael Novak, Daniel Patrick Moynihan, and Nathan

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<sup>9</sup> Patterson, *Ethnic Chauvinism*, 162.

<sup>10</sup> Quoted in Murray Friedman, ed., *Overcoming Middle Class Rage* (Philadelphia: Westminster Press, 1971), 34-35.

<sup>11</sup> Cf. Orlando Patterson, *Ethnic Chauvinism*, esp. 147-185; Joshua A. Fishman, *The Rise and Fall of the Ethnic Revival: Perspectives on Language and Identity* (New York: Mouton, 1985); Sallie TeSelle, ed., *The Rediscovery of Ethnicity: Its Implications for Culture and Politics in America* (New York: Harper Rowe, 1973); and Howard F. Stein and Robert F. Hill, *The Ethnic Imperative: Examining the New White Ethnic Movement* (University Park, Pa.: Pennsylvania State University Press, 1977).

Glazer expended considerable effort to get at the meaning of these developments.<sup>12</sup> Novak, the scholar and founder of the Ethnic Millions Political Action Committee (EMPAC), became the revival's most prominent defender (Patterson called him "the leading ideologist of the revival"). Novak used the term "the unmeltable ethnics" to describe these Americans, whom he considered "the new political force of the 1970s," and he rather optimistically concluded that the rise in ethnic identification was a natural consequence of the human desire to "belong."<sup>13</sup> (It is of some significance to this story that President Reagan would later appoint Novak the chief U.S. envoy to the U.N. Commission on Human Rights and delegate to the Helsinki follow-on committee.)

Orlando Patterson, meanwhile, was critical of the revival. He saw ethnic movements as double-edged swords. Although they usually began benignly enough, he argued that they often ended in brutality as the quest for identification or reparations shifted to a violent tribalism. Nazi Germany was the extreme paradigm for this model. Patterson was one of the first to assert that the ethnic revival in the U.S. was explainable in part as a reaction to the gains African Americans had made since the 1950s. Alas, argued Patterson, black extremists' militant turn toward separatism and identity politics had nearly legitimized the white backlash.<sup>14</sup>

Nathan Glazer and Daniel Patrick Moynihan, who put this topic on the map with their well-known 1963 book *Beyond the Melting Pot*, argued that ethnic groups

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<sup>12</sup> Michael Novak, *The Rise of the Unmeltable Ethnics: The New Political Force of the Seventies* (New York, 1971). For a critical review of Novak's book, see Garry Wills, "The Rise of the Unmeltable Ethnics," *New York Times*, 23 April 1972.

<sup>13</sup> Orlando Patterson, "A Meeting with Gerald Ford," *New York Times*, 6 January 2007.

<sup>14</sup> *Ibid.* Patterson's account of the meeting gives us some insight into Ford's open attitude. "As we talked over lunch," recalled Patterson, "it slowly dawned on me that the president's behavior was the most inspiring display of self-assured humility I had ever witnessed. Here he sat, the most powerful man in the world, eager to learn about his own society, even from a recent immigrant."

functioned largely as interest groups.<sup>15</sup> By this model, ethnicity was a more effective form of social organization than “class.” Moynihan noted the ethnic trend in the 1960s before it became clear that a “revival” was afoot. He told an audience in 1966 that “The American continent has been the scene of racial and ethnic anarchy from the sixteenth century; it is just that this has somehow been kept a secret.” In the decades to come, he added, “we will increasingly be dealing with issues . . . for which our national experience provides great guidance, but to which at present we pay little attention. This, of course, is the emergence of ethnic and religious separatism.”<sup>16</sup> By 1975, when the revival was fully underway, Moynihan and Glazer were asserting, somewhat hyperbolically, that the nation’s ethnic composition was “the single most important determinant of American foreign policy.”<sup>17</sup>

Still other scholars denied that the U.S. had undergone a true pluralist, anti-assimilationist renewal. Herbert Gans, Gunnar Myrdal, and Arthur Schlesinger, Jr. variously challenged the idea of an ethnic revival, some even calling it an invention of elites.<sup>18</sup> Despite these authors’ misgivings, the revival was significant and long-lived, and it had a tremendous impact on American politics and diplomacy in the long 1970s. Some observers may have underestimated the revival because it was difficult to quantify its breadth and influence. As Mathew Frye Jacobson asserts, “The roots obsession was

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<sup>15</sup> Nathan Glazer and Daniel Patrick Moynihan, *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians and Irish of New York City* (Cambridge: MIT Press, 1963); idem., *Ethnicity: Theory and Experience* (Cambridge: Harvard University Press, 1975), Introduction, 1-26.

<sup>16</sup> Daniel P. Moynihan, “Address at the Golden Door Award Dinner of the American Council for Nationalities Service,” 24 May 1966, folder 5, box I:41, Arthur J. Goldberg Papers, Manuscript Division, Library of Congress, Washington, D.C.

<sup>17</sup> Glazer and Moynihan, *Ethnicity: Theory and Experience*, 23-24.

<sup>18</sup> DeConde, *Ethnicity, Race, and American Foreign Policy*, 158; Herbert Gans, “Symbolic Ethnicity: The Future of Ethnic Groups and Cultures in America,” *Ethnic and Racial Studies* 2, no. 1 (January 1979): 1-20; Idem., “Second-Generation Decline: Scenarios for the Economic and Ethnic Futures of the Post-1965 American Immigrants,” *Ethnic and Racial Studies* 15, no. 2 (1992), 173-192.

not some quirky, momentary identity quest; nor can its impact be measured by the attendance at St. Patrick's Day parades, by box office receipts for *Fiddler on the Roof*, or by the volume of visitors to the nation's genealogical archives."<sup>19</sup>

Although it was difficult to measure, evidence of the ethnic revival was everywhere in the 1970s. Countless overtly ethnic organizations sprung up, including cultural organizations aimed at preserving ethnic heritage, language, and traditions; social clubs; anti-defamation groups; and organizations that reflected what Jacobson has called "a newfound self-recognition within nonethnic institutions," e.g. the Harvard Jewish Law Students Association (founded in 1977).<sup>20</sup> Several universities in California created black studies and Chicano studies departments in 1968-69; by 1976, 135 American colleges and universities had established ethnic studies programs.<sup>21</sup> The Chicano Power and American Indian Movements (AIM) offered further evidence for the ethnic revival. In 1980, when the U.S. census for the first time asked Americans to declare their lineage, eighty-three percent identified with at least one ancestor group, and only six percent claimed "American" ancestry.<sup>22</sup>

Popular entertainment of the period also illustrated the ethnic trend. The two *Godfather* films (1972, 1974), *Rocky* (1976), and many lesser celluloid luminaries celebrated ethnic cultures, the immigrant success story, or some variation on these themes. Audiences were expected to identify with the ethnic-themed films of Francis Ford Coppola, Martin Scorsese, Woody Allen, Brian DePalma, and others. At the same time, award-winning television miniseries like *Roots* (1977) and *Holocaust* (1978) did

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<sup>19</sup> Jacobson, *Roots Too*, 7-8.

<sup>20</sup> *Ibid.*, 49-50.

<sup>21</sup> "A New World Found, An Old World Lost," *Business Week*, 16 February 1976, 11.

<sup>22</sup> In Eastern Tennessee, for example, the majority of white respondents cited English, Irish, or Scottish ancestry. As Moynihan pointed out, "they've been in those hills for centuries." Jane Perlez, "Beyond 'Beyond the Melting Pot,' Moynihan and Glazer Feel Vindicated," *New York Times*, 3 December 1983.

much to meet the demand for greater cultural and historical awareness among different ethnic groups.<sup>23</sup> Television situation comedies and dramas, meanwhile, also reflected the now-acceptable “mosaic” nature of American society. Before the 1970s, “hyphenated” self-identification (“I’m Italian-American”) was often seen as a sign of dual loyalty. The new environment of the 1960s, 70s, and 80s was more tolerant of diversity and more accepting of ethnic difference and ethnic influence.

### **Who were the “Ethnics?”**

In the 1970s, the term “ethnics” generally referred to white Americans of Eastern or Southern European lineage. A large percentage of them were Catholic and working-class, or “lower-middle class” in the sociological parlance of the day. Indeed, some observers singled out class as the true identifier behind ethnicity. Herbert Gans, for example, wrote that ethnicity was “largely a working class culture,” and that the ethnic revivals were “better described as class-based social movements clad in ethnic clothes.”<sup>24</sup> Other observers, when defining the ethnics, cast a wider net to include anyone who was demonstrably different from white Protestants, including Hispanics, African Americans, Asians, and Native Americans. The 1970 census counted 203 million Americans. If we discount the Irish, there were 14 million first-generation and second-generation European ethnics in America. If we include all the descendants of ethnics, the number was around

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<sup>23</sup> I am relying here on Jacobson, *Roots Too, passim*.

<sup>24</sup> Gans, “Symbolic Ethnicity,” 1-20; “Second-Generation Decline,” 45.

40 million.<sup>25</sup> A special U.S. census in 1969 estimated that there were as many as 80 million ethnics of all varieties.<sup>26</sup>

For the purposes of this study, I am using the term “ethnic” to describe non-Protestant European Americans (Polish Americans, Irish Americans, Jewish Americans, etc.). However, I am more interested in letting ethnics define themselves. That is to say, the ethnics in my study are either self-identified (“I am Polish-American”) or acting on behalf of an “ethnic” cause (working for an ethnic organization, giving money to a pro-Israel political candidate, etc.). In general, I feel that the other ethnic and racial groups (African Americans, Asians, etc.) were not “ethnics” in the same sense, although some of these groups followed similar patterns of identity group formation, political activism, and the like.

I am borrowing Thomas Ambrosio’s term “ethnic identity groups,” which he defines as “politically relevant social divisions based on a shared sense of cultural distinctiveness.” These groups were responsible for many of the ethnic revival’s political outcomes. “Nearly all ethnic identity groups have connections outside of the United States,” Ambrosio notes. “Either they are part of a diaspora, with ethnic kin in their historical homeland or scattered among numerous countries, or they perceive similarities between themselves and other ethnic groups.” Ambrosio’s definition of ethnic lobbies is also useful, for these lobbies have been fixtures of the American political scene for many decades. He defines them as “political organizations established along cultural, ethnic, religious, or racial lines that seek to directly and indirectly influence U.S. foreign policy in support of their homeland and/or ethnic kin abroad.” A list of prominent ethnic

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<sup>25</sup> “God May be a Democrat, But the Vote is for Nixon,” *Time*, 30 October 1972.

<sup>26</sup> Bill Kovach, “Both Parties Stepping Up Campaigns for the Allegiance of Ethnic Voters,” *New York Times*, 24 September 1972.

lobbies would include the Armenian Assembly of America, America-Israel Political Action Committee, the Polish-American Congress, the Cuban-American National Foundation, TransAfrica Forum, and the National Association of Arab-Americans. I concur with Ambrosio that ethnic identity groups are chiefly concerned with their “kin,” and that this concern is not necessarily equal to the American “national interest” (recognizing, of course, that the “national interest” is difficult to define). “When it comes to ethnic identity groups,” writes Ambrosio, the phrase “politics ends at the water’s edge” becomes “completely meaningless.”<sup>27</sup>

Owing to the class implications of the term “ethnic,” there was some debate in the long 1970s as to whether groups that were relatively affluent or assimilated should be included in the pantheon of American ethnics. For example, some argued that the Irish were not true ethnics because they had too thoroughly assimilated into the middle-class. As Reverend Andrew M. Greeley, a prominent Catholic priest, lamented in 1971,

For the first time in the history of American society, it is legitimate to be an ethnic. . . . At long last, it would be legitimate for [the Irish] to act as if they were Irish. Only they’ve forgotten how. . . . They are the only one of the European immigrant groups to have over-acculturated. They stopped being Irish the day before it became all right to be Irish. . . . Daniel Patrick Moynihan makes the lonely hegira from Washington to Cambridge with the melancholy thought that he and Richard J. Daley are the last of the American Irish.<sup>28</sup>

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<sup>27</sup> Thomas Ambrosio, “Ethnic Identity Groups and U.S. Foreign Policy,” in Thomas Ambrosio, ed., *Ethnic Identity Groups and U.S. Foreign Policy* (Westport, Conn.: Praeger, 2002), 1-2.

<sup>28</sup> This long essay is an insightful look at the state of “Irishness” in America in the early 1970s. Andrew M. Greeley, “The Last of the American Irish Fade Away,” *New York Times*, 14 March 1971.

Greeley added, “The Irish have finally proved to the WASPs that they could become respectable. But they paid a price: they are no longer Irish.” This kind of lament illustrates the romantic appeal of ethnic identification and human rights activism. If Greeley is to be believed, we can surmise that the Irish Americans who supported Catholics in Ulster were not just reaching out to their semi-“imagined” compatriots overseas. They were also, in some way, reaching back to an Irish-American past that was largely lost. Greeley’s “respectable” Irish American had to assuage his feelings of guilt, just as did the respectable Jewish American (the former through action on behalf of Ulster Catholics, the latter on behalf of Israelis and Soviet Jews). Similarly, although many observers touted Catholics as the most numerous ethnics, the number of practicing Catholics was on the wane.<sup>29</sup>

In addition to the class aspects of ethnicity, there was also a regional character. Most of the white, working-class ethnics lived in or near Northern cities like Detroit, Chicago, and Philadelphia. This gave certain regions more political clout when ethnic issues were concerned. In 1971, Daniel Patrick Moynihan posited two regional models for ethnicity. The Northern version was characterized by multiple ethnic groups and coalitions that were in a constant state of flux. Positions in the pecking order constantly shifted in the North, and no single group was ever really on top. The Southern version had two groups (black and white), fixed power relations, and few ethnic coalitions.

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<sup>29</sup> See, for example, Garry Wills’ argument in “Catholic Faith and Fiction,” *ibid.*, 16 January 1972.

Moynihan argued that the diverse Northern environment was far superior to the Southern, quasi-caste system.<sup>30</sup>

### **Ethnics and the American Political Culture, 1968-74**

Ethnics began to wage political influence in the U.S. long before the 1970s. Indeed, urban politics, especially in the North, have been shaped by ethnic influences since the 19<sup>th</sup> century. At the national level, President Franklin Roosevelt went to great lengths to make Northern ethnics a part of the New Deal coalition in the 1930s and 40s, and these groups continued to support the Democrats for many years thereafter. As for ethnic politicians, Irish Americans and Jewish Americans had certainly arrived at the federal level by 1960 in the form of President John F. Kennedy, Attorney General Robert Kennedy, and Supreme Court Justice Arthur Goldberg, among others.

Yet despite these long-term developments, a significant “ethnic” electoral trend was only recognizable in the 1960s and 70s. In the wake of the changes wrought by the Civil Rights Movement and the upheavals of the 1960s, the political environment changed dramatically. No longer could the male, Protestant, Anglo-Saxon establishment count on public acceptance of their rule in the political realm. Consequently, by the 70s it was no longer politically dangerous for an elected official to appoint a Polish-born Catholic or a German-born Jew as national security adviser or secretary of state (Zbigniew Brzezinski and Henry Kissinger, respectively). Nor for that matter did many Americans object when an unapologetically Irish scholar and brawler from Hell’s

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<sup>30</sup> With the new, radical sense of ethnicity in New York, northerners were in danger of creating a caste system. “To date most academic institutions have opted to study ethnicity as a form of caste,” wrote Moynihan. But the Northern style – the one that “seeks accommodation” – was also worth considering. “We ignore it at genuine peril,” he added. Daniel P. Moynihan, “On Ethnicity,” *ibid.*, 2 May 1971.

Kitchen or a black minister from the erstwhile segregated South were named ambassadors to the U.N. (Daniel Patrick Moynihan and Andrew Young). Richard Nixon's first vice-president, Spiro Agnew, was Greek American, while Carter's second secretary of state, Edmund Muskie, was Polish American. These examples of prominent ethnics in positions of power highlight the broader national trend. Between 1968 and 1974, both political parties gave an inordinate amount of attention to ethnic concerns. Of particular importance was the Republicans' "ethnic strategy," which helped to break up the Democrats' traditional ethnic coalition.

Changes in the Foreign Service elite were also a clear consequence of the shifting tide. The Foreign Service in the United States had long been a bastion of Anglo-Saxonism, but this changed dramatically in the long 1970s. Zbigniew Brzezinski would later write of the changing political order and the "values and rules" of the WASP elite, "those values and rules were of declining relevance not only in terms of domestic American politics but particularly in terms of global conditions. In a striking historical coincidence, the decline of Anglo-American hegemony in the world coincided with the decline of Wasp predominance in America." Brzezinski further argued that men like Secretary of State Cyrus Vance were "representative of an elite that was no longer dominant either in the world or in America. [President] Carter certainly never was part of that America, and it certainly was not easy for me to relate to it either."<sup>31</sup>

African Americans also asserted their political power in interesting ways. Some black politicians had been able to rise in urban political machines earlier in the 20<sup>th</sup> century, but it was not until the 1960s that a considerable number were able to harness

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<sup>31</sup> Zbigniew Brzezinski, *Power and Principle: Memoirs of the National Security Adviser, 1977-1981* (New York: Farrar, Straus, Giroux, 1985), 43.

the momentum of the Civil Rights Movement and the Great Society in order to assert political power at the federal level. As a result of newly-drawn voting districts and the expanded black electorate, which had grown dramatically after the 1965 Voting Rights Act, an increasing number of blacks entered Congress with each election cycle. They formed the Democratic Select Committee in 1969, which became the Congressional Black Caucus in 1971.

While black representation was growing in Congress, the ethnic movement's racial implications were becoming steadily clearer. Shortly after Martin Luther King traveled to Chicago in 1966 to support open housing, six of the eight predominantly Irish and Polish working-class wards of South Chicago voted Republican. (These wards had voted overwhelmingly for the Democratic ticket in 1960.) One local Democratic representative said of his canvassing work in this area, "Go into any home, any bar, any barber shop and you will find people are not talking about Vietnam or rising prices or prosperity. They are talking about Martin Luther King and how they are moving in on us and what's happening to our neighborhoods."<sup>32</sup> When ethnic politics took on racial dimensions at the local level, some ethnics put their own spin on some of the most divisive contemporary issues. For example, a group of Italian-American faculty at the City University of New York demanded in 1976 that affirmative action in hiring and promotion also take into account Italian Americans.<sup>33</sup> As for the equally divisive issue of busing, anti-busing violence in many Northern cities was accompanied by expressions of

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<sup>32</sup> Jacobson, *Roots Too*, 185.

<sup>33</sup> Eric Porter, "Affirming and Disaffirming Actions: Remaking Race in the 1970s," in Beth Bailey and David Farber, eds., *America in the Seventies* (Lawrence, KS: University Press of Kansas, 2004), 64.

ethnic pride. Anti-busing Bostonians, for example, routinely framed their arguments in terms that emphasized their Irishness.<sup>34</sup>

In addition to racial issues, class concerns were always a part of the ethnic equation. White ethnics tended to exist just above the bottom rung of the social and economic ladder (that is, just above “the poor,” who received public assistance). Some called them “the nearly poor,” because they could barely make ends meet in the faltering economy. Barbara Mikulski, a Baltimore native who would go on to become a U.S. senator, made her political reputation by giving a fiery speech on this subject at a national conference on ethnic issues. She summed up the feelings of many when she asked, “Who speaks for ethnic America? . . . The Ethnic American is forgotten and forlorn. . . . All his life he has been taught that the system is good if only you work hard and obey the laws. He has followed the rules. Yet, when he looks to government for help, he finds that his political representatives are not interested.”<sup>35</sup> Michael Novak seconded this portrait of marginalized ethnics, saying, “This is what the new ethnicity is all about: If you don’t have family and neighborhoods, what good is the American dream?”<sup>36</sup>

The class connection to the ethnic revival was also clear in the sense that ethnics were among the most patriotic and virulently anticommunist Americans. “Because the Vietnam War was and is advertised as a free-world-versus-communism struggle, ethnics know whose side they are on,” wrote a *Washington Post* editor in 1970. “Since many [ethnics] come from, and perhaps have relatives in, countries like Hungary, Poland, Czechoslovakia and others in East Europe where communism rules, ethnics rise with

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<sup>34</sup> Ibid., 66.

<sup>35</sup> Barbara Mikulski, “Who Speaks for Ethnic America?,” *Washington Post*, 29 September 1970.

<sup>36</sup> Quoted in Jeannette Smyth, “The Ethnic Dream,” *ibid.*, 25 June 1972.

anger against liberal intellectuals and many of the young for whom anticommunism is now a bore.”<sup>37</sup> A prominent Catholic priest summed up ethnics’ patriotism thus:

We [ethnics] thought the way to become real Americans was to be more patriotic—be better Americans than anyone else. We flocked to American Legion oratorical contests and gave speeches on the flag and the Constitution. And we had to prove something. We had to march, [like] the Italians on Columbus Day. We never realized that the WASPs never marched. Every day was their day.<sup>38</sup>

At the turn of the 1970s, politicians of all stripes – Nixon, Agnew, Wallace, McGovern, and nearly everyone in between – courted ethnics. As a *Washington Post* writer put it in 1972, “Two occasions when the larger culture pays heed to ethnics are when elections or strikes occur. The ‘ethnic vote’ lures campaigning politicians into the factories, beer halls and church cellars, all designed to tell the ethnics, ‘I’m one of you.’”<sup>39</sup> Once political figures at the federal level became aware of the ethnic trend, they established special offices to handle the concerns of ethnic groups. In a clear sign of Richard Nixon’s “ethnic” strategy, the Republican Party formed the Heritage Group Section in 1971. That same year they also formed the Republican Nationalities Council, which represented 35 ethnic groups from 27 states.<sup>40</sup> A few years later the Ford administration created a new ethnic affairs office within the executive branch, and Ford

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<sup>37</sup> Colman McCarthy, “40 Million Americans and a Broken Odyssey,” *ibid.*, 13 July 1970.

<sup>38</sup> “God May be a Democrat.”

<sup>39</sup> Colman McCarthy, “Ethnics and their Awakening to Identity,” *Washington Post*, 27 May 1972.

<sup>40</sup> “G.O.P. Ethnic Council,” *New York Times*, 23 May 1971. In 1971 the Ford Foundation awarded nearly a million dollars in grants for research and programs related to problems faced by ethnics. One recipient group was Geno Baroni’s Center for Urban Ethnic Affairs, which took in \$163,000. “Ethnic Center Here Given Ford Grant,” *Washington Post*, 15 January 1971.

named the Ukrainian-American Myron B. Kuropas as his first Special Assistant for Ethnic Affairs.<sup>41</sup> Ford also created a National Commission on Neighborhoods as a means of dealing with urban and ethnic concerns. As we shall see, Ford invited a group of experts on ethnicity to the White House to brief him in a semi-formal discussion on the topic.<sup>42</sup> The group was comprised of those scholars that had most clearly distinguished themselves as experts: Harvard professors Daniel Patrick Moynihan, Nathan Glazer, and Orlando Patterson; the writer Michael Novak; and the historian John Higham. After Ford left office, Jimmy Carter followed suit and created a White House Office of Ethnic Affairs to serve as a liaison to American ethnic groups and to Catholic and Orthodox Christian. The Carter White House also included separate liaison offices for Hispanics, Jews, and African Americans.

One aspect of this story that bears close scrutiny is Richard Nixon and the Republican Party's "ethnic strategy." Contemporary events taught Nixon that white, working-class Americans would vote Republican if given the right incentives. Therefore between 1968 and 1972 his administration put together a strategy to win their support. These efforts were aided by the Democrats' apparent willingness to abandon blue-collar ethnics in favor of a new set of interest groups. At a time when some liberals were moving in the direction of identity politics and self-segregation, Nixon consistently touted the ideals of the melting pot. Nixon's sincerity in reaching out to ethnics is open to interpretation. Although he invoked the melting pot to win votes, he also utilized the "one nation" image as a means of challenging racial quotas and busing. "This nation proudly calls itself the United States of America," he once told a crowd of fellow

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<sup>41</sup> Kuropas was an anti-Soviet critic of détente. Bill Baroody was another of Ford's important ethnic advisers.

<sup>42</sup> Orlando Patterson told this tale in "A Meeting with Gerald Ford."

Republicans. “Let us reject any philosophy that would make us the divided people of America.”<sup>43</sup> This attitude prevented Nixon from fully embracing the ethnic trend’s separatist aspects. Nevertheless, he seems to have sincerely believed that blue-collar ethnics were the bedrock of the nation’s moral greatness.

During the 1968 campaign, Nixon used the term “silent majority” to great effect as a means of both attacking the Democrats and establishing a “big umbrella” image for his candidacy. He formed a nationwide Nationalities Committee under the chairmanship of the Italian-American governor of Massachusetts, John A. Volpe. Although the campaign had many such committees – including ones as laughably uninspiring as “Dentists for Nixon” – the ethnic committees were clearly part of a significant campaign to win ethnic and Catholic votes in states with large urban populations. When addressing these voters, Nixon emphasized bread and butter issues like law and order, family values, traditional morals, and patriotism.<sup>44</sup> Interest groups occasionally raised explicitly ethnic issues in 1968. When an Italian-American organization pointed out that only six of the 372 major federal appointed positions were held by Americans of Italian descent, candidate Nixon called the figures “striking and disturbing.” He went on to say, “In the Nixon administration Americans of Italian descent – and all Americans – who are qualified by their talents and abilities will be given an equal opportunity to serve in

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<sup>43</sup> In the same speech he called out to apostate Democrats: “To those millions who have been driven out of their home in the Democratic Party, we say come home.” See “Remarks on Accepting the Presidential Nomination of the Republican National Convention,” 23 August 1972, *Public Papers of the Presidents*, (hereinafter *PPP*), <http://www.presidency.ucsb.edu/ws/index.php?pid=3537>.

<sup>44</sup> Robert B. Semple, Jr., “Nixon Pays Call on Cooke; Aides Woo Ethnic Groups,” *New York Times*, 4 September 1968.

highly responsible positions.” He was joined in this pledge by Hubert Humphrey and George Wallace.<sup>45</sup>

Republican strategists were inspired in part by Kevin Phillips’ well-known appraisal of white ethnic discontent. Phillips noted that several traditionally Democratic groups, including “Irish, Italians, East Europeans and other urban Catholics,” as well as older immigrant groups of “Germans, Scotch-Irish, [and] Pennsylvania Dutch,” were “principally alienated from their party by its social programs and increasing identification with the Northeastern Establishment and ghetto alike.”<sup>46</sup> As part of its effort to understand these shifting allegiances, in 1969 the Nixon administration asked Congress to authorize surveys of voting patterns among ethnic, racial, and class demographics. (Private polling organizations and political parties had been the only ones doing this kind of polling until 1966. The Census Bureau then began to study voting patterns among certain demographics.)<sup>47</sup> As a result of what the administration learned, the “silent majority” notion evolved into a much more racialized ethnic strategy, which was also indelibly linked with the “Southern strategy.” “The Nixon ethnic strategy,” alleged one contemporary scholar, “is for whites only.”<sup>48</sup>

Nixon’s ethnic strategy solidified somewhat during the 1970 midterm election season. When he visited Chicago to support a Republican senator’s re-election

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<sup>45</sup> By this group’s count, Italian-Americans numbered some 22 million, or 11% of the population. Charles Grutzner, “Job Pledge Given to Italian Group,” *ibid.*, 20 October 1968. It is worth noting that Wallace’s statement promised somewhat less: “I intend to fill all major appointments with people whom I consider to be the best qualified for the position; therefore I know that many of these will be Americans of Italian descent.”

<sup>46</sup> Quoted in Phillips, *The Emerging Republican Majority* (New Rochelle: Arlington House, 1969), 461, 471. See also Garry Wills, *Nixon Agonistes: The Crisis of the Self-Made Man* (New York: Mentor, 1969), 247-251, 257-272.

<sup>47</sup> Warren Weaver, Jr., “Administration, In Rights Bill, Seeks Surveys of Group Voting,” *New York Times*, 1 July 1969.

<sup>48</sup> The quote is from Mark R. Levy, co-author of *The Ethnic Factor* and research associate at the Center for Policy Research. Levy, “The Ethnic Strategy,” *ibid.*, 10 July 1972.

campaign, his schedule showed that he was keenly aware of the political importance of the city's 1.2 million Polish Americans. His first meeting was with the heads of three Polish-language newspapers and the heads of four Polish-American fraternal organizations. He then addressed a large group of immigrants who were about to become U.S. citizens. After noting the many contributions immigrants had made to the U.S., he told the crowd, "We do not accept the proposition that some American citizens shall be treated one way and some shall be treated another way, because they happen to have been born in another country."<sup>49</sup> Statements like this clearly had as much to do with criticizing racial extremism – or affirmative action – as wooing ethnic votes. One week later he took a Europe trip that included well-publicized visits to Italy and Ireland. Administration officials privately admitted that the trip was aimed as much at getting domestic votes as shoring up the nation's relations with Europe. (Israel was only left off the itinerary because the administration wanted to appear evenhanded in the Arab-Israeli conflict.) Nixon's advisers likened the journey to President Kennedy's 1963 Ireland trip, though Nixon could hardly make himself out to be much of an Irishman. He was joined on the trip by his two closest "ethnic" advisers, John Volpe and Daniel Patrick Moynihan.<sup>50</sup>

The Republicans' ethnic strategy was all the more effective because the Democrats seemed to be taking blue-collar ethnics for granted. According to the Republican Party's national chairman, Senator Bob Dole, Democrats themselves – especially "radical liberals, labor bosses and irresponsible politicians" – had driven ethnics out of the Democratic mainstream. The Democratic Party had formed a

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<sup>49</sup> "Nixon, in Chicago, Aids Senate Drive," *ibid.*, 18 September 1970.

<sup>50</sup> Max Frankel, "Nixon's Trip: Symbolic Journey," *ibid.*, 28 September 1970.

Nationalities Division in the 1930s, but in the 1960s and early 70s the party seemed willing to abandon ethnics. According to Dole, whereas President Nixon had appointed 17 “ethnic” Americans in the previous two months alone, the Democrats had refused to follow suit. Ever the wordsmith, Dole quipped to an audience of Republicans, “Now some of the more radical members of [the Democratic Party’s] youth wing seem more interested in ‘pot’ than in melting pots.”<sup>51</sup>

The 1971 election results showed the Nixon team that the ethnic trend was gathering steam. “Law and order” mayoral candidates won in Cleveland and Philadelphia. In heavily ethnic Cleveland, where the majority of the white population was of Czech, Croatian, Slovak, and Irish ancestry, the Czech-American Ralph J. Perk, a conservative Republican, defeated Arnold R. Pinkney, an African-American who had been handpicked as a successor by Mayor Carl Stokes (the first African-American mayor of a large city). In Philadelphia, the tough talking, Italian-American Frank Rizzo defeated a liberal Republican. One journalist said of these election outcomes, “It is called by many names – law and order, opposition to busing, safe neighborhoods, but the issue is a racial one.”<sup>52</sup> Party loyalties were clearly eroding.

Vice President Spiro Agnew was one of Nixon’s key mouthpieces for urban, working-class, and ethnic concerns. Agnew had been considered a moderate on racial issues when he was working his way up the political ladder of Baltimore County, Maryland in the 1950s and 60s. He backed anti-discrimination ordinances in the early 1960s when it still seemed politically dangerous to do so, and he was elected governor of Maryland in 1966 on a platform of racial moderation. Yet even as a candidate he

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<sup>51</sup> “Dole Asserts G.O.P. Wins Ethnic Groups,” *ibid.*, 11 October 1971.

<sup>52</sup> From R.W. Apple, Jr., “Conservative Victories in Major Cities Reflect Continuing Racial Polarization,” *ibid.*, 3 November 1971; *ibid.*, “‘71 Conclusion; ‘72 Still Up for Grabs,” 4 November 1971.

demonstrated the kind of “law and order” stance for which he would become famous. As a gubernatorial candidate he stated, “Civil disobedience is just a fancy way of saying ‘breaking the law.’ I don’t care who it is, we’re not going to stand for it.”<sup>53</sup> As governor he took a hard line against those he considered black radicals. When students at the predominantly black Bowie State College took over an administration building, Agnew ordered the state police to take back the building and arrest the students. A few months later, when Baltimore experienced a riot after Martin Luther King’s assassination, rather than ask local black leaders for help Agnew chided them for not being able to control the rioters.

These incidents led Nixon to assume that Agnew would make a good running mate.<sup>54</sup> Agnew was relatively unknown in national politics, and thus would not overshadow Nixon. As a veteran of state and local politics, he could also serve as a link to the nation’s mayors and governors. Most important, he would appeal to ethnics and those disaffected whites in the North and South who were alienated by the direction of the civil rights movement and the rise in social disorder. Of Greek ancestry himself (he was born *Spiros Anagnostopoulos*), and from the tough industrial city of Baltimore, he had plenty of clout. Best of all, he had emerged as a Republican in districts that were heavily Democratic.

Eventually Nixon and his staff selected Agnew to be the president’s hatchet man. Together with speechwriters William Safire and Pat Buchanan, Agnew devised several colorful criticisms for the president’s opponents, such as “pusillanimous pussyfoots” and

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<sup>53</sup> Richard Homan, “Agnew Gives New Direction to Maryland’s Government,” *Washington Post*, 6 January 1969.

<sup>54</sup> I am relying here on Mark O. Hatfield, “Vice Presidents of the United States, 1789-1993,” Senate Historical Office (Washington: GPO, 1997), 481-488, [http://www.senate.gov/artandhistory/history/resources/pdf/spiro\\_agnew.pdf](http://www.senate.gov/artandhistory/history/resources/pdf/spiro_agnew.pdf).

“nattering nabobs of negativism.” One of his most famous turns of phrase came in response to student protesters’ call for a Vietnam moratorium: “A spirit of national masochism prevails, encouraged by an effete corps of impudent snobs who characterize themselves as intellectuals. It is in this setting of dangerous oversimplification that the war in Vietnam achieves its greatest distortion.”<sup>55</sup> Said one political wit, Agnew was “Mr. Nixon’s public scold of all those who were to be condemned as pink, putrid or permissive.”<sup>56</sup> When Agnew began to achieve a surprising level of popularity, Nixon saw this acclaim as further evidence that a coalition could be built between working-class ethnics and middle-class suburbanites. Agnew’s populist attacks against intellectuals and educated elites were a conscious effort to entice blue-collar ethnics to the Republican side. Older, class-based differences in voting behavior and party allegiance were giving way to responses based on cultural issues, morality, and permissiveness. These issues were becoming important to traditionally Democratic voters.<sup>57</sup>

It is somewhat ironic that Agnew was not, by any legitimate estimate, a “professional ethnic.” Although he collected a large sum of money in 1968 from Greek-Americans, most of whom had always been Democrats, he had no knowledge of the Greek language, he had left the Greek Orthodox Church to become an Episcopalian, and he rarely exploited his “Greekness” before becoming a vice-presidential candidate.<sup>58</sup> He even got into trouble in 1968 for publicly uttering the ethnic slurs “Polack” and “fat Japs.” Yet Agnew’s dubious status as a “true ethnic” perhaps misses the point. For many American ethnics, he was like them, and for much of the rest of the white electorate he

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<sup>55</sup> “Vietnam Protestors Assailed by Agnew,” *Washington Post*, 20 October 1969, A1.

<sup>56</sup> Max Frankel, “Mr. Nixon Plays for High Stakes,” *New York Times*, 14 October 1973.

<sup>57</sup> The largely Catholic, working-class suburb of Macomb County, Michigan, was reputedly where the term “Reagan Democrat” was coined in 1980. Jacobson, *Roots Too*, 185.

<sup>58</sup> Ben A. Franklin, “Greek-Americans Rally to Agnew,” *New York Times*, 3 October 1968.

represented law, order, and the values of Middle America. “Here, perhaps, is the secret of [Agnew’s] powerful political appeal,” wrote a reporter. “He is Mister Middle America, not a caricature but the genuine article, not ‘the spokesman for the silent majority’ but just a part of it. . . . White ethnics have become the subject of fashionable study; Middle America is in again.”<sup>59</sup>

The 1972 election saw the culmination of Nixon’s ethnic strategy and the Democratic Party’s abandonment of its traditional constituency. There was little doubt that ethnics would wield a heavy hand in the election. “In 1972,” wrote one expert on ethnicity shortly before the election, “the votes which may well count most are those of America’s 65 million ethnics.”

Bloc-voters but switchable, America’s Italians, Irish, Poles, Jews, blacks, Puerto Ricans and Chicanos hold the balance of power in more than a dozen battleground states. Indeed, so crucial are the votes of ethnic America that no candidate, Democrat or Republican, can win a majority in the electoral college without an effective ethnic strategy. . . . From Bay Ridge to the barrio of Los Angeles, from “back-of-the-yards” Chicago to Lowndes County, Alabama, 1972 is the year of the ethnic voter.<sup>60</sup>

The Nixon team stepped up to the challenge. According to one Republican adviser, Nixon made “an absolute demand on his advisers that we do more for the

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<sup>59</sup> Peter Jenkins, “Agnew is the Common Man Made Exceptional,” *ibid.*, 29 October 1972.

<sup>60</sup> Levy, “The Ethnic Strategy.”

Italians, Cuban Americans, Poles, and Mexicans.”<sup>61</sup> The Republican Party’s Heritage Groups division in Washington kept in contact with 32 nationalities around the country, and its regional offices compiled lists of every voter in a specific group. The party also compiled a nationalities newsletter that reported on ethnic activities, accomplishments, and ethnics appointed to federal posts.<sup>62</sup> Laszlo Pasztor, a Hungarian immigrant, was named director of the National Republican Heritage Groups Council. Many separate Republican Heritage groups were organized. The party claimed 50,000 members in 1,000 local Heritage Councils directed by State Councils in over 20 states, a dramatic increase over the mere 7,000 ethnic members of Republican clubs in 1968. The Republican Party reportedly spent half of its \$40 million budget to win ethnic voters. 700 ethnic organizations were involved in the party’s “Administration Alert,” whereby members wrote letters to Congressmen and newspaper editors to support Nixon on key issues. Pasztor’s operation provided press releases for 600 ethnic newspapers, as well as for the mainstream news outlets. Democrats and Republicans alike had separate operations for Spanish-speaking, Jewish, and African-American groups.<sup>63</sup>

Vice-President Agnew’s popularity among many groups – including ethnics – kept him on the 1972 Republican ticket, even though Nixon had concluded that he was not “broad-gauged” enough to be an effective vice president. Nixon feared that Agnew was becoming better known than the ideas he was presenting, so he limited his access to the Oval Office and did not include him in serious foreign policy discussions. He considered replacing him with the Texan John Connally for the 1972 campaign, but in the

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<sup>61</sup> Quoted in Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960-1972* (New York: Oxford University Press, 1990), 317.

<sup>62</sup> “God May be a Democrat.”

<sup>63</sup> Bill Kovach, “Both Parties Stepping Up Campaigns for the Allegiance of Ethnic Voters,” *New York Times*, 24 September 1972.

end he decided to stick with Agnew. After all, Agnew was quite popular in the South and West, where some observers estimated that his photograph was better represented in Republican offices than was Nixon's. Some Republicans considered Agnew too divisive, but many moderates backed him because he was strong among urban ethnics.<sup>64</sup>

Ethnics seemed attracted to Agnew on an emotional level. When he spoke at the Ninth Polish-American Congress convention in Detroit one month before the 1972 election, he received a much more enthusiastic reception than the Democratic vice-presidential nominee, Sargent Shriver, who had addressed the group one day earlier.<sup>65</sup> (Shriver was given the rather thankless task of bringing prodigal ethnics back into the Democratic fold. In his speech accepting the vice-presidential nomination, he proclaimed the McGovern team's desire to "build again the coalition . . . of Poles, Italians, Irish, of blacks and Latinos . . .") Agnew praised Poles and pointed out the administration's attention to the interests of such "forgotten" Americans, after which he was met with a standing ovation, a spontaneous chorus of "*sto lat*" ("may you live a hundred years") and chants of "four more years." A campaigner for McGovern pointed out just how bad this situation was for the Democratic candidate: "You've got to remember, too, that these people – at least 85 percent of them – are registered Democrats." A few weeks later Agnew and Nixon received an unusual "ethnic" compliment from none other than Frank Sinatra, who had emerged from retirement to sing at a Republican fundraiser. Changing the lyrics of *The Lady Is a Tramp*, Sinatra crooned to the well-heeled crowd, "They're both unique—the Quaker, the Greek. They make this Italian want to whistle and stamp,

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<sup>64</sup> "The Coronation of King Richard," *Time*, 28 August 1972

<sup>65</sup> Bill Kovach, "Poles, Cool to Shriver, Applaud Agnew," *New York Times*, 8 October 1972.

because each gentleman is a champ.”<sup>66</sup> Sinatra later loaned Agnew a considerable sum of money to help him pay \$160,000 in back taxes after he resigned the vice presidency and pled *nolo contendere* to charges of fraud and tax evasion.

George Wallace was arguably even more adept at pulling in blue-collar ethnics during the 1972 campaign. During the primary season, some observers thought that Edmund Muskie would be able to pull in a surfeit of Polish-American votes because of his Polish heritage. As it turned out, he was not able to offset laborers’ support for Wallace and Nixon. An unemployed Polish-American truck driver from Philadelphia summed up the feelings of many ethnic workers: “Hell, if I vote for anybody at all, it’s going to be for a man who wants to help the common people. Yeah, I mean Mr. George Wallace. He don’t have to be from the old country for me to vote for him.”<sup>67</sup> Gonzo journalist Hunter S. Thompson painted a colorful portrait of blue-collar interests while observing a Wallace speech in Milwaukee’s Serb Hall during the 1972 campaign. “The air was electric even before he started talking,” wrote Thompson, “and by the time he was five or six minutes into his spiel I had a sense that the bastard had somehow levitated himself and was hovering over us.” He then advised his readers, “Anybody who doubts the Wallace appeal should go out and catch his act sometime. He jerked this crowd in Serb Hall around like he had them all on wires. They were laughing, shouting, whacking each other on the back . . . it was a flat-out fire and brimstone *performance*.”<sup>68</sup> One Wallace supporter told Thompson, “This guy is the real thing. I never cared anything

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<sup>66</sup> “God May be a Democrat.”

<sup>67</sup> Tad Szulc, “Poles a Key in Pennsylvania,” *New York Times*, 24 April 1972.

<sup>68</sup> Hunter S. Thompson, *Fear and Loathing on the Campaign Trail '72* (New York: Warner Books, 1983; orig. 1973), 156.

about politics before, but Wallace ain't the same as the others. He don't sneak around the bush. He just comes right out and says it." Thompson concluded,

The root of the Wallace magic was a cynical, showbiz instinct for knowing exactly which issues would whip a hall full of beer-drinking factory workers into a frenzy – and then doing exactly that, by howling down from the podium that he had an instant, overnight cure for all their worst afflictions: Taxes? Nigras? Army worms killing the turnip crop? Whatever it was, Wallace assured his supporters that the solution was actually real simple, and that the only reason they had any hassle with the government at all was because those greedy bloodsuckers in Washington didn't want the problems solved, so they wouldn't be put out of work.<sup>69</sup>

Some disagreed with the characterization of blue-collar ethnics as bigoted reactionaries. Father Geno Baroni was among the most significant figures to offer a rejoinder to this prevailing view of ethnics.<sup>70</sup> Baroni's ethnic bona fides and liberal credentials were unquestionable. As a vocal defender of the ethnic revival, his influence was such that *Newsweek* called him the "chief strategist for the nascent ethnic movement." He founded the liberal Center for Urban Ethnic Affairs, and he went on to become President Carter's chief ethnic advisor. He was the informal head of "progressive" ethnics, a group that some referred to as "New Left ethnics." He had been

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<sup>69</sup> Ibid., 275.

<sup>70</sup> Unless otherwise noted, I am relying here on Lawrence M. O'Rourke, *Geno: The Life and Mission of Geno Baroni*, (Mahwah, NJ: Paulist Press, 1991), 85-100.

inspired in no small measure by his experience as a pastor in an inner-city Washington church during his first years in the priesthood.<sup>71</sup>

Baroni argued that ethnics were more progressive and less racist than WASPs. The major ethnic groups, he argued, had been through their own difficult history of immigration and adaptation, and this experience had given them a clearer understanding of minorities' plight. He was fond of citing a National Urban League poll from the late 1960s which found that white Protestants were more likely than Polish, Irish, and Italian working-class Catholics to think blacks were "pushing too fast for equality." The same poll found that WASPs were more likely to disapprove of the 1954 *Brown v. Board* decision and more likely to favor racially segregated schools.<sup>72</sup> Baroni believed this study contradicted the popular image of ethnics as the leaders of the "white backlash."<sup>73</sup>

Baroni's "progressive" ethnic agenda was aimed at showing ethnics and inner-city blacks that they shared many of the same concerns. One such effort was his conference on the polarization of white, urban ethnics and poor blacks. At this conference Baroni summarized the ethnic dilemma by asking, "Who's speaking for the working man today? It's Wallace and Vice President Spiro Agnew . . . because [New York Mayor John] Lindsay and [Urban Coalition Chairman John] Gardner and other liberals are ignoring a whole group."<sup>74</sup> Despite Baroni's liberal politics, the conference got the attention of President Nixon, who invited Baroni to the White House. Baroni proposed a federal inter-agency task force that would review assistance to ethnic communities under existing

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<sup>71</sup> Ibid., 88; "Baroni, Other Ethnic Leaders Disavow Extreme Right Wing," *Washington Post*, 25 November 1971; Sanford J. Ungar, "Wallace Haunts Minority Workshop," *ibid.*, 20 June 1970.

<sup>72</sup> O'Rourke, *Geno*, 85.

<sup>73</sup> Baroni did criticize intellectuals and the news media. He lambasted what he called "the intellectual bigotry of people who work with their heads against people who work with their hands." Quoted in Ungar, "Wallace Haunts Minority Workshop."

<sup>74</sup> Ibid.

federal programs, and Nixon promised to create such a task force.<sup>75</sup> Baroni's biographer would later write, "Whether Baroni changed the course of American race relations in big cities or was merely around when they changed is a question that can never be answered. But it was during his supremacy as the spokesman for the white urban ethnics that overt white racism went into decline, that racial violence subsided, and black-white coalitions began to build. For that, Baroni could take pride and claim credit."<sup>76</sup>

Competing claims on ethnics notwithstanding, it was the Nixon team that would emerge as the most successful exploiter of class and ethnic symbolism. Nixon took advantage of events like the opening of the American Museum of Immigration to make appeals to ethnics. Speaking in the shadow of the Statue of Liberty, he lauded immigrants by saying, "They didn't come here for handouts; they came for opportunity, and they built America."<sup>77</sup> Distressed Democrats could only marvel at what they considered Nixon's obfuscation of his true ethnic record. Said one Democratic operative in 1972, Nixon rallied ethnic support "by signs and symbols" rather than policies.

He turns up in Philadelphia with Cardinal Krol to support federal aid to Catholic schools; he writes a letter to Cardinal Cooke of New York opposing abortion; he rejects quota hiring and downplays the Philadelphia Plan of minority hiring on federally financed construction. It makes no difference that in almost four years in office he has introduced no bill to support Catholic schools; that he didn't write his friend, Gov. Nelson Rockefeller, who had the power to veto the New York

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<sup>75</sup> O'Rourke, *Geno*, 88.

<sup>76</sup> *Ibid.*

<sup>77</sup> All from Frank Lynn, "A Strong Defense Stressed by Nixon," *New York Times*, 27 September 1972.

abortion bill; that his Administration nursed the Philadelphia Plan along. The ethnics see his support of their position.<sup>78</sup>

One humorous anecdote seems to indicate that Nixon's interest in Catholic ethnics' concerns was far more than just a cynical political ploy.<sup>79</sup> According to White House counselor Charles Colson, Nixon was convinced by the time of the 1972 campaign that Catholics represented "the real America." Their interests closely paralleled the president's public stands on pornography, abortion, aid to parochial schools, and the integrity of neighborhoods. Colson even claimed that Nixon considered converting to Catholicism prior to the election. Colson advised Nixon that such a move would seem contrived, and Nixon let the thought pass. The president did, however, decide to name a Catholic to his cabinet. In a rather amusing mix-up, he appointed Claude Brinegar as secretary of transportation, but it turned out that Brinegar was not a Catholic.

By the 1972 election Nixon had also honed his approach to working-class voters. He had learned many lessons about these voters' sentiments, particularly from events like the pro-Nixon rally of 100,000 working-class "hard hats" on Wall Street following the Cambodia incursion. His campaign targeted organized labor unions and individual workers, while also muting the traditional Republican attacks on unions. Before the 1972 Republican convention he even boldly stated, "There will be no antilabor plank in this platform." (This was somewhat ironic, considering that he had told a reporter in 1947

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<sup>78</sup> Bill Kovach, "Both Parties Stepping Up Campaigns for the Allegiance of Ethnic Voters," *ibid.*, 24 September 1972.

<sup>79</sup> The story was told by Douglas Hallett, who served on Colson's staff. See Hallett, "A Low-Level Memoir of the Nixon White House," *New York Times Magazine*, 20 October 1974, 39.

that he was elected to Congress to “smash the labor bosses.”<sup>80</sup>) The International Brotherhood of Teamsters’ endorsement of Nixon was followed within days by a White House decision to drop plans for antistrike legislation in the transportation industry. (The White House called this a coincidence.) Shortly thereafter, George Meany and the AFL-CIO chose not to back any candidate, a position that was a tacit endorsement of Nixon. Although these endorsements came from the more conservative, affluent unions, they signaled a major political change among workers and ethnics. Said one Democratic Party official, “Nixon gnaws around the edges of a worker’s life. He hasn’t touched the central, trade union part. But he gnaws a little at the Catholic part, a little at the Polish part, a little at the patriotic part and a little at the antihippie part. After a while, he has an awful lot of that worker.”<sup>81</sup>

Perhaps just as significant was the Democratic Party’s virtual abandonment of organized labor and ethnics in favor of the McGovernite coalition of youth, minorities, women, and suburbanites. Although McGovern steered clear of embracing ethnics, Hubert Humphrey made some abortive attempts to link ethnics to détente and human rights concerns. Humphrey’s supporters in organized labor unions distributed a leaflet that called Humphrey “the nationalities choice.” Not only did they cite Humphrey’s interest in American ethnics domestically, but in a passage on “Russian communist domination” of Eastern Europe, Humphrey was quoted as saying, “Why is the Republican administration failing to bring greater moral pressure to bear on governments which are ruthlessly violating the basic human rights of Catholics, Orthodox, Jews, and

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<sup>80</sup> Quoted in Margaret C. Rung, “Richard Nixon, State, and Party: Democracy and Bureaucracy in the Postwar Era,” *Presidential Studies Quarterly* 29, no. 2 (June 1999): 427.

<sup>81</sup> Philip Shabecoff, “Hard Hats Spurred Nixon Labor Bid,” *New York Times*, 12 October 1972.

intellectuals? . . . I have said many times that we cannot trust the Russians.”<sup>82</sup>

Unfortunately for Humphrey, this kind of Cold War rhetoric was marginal in the new Democratic Party.

The Democrats had lost much of their ethnic support before 1972, but the McGovern nomination was the final straw for many working-class ethnics. He won the endorsement of more unions than Nixon, but he lost the support of some major unions and countless individual workers. “[Workers] watched the Democratic Convention and saw all those people running it who never had a callus in their life,” wrote Tom Foran, prosecutor of the Chicago Seven. An aide to Chicago’s Mayor Daley added, “McGovern is the kind of guy who doesn't sweat. No one is more difficult for an Irish Catholic to get along with than one of the nonsweating Methodists.” A Polish-American bartender in Baltimore bluntly summarized white, working-class anger at the new Democrats: “The blacks get welfare and we get highways built through us, and we pay for both.”<sup>83</sup> Heavily ethnic East Baltimore housed both a “Democrats for Nixon” office and a Nixon-Agnew headquarters, but the McGovern team neglected to open an office in the neighborhood until a few weeks before the election.<sup>84</sup> The McGovern campaign also waited until August of 1972 to open a national office of ethnic affairs.

McGovern could not shake his reputation as the candidate of “amnesty, abortion, and acid.” A Democratic ward leader said in 1972, “The Democrats are in trouble. The ethnics aren’t going to vote for the national ticket. The average American is completely turned off by Bella Abzug, Betty Friedan, the Gay Liberation, and they identify George

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<sup>82</sup> Lou Cannon, “Humphrey Using Ethnic Politics Strategy in Ohio Campaign,” *Washington Post*, 2 May 1972.

<sup>83</sup> “God May be a Democrat.”

<sup>84</sup> Bill Kovach, “Politics is Ho-Hum in Ethnic Baltimore,” *New York Times*, 16 October 1972.

McGovern with them.”<sup>85</sup> Given McGovern’s military record (he had been awarded the Distinguished Flying Cross for his service during World War II), his image as a coward was perhaps undeserved. Yet the image stuck. “[Ethnics] regard McGovern's position on amnesty and his promise to go begging to Hanoi as signs of weakness,” wrote one observer. “They also have no use for the people they identify with McGovern: Ramsey Clark and Jane Fonda.”<sup>86</sup>

Many of the “ethnic” projections for the 1972 election proved accurate. Nixon made considerable gains among most voting demographics, particularly Catholics, Italians, and Irish Americans.<sup>87</sup> His 58% of Italian voters was an 18% increase over his 1968 percentage, while his 53% of both Irish voters and Catholic voters was a 20% increase in both cases. The percentage of Jewish voters casting ballots for Nixon also more than doubled.<sup>88</sup> This may have owed in part to Nixon’s staunch support of Israel. As for Eastern European ethnics, although many were refugees from communism, the election results showed that their hatred of the McGovern liberals trumped their disdain for détente. Southern whites also defected to the Republican ranks *en masse*.<sup>89</sup> The election also showed that the Democrats were deeply divided. “There are just not enough activist women, blacks, and youth to win a national election,” said one McGovern adviser. “The traditional Democratic groups are pretty damn important, and they have to be nourished by the party.” Another added, rather simplistically, “The easy way to get the workers back is the way Nixon got them, to kick the blacks in the behind. But I can’t

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<sup>85</sup> “Shriver Campaigns at Picnic in Jersey,” *ibid.*, 18 September 1972.

<sup>86</sup> “Catering to Azerbaijanis,” *Time*, 18 September 1972.

<sup>87</sup> Peter Kihss, “Study Analyzes Ethnics Vote in ’72,” *New York Times*, 19 August 1973. The study was included as an epilogue to Mark R. Levy and Michael S. Kramer’s *The Ethnic Factor: How America’s Minorities Decide Elections* (New York: Simon and Schuster, 1972).

<sup>88</sup> Nixon had his greatest support among Protestants. Sixty-eight percent of them voted for Nixon, a 19% increase over 1968.

<sup>89</sup> See Ben A. Franklin, “Rustling the Strays from the Big D Ranch,” *New York Times*, 1 October 1972.

see the Democrats doing that.” Still another political observer mused, “At a time of such strident conflict, can [the Democratic Party] accommodate both Gloria Steinem and George Meany? Both Jesse Jackson and Archie Bunker?”<sup>90</sup>

At any rate, in courting ethnics, Nixon (and later Ford) was creating a debt for the Republicans, and they would need to heed these ethnics’ interests throughout the 1970s. “Ethnic elements bring their politics to their new party,” argued Daniel Patrick Moynihan. “They often change the party more than they change themselves.”<sup>91</sup> Nixon and Agnew’s resignations from political office did not stop the shifting voting pattern of ethnics, the working-class, and “Middle America.”<sup>92</sup> Republicans and Democrats alike would need to work hard to win and keep the support of ethnics throughout the remainder of the 1970s.

### **The “Ethnic Effect” on Human Rights Policymaking**

As I have already suggested, “ethnicity” is a good working framework for understanding both the international character of the human rights movement and the international development of the Cold War from the 1960s onward. In the more democratized political environment of the 1970s, with its shifting political loyalties, both parties were willing to give unprecedented attention to new interest groups. Two points are worth emphasizing here: 1) ethnics interpreted many international issues as human rights issues, and 2)

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<sup>90</sup> Steven V. Roberts, “Democrats Praying for the ‘Third Coming,’” *ibid.*, 12 November 1972.

<sup>91</sup> “God May be a Democrat.”

<sup>92</sup> As Richard M. Cohen and Jules Witcover showed, electoral practices that would have been called “corrupt” in other places were built into the system in Maryland and Baltimore via such tactics as “walking money,” which was distributed to “get out the vote.” Many observers had believed that Agnew was different from the men who surrounded him. “Spiro Agnew was a cut above,” wrote Cohen and Witcover, “a breed different from the organization types who ate salami sandwiches at their desks in the legislative chambers and belched into open microphones while defending the rights of ‘the little man.’ Agnew was different. Or so it seemed.” Richard M. Cohen and Jules Witcover, *A Heartbeat Away: The Investigation and Resignation of Vice President Spiro T. Agnew* (New York: Viking Press, 1974), 51.

ordinary people, who otherwise might not have taken an interest, were moved to petition their government to take action because the prevailing political climate was so congenial. As one pair of scholars has pointed out, persecution, war, and oppression “demonstrated the power to mobilize quiescent immigrant constituencies.”<sup>93</sup> It is also clear that political motivations were behind most politicians’ actions on behalf of human rights interests. Although many political figures took a vocal public stand when dissidents were represented by a strong American political lobby or a large ethnic electorate, rarely did these figures stand up for oppressed Africans or Latin Americans who were not similarly well connected.<sup>94</sup>

The ethnic revival thus had a clear impact on the formulation of American human rights policies. At the congressional level, senators and congressmen responded to their ethnic constituents’ interests by crafting legislation and publicizing the plight of specific dissidents overseas. Some legislators, such as Senator Henry Jackson, even went beyond the bounds of their own constituencies as a means of building up a national following. Jackson’s amendment on Soviet-Jewish emigration was widely (and in this author’s opinion, correctly) interpreted as an attempt to gain attention for a presidential bid in 1976.

We must keep in mind two wider trends concerning the ethnic influence in American foreign policy. First is the international character of the ethnic revival. Because so many of the world’s nations had multiethnic populations, several nations had to confront ethnic and immigration issues. Britain’s 1962 Commonwealth Immigrants

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<sup>93</sup> Kathleen Neils Conzen and David A. Gerber, “The Invention of Ethnicity: A Perspective from the U.S.A.,” *Journal of American Ethnic History* 12, no. 1 (Fall 1992): 23.

<sup>94</sup> See, for example, New York congressman Ed Koch’s statements concerning Ukrainian dissident Valentyn Moroz. Boris Potapenko, “Moroz, Vins, Svitlychna Tour City Hall, Get Keys to New York from Mayor Koch,” *The Ukrainian Weekly*, 6 May 1979.

Act had been criticized for discriminating against nonwhites, and later British attempts at embracing “multiculturalism” created a tremendous amount of conflict. The 1970s saw a rise in right-wing nationalism in Britain and elsewhere, with parties like the National Front and politicians like Enoch Powell challenging what they considered a fashionable multiculturalism that could only end in the destruction of the common culture (or, in Powell’s oft-misquoted words, “rivers of blood”). Jean Marie Le Pen said similar things in France via his *Front National*, which was formed in 1972. West Germany had granted entry to thousands of *gastarbeiters* (guest workers) from Southern Europe, Turkey, and elsewhere, and these immigrants were changing the face of German society. Germans were also deeply concerned about repatriation of ethnic Germans from Eastern Europe. Meanwhile, Catholics in Northern Ireland, inspired by the black civil rights movement in America, joined with liberal Protestants to create the Civil Rights Association in 1967 as a means of fighting anti-Catholic discrimination. British troops were sent into Ulster in 1969 and remained for decades thereafter.

Ethnic and religious issues in Eastern Europe were constant sources of concern for Soviet leaders, and they played a very important part in the development of détente and American human rights policies. Soviet officials worried that a rise in nationalism within the Soviet Union and bordering states could mean the dissolution of the Soviet empire. This was especially true of Ukrainian, Polish, and German nationalism, though the rise of Russian nationalism in the long 1970s was also a cause for alarm among Marxist authorities and Western-oriented liberals alike.<sup>95</sup> As one Russian writer noted, “At the end of the 1960s . . . the intelligentsia suddenly began taking their vacations in

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<sup>95</sup> Boris Kagarlitsky, *The Thinking Reed: Intellectuals and the Soviet State, 1917-Present* (London: Verso, 1988), 216-230.

the village at the graves of ancestors instead of in the Crimea, the Caucasus or the Baltic.”<sup>96</sup> Orthodox Christianity was an important element of this revival. Younger people, especially, were taking up the symbols and practices of the traditional Christian church. “Young people,” this writer continued, “began to wander around the dying villages collecting icons, and soon there was almost no intellectual’s home in Moscow which was not decorated with symbols of Russian Orthodoxy.”<sup>97</sup> Even the official publication *Izvestiya* printed one Russian’s observation that “it has become ‘fashionable’ to get married in church, to have one’s children baptized, and to wear little crosses next to the skin.”<sup>98</sup> As we will see, Soviet fears of ethnic nationalism influenced their reactions to American human rights policies.

The second broad trend concerning the ethnic influence in American foreign policy was the growth in interest groups and political pluralism in the U.S. and elsewhere. Political scientist John Dietrich has summed up these changes by writing of the U.S. foreign policymaking system since the early 1970s,

[It] has been transformed from the relatively closed and presidentially dominated system of the early cold war into a more open, contentious, and pluralistic system. . . . During this period, there also has been a sharp increase in the number of interest groups actively seeking to influence U.S. foreign policy. These interest

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<sup>96</sup> Ibid., 216 (Orig. in Alexander Yanov, *The Russian New Right: Right-Wing Ideologies in the Contemporary USSR* (Berkeley: Institute of International Studies, 1978), 11-12). See also Yanov’s *Détente after Brezhnev: The Domestic Roots of Soviet Foreign Policy* (Berkeley: Institute of International Studies, 1977).

<sup>97</sup> Ibid.

<sup>98</sup> Ibid., 220 (Orig. in E. Filimonov, *Izvestiya*, 8 October 1981).

groups have mobilized to represent a diverse array of business, labor, ethnic, human rights, environmental, and other organizations.<sup>99</sup>

Greater pluralism (as opposed to the earlier paradigm of a rather narrowly defined “national interest”) forced American policymakers to reckon with the interests of relatively small lobbies. And greater congressional oversight of foreign policy fueled ethnic influence in foreign policy, because many ethnics were demographically concentrated within a handful of congressional districts. Congressmen and senators thus found that they had to heed ethnic concerns. In Thomas Ambrosio’s estimation, ethnic identity groups’ “influence expanded throughout the 1960s and 1970s to the point that the press, scholars, and policymakers began to pay increasing attention to the issue.”<sup>100</sup>

Historian David Farber has similarly argued, “In the 1970s, ‘identity politics’ – in which many organized groups worked not for a common national purpose but for their group’s right to control political territory or to organize a separate set of cultural institutions or to gain a share of jobs or contracts by virtue of their race, ethnicity, or gender – became commonplace, even as it became politically explosive. What it meant to be an American became a hotly debated topic.”<sup>101</sup> The political implications were clear. “American foreign policy at times has been an elitist operation,” stated a congressman in 1979, “and it needs the counterbalance that ethnic groups can often give.”<sup>102</sup>

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<sup>99</sup> John Dietrich, “Interest Groups and Foreign Policy: Clinton and the China MFN Debates,” *Presidential Studies Quarterly* 29, no. 2 (June 1999): 280-96.

<sup>100</sup> Thomas Ambrosio, “Ethnic Identity Groups,” 7, 9.

<sup>101</sup> David Farber, *The Age of Great Dreams: America in the 1960s* (New York: Hill and Wang, 1994), 265-66.

<sup>102</sup> Congressman Lee H. Hamilton (D-IN), 15 October 1979, quoted in DeConde, *Ethnicity, Race, and American Foreign Policy*, 1.

Because of the changing mood in Washington, these ethnics often found that their interests were met with action at the top. Ethnic interest groups responded to these opportunities by fighting on behalf of their co-religionists or co-ethnics in a variety of nations. Christians and Jews fought for religious freedom in communist countries; Irish Americans and Slavic Americans for the “freedom” of their countrymen overseas; Cuban Americans on behalf of political prisoners in Cuba, and for repatriation of American citizens in Cuba; African Americans on behalf of blacks in South Africa; and so on. As Mathew Frye Jacobson has argued, issues ranging from the suffering in the Eastern Bloc and Northern Ireland to the Prague Spring and the workers’ movements in Poland “captured the attention and sympathy of overseas ethnic compatriots, whose . . . cultures had invested Old World nationalist causes with a kind of mantric power.” These attachments were “symbolic” in the sense that these Americans did not intend to return to the homeland. But they were also “organic” in that many traditions suggested that émigrés were “exiled” members who were uniquely positioned to serve the homeland.<sup>103</sup> Indeed, the American ethnic interest groups that were the most dedicated to “rights” causes tended to be conservative political organizations that grew out of American ethnics’ renewed commitment to the overseas “homeland,” e.g. NORAID (The Irish Northern Aid Committee, an American group that sent money to Irish republicans), formed by Irish Americans in 1970.

The Greek-American influence on the 1974 Turkish arms embargo serves as a useful example from this period. Following the Turkish invasion of Cyprus, which imperiled the Greek-Cypriot population, Congress voted to cut off military aid to Turkey

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<sup>103</sup> Jacobson, *Roots Too*, 26; see also Jacobson, *Special Sorrows: The Diasporic Imagination of Irish, Polish, and Jewish Immigrants in the United States* (Cambridge: Harvard University Press, 1995); and Gans, “Symbolic Ethnicity.”

in October 1974. This was done against the wishes of the Ford administration and Secretary of State Kissinger. Although it is difficult to pinpoint the exact influence of the Greek-American community in the passage of this legislation, several scholars have concluded that ethnic politics played a key role. “It was the vigorous, incessant, forceful pressure from the ethnic groups that set the other groups in motion, focused attention on the issue and gave it high priority, wrote one scholar. “The ethnic factor . . . was a necessary catalyst in the process that led to a resounding defeat for the administration.”<sup>104</sup> True, members of Congress had several reasons for supporting the legislation, including the desire to rein in presidential power. Still, it is clear that many supported it because they had large Greek – or even Armenian – constituencies. Greek-Americans in Congress were also influential, especially Congressmen John Brademas (the first Greek-American elected to Congress) and Paul Sarbanes.<sup>105</sup> The Ford administration’s fears were fulfilled when the Turkish government responded in kind by closing down NATO airbases and American military installations in the country. President Carter would succeed in lifting the embargo in 1978.

The new pluralism also had implications for non-European minorities in the U.S. African-American politicians took advantage of the trend and used their growing power in Washington to press for greater action on behalf of human rights in Africa. Black congressman Charles Diggs became the head of the House Foreign Affairs African

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<sup>104</sup> Göran Rystad, “Congress and the Ethnic Lobbies: The Case of the 1974 Arms Embargo on Turkey,” in Helene Christol and Serge Ricard, eds., *Hyphenated Diplomacy: European Immigration and U.S. Foreign Policy, 1914-1984* (Aix-en-Provence: Université de Provence, 1985), 107. John Lewis Gaddis wrote that “a vociferous Greek-American lobby managed to impose an arms embargo on the Turks, over Kissinger’s opposition.” Gaddis, *Strategies of Containment: A Critical Appraisal of Postwar American Security Policy* (New York: Oxford University Press, 1982), 331. See also Paul Y. Watanabe, *Ethnic Groups, Congress, and American Foreign Policy: The Politics of the Turkish Arms Embargo* (Westport: Greenwood Press, 1984); and Alexander DeConde, *Ethnicity, Race, and American Foreign Policy*, 172-174.

<sup>105</sup> Paul Tsongas, another Greek-American, was elected to the House in 1974. He was later elected senator.

Subcommittee in 1969. The following year the Congressional Black Caucus made 64 demands to President Nixon, including 15 that addressed foreign policy. The situation in Southern Africa was a constant area of concern for black politicians in the 1970s, and their interest translated into many interesting political measures. For example, when Congress and several other nations imposed a trade embargo on Uganda as a means of bringing down Idi Amin, the Congressional Black Caucus argued that sanctions against Uganda should only be enacted if comparable action were taken against Apartheid in South Africa.

Black Americans' interest in Africa would have meant little if it had not been for the more open international political environment of the late 1960s and 70s. The Cold War and the post-World War II decolonization trend had already combined to increase American interest in African affairs and in U.S.-African relations.<sup>106</sup> Furthermore, President Kennedy's "New Frontiers" had included an open, pragmatic approach to Africa and the developing world. Although Richard Nixon was mainly interested in the powerful states of the developed world, he recognized that he had to express interest in African development. He visited sub-Saharan Africa three times before becoming president, and in 1970 William Rogers became the first U.S. secretary of state to visit the continent. In 1971, at a time when U.S. foreign aid was decreasing in most places, aid to Africa increased 20% to a record \$550 million. Other institutions helped spur cultural and political interest in Africa, including the new black studies programs in American universities. Black nationalism, wrote one expert, was "part of a larger trend toward ethnic respectability and assertiveness" in America. "It is possible that the mood of East-

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<sup>106</sup> Stephen S. Rosenfeld, "Gary and Africa: Blacks Signal Turn in Foreign Policy," *Washington Post*, 17 March 1972.

West détente has released blacks from the old consensus of anti-communism and in a sense freed them to act on the basis of feelings of kinship toward blacks abroad.”<sup>107</sup>

Black leaders were unable to create a strong “Africa lobby,” in part because extremists were among the most visible black activists. For example, the National Black Political Assembly of 1972 (later known as the Gary Convention) was largely overtaken by militant nationalists. If nothing else, this convention showed that the militants of the 1960s had appropriated an ethnic nationalist rhetoric, and this had translated into an interest in “compatriots” overseas. The “Gary Declaration’s” references to American overseas interests were filtered through a radical black nationalism, including platitudes that evoked the extremist language of various 1960s “statements” (i.e., the Port Huron Statement, the Black Panther Platform, etc.). To wit: “While we are pressed down under all the dying weight of a bloated, inwardly decaying white civilization, many of our brothers in Africa and the rest of the Third World have fallen prey to the same powers of exploitation and deceit.”<sup>108</sup> Although such rhetoric would garner few results, the more significant point is that multiple American ethnic groups were discussing the rights of people in other nations.

At this point one might reasonably ask whether these “ethnic” forays into American foreign relations were really all that new. After all, Americans of Irish and German ancestry had played a key role in the debate over the nation’s entry into the First World War. And as I have already noted, Franklin Roosevelt had brought American ethnics into the national political mainstream by including them in the coalition that re-elected him overwhelmingly in 1936. These examples would seem to indicate that

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<sup>107</sup> Ibid.

<sup>108</sup> Jessie Carney Smith, *Black First: 2,000 Years of Extraordinary Achievement* (Detroit: Visible Ink Press, 1994).

ethnics had played a direct or indirect role in the formulation of American foreign policy for decades. But upon closer examination, we see that such involvement typically generated policies that were more symbolic than real. Both political parties handled ethnic concerns via nationality divisions before the 1970s, and as one scholar has written, these offices were “considered junior players in political strategy . . . intended to mollify and absorb the outrage” of those ethnics “whose native lands were subjugated by the Soviet Union after World War II.” Meanwhile, the national party offices “ran conferences where people considered super-U.S. patriots and fervent anticommunists could harmlessly air their anti-Soviet rhetoric without leaving much of a trace on real party politics or national policy.”<sup>109</sup>

One example from the Cold War era demonstrates the ultimately meager results of ethnic incursions into American diplomacy before 1970. For many years, American ethnics pushed a “captive nations” agenda as a means of emphasizing the imperial character of Soviet domination of Eastern Europe. A number of organizations were created in the 1950s and 60s to lobby on behalf of Eastern European ethnics’ concerns, including the World Anti-Communist League, the Anti-Bolshevik Bloc of Nations, and the Assembly of Captive European Nations (ACEN). In 1959 President Eisenhower signed into law a Congressional resolution – drafted by the Ukrainian-American ambassador and economist Lev Dobriansky – that proclaimed the third week of July as “Captive Nations Week.” Every president thereafter followed suit, even into the 21<sup>st</sup> century.

Yet although Presidents Eisenhower, Kennedy, and Johnson all paid lip service to the need to stand up to Soviet domination of Eastern Europe, none of them could

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<sup>109</sup> O’Rourke, *Geno*, 101.

appreciably alter the rights situation in the “captive nations” themselves. The Soviet crackdown on the Berlin and Budapest uprisings of 1953 and 1956 proved to Eisenhower that he could hardly instigate a true “rollback” of communism in Europe. Likewise, President Kennedy did little more than appease American anticommunists when he said, for example, “This country must never recognize the situation behind the Iron Curtain as a permanent one, but must, by all peaceful means, keep alive the hopes of freedom of the peoples of the captive nations.”<sup>110</sup> In reality, Kennedy was merely speaking out on behalf of Eastern Europeans who could not speak for themselves. Actual American policies changed only slightly in the 1950s and 60s, and in the long run the “captive nations” concept only carried weight in political oratory and on the opinion pages of right-wing newspapers. Even when ethnics got involved in “hard” economic issues such as trade and foreign aid, the results were minimal.<sup>111</sup>

Political scientist Stephen Garrett has explained why Eastern European ethnic groups were not as influential during the Cold War as we might otherwise expect from their numbers. These ethnics faced a few major, institutional impediments, including the exclusivity of the foreign policy establishment and the relative strength of WASP cultural dominance; the preeminence of the executive branch in the foreign policy process (Eastern European ethnics were more influential at the congressional level); a general feeling that these groups may not have had American national interests in mind; lack of a

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<sup>110</sup> Quoted in Wolf D. Fuhrig, “Polar Viewpoints,” review in *Growth and Change* 2, no. 4 (October 1971): 53.

<sup>111</sup> Examples include ethnics’ attempts to stymie Lyndon Johnson’s minor bridge-building efforts to Eastern Europe in the mid-1960s (these efforts included the importation of such non-strategic items as Polish hams and Yugoslav tobacco). As Stephen A. Garrett has argued, “the most that these efforts could accomplish was to obstruct or delay a liberalization of American policy toward Europe. They were hardly useful in forcing the administration to adopt a harder line toward the area.” Garrett, “Eastern European Ethnic Groups and American Foreign Policy,” *Political Science Quarterly* 93, no. 2 (Summer 1978): 311.

strong, cohesive lobby; and the high stakes involved in European territorial questions.<sup>112</sup>

I would add that geopolitical realities were such that Americans of Eastern European descent could not appreciably influence affairs in Eastern Europe. This situation changed in the long 1970s.

### **Case Studies**

A closer look at two specific “ethnic” human rights cases will clarify the role that the ethnic revival played in the human rights movement and in the development of the Cold War. Polish Americans and Jewish Americans influenced American diplomacy in interesting ways, the former through their interest in greater liberties in the Eastern Bloc, the latter through their support of free emigration for Soviet Jews. The Nixon administration took an interesting line on these questions. They wanted to win ethnics’ support, yet they continued to tout the benefits of détente between the superpowers. They muted human rights rhetoric as a means of keeping détente intact, yet they also sought closer ties to the nations of Eastern Europe.

The administration’s efforts to woo ethnic voters put the party in the position of having to respond to ethnics’ concerns. Therefore when ethnics brought up human rights questions after 1972, the Nixon and Ford administrations could not ignore them.

Although many Eastern European ethnics disliked the U.S.-Soviet détente, the Nixon administration was able to win over some of these critics by building bridges to Poland, Yugoslavia, and Romania. The administration also began to suggest that détente would

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<sup>112</sup> Garrett, “Eastern European Ethnic Groups.” We could contrast these groups’ lack of success with the relative successes of Cuban Americans and Jewish Americans since the 1970s, both of which had powerful lobbies with a more singular focus.

have liberalizing benefits for the Eastern Bloc.<sup>113</sup> During Kissinger's 1973 confirmation hearings, he argued that détente had led to "a greater – what we would call liberalization" within the "governmental structure" of many Eastern European states. As these countries became "more related to the free countries" and "economically more interdependent," he argued, "in the long term" these societies would be "freer."<sup>114</sup> The Soviet-Jewish emigration issue, meanwhile, was the most nettlesome foreign policy issue for the administration throughout this entire period. When Nixon and Kissinger were forced to address the emigration issue, they touted the benefits of private diplomacy.

#### **A. Polish Americans**

Notwithstanding its framers' intentions, détente clearly allowed for greater freedom of action in international political circles, and it contributed to the emergence of ethnicity as a powerful factor in political decision-making. "While the Cold War dominated American foreign policy," a *Washington Post* commentator stated, "factors of ethnicity were set aside. But now it's different. The stirrings of détente have allowed more voices to join the debate on what interests and values should be served by our foreign policy. At home ethnic and racial consciousness, including pride in roots, has become more widespread and respectable." This roots interest translated into a new kind of internationalism. "The ethnic factor," this author continued, "is an influence toward internationalism in a period when many other influences are working in the opposite

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<sup>113</sup> Both Nixon and Kissinger remained realistic about détente's implications because they did not want to oversell its benefits. For example, in 1974 Nixon firmly stated that it was not possible to improve relations with the Soviet government while also trying to promote the nationalistic impulses of the peoples surrounding Russia. Stephen S. Rosenfeld, "Captive Nations and Détente," *Washington Post*, 2 August 1974.

<sup>114</sup> Senate Committee on Foreign Relations, *Hearings on the Nomination of Henry A. Kissinger*, 93<sup>rd</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1973), 42.

direction.” America’s role in the world was now a “personal” matter to Americans who had a stake in détente.<sup>115</sup> “In personal terms, détente has eased the contacts of divided families and reduced the heartache of feeling that one’s own people live hard lives.”<sup>116</sup> Détente also unleashed pent-up ethnic feelings in much of the rest of the world. The editors of the *Washington Post* cleverly observed in 1973,

[I]n the Persian Gulf, in the Balkans, in Northern Ireland, in southern Africa – the list will doubtless lengthen – local political or ethnic rivalries and regional ambitions are astir. In a sense, détente . . . has created wider opportunities for local conflicts and appetites to grow. There is no great power threatening to exploit these local situations. . . . The cold war has meant more stability or more autonomy for some countries and regions in the last 20 years than they may find to be available now.<sup>117</sup>

As we saw in the previous chapter, while Nixon was pursuing an accommodation with the Soviets, he was also seeking closer ties to the states of Eastern Europe. As he stated in his 1970 First Annual Report to Congress on foreign policy, “The United States views the countries of Eastern Europe as sovereign, not as parts of a monolith. And we can accept no doctrine that abridges their right to seek reciprocal improvement of relations with us or others.” The U.S., said Nixon, was interested in negotiations and gradual normalization of relations with Eastern Europe. In a nod to the ethnic

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<sup>115</sup> Stephen S. Rosenfeld, “Foreign Policy’s Ethnic Angle,” *Washington Post*, 2 November 1973.

<sup>116</sup> Stephen S. Rosenfeld, “To Many Americans U.S. World Role a Personal Matter,” *ibid.*, 20 October 1972.

<sup>117</sup> “Sikkim: A Post-Détente Case Study,” *ibid.*, 13 April 1973. The end of the Cold War would similarly unleash ethnic tensions in the early 1990s.

composition of the U.S., he added, “The United States . . . [has] historic ties with the peoples and nations of Eastern Europe, which we wish to maintain and renew.”<sup>118</sup> The administration’s second foreign policy report (1971) similarly spoke of the “cruel and unnatural division of Europe,” which was “no longer accepted as inevitable or permanent.” Nixon argued that his administration viewed détente’s goal as “mutual security” and “expanded intra-European contact and cooperation.” At the same time, the U.S. recognized “the right of every nation to develop its own policies in light of its own interests. . . . We are responsive, and other countries in Eastern Europe who desire better relations with us will find us responsive as well. Reconciliation in Europe is in the interest of peace.”<sup>119</sup>

Romania and Yugoslavia were the first European communist countries to develop a “special relationship” with the U.S. Nixon visited these countries in 1969 and 1970, respectively. Shortly before the trip to Romania, he expressed his hope that the trip would “set the stage for more openings of this type with countries in Eastern Europe where it would be mutually beneficial to the United States and the other country involved.”<sup>120</sup> These contacts with Eastern Europe were products of Nixon’s atlanticism and his view of Europe as America’s chief partner. When he traveled to Europe before he was elected president, he was distressed at the deterioration in transatlantic relations. “The Europeans were deeply offended by our failures to consult with them,” he wrote, “or even to inform them of decisions we made that touched on their defenses and their

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<sup>118</sup> “First Annual Report to the Congress on United States Foreign Policy for the 1970’s,” 18 February 1970, *PPP*, [www.presidency.ucsb.edu/ws/?pid=2835](http://www.presidency.ucsb.edu/ws/?pid=2835).

<sup>119</sup> “Second Annual Report to the Congress on United States Foreign Policy for the 1970’s,” 25 February 1971, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=3324>.

<sup>120</sup> “Informal Remarks in Guam with Newsmen,” 25 July 1969, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=2140>.

destinies.”<sup>121</sup> One conservative national security specialist echoed this charge somewhat less diplomatically: Presidents Kennedy and Johnson “were so preoccupied with wooing the African Rinkydink States . . . they allowed our relations with the great Parliamentary Democracies of Europe to cool.”<sup>122</sup> Although Nixon’s inroads were not chiefly aimed at a domestic constituency (after all, Romanians, Serbs, and Croats comprised a relatively insignificant percentage of American voters) nevertheless, they set an important precedent.

In addition to Romania and Yugoslavia, Poland became an object of Nixon’s interest after 1970. Closer relations with Poland would likely have more immediate domestic political benefits because Polish Americans were so numerous. Indeed, Polish Americans serve as an excellent example of the connection between an American ethnic group, its homeland, and American foreign policy. Numbering some 10 million in the 1970s, they were among the largest ethnic groups in the U.S., and they had considerable political clout in a few major states.<sup>123</sup> Census figures also showed that many more Americans were acknowledging their Polish ancestry than had been the case in the 1960s.<sup>124</sup> As we have already seen, Nixon made it a point to curry favor with Chicago’s large Polish population during his visits to the city in 1970 and 72. He repeatedly placed Polish and Catholic organizations at the top of his agenda when he visited Midwestern

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<sup>121</sup> Nixon, *RN: The Memoirs of Richard Nixon* (New York: Grosset & Dunlap, 1978), 280-282.

<sup>122</sup> Letter, Frank R. Barnett to John A. Howard, 20 December 1966, “National Strategy Information Center” folder, ’68 Campaign Files, box 126, RNLB. Although the Johnson administration had a respectable record of achievement on European matters, Johnson’s image as Vietnam-obsessed stuck. Nixon thus prioritized closer relations with Europe. Schwartz, *Lyndon Johnson and Europe*, 223-237.

<sup>123</sup> In 1979 the Census Bureau established the size of the Polish-American community at 8,228,037. Z. A. Kruszewski, “The Polish American Congress, East-West Issues, and the Formulation of American Foreign Policy,” in Mohammed E. Ahrari, ed., *Ethnic Groups and U.S. Foreign Policy* (New York: Greenwood Press, 1987), 83-84.

<sup>124</sup> Jacobson, *Roots Too*, 48.

cities.<sup>125</sup> As for the nation of Poland, the Nixon administration recognized that it had special status in Eastern Europe because of its large Catholic population and its troubled history of outside interference.

Polish Americans and Poles were growing closer in the early 1970s, in part because of Polish Americans' growing "roots" interest.<sup>126</sup> Also significant was the relaxation of political and other barriers between East and West, which came about as a direct consequence of détente. The Polish government worked hard to attract Western tourists by investing millions in hotels and other amenities. Flights from the U.S. to Poland increased fivefold between 1971 and 72, and Western tourists increased from 300,000 to 500,000 in the same period.<sup>127</sup> A Warsaw tourist official commented in 1972 that Polish Americans had "come alive as far as travel is concerned. Suddenly there is a greater awareness and acceptance of long-buried ethnic links, and many Polish organizations in America are beginning to participate in the kind of foreign group travel that people of other national backgrounds have been enjoying for years."

Closer ties between Poland and Polish Americans also reflected the Polish government's desire to strengthen the Polish nation by attracting foreign capital and returning Polish émigrés, many of whom lived in America. Half of the 300,000 Western European and American tourists who entered Poland in 1971 were of Polish origin. Between 30,000 and 40,000 Polish Americans moved to Poland to retire during this period, lured by the Polish government's incentives: permanent resident status, full legal

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<sup>125</sup> "Nixon, in Chicago, Aids Senate Drive," *New York Times*, 18 September 1970.

<sup>126</sup> This is from James Feron, "The Growing Love Affair between Poles and Polonia," *ibid.*, 10 September 1972.

<sup>127</sup> In 1971 there were just over a dozen charter flights from the U.S. to Poland. The following year there were over fifty. Many more thousands of Americans (and Poles living in other parts of the West) entered the country by land and sea. *Ibid.*

rights, and retention of American citizenship for returned émigrés.<sup>128</sup> The government also gave them a favorable currency conversion and discounts on consumer goods. Furthermore, the Polish and American governments allowed several thousand Poles to work for a year or two in the U.S., after which they returned to Poland with many dollars saved. Both governments decided to look the other way when the workers' tourist visas expired.

Nixon's domestic goal of winning ethnic votes occasionally coincided with his goals in Eastern Europe.<sup>129</sup> When he returned from his summer 1972 summit meeting in Moscow, he stopped off in Warsaw for consultations with the reform-minded communist leader Edward Gierek, who had recently replaced Władysław Gomułka. (Interestingly, the Polish ambassador extended the invitation only days after the bombing of Haiphong in North Vietnam.) The ostensible purpose of the trip was to seek out areas of mutual interest such as trade and tourism. Ordinary Poles were seeking liberalization on many fronts, including economic, consumer goods, travel, and work. One Polish student told a reporter that he hoped Nixon's visit would "open things up."

Nixon's joint communiqué with Gierek included an affirmation of "territorial integrity" and "non-interference in internal affairs." (For Poles, the notion of "non-interference" meant greater independence from their neighbors.) Nixon and Gierek also expressed satisfaction with increased commercial ties. "The increase of mutual economic and personal contacts, including tourism," read the communiqué, "justifies further

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<sup>128</sup> Kruszewski, "The Polish American Congress," 93.

<sup>129</sup> For the story of Nixon's visit to Poland, I am relying on Bennett Kovrig, *Of Walls and Bridges: The United States and Eastern Europe* (New York: New York University Press, 1991), 118-120; James Feron, "East Hopes Talks Will 'Open Things Up' with More Goods and Freer Travel," *New York Times*, 22 May 1972; idem., "Nixon to Allow Loans to Poland," *New York Times*, 4 November 1972; "Joint Communiqué, Following Discussions With Polish Leaders," 1 June 1972, *PPP*, [www.presidency.ucsb.edu/ws/?pid=3449](http://www.presidency.ucsb.edu/ws/?pid=3449); "Catering to Azerbaijanis," *Time*, 18 September 1972; "Nixon Aides are Choosing Stops," *Time*, 20 April 1972; and Bundy, *A Tangled Web*, 328.

development of transportation links.” The two countries also signed an agreement that clarified citizenship status for expatriate Poles. This was meant to encourage Polish-Americans to visit Poland. In an interesting “ethnic” statement, Nixon and Gierek recognized

the positive influence exerted on their mutual relations by the traditions of history, sentiment and friendship between the Polish and American peoples. A prominent part is played in this respect by many United States citizens of Polish extraction who maintain an interest in the country of their ancestors. The two sides recognize that this interest and contacts resulting from it constitute a valuable contribution to the development of bilateral relations.

A few months later the Nixon administration released a large sum of money in Export-Import Bank credits to Poland, and the U.S. government opened an American trade and technical information center in Warsaw, the first of its kind in the communist world. These efforts were carried out during the week of the 1972 election in order to maximize Nixon’s appeal among Polish-American voters.

The trip to Poland and the ensuing trade agreements were clearly part of Nixon’s effort to show Polish Americans that he was aware of their interests. In fact, the White House alerted Polish groups before the invitation was formally announced. The trip was all the more interesting when we consider the negative Soviet reaction to such “meddling” in the affairs of the Eastern Bloc. Nixon also visited Kiev, which was chosen in consultation with Soviet leaders over places such as Tbilisi, Azerbaijan, and the

Armenian capital of Erivan. Domestic considerations were a part of this choice as well: the administration was well aware that there were more Ukrainians in America than Armenians. When Nixon returned to Washington he met with Polish-American leaders, who applauded his efforts. Said the former foreign policy adviser William P. Bundy of the Poland trip, “It all usefully demonstrated American concern – and also played well with Polish-American voters in the United States. Nixon could hardly have expected more.”

Nixon’s open-minded approach made him quite popular in Eastern Europe, where governments and ordinary citizens alike were baffled by the Watergate fiasco. Not only did the scandal seem mild compared to the Hobbesian intrigues of 20<sup>th</sup> century Eastern Europe, but Nixon himself was popular for liberalizing East/West relations. “Mr. Nixon’s popularity may be at its lowest point in the United States,” wrote an American journalist traveling through the Eastern Bloc late in 1973, “but throughout Eastern Europe he is regarded as a great President whose vision and courage in foreign policy ended the Cold War.” Furthermore, the Warsaw Pact nations officially welcomed détente with the U.S.S.R., as it gave them a degree of independence in their respective dealings with the West, especially in trade. A middle-aged Polish scientist told an American journalist, “Nixon is popular here. . . . There is a vast reservoir of pro-American feelings among the Polish people. There are ethnic and cultural ties, you know.”<sup>130</sup> The net effect of all these developments was that Poland and “Polonia” (the term used to describe

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<sup>130</sup> Dusko Doder, “Watergate Baffles E. Europe,” *Washington Post*, 11 November 1973. As to U.S.-Polish relations during détente, in 1974 Willy Brandt asked Kissinger if he thought the Poles were becoming increasingly independent, to which Kissinger replied, “When we were in Warsaw they went out of their way to say unfriendly things about the Soviet Union, to the point of saying that for them to buy a steel plant from the West was not an economic matter but a political and psychological necessity. . . . There seemed . . . to be a desire for some autonomy, at least within limits.” Memcon, Kissinger and Brandt, 4 March 1974, “Memcons 1 March 1974 – 8 May 1974 HAK and Presidential (4 of 4),” box 1028, Presidential/HAK Memcons, Nixon Papers, NARA II.

the Polish diaspora) grew closer in unexpected ways. Bonds were strengthened, and Polish Americans gradually became more interested in the plight of people in Poland. Because American citizens were living there, the U.S. government was drawn into Poland's internal affairs in a limited way. As we will see in chapter seven, the Polish-American connection to the human rights movement became even more profound in the second half of the 1970s.

### **B. The Emigration Question: The U.S., the U.S.S.R., and Israel**

The Soviet-Jewish emigration issue was perhaps the most significant early case of an overseas ethnic conflict with implications for American foreign policy. Indeed, as one of the most prominent human rights issues of the 1970s it demonstrated the connection between American domestic interest groups, the American liberal tradition, and the Cold War power struggle in Eastern Europe and the Middle East. Jewish organizations in the U.S and elsewhere expressed interest in both emigration from the U.S.S.R. and the continued viability of Israel. Other scholars have explored this subject in detail, so my treatment of it will focus on the connection between ethnicity and human rights.<sup>131</sup>

In order to fully understand the emigration issue's relation to the American human rights movement, we must first consider the situation in the Eastern Bloc. Much of the Western reaction to human rights abuses in the Eastern Bloc stemmed from the strictures of the Brezhnev years. The Khrushchev thaw was followed in the Brezhnev era by a

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<sup>131</sup> See, for example, Leonard Schroeter, *The Last Exodus* (New York: Universe Books, 1974); Colin Shindler, *Exit Visa: Détente, Human Rights, and the Jewish Emigration Movement in the USSR* (London: Bachman and Turner, 1978); Petrus Buwalda, *They Did Not Dwell Alone: Jewish Emigration from the Soviet Union, 1967-1990* (Baltimore: Johns Hopkins University Press, 1997); and Murray Friedman and Albert D. Chernin, eds., *A Second Exodus: The American Movement to Free Soviet Jews* (Hanover, NH: The University Press of New England, 1999).

clampdown on dissenters of all kinds.<sup>132</sup> This began in 1966, when the Kremlin leadership staged a show trial of two dissident writers who had published satirical works abroad. Demonstrations for greater freedom were then met with mass arrests in the late-1960s, and the interventionist aspect of this crackdown reached its apex in the Soviet-led Warsaw Pact invasion of Czechoslovakia in August 1968. These trends accelerated in the early 1970s.

The sovietologist Gregory L. Freeze has pointed out that two different dissent movements characterized the USSR in the 1970s, one in defense of human rights and one on behalf of national minorities. Both were anti-authoritarian. According to a 1976 KGB report, two-thirds of dissent cases involved either “revisionism and reformism” or “nationalism.”<sup>133</sup> In contrast with earlier Soviet movements, the dissidents of the 70s were much more political. Dissent was also more widespread; the movement had perhaps 300,000 adherents, including political prisoners, people under surveillance or investigation, and their supporters.<sup>134</sup> Suppression of free expression became more common, and *samizdat* (self-published literature circulated privately or secretly) became more widespread. Beginning in 1968, anonymous authors regularly pieced together *The Chronicle of Current Events*, which catalogued cases of Soviet rights abuses. Human rights NGOs also sprung up in the East, including the first Soviet human rights association, the Initiative Group for the Defense of Human Rights in the USSR, founded by Sergei Kovalev in 1969. Dissent became much better organized, especially after a

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<sup>132</sup> Details from Gregory L. Freeze, ed., *Russia: A History* (Oxford: Oxford University Press, 1997), 370-393. This section highlights the Soviet Union in the “long” Brezhnev era (c. 1965-1984). The dissidents were Andrei Siniavskii and Iulii Daniel.

<sup>133</sup> A KGB report in 1976 divided the many thousands of dissent cases into five categories: 35% were for “revisionism and reformism,” 33.7% were for “nationalism,” 17.5% were for “Zionism,” 8.2% were for “religion,” and 5.6% were for “fascism and neo-fascism.” Freeze, *Russia*, 378-379.

<sup>134</sup> *Ibid.*, 179.

group of dissidents (including Andrei Sakharov) founded the Human Rights Committee in 1970. The Soviet government's scrutiny of Sakharov and Aleksandr Solzhenitsyn was highly publicized in the West, while countless others dissented in obscurity.

The crackdown on dissent was accompanied by a revival of state-sponsored anti-Semitism in the Soviet Union. As the historian Bernard Lewis explained, this campaign was part of a long-term Soviet reaction to dangerous nationalism within the USSR's borders. After all, the Soviet Union's ethnic and ethno-religious issues were potentially far more damaging than were America's, and Soviet leaders knew it. The integrity of the Soviet state relied on the muting of nationalistic feeling among the republics of the Soviet periphery and the Eastern Bloc satellites. The Soviets adopted the term "racist" after World War II to describe any non-Slavic nationalist movement within the borders of the Soviet Union. "The nationalisms of [non-Russian] peoples within the Union are suspect," Lewis wrote in 1976, "and are variously described by such epithets as feudal, bourgeois, reactionary and clericalist. The term *racist* is used more particularly of those movements which have an actual or potential focus outside the Soviet Union." In the eyes of the Soviet authorities, no matter whether the threatening religious or ethnic group was Uzbek, Tajik, Armenian, or otherwise, "The offense is the same: a group or groups of Soviet subjects identify themselves with others of the same religion, culture or origin outside the Soviet Union, and therefore constitute a possibly disruptive element."<sup>135</sup>

The movement on behalf of minority nationalities was strong in all of the republics, but especially in Ukraine, the Baltic states, and the Caucasus. Westerners did not know the extent of these movements in the 1970s. For example, mass demonstrations in 1978 forced the Soviet government to drop its decision to eliminate Georgian as the

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<sup>135</sup> Bernard Lewis, "The Anti-Zionist Resolution," *Foreign Affairs* 55, no. 1 (October 1976): 60-64.

official state language inside the republic. There was also unrest in other republics due to an influx of Russian immigrants and repression of Islam. Put simply, the Soviets had not been successful in their attempts to Russify and assimilate these republics, and they were not sufficiently combating nationalism. The Warsaw Pact, too, suffered from latent nationalism.<sup>136</sup>

Among all of the Soviet Union's ethnic and religious minorities, its three million Jews were arguably the most persecuted. They had no homeland within the Soviet Union to speak of (the unsuccessful attempt to create a Jewish district in Birobidzhan was the exception that proved the rule), and Soviet restrictions on religious and cultural expression further inhibited the maintenance and development of a Jewish identity. Furthermore, as Lewis pointed out in the 70s, in the Soviet Union "one is either a Russian or a Jew, but one cannot be both, since 'Russian' and 'Jew' in Soviet law are both 'nationalities' (*natsionalnost*) . . . and are therefore mutually exclusive categories." Yet Soviet Jews were not allowed to escape their Jewishness, either: "The word *Jew* is inscribed on every Soviet Jew's identity documents. . . . Soviet practice allows him neither to remain a Jew nor to become a Russian, and thus places him in an agonizing dilemma, which is worsened by widespread and deep-rooted hostility."<sup>137</sup>

Of course, anti-Semitism had been a problem in Russia for centuries. What, then, was new in the long 1970s? The answer, it seems, was the rise in Zionist feeling following the 1967 Arab-Israeli Six-Day War. Jews in the Soviet Union and elsewhere experienced an immense wave of ethno-religious pride following the Israeli victory, and this surge of enthusiasm helped touch off the campaign of official repression. As Lewis

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<sup>136</sup> Freeze, *Russia*, 380-381.

<sup>137</sup> *Ibid.*

wrote of the war's aftermath, Zionism was now seen as a problem "comparable with other nationalist movements which had plagued the colonial administrators of Tsarist Russia and their Soviet successors." The Soviet authorities immediately embarked on a repressive campaign that included "the attempt to equate the Israelis with the Nazis as aggressors, invaders, occupiers, racists, oppressors, and murderers."<sup>138</sup> They used anti-Semitism to target a variety of critics, from Soviet dissidents to American congressmen. They also broke off diplomatic relations with the Israeli government and curried favor with a number of Arab regimes, which shows that their anti-Zionist campaign was motivated in part by the concerns of *realpolitik* in the Middle East.

Trends in the Soviet Union extended to its satellite states. Following on the heels of events in the Middle East and in the U.S.S.R., an anti-Semitism campaign took place in Poland in 1967-68 under the tutelage of Polish communist leader Władysław Gomułka. Much of the impetus for this campaign, which resulted in a mass exodus of Polish Jews, came from tendencies within Polish society. Nevertheless, the Poles' actions fit well within the bounds of what the Soviet leadership was willing to allow. Indeed, the Polish communist leadership acted against alleged "Zionists" in part because they sought favor with their Soviet backers.<sup>139</sup> A smaller-scale campaign took place in Czechoslovakia.<sup>140</sup>

In addition to the rise in Zionist feeling among Soviet Jews, the Six-Day War also precipitated a major increase in American Jewish activism. There had been little contact between American and Soviet Jews before 1967, but that changed abruptly with Israel's

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<sup>138</sup> Ibid.

<sup>139</sup> See Dariusz Stola, "The Anti-Zionist Campaign in Poland, 1967-1968," public lecture published in *Yearbook II: Jewish Studies at the Central European University* (1999-2001), [http://www.ceu.hu/jewishstudies/pdf/02\\_stola.pdf](http://www.ceu.hu/jewishstudies/pdf/02_stola.pdf).

<sup>140</sup> See Paul Lendvai, *Anti-Semitism in Eastern Europe* (London: MacDonald, 1971). Interestingly, the governments of Hungary and Romania did not follow suit.

victory. As Mathew Frye Jacobson has argued, the Six-Day War was a watershed moment in “Jewish radical consciousness.” Another scholar has identified this as the moment that Israel “launched its quite successful effort to convert American-Jewish identity into Israeli nationalism.” Some Jewish Americans even volunteered for Israeli military service, including more than 2,000 in New York City alone.<sup>141</sup> The 1973 Yom Kippur War further solidified the United States as Israel’s closest ally and the strongest defender of its interests.

The rise in ethnic nationalist feeling and the ensuing Soviet campaign of anti-Semitism would have meant little to American diplomacy were it not for the emigration issue. Hardship in earlier times had led large numbers of Jews to emigrate to the West, including over one million who entered the U.S. before 1924. After 1948 Israel became the preferred destination, though Soviet authorities used a variety of laws to prevent a mass migration. Despite the Soviet government’s roadblocks, the Israeli victory in 1967 made Israel seem far more attractive as an emigration destination. Consequently, the number of Soviet Jews applying for exit visas to Israel increased exponentially in the late 1960s and early 70s. Israeli political leaders had long been wary of angering the Soviets, who always seemed to want to meddle in Middle Eastern affairs, but late in 1969 Golda Meier’s government broke precedent by encouraging the emigration of Soviet Jews.

At this point, an unusual event brought the emigration issue into the national limelight. In 1970 two Soviet Jews, Mark Dymshits and Eduard Kuznetsov, led a group of sixteen *refuseniks* in an attempt to hijack a civilian plane to Sweden. This rather predictably led to their arrest and a public trial of all who were involved. The “Leningrad Trials,” which were widely covered by international media outlets, resulted in death

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<sup>141</sup> Jacobson, *Roots Too*, 26, 222. Jacobson quotes Paul Lauter.

sentences for Dymshits and Kuznetsov (later commuted to fifteen years each). Several others were also sentenced to long prison terms, and the episode contributed to the burgeoning crackdown on Jews who pushed the emigration question. The hijack attempt and the ensuing trials led to an international outcry against Soviet oppression, after which the Soviets increased the emigration quota. This higher quota in turn led to a “brain drain” of educated Jews. In 1972 Soviet authorities therefore decided to impose an exit fee, or “diploma tax,” on any prospective émigrés who had been educated in Soviet universities. This fee was deliberately set so high that few applicants could pay it. The diploma tax issue was largely symbolic, as it applied to less than 10% of prospective Jewish émigrés.<sup>142</sup> Nevertheless, it affected the highest-profile individuals. According to Soviet ambassador Anatoly Dobrynin, the decision to implement the tax was made by hardliners while Brezhnev and Gromyko were on vacation. By the time Brezhnev returned and cooler heads prevailed, the damage was already done.<sup>143</sup>

The emigration issue proved to be one of the major human rights stories of this period in part because it received unprecedented attention in the Western media and among American political officials.<sup>144</sup> Major American newspapers and NGOs publicized Eastern Bloc governments’ actions against dissenters after 1970. For example, Amnesty International was the first organization to publicize the Soviet policy of committing dissidents to “psychiatric institutions,” and the *New York Times* followed suit soon thereafter. The *Times*’ first feature article on this Soviet policy highlighted a secret, smuggled letter written by a Communist party member who protested the practice

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<sup>142</sup> Robert G. Kaiser, “U.S.-Soviet Détente Threatened,” *Washington Post*, 8 March 1973.

<sup>143</sup> Anatoly Dobrynin, *In Confidence: Moscow’s Ambassador to America’s Six Cold War Presidents* (New York: Times Books, Random House, 1995), 268.

<sup>144</sup> For a useful narrative description of the exit tax story, see Paula Stern, *Water’s Edge: Domestic Politics and the Making of American Foreign Policy* (Westport: Greenwood Press, 1979).

to the Soviet Academy of Medical Sciences.<sup>145</sup> The emigration issue was also widely covered by all major news outlets.

The emigration issue's appeal in the U.S. was clear. Soviet policies – especially the exit tax – were a *casus belli* for American Jewish activists who felt a deep and sincere sympathy for their co-religionists. They focused on the emigration cause with unparalleled vigor, forming the National Conference on Soviet Jewry and lobbying incessantly on behalf of Soviet Jews. Yet the issue also appealed to conservatives, anticommunists, and civil libertarians. Indeed, many non-Jews took up the cause to support traditional liberties like freedom of migration and emigration, freedom of worship, and maintenance of cultural integrity. Conservatives further embraced the cause of Soviet Jewry as a means of attacking détente and Soviet communism.

The Soviets, meanwhile, defended their policies by invoking their own “rights” mythology, which was based on their ideology and their unique history. The U.N.’s Universal Declaration of Human Rights proclaimed the freedom to reside in the country of one’s choice. Yet the Soviets did not recognize a right to emigrate or migrate, nor for that matter did the Soviet leadership accept the primacy of Enlightenment principles or individual liberties generally. This position was consistent with Soviet communist ideology, but it also owed much to the tumultuous history of Russia and the Soviet Union. Restrictions on internal migration had been in place since the dark days of the 1930s, when large numbers of Soviet laborers and peasants moved to the cities to find work. As for emigration, from the perspective of the Soviet leadership a mass exodus

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<sup>145</sup> Several American newspapers reported on the 1971 death by stroke of Aleksandr T. Tvardovsky, editor of the liberal magazine *Novy Mir*. Tvardovsky had been persecuted by Soviet conservatives in the years after Khrushchev’s fall from power, largely for his stand on behalf of free expression. Many famous Soviet writers and dissidents eulogized Tvardovsky as a champion of free expression. “From the Russian Underground,” *New York Times*, 6 July 1971.

would weaken the Soviet state on several fronts. First, emigration posed a direct challenge to state authority and could perhaps lead to the spread of state secrets or scientific information. Second, the flight of university-educated Soviet citizens would weaken the USSR intellectually. The Soviet leadership was understandably reluctant to lose their top scientific minds, especially after having invested so much in educating them. Third, an exodus would demonstrate to the world the regime's inability to control its population and would perhaps also suggest that the Soviet Union could be brought to its knees as a result of international pressure. Consequently, only 4,000 people (of all faiths) left the Soviet Union in the 1960s.<sup>146</sup>

The Soviets also noted with disdain Americans' inability to empathize with the plight of a nation whose citizens desired to emigrate. The U.S. had only experienced *immigration*, and consequently Americans had never known the disquieting feeling of losing large numbers of their population to emigration. The Soviet leadership thought Western governments did not appreciate that they were breaking a major precedent by allowing so many to emigrate in the early 70s. They began to accept applications for exit visas in 1968, after which several thousand emigrated to Israel. Following the 24<sup>th</sup> Party Congress in 1971, Soviet authorities decided to implement a more open policy in order to attract Western trade and placate Western activists. As a result, upwards of 2,500 were allowed to emigrate every month, totaling 32,000 in 1972 alone.<sup>147</sup>

It would be an understatement to say that the Nixon administration did not welcome the emigration issue, which remained prominent in the United States in no small part because of the ethnic revival's connection to the human rights trend. As we have

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<sup>146</sup> Numbers cited in Hilel Butman, *From Leningrad to Jerusalem, The Gulag Way* (Berkeley: University of California Press, 1990).

<sup>147</sup> Stern, *Water's Edge*, 14-15.

seen, Nixon and Kissinger's top priority in East/West matters was improved superpower relations, not individual rights. Indeed, as Noam Kochavi has argued, the reluctant Nixon administration only addressed the issue "because of conspicuous anti-Semitism in the Soviet Union and growing [American] domestic concern."<sup>148</sup> Although Nixon had little choice but to publicly support the émigré cause, he argued that quiet diplomacy was the best way to achieve a mutually beneficial superpower détente, which in turn would have benefits for individuals like Soviet Jews. U.S. representatives at the U.N. occasionally used the emigration issue to attack the Soviets during the early 1970s, but for the most part Nixon and Kissinger adhered to their standard argument about the superiority of détente.<sup>149</sup> During the 1972 U.S.-Soviet summit meeting in Moscow, the administration stated that Nixon would privately raise the emigration issue, though he seems not to have done so.<sup>150</sup> Shortly thereafter, he told a group of Jewish leaders in New York that he would not engage in "harsh confrontations" with the Soviets over the plight of Soviet Jews. Said Nixon's press secretary, "the way to deal with this is not to engage in public confrontation or inject it into the political arena."<sup>151</sup> The administration's methods did bear fruit, as evidenced by the annual increase in emigration levels during Nixon's first term.<sup>152</sup>

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<sup>148</sup> Noam Kochavi, "Insights Abandoned, Flexibility Lost: Kissinger, Soviet Jewish Emigration, and the Demise of Détente," *Diplomatic History* 29, no. 3 (June 2005): 509.

<sup>149</sup> Rita Hauser, the administration's delegate to the U.N. Human Rights Commission, brought up the right to emigrate and migrate: "In this age when the world is shrinking and national boundaries are becoming less pronounced, we must assure that freedom of movement and free flow of ideas is not inhibited by artificial and unwarranted constraints." Quoted in State Department Telegram, May 1971, "SOC 14 ECOSOC 1971" folder, box 3039, State Department General Records, RG 59, NARA II.

<sup>150</sup> "Catering to Azerbaijanis," *Time*, 18 September 1972; "Nixon Aides are Choosing Stops," *idem.*, 20 April 1972. Bundy and Kochavi assert that Nixon did not raise the subject at the summit. See Kochavi, "Insights Abandoned," 514; Bundy, *A Tangled Web*.

<sup>151</sup> All from Frank Lynn, "A Strong Defense Stressed by Nixon," *New York Times*, 27 September 1972.

<sup>152</sup> See Kissinger, *Years of Upheaval*, 249-250, 252; Nixon, *RN*, 876, 1034. The figures were reported in Salo W. Baron, *The Russian Jew Under Tsars and Soviets* (New York: Schocken, 1987), 318-319. For reasons the Soviets allowed this emigration, see Robert F. Byrnes, ed., *After Brezhnev: Sources of Soviet*

Nixon's true feelings on the subject are open to interpretation. He disliked any group with Democratic Party sympathies, as well as those he considered members of the East Coast establishment. Jewish groups' criticism of his policies forced him to address emigration publicly, but this criticism may also have made him privately more resolute.<sup>153</sup> Kissinger was himself a Jewish émigré, having left Germany shortly before the outbreak of World War II. It seems likely that he sympathized with the cause of Soviet Jews, though he joined Nixon in defending détente and claiming that it would benefit many groups in Eastern Europe.

Nixon and Kissinger's *bête noire* in the emigration matter was Senator Henry M. Jackson of Washington. At a time when the cause of Soviet Jewry – and the human rights movement in general – needed political sponsors, Jackson latched onto the emigration issue with a passion. Jackson had strong anticommunist credentials and was an early supporter of the Nixon administration's Middle East and Southeast Asia policies, thus he was not necessarily an ideological opponent of Nixon. (Nixon even considered nominating him as his secretary of defense in 1968.) But he was a lifelong Democrat and an outspoken critic of détente. He was also a politician, and thus he was not blind to the potential political benefits of the emigration cause. Indeed, his embrace of the émigrés' cause seemed motivated as much by his disdain for détente and his desire for political aggrandizement as by his belief in human rights.

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*Conduct in the 80s* (Bloomington: Indiana University Press, 1983), 261-264; Adam Ulam, *Dangerous Relations: The Soviet Union in World Politics, 1970-1982* (New York: Oxford University Press, 1983), 81, 120-124.

<sup>153</sup> There has been a running debate on Nixon's unusual and at times caustic attitude toward the American Jewish community. See for example George Lardner, Jr. and Michael Dobbs, "New Tapes Reveal Depths of Nixon's Anti-Semitism," *Washington Post*, 6 October 1999; and Timothy Noah, "Nixon: I Am Not an Anti-Semite," *Slate*, 7 October 1999.

Jackson became the de facto leader of congressional support for Jewish emigration and criticism of détente. Congressional interest in Soviet Jewry had been awakened as early as 1963, when 64 senators co-sponsored a “sense of the Senate” resolution condemning religious persecution of Jews in the USSR.<sup>154</sup> The détente era gave supporters of Soviet Jews much more leeway to pursue stronger policy measures against the Soviets, while the exit tax gave Jackson the opportunity to legislate directly on the cause of Soviet Jews.<sup>155</sup> Together with Ohio congressman Charles Vanik, Jackson engineered the Jackson-Vanik amendment, which was the most visible political effort on behalf of emigration. In the fall of 1972 he persuaded 72 senators to cosponsor a draft amendment that proclaimed Congress would not approve a pending Soviet-American trade package unless the Soviets repealed the diploma tax. Vanik then signed up 235 cosponsors in the House. For the remainder of the decade, Soviet trade was linked to Soviet emigration policies. “It is important that the Russians understand,” said Jackson, “that they are dealing not only with the Administration but also with Congress.”<sup>156</sup> It appears that the Soviet leadership did not truly understand the American political process until mid-1973, perhaps because Kissinger had exaggerated the Nixon administration’s ability to override congressional concerns. At one point Brezhnev said to Kissinger regarding the possible legislative impasse, “You yourselves write the laws, it is for you to change them.”<sup>157</sup>

It was quite clear that Jackson was attacking Nixon and Kissinger’s superpower-oriented détente. He called instead for a “human détente” that emphasized individual

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<sup>154</sup> Abe Ribicoff submitted it and Henry Jackson was among the co-sponsors. 88<sup>th</sup> Congr., 1<sup>st</sup> session, S. Res. 204, 25 September 1963.

<sup>155</sup> Stern, *Water’s Edge*, 21.

<sup>156</sup> At the time, Jews were the only ethnic group allowed to emigrate in significant numbers. Bernard Gwertzman, “U.S. and U.S.S.R.: A Cloud Over the Romance,” *New York Times*, 8 October 1972.

<sup>157</sup> Kochavi, “Insights Abandoned,” 506, 516.

liberty, including especially the right to free emigration, which Jackson considered the most “fundamental.” “Of human rights,” he wrote in the *New York Times*, “free emigration is first among equals.” He went on to say of détente’s opponents, “The argument is not between the proponents and detractors of détente, but between those who recognize that a genuine era of international accommodation must be based on progress toward individual liberty and those who choose to pretend otherwise.”<sup>158</sup>

The Jackson-Vanik amendment achieved broad support from across the political spectrum. Liberals liked it because it was an impediment to the Republican presidential administration’s aims and because it equaled support for liberal principles overseas. The AFL-CIO, fearing the loss of American jobs, also supported Jackson’s amendment. Conservatives supported it largely because they believed that the Nixon administration was getting too close to the Soviets. Interestingly, détente not only gave Westerners the ability to influence affairs in the East, it also gave the Soviets the ability to influence politics in the West. Nixon and the Soviets helped each other in interesting ways. Moscow was able to use emigration as a wedge issue in both the U.S. and West Germany beginning in 1972.<sup>159</sup> There is some evidence that the Soviets were willing to help Nixon in the 1972 election by allowing several hundred university-educated Jews to emigrate to Israel without having to pay the diploma tax. The same year, in a move that most observers interpreted as a Soviet gesture of support for West German Chancellor Willy

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<sup>158</sup> Henry M. Jackson, “First, Human Détente,” *New York Times*, 9 December 1973.

<sup>159</sup> Cathal J. Nolan, *Principled Diplomacy: Security and Rights in U.S. Foreign Policy* (Westport, Conn.: Greenwood Press, 1993), 136.

Brandt, the Soviets granted around 1,000 exit visas to ethnic Germans living in the Soviet Union.<sup>160</sup>

Nixon and Kissinger routinely defended themselves in public and in private, and they were often quite candid regarding the difficulties Senator Jackson posed for détente. Typical was Kissinger's remark to Gromyko and Brezhnev that the administration was not interested in forcing human rights issues onto the Soviets. With respect to the negotiations on the upcoming Helsinki agreement, Kissinger stated that the United States "would use its influence not to embarrass the Soviet Union or raise provocative issues."<sup>161</sup> Nixon, in his second inaugural, made a quite transparent allusion to détente and his desire to stay out of other nations' internal affairs: "The time has passed when America will make every other nation's conflict our own . . . or presume to tell the people of other nations how to manage their own affairs."<sup>162</sup> Nixon also told West German Foreign Minister Walter Scheel in 1973, "We have an insane situation now when people here want to cut the defense budget and at the same time they want to change Soviet society. They think the latter is possible for some amount of trade."<sup>163</sup> Speaking to the editorial board of the *Washington Post*, Kissinger criticized Jackson's confrontational approach to the emigration question. "Jackson's pressure was a major factor in increased Jewish emigration from the Soviet Union," he said, "but beyond a certain point it is not

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<sup>160</sup> Robert G. Kaiser, "U.S.-Soviet Détente Threatened," *Washington Post*, 8 March 1973; "Brezhnev Starts Bonn Visit Today," *ibid.*, 18 May 1973.

<sup>161</sup> Quoted in Joan Hoff, *Nixon Reconsidered* (New York: BasicBooks, 1994), 206. The necessity of keeping détente intact led Nixon to temper his support for Radio Free Europe.

<sup>162</sup> "Oath of Office and Second Inaugural Address," 20 January 1973, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=4141>.

<sup>163</sup> Memcon, 25 September 1973, "Memcons – April-Nov 1973 [3 of 5]" folder, box 1027, Presidential/HAK Memcons, Nixon Papers, NARA II.

helpful.”<sup>164</sup> In 1974 Kissinger actually viewed Senator Ted Kennedy as an ally against Jackson, and he said so to the Soviets.<sup>165</sup>

As a result of the Nixon administration’s apparently close relationship with the Soviets, Jackson received thousands of letters of support in 1972. Most of these thanked him for his efforts on behalf of Soviet Jews, while some lauded his efforts to fight communism. “Your positions on defense against this rising Communist threat continue to have our support,” wrote one California man. Other letter-writers attacked the Nixon administration. “To be blunt about it,” wrote an Arizona man, “no other previous Administration has done so much to save Soviet Union and Red China as much as Nixon Administration has done.” Jackson’s form-letter replies to these letters included statements like, “You may be assured of my continued best efforts on behalf of Soviet citizens who are denied their fundamental human right to emigrate,” and, “This action is a clear signal to the Soviet authorities that we intend to keep faith with our own traditional commitment to individual liberty.”<sup>166</sup>

Some letter-writers invoked the struggles of other ethnic groups, and a few criticized the focus on Soviet Jews. A Lithuanian-American thanked Jackson for his initiative, and then pointed out that “the question of unrestricted immigration from the USSR transcends the impediments imposed upon the Jewish minority. . . . about half of the population of the USSR comprises non-Russian ethnic minorities which suffer persecution akin to their Jewish brothers.” Jackson replied sympathetically and noted his

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<sup>164</sup> Memcon, 13 March 1974, “Memcons – 1 March – 8 May 1974 HAK & Presidential [3 of 4]” folder, box 1028, Presidential/HAK Memcons, Nixon Papers, NARA II.

<sup>165</sup> Kissinger revealed to Andrei Gromyko and Anatoli Dobrynin, “I saw Senator Kennedy yesterday. . . . Though he will be an opponent in ’76, in the present debate he will be an ally against Jackson.” Memcon, 28 April 1974, “Memcons – 1 March – 8 May 1974 HAK & Presidential [1 of 4]” folder, box 1028, Presidential/HAK Memcons, Nixon Papers, NARA II.

<sup>166</sup> From “Trade – Jackson-Vanik Amendment” folder, box 199; “Foreign Relations – 9” folder, box 197, Senate Papers, 1964-72, Henry M. Jackson Papers.

“concern for the many oppressed minorities in the Soviet Union.” The head of the Maryland-based Hungarian Freedom Fighters’ Federation wrote, “We are sure that if the [Jackson-Vanik] amendment becomes the law of the land it will have results not only in the Soviet Union but in other Communist-ruled countries – among them in Hungary. Your efforts on behalf of the downtrodden and oppressed millions living behind the Iron Curtain is known and highly valued by us.” Although many supported Jackson’s stance on aid to Israel, some were against it. An Ohio man wrote, “Instead of devoting all your time and our money to provide Israel with more jets and billion dollar handouts as economic grants, why not spare a few billions for the serious needs in Northern Ireland.” Jackson replied by emphasizing the superpower dimension of U.S. efforts in the Middle East: “American support for Israel . . . is in the interests of all the people of the United States. In my view, the principal difficulty in the Middle East is the attempt of the Soviet Union to gain predominant influence in this area – so vital to the national security of the United States.”

Jackson continued to be a gadfly for the administration after the 1972 election. Early in 1973, the Nixon administration realized that the most-favored-nation issue and Jackson-Vanik were potential hindrances to their détente aims. They therefore sent an emissary to ask the Soviets to end the tax, and the Soviets agreed to do so. But this was not enough for Jackson, who demanded further concessions, such as allowing a watchdog organization to monitor emigration levels. In an unprecedented move, Kissinger drafted a statement (which was later cleared by Soviet ambassador Anatoly Dobrynin!) in which Nixon conveyed to Congress a formal statement of the Soviet position.<sup>167</sup> William Bundy aptly summarized the significance of this turn of events: “In effect, the Soviet

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<sup>167</sup> Kissinger, *Years of Upheaval* (Boston: Little, Brown, 1982), 253.

government was now negotiating with Congress via the administration, a process unusual, almost unprecedented, for any foreign government. For Soviet leaders, to whose way of thinking the importance of Congress was alien and unfamiliar, it was doubly painful.”<sup>168</sup>

The lifting of the exit tax coincided with the growing Watergate crisis. When Nixon’s long, downward spiral began, his opponents smelled blood. Jackson demanded a minimum number of exit visas, and he insisted that other ethnic groups also be included in emigration deals. The extreme nature of these demands led some observers to believe that Jackson was acting largely for reasons of self-interest. As Kissinger later pointed out, “in the prevailing public mood in America, no legislator could afford to dissociate himself from the demand [for further Soviet concessions] and risk charges of being soft on Soviet emigration.” Kissinger was essentially suggesting that American politicians were disingenuous about human rights in general. He later said of the exit-tax controversy, “It was our first exposure to what came to be a staple of Watergate and its aftermath: a Congressional mandate for an unfulfillable course that sapped our credibility abroad without giving us the tools to deal with the consequences of the resulting tension.”<sup>169</sup> Above all else, Kissinger and Nixon were convinced that Jackson was merely a political opportunist who had his eye on the 1976 presidential election. Kissinger argued in his memoir, “Sometimes it was hard to avoid the impression that he was as interested in the symbolism of confrontation as in the result.”<sup>170</sup> Many scholars and firsthand witnesses agreed. Noam Kochavi concluded that Jackson was “inflexible”

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<sup>168</sup> William Bundy, *A Tangled Web: The Making of Foreign Policy in the Nixon Presidency* (New York: Hill and Wang, 1998), 407-408. The U.S. negotiated an MFN agreement with Romania as a trade-off for that nation altering its policies and allowing many dissidents to emigrate

<sup>169</sup> Kissinger, *Years of Upheaval*, 254.

<sup>170</sup> *Ibid.*

and more than once brought private information into the public sphere as a means of gaining publicity. Kochavi further asserted that Jackson and Kissinger were both unable to subordinate “personal ambition to the goal of securing a workable solution to the Soviet Jewish problem.”<sup>171</sup> President Ford’s coordinator for humanitarian affairs similarly concluded of the Jackson camp that “there were many people there more interested in giggling the Russians or cutting back on trade than they were about actually getting more Soviet Jews out of Russia.”<sup>172</sup>

Irrespective of the political debate between Congress and the administration, the emigration issue had lasting significance for the human rights movement. Although scholars disagree as to whether legislation and public pronouncements were more effective than private diplomacy, around 250,000 people – most of them Jews – left the USSR in the 1970s.<sup>173</sup> And while the supporters of détente worried about this activism, we must keep in mind that these activities would not have been possible without the Cold War thaw. Emigration was one of the clearest and most significant cases of a connection between the burgeoning ethnic movement and the parallel development of human rights interest in foreign policymaking circles. William Bundy’s summary of this episode gives us a nice final thought as to its significance:

The Jackson-Vanik Amendment not only united Jews with other ethnic groups and with organized labor, but it enlisted, under the banner of human rights,

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<sup>171</sup> Kochavi, “Insights Abandoned,” 521-522.

<sup>172</sup> James M. Wilson’s unpublished firsthand account of the State Department’s new human rights bureau was titled “Diplomatic Theology – An Early Chronicle of Human Rights at State.” A copy is archived in “Human Rights and Humanitarian Affairs – Wilson Memoir” folder, box 1, James M. Wilson Papers, Gerald Ford Library, Ann Arbor, MI.

<sup>173</sup> Ludmila Alekseyeva, *The History of the Dissident Movement in the USSR* (Vilnius: 1992). Over one million Soviet Jews emigrated to Israel between 1972 and 2006.

liberals and conservatives in a broad and almost unique coalition. The main affected group had special influence in American politics, but the principle was one that people considered that Nixon and Kissinger's realpolitik had unduly downgraded. Among conservatives, there were also many for whom, as for Jackson himself, concern for human rights was paired with deep reservations about easing relations with the Soviet Union. . . . Jackson was onto a very strong and appealing issue, and not about to let go of it.<sup>174</sup>

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<sup>174</sup> Bundy, *A Tangled Web*, 409.

## Chapter 4 – Foreign Aid, Hearings, and Legislation: The Congressional Challenge, 1970-76

### Introduction

Although most scholars correctly emphasize the executive branch's primacy in the foreign policy realm, Congress has long played an important – albeit fluctuating – role. The 1970s witnessed an inordinate amount of conflict between the executive and legislative branches as Congress consistently attempted to reclaim its role in the foreign policymaking process. In this chapter I aim to show how the executive-legislative rift led certain members of Congress to take the lead in bringing human rights concerns to the public's attention. As part of a broad-based effort to limit the power of the executive, legislators enshrined human rights policies into America's bilateral foreign policy.<sup>1</sup>

The congressional assertiveness of the long 1970s had its origins in President Johnson's overambitious goals. When the Vietnam War and the Great Society began to falter, members of Congress tried to rein in executive power (or as some referred to it, the "imperial presidency"). President Nixon did little to ease the animosity between the executive and legislative branches. Not only did he face a Congress that was overwhelmingly Democratic, but he did more than virtually any of his predecessors to monopolize control over U.S. diplomacy. Even on matters that directly affected Congress, Nixon sought to maintain his independence.<sup>2</sup>

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<sup>1</sup> As a result of newly released archival material, we now know much more about the role of Congress than we did two decades ago, when David Forsythe wrote, "it is not easy to specify precisely the scope of congressional actions on human rights." David Forsythe, *Human Rights and U.S. Foreign Policy: Congress Reconsidered* (Gainesville: University of Florida Press, 1988), 2.

<sup>2</sup> For example, the Nixon administration repeatedly turned down Senator John Sherman Cooper's request that senators be included in the SALT I negotiating delegation. Alan Platt, *The U.S. Senate and Strategic Arms Policy, 1969-1977* (Boulder: Westview Press, 1978), 19-20.

The backlash against Johnson's failures and the Nixon/Kissinger posture was manifest in congressional attempts to wrest control of foreign policy away from the executive branch. In the first half of the 70s, Congress took unprecedented action on issues related to the Vietnam War and other uses of military and covert action. As David P. Forsythe has written of this period, "From 1970 to 1975, Congress ended U.S. involvement in the Vietnam War, passed the War Powers Act over the president's veto, blocked CIA involvement in Angola, instigated an arms embargo against Turkey . . . , established some control over intelligence activities, and moved in other ways to legislate foreign policy in opposition to an unwilling president."<sup>3</sup> This turnabout began with the 1970 Cooper-Church Amendment, which restricted President Nixon's use of the military in Cambodia and South Vietnam. Cooper-Church was the first ever congressional vote to restrict troop deployments during wartime.<sup>4</sup> Congress rescinded the Gulf of Tonkin Resolution in January 1971, and two years later the Case-Church Amendment and the War Powers Resolution halted all American military activities in Southeast Asia while requiring the president to garner congressional approval for the continuation of military action. The Hughes-Ryan Act of 1974 required the president to report covert operations to congressional intelligence committees. These assertive moves were so significant that William Bundy wrote of these years, "consensus on foreign policy has disappeared perhaps beyond recall."<sup>5</sup>

In line with this general trend, human rights matters, too, became a significant source of executive-legislative conflict. Before 1971, no legislative requirements

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<sup>3</sup> Forsythe, *Human Rights and U.S. Foreign Policy*, 1.

<sup>4</sup> David F. Schmitz, *The United States and Right-Wing Dictatorships* (Cambridge University Press, 2006), 121.

<sup>5</sup> William P. Bundy, "The National Security Process: Plus ça Change?" *International Security* 7, no. 3 (Winter 1982/1983): 94.

mandated policymakers to take human rights into account in bilateral relations, and only one officer in the entire State Department worked full-time on international rights issues.<sup>6</sup> In the early 70s, then, members of Congress devised methods of placing human rights issues onto the nation's foreign policy agenda. They continued to use traditional powers, while also adding other devices – what one scholar has called “procedural innovations” – to the legislative toolkit as a means of changing the structures and methods of policy making.<sup>7</sup> Legislators routinely used the “power of the purse” as a check on presidential policies. One of the most famous such instances of controlling and regulating spending – unrelated to the human rights movement – took place in 1975, when Congress refused to grant the Ford administration emergency funds for South Vietnam. As we will see, members of Congress also began to reevaluate programs through which American aid or loans might make it into the hands of human rights abusers. Between 1974 and 1976, Congress attached strings to American military and economic aid, mandating that foreign governments' human rights records be considered as a primary condition for the receipt of aid.

Another significant congressional device for advancing new agendas was the committee hearing. Such hearings had traditionally been held in order to decide whether legislation was necessary, but they could also serve to shape the public's perceptions of a particular issue. Members of Congress used the hearings process to publicize their

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<sup>6</sup> Kathryn Sikkink, *Mixed Signals: U.S. Human Rights Policy in Latin America* (Ithaca: Cornell University Press, 2004), 48; House Committee on Foreign Affairs, *Human Rights in the World Community: A Call for U.S. Leadership*, Subcommittee on International Organizations and Movements, 93<sup>rd</sup> Cong., 2<sup>nd</sup> sess. (Washington, DC: GPO, 1974), 12.

<sup>7</sup> Scholars who emphasize congressional changes to structures and procedures are often called “new institutionalists.” One of their major arguments, as summarized by James M. Lindsay, is that “the extensive powers that Congress wields over the shape of the decision-making process give it considerable say in what policy will be.” See Lindsay, “Congress, Foreign Policy, and the New Institutionalism,” *International Studies Quarterly* 38, no. 2 (June 1994): 282-283.

opinions and to simultaneously challenge the Nixon and Ford foreign policies. These hearings also spurred passage of binding laws and nonbinding “sense of the Congress” resolutions, which functioned as public position statements. Congress passed many such resolutions in the 1970s covering everything from freedom of worship to freedom of migration.

Some of the most creative congressional actions on behalf of human rights came in the form of requirements placed on other branches of government. Specifically, Congress used its powers to create new institutions within the executive branch. Perhaps the most notable of these was the State Department’s human rights coordinator position, which eventually became the assistant secretary of state for human rights and humanitarian affairs. Another legislative method was to place conditions on executive action. The Jackson-Vanik Amendment was the most prominent example of this approach. Congress also specified new procedures for the executive branch to follow, such as the 1975 mandate for “country reports” that would describe the human rights situation within every country receiving American assistance. Other legislation created “reporting requirements” that forced the executive to notify Congress that it was implementing a given policy. This effectively gave Congress a check over executive action. Finally, a less imposing requirement forced government agencies to solicit recommendations from other agencies before enacting policies.

The political scientist Cathal J. Nolan has argued, quite correctly, that congressional liberals took the initiative in using human rights standards to limit economic and military assistance to rights-abusing regimes. Conservatives then took advantage of the new *lingua franca* to weaken détente, especially through attempts to link

trade to emigration. This gave the Ford and Carter years an aura of “incoherence,” writes Nolan, during which “congressional and executive branch factions warred over the use of human rights issues to limit the conflict with the Soviets or, alternatively, to wage ideological warfare against Moscow.”<sup>8</sup> Although there was a bipartisan character to much congressional human rights action, David Forsythe concluded that human rights voting in Congress was “largely but not completely a partisan and ideological matter.”<sup>9</sup> Rather predictably, liberals assailed authoritarian regimes of the right while conservatives and anticommunist hawks singled out totalitarian regimes of the left.<sup>10</sup>

Certain members of Congress were far ahead of the game in placing human rights concerns onto the policymaking agenda. House liberals, especially Donald Fraser (D-MN) and Tom Harkin (D-IA), took the first major steps in the early 1970s by chairing hearings and sponsoring human rights resolutions. Senator Henry M. Jackson (D-WA) and Representative Charles Vanik (D-OH) then sponsored the aforementioned Jackson-Vanik Amendment.<sup>11</sup> Among the other key legislators who consistently raised these issues were Senators Jacob Javits (R-NY), Frank Church (D-ID), and George McGovern (D-MN). These men had a variety of motives for utilizing moral rhetoric and pursuing human rights policies, including electoral concerns, the quest for positions of congressional leadership, and the desire to solidify political opposition. Surely some of

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<sup>8</sup> Cathal J. Nolan, *Principled Diplomacy: Security and Rights in U.S. Foreign Policy* (Westport, Conn.: Greenwood Press, 1993), 6.

<sup>9</sup> Forsythe called this “a prospect that cannot be viewed with optimism by the victims of politics in various foreign nations.” Forsythe, *Human Rights and U.S. Foreign Policy*, 50.

<sup>10</sup> *Ibid.*, 37, 49-50.

<sup>11</sup> Congressional liberals who regularly sponsored or backed action on human rights in the long 1970s also included Ed Koch, Charles Percy, Rep. Christopher Dodd, Wayne Hayes, Rep. Joseph Clark, Rep. Dante Fascell, Rep. Thomas Evans, and Jerry Patterson. Prominent conservatives included John Tower, Jake Garn, John Stennis, and John Ashbrook. Among those who supported human rights legislation across the board were Gerald Ford, Dennis DeConcini, and Richard Schweiker. See Forsythe, *Human Rights and U.S. Foreign Policy*, 43, 61, 78, 122, 151.

their actions also reflected a degree of genuine concern for improving people's lives, though the extent of their true feelings could not be measured. Despite the partisan character of most congressional votes, coalitions were formed across ideological, party, and even generational lines. Indeed, some of the strongest coalitions were built between the older generation of legislators (including Jackson, Javits, Church, Vanik, Hubert Humphrey (D-MN), and J. William Fulbright (D-AR)) and the younger generation (Fraser, Harkin, Edward M. Kennedy (D-MA), and James Abourezk (D-SD), among others). It is also clear that most members of Congress prioritized specific regions of the world. Generally speaking, liberals focused on Latin America while conservatives fixated on Eastern Europe. Because Latin America was the focus of the most congressional attention in this period, conservatives routinely criticized the "double standard" by which communist governments' rights abuses were ignored. Members of Congress largely ignored human rights violations in the Middle East and East Asia, though they occasionally discussed American allies Iran, South Korea, the Philippines, and Indonesia. Africa was also largely ignored, with the major exceptions of Rhodesia and South Africa. (Angola was widely discussed as a site of civil war, not rights abuses.)

### **The Foreign Aid Quandary**

Foreign aid was the major battlefield between the executive and legislative branches, and aid debates were the most significant early stimulus to the congressional human rights push. Although historians have largely ignored this angle, I argue that we cannot understand the rise of human rights in the long 1970s without a firm understanding of the role foreign aid policies played in this period's diplomacy. Simply put, aid policies were

often the most effective avenues through which members of Congress could enact a human rights policy. In the 1960s, aid debates concerned budgetary restraints and other such political matters. By the turn of the 1970s, many observers were questioning the entire foreign aid philosophy, and this discussion soon took place alongside the growing interest in universal rights standards. Policymakers were not only wary of overextending the nation's commitments, but the economic troubles of the 70s seemed a poor context for the U.S. government to be dispensing dollars around the world. Therefore in the mid-70s, and for many years thereafter, a broad array of politicians and non-government activists – liberals and conservatives alike – joined together in campaigns to cut military aid and bilateral economic aid to offending regimes. The Carter administration then threw the executive branch's support behind existing congressional measures. As a result of these changes, according to one pair of scholars, human rights practices in a specific nation were often “a determinant factor in the decision to grant bilateral economic aid” from the 1970s onward.<sup>12</sup>

A brief look at the historical background will illuminate the relevance of foreign aid to the human rights movement of the 1970s. The success of the Marshall Plan of 1948-51 led Congress and the Truman, Eisenhower, and Kennedy administrations to approve aid programs for several nations in the 1950s and 60s. These programs had many justifications. In terms of security, aid was a form of fighting the Cold War by proxy. If Americans made an investment in the developing world, or so it was argued, they would not have to fight communism in those nations later. Policymakers feared Soviet influence in the newly decolonized nations, and foreign aid was seen as an

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<sup>12</sup> Clair Apodaca and Michael Stohl, “United States Human Rights Policy and Foreign Assistance,” *International Studies Quarterly* 43, no. 1 (1999): 185-198. These authors examined 140 countries. They also concluded that human rights concerns were not always the first factor considered.

effective way of staving off social conditions that could lead to communist takeovers. Furthermore, such aid would improve the overall image of Americans and the American way of life. Economic motives were also afoot. Many of the dollars allocated for foreign aid returned to the U.S. when developing nations purchased American goods (this was certainly a significant motive behind passage of the Marshall Plan). Therefore, the American business community generally supported aid plans that were accompanied by trade agreements. The possibility of aid could also serve as a “carrot” to get another government to do what the U.S. wanted.<sup>13</sup> Finally, there were moral reasons. Aid from rich countries was one way of helping poorer nations modernize and alleviate poverty.

American foreign aid programs were controversial from the very start. Liberal internationalists tended to be the strongest advocates of foreign aid, while conservatives and Republicans tended to give only grudging support to these programs, preferring them only when they were strategic. Reports of corruption and malfeasance in aid allocation were widespread in the 1950s and early 60s. As early as 1957, rumors of corruption in South Vietnam were so common that Ngo Dinh Diem’s brother, Nhu, was compelled to take out ads in Saigon newspapers to deny them.<sup>14</sup> Congressman Otto Passman (D-LA), perhaps the most consistent early critic of foreign aid, spoke for many conservative skeptics when he stated on the House floor in 1959, “We cannot spend ourselves rich . . . we cannot make ourselves secure by giving ourselves away . . . [and] we cannot buy friends.” He further assailed the slippery-slope tendencies of the aid philosophy, saying,

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<sup>13</sup> For example, American policymakers considered cutting off aid as a means of getting other governments to curb their narcotics trade. See transcript of conversation, Richard Nixon and John Ehrlichman, 11 June 1971, Nixon Tapes, National Security Archive, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB95/mex06.pdf>.

<sup>14</sup> Wendy McElroy, “A Lesson from Vietnam,” The Future of Freedom Foundation, <http://www.fff.org/freedom/fd0401e.asp>. For a critical early study of U.S. aid to South Vietnam, see Milton C. Taylor, “South Vietnam: Lavish Aid, Limited Progress,” *Pacific Affairs* 34, no. 3 (Autumn 1961): 242-256.

“We were once told that foreign aid would stop Communism. Now we are told it is our duty to buy our way of life for countries all over the world. But we cannot in fact improve their living standards by as much as one percent even if we should give away everything we own.”<sup>15</sup> Passman later called the various American foreign aid programs “the greatest giveaway in history.”<sup>16</sup> This skepticism was similarly represented in Eugene Burdick and William J. Lederer’s best-selling book *The Ugly American* (1958), which savaged the American tendency to rely on aid as a means of winning allies.<sup>17</sup> Yet despite the skepticism in certain quarters, virtually no American political figure of the 1950s or early 60s was willing to suggest that American foreign aid programs should be cut altogether.

The early 1960s saw the foreign aid philosophy at its apex. The Kennedy administration considered foreign aid to be a vital aspect of its multi-tiered Third-World strategy of fighting communism, winning over the newly decolonized nations, and doing what was morally right for poor countries. By 1960, sixty-nine nations were receiving some form of American aid. Through the 1961 Foreign Assistance Act, which created the U.S. Agency for International Development (USAID), Congress reorganized the foreign assistance programs and separated development aid from military and other forms of aid. Noting the decolonization trend, Congress and the Kennedy administration concluded that this broader, more clearly defined program was necessary in order to keep these nations on the path toward liberal democracy. Among the Foreign Assistance Act’s successes, it established long-term aid plans on a country-by-country basis.

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<sup>15</sup> “The Rivals,” *Time*, 10 August 1959.

<sup>16</sup> Quoted in Katherine A. S. Sibley, “Foreign Aid,” in Alexander DeConde, Richard Dean Burns, and Fredrik Logevall, eds., *Encyclopedia of American Foreign Policy*, vol. 2, 2<sup>nd</sup> ed. (New York: Scribner’s, 2001), 101.

<sup>17</sup> Eugene Burdick and William J. Lederer, *The Ugly American* (New York: Norton, 1958).

As the conflict in Vietnam heated up, a growing percentage of American aid funds were diverted to South Vietnam.<sup>18</sup> The Johnson administration justified this on several grounds. Before major American military operations began, Johnson touted aid as a substitute for military involvement. “We think that we are justified in spending 3 or 4 cents of our tax dollar,” he said in a March 1964 interview, “to protect the million men who are in uniform . . . and to keep them from going into combat, and this is the best weapon that I have.”<sup>19</sup> Defense Secretary Robert McNamara echoed the presidential line, saying that the foreign aid program was “the best weapon we have to ensure that our own men in uniform need not go into combat.”<sup>20</sup> Once the major American military commitment was underway, Johnson used slightly different logic. “I want to leave footprints of America in Vietnam,” he said in 1966. “I want them to say when the Americans come, this is what they leave – schools, not long cigars. We’re going to turn the Mekong Valley into the Tennessee Valley.”<sup>21</sup>

But when the war effort began to look more costly in blood and treasure, Americans began to openly debate the fundamental principles behind aid programs. Legislators questioned why such large amounts were being granted to a single country. They also asked why, despite these large sums, South Vietnamese leaders seemed unable to improve their popularity or increase their democratic attributes. When Kennedy and Johnson used aid as a carrot to entice South Vietnamese leaders to implement democratic

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<sup>18</sup> Economic historian Douglas C. Dacy has estimated that South Vietnam received \$8.5 billion in economic assistance and \$17 billion in military aid between 1955 and 1975. *Foreign Aid, War, and Economic Development: South Vietnam, 1955-75* (Cambridge: Cambridge University Press, 1986).

<sup>19</sup> “Transcript of Television and Radio Interview Conducted by Representatives of Major Broadcast Services,” 15 March 1964, *Public Papers of the Presidents* (hereinafter *PPP*), <http://www.presidency.ucsb.edu/ws/?pid=26108>.

<sup>20</sup> Quoted in Denis Goulet and Michael Hudson, *The Myth Of Aid* (Maryknoll, NY: Orbis Books, 1973), 98.

<sup>21</sup> Lloyd Gardner, *Pay Any Price: Lyndon Johnson and the Wars for Vietnam* (Chicago: Ivan Dee, 1995), 193-197.

reforms, the effort seemed to go nowhere. Therefore American political figures began to raise fundamental questions about the goals of the aid program. What was the purpose of aid? Was it intended to shore up American security? Was it for nation-building? Democratization? Charity?

Some congressional liberals, like Senators Frank Church and J. William Fulbright, began to call the programs paternalistic, even imperialistic. They also savaged the manner in which the American aid commitment to South Vietnam had evolved into a military commitment.<sup>22</sup> Liberals further argued that aid was too closely linked to American economic interests and anticommunism. So although American aid to South Vietnam funded infrastructure and schools, it also funded the poorly conceived strategic hamlet program and the illiberal policies of the South Vietnamese police apparatus. Fulbright called foreign aid “one of the most vexing problems of American foreign policy.”<sup>23</sup> In 1965, Congressmen Donald Fraser and Bradford Morse of the House Foreign Affairs Committee endorsed political development (that is, a nation’s development of democratic principles) over economic development as a standard for foreign nations’ acceptance of U.S. aid. The following year twenty-five House members entered into the *Congressional Record* a call for a “New Direction and New Emphasis in Foreign Aid,” and Congress soon thereafter added Title IX to the foreign assistance law as a show of support for aid allocation based on a nation’s political development. These

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<sup>22</sup> The roots of the Marshall Plan, and thus U.S. foreign aid in general, were in military intervention, and it was all too clear that the granting of massive amounts of aid to Vietnam had eventually evolved into American military intervention.

<sup>23</sup> Quoted in Erin Black, “‘One of the Most Vexing Problems of American Foreign Policy’: The Senate Foreign Relations Committee’s Considerations of the Foreign Aid Program,” unpublished paper presented at the Annual Meeting of the Society for the History of American Foreign Relations (SHAFR), 22 June 2007. Fulbright expanded on this notion in his book, *The Arrogance of Power*.

moves did not change USAID's policy of prioritizing economic development over democracy, but they illustrated a shift in the conventional wisdom.

As for conservatives, their criticism of foreign aid was an integral part of their attack on post-World War II liberalism. Republicans in Congress routinely lambasted the exorbitance of aid levels, and they marveled at how few strings were attached to aid packages. Conservatives also tended to perceive foreign aid as a series of "band-aids;" that is, enough money to be a significant loss of American capital but incapable of solving fundamental problems or laying the foundations for real growth. The U.S., they argued, was giving money to far too many countries, and in far too haphazard a fashion. During the 1966 midterm election campaign the Republican minority argued that cutting aid budgets would be a relatively painless way to cut the overall federal budget. This attitude was summed up by a Republican campaign slogan: "Why are we losing our money AND our friends?"<sup>24</sup> Domestic and international economic realities in the late 1960s fueled this critique. And as inflation rose in the 70s, Americans increasingly questioned the wisdom of aid allocations.

Further criticism of aid programs came from developing nations themselves. As the nonaligned movement made headway, these nations took a stronger stand against the inherent "neo-imperialism" of the debt-inducing loan structure. Minor criticism solidified into a full-fledged theoretical critique in the late 1960s, and this critique reached its apex in the 1970s with the proposals for a New International Economic Order (these proposals will be treated in a later chapter). In extreme cases developing nations' anti-Western or anti-American attitudes further fueled the ire of American conservatives.

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<sup>24</sup> See "Two Decades of Foreign Aid," Republican Research Report, 23 September 1966, "Foreign Aid General Materials Magazines (5 of 5)" folder, box 44, Campaign 1968 Research Files, Richard Nixon Library and Birthplace (hereinafter RNLB).

Anti-American sentiment predated the Vietnam War, of course. In one famous incident, Vice-President Nixon's car was stoned during a visit to Venezuela in 1958. But such episodes became much more common in the 1960s. More than eighty incidents of violence against Americans and American property overseas took place between 1962 and 1965. According to Pat Buchanan – then a young Republican aide – these incidents included “everything from an individual brick pitched at a Chancery window” to the “invasion of the U.S. legation building in Budapest by a mob of 1,000.”<sup>25</sup> Buchanan concluded that the number of “serious and separate attacks against American installations overseas” during the Kennedy/Johnson years was almost twice as many as had taken place in the first 60 years of the twentieth century.<sup>26</sup> The Vietnam War exacerbated this trend. One Republican study calculated 927 incidents between 1961 and mid-1967.<sup>27</sup> Such incidents seemed to mock the foreign aid philosophy.

It is safe to say, then, that the unraveling of the foreign aid “consensus” predated – and thus in some ways contributed to – the unraveling of America's Cold War foreign policy consensus. After holding steady in the 1950s, foreign aid levels generally declined both in constant dollars and in percent of GDP. In most years before the mid-1960s foreign aid exceeded 1% of GNP; during the Marshall Plan period it even exceeded 2%. When America's Vietnam commitment began to wind down in the early 1970s, and for

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<sup>25</sup> Memo, Pat Buchanan to Richard Nixon, 26 January 1966, “Foreign Policy Criticism (3 of 5)” folder, box 39, Campaign 1968 Research Files, RNLB.

<sup>26</sup> Buchanan compiled this data in order to give the Republicans ammunition against the Johnson administration. After citing the figures, he wrote disparagingly, “And Lyndon Johnson contends that our prestige is high and that we are a much-loved people.” Memo, Buchanan to Nixon, 6 February 1966, “Foreign Policy – General (3 of 4)” folder, box 45, Campaign 1968 Research Files, RNLB.

<sup>27</sup> The group touted these “anti-American demonstrations” and “hostile acts” as proof of the Johnson administration's inattention to American prestige and strength abroad. “Propaganda and the U.S. Image Abroad,” unpublished draft, 11 July 1967, “Foreign Policy General (2 of 4)” file, box 40, Campaign 1968 Research Files, RNLB.

about twenty years thereafter, foreign assistance ranged between 0.5% and 0.25% of GDP.<sup>28</sup>

More to the point, American attitudes toward foreign aid influenced attitudes toward the treatment of individuals in recipient nations. Human rights concerns were not at the center of aid debates in the 1960s. However, by considering which regimes showed the most animosity toward the U.S. or toward democratic processes, American legislators drifted closer to taking into account the human rights situation in developing nations. Congress began to rewrite the rules in order to allow for more direct congressional oversight at all levels of the aid program. Many attacked the assumption that a government's anticommunist credentials should be the litmus test for receiving American aid. A counter-theory charged that aid should only go to the poorest countries or to democratic countries whose governments respected their citizens' rights. According to this position's adherents, such a policy would be both strategic and moral. Besides, the Vietnam War seemed to prove the point: America's support for the immoral, anticommunist regime in South Vietnam had not made strategic sense in the long run.

Foreign aid was a topic of debate during the 1968 election campaign. The Republican Party's Coordinating Committee proposed a program for overhauling the program, declaring that "Aid and comfort should not be given by the U.S. to those who consistently help our enemies or the enemies of other free men. Nor should aid be given to those who rattle swords or engage in aggression." In a nod to the disciplinary nature of the Republican program, the group stressed that "No aid should be extended without

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<sup>28</sup> Curt Tarnoff and Larry Nowels, *Foreign Aid: An Introductory Overview of U.S. Programs and Policy* (Washington, D.C.: Congressional Research Service, 2004), <http://fpc.state.gov/documents/organization/31987.pdf>.

commensurate self-help on the part of those aided.”<sup>29</sup> In a major legislative step, Republican Senator Jacob Javits sponsored an amendment to the Foreign Assistance Act of 1968 that required the executive to conduct a comprehensive study of foreign aid programs and to submit a report to Congress by March 1970.

Republican presidential nominee Richard Nixon called for the developing world to do more to defend itself, and he pressed for other Western nations to pay a greater share of development aid. In the previous twenty years, Nixon asserted, the U.S. had “poured out \$150 billion in foreign aid,” and had “furnished most of the men in addition to help other countries . . . to defend themselves against aggression.” Now that the world had changed so dramatically, he claimed he would “develop a policy in which other nations in the free world will bear their fair share of the defense of freedom around the world.”<sup>30</sup> Such a policy would not indicate American weakness or isolation. “To insist that others do more,” he told a radio audience, “faces up to one of the blunt facts of life in the world today: that even if the United States had the will, it no longer has the capacity to do all that needs to be done. If the other nations in the free world want to remain free, they can no longer afford the luxury of relying on American power.”<sup>31</sup>

Once elected, Nixon took a varied approach to the aid dilemma. Despite his (and Kissinger’s) distaste for “the dismal science,” they knew that international economic relations were important parts of the nation’s overall foreign policy. A few months after Nixon’s inauguration, he put together a preliminary policy on foreign aid in which he argued that American policymakers had an incomplete understanding of how U.S. aid

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<sup>29</sup> Republican National Committee press release, 14 August 1967 “Speech File – 1967” folder, box 100, RNLB.

<sup>30</sup> Speech in Minneapolis, 8 October 1968, “Speech File – 1968, October 8” folder, box 100, RNLB.

<sup>31</sup> CBS Radio Address, 19 October 1968, “Speech File – ‘To Keep the Peace’ folder, box 100, RNLB.

programs actually affected recipients' political and economic development. He sounded out a cautious approach and stressed that the U.S. should not allow itself to be "blackmailed" by developing and nonaligned nations:

I doubt very much that any country will deliberately subordinate itself to the Soviet Union or to Communist China simply because they are dissatisfied with our policy. . . . We need to examine each case on its own merits and not permit ourselves to be forced into actions which are undesirable or expensive simply because we are told that otherwise the countries will move into the Soviet or Chinese sphere of influence.<sup>32</sup>

Clearly his major concern was the influence of aid upon developing nations' tilt away from the communist bloc. Yet although this was a few years before the human rights movement would begin to influence the American political culture. Nixon was already cautioning against an obsession with other nations' internal affairs. "Our concern," he argued, "should be primarily with [aid recipient nations'] foreign policies, insofar as they affect our own interests. We should be concerned with the domestic affairs of other countries only as they may affect their foreign policies in ways of critical importance to us, or as they affect the way in which the recipients are likely to use assistance which we give them."<sup>33</sup> Thus he criticized the use of democracy as a yardstick for deciding which countries should receive aid. "If you go down that road," he said to

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<sup>32</sup> Letter, Nixon to William Rogers, 12 April 1969, box 279, Agency File, NSC Files, Nixon Papers, NARA II.

<sup>33</sup> Ibid.

Kissinger in 1971, “you will have to cut off aid to two-thirds of the 90 countries in the world that get it.”<sup>34</sup>

During his first year in office he summarized his major foreign aid goals in a special message to Congress. True to form, he stressed the need to shift more of the aid burden to America’s allies and to the private sector. He then proposed the lowest aid amount since the program began. The clear message was that the U.S. needed to reconsider its commitments everywhere. Still, Nixon was realistic enough to see that aid was necessary to keep a foothold in other nations’ affairs, lest they turn toward socialism or nonaligned anti-Americanism.<sup>35</sup> He therefore proclaimed that foreign aid decisions should not be based on immediate political gains for Americans. He emphasized technical assistance, and he floated the idea of a non-government commission that could review foreign aid procedures. He further argued that the military assistance aspects of the aid program were still vital.<sup>36</sup> His 1970 foreign policy report laid out these principles in greater detail. As Kissinger told a group of reporters in 1970 in reference to the foreign aid program, “In the long term, we cannot make what was a crisis situation in the late ‘40s a permanent feature of our foreign policy.”<sup>37</sup>

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<sup>34</sup> Nixon pointed out just how few of the nations receiving American aid had governments that had been elected in multiparty (contested) elections. He also lambasted “that State Department son of a bitch” who prepared a report that may have overestimated the number of democracies receiving U.S. aid. Transcript of conversation, Nixon and Kissinger, 16 September 1971, National Security Archive, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB95/mex11.pdf>.

<sup>35</sup> “Special Message to the Congress on Foreign Aid,” 28 May 1969, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=2073>.

<sup>36</sup> “Memorandum by the President’s Assistant for National Security Affairs,” 3 April 1969, S/S Files: Lot 71D175, box 129, RG 59, State Department General Records, NARA II. See also Summary, *FRUS* Volume IV, Foreign Assistance, International Development, Trade Policies, 1969-1972, <http://www.state.gov/r/pa/ho/frus/nixon/iv/16004.htm>.

<sup>37</sup> White House press briefing, 16 February 1970, “The President’s Annual Review, 2/8/70, Vol. I (1 of 3)” folder, Subject Files, NSC Files, Nixon Papers, NARA II. By 1980 only ten African nations were receiving U.S. aid. Sibley, “Foreign Aid,” 101.

Despite this undeniably *realpolitik* approach, Nixon recognized the moral underpinnings of the aid philosophy. He assured the American public that there were “sound, practical reasons” for America’s foreign aid programs. “There is a moral quality in this nation,” he stated in his message to Congress, “that will not permit us to close our eyes to want in this world, or to remain indifferent when the freedom and security of others are in danger.”<sup>38</sup> Under Secretary of State Elliott L. Richardson confirmed this sentiment in a 1970 memo to a colleague: “As the President said . . . [foreign aid’s] most important justification is, after all, moral.”<sup>39</sup>

Trade with communist countries was another major aid question upon which Nixon was willing to show flexibility. His “linkage” policy became a key method by which superpower relations would have positive implications for trade. In 1969 he decided that “sufficient improvement in [America’s] overall relations” with the nations of the Eastern bloc should be met with a “generous” liberalization of the U.S. trade policy with those nations. This could be done, for example, by goading Congress into further liberalizing the export control list. He added that other nations should be encouraged to do the same.<sup>40</sup> In 1971, his administration went beyond statements of principle and began to propose genuine trade liberalization with the communist countries.

Through a combination of Nixon’s foreign policy, congressional assertiveness, and NGO activity, the aid reduction trend began in earnest in 1971, when the Senate rejected the foreign assistance bill for the fiscal years 1972 and 1973. This was the first time that either house of Congress had rejected a foreign aid funding authorization since

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<sup>38</sup> “Special Message to the Congress on Foreign Aid.”

<sup>39</sup> Memo, Richardson to Kissinger, 22 January 1970, “The President’s Annual Review, 2/8/70, Vol. I (1 of 3)” folder, Subject Files, NSC Files, Nixon Papers, NARA II.

<sup>40</sup> He stated that the U.S. “should not place pressure on other countries not to pursue trade policies toward Eastern Europe more liberal than our own.” National Security Decision Memorandum, 28 May 1969, S/S Files: Lot 80D305, NSDM 15, State Department General Records, RG 59, NARA II.

before the Marshall Plan.<sup>41</sup> Emergency legislation at the end of the session allotted a foreign aid budget, though it was lower than usual. Although “human rights” was not yet the primary motivation behind economic aid reductions, these cuts set a precedent that human rights activists would take advantage of in the years to come.

There was some opposition to these cuts. One of Senator Henry Jackson’s presidential campaign organizers argued in 1971, “The Senate’s action in terminating the foreign aid program was churlish and petty, and beneath our national dignity . . . any swing back to isolationism by the United States might have as disastrous consequences as it did before World War II.” A Seattle man wrote to Jackson, “The action reeks with the response of a small child who has been hurt, and is going to take his ball and go home.” Some argued that the aid program must continue because it was intended to assist the poorest nations. “The Senate’s action,” wrote a Stanford University student in a letter to Jackson, “stands as testimony to the Senate’s tacit acceptance of the poverty, hunger, ignorance, and disease afflicting the bulk of humanity.”<sup>42</sup> Nevertheless, the prevailing feeling among most Americans was that foreign aid had become an unnecessary burden.<sup>43</sup>

Some supported aid cuts in the interest of a more conservative agenda, such as anticommunism, isolationism, or countering anti-Americanism. Conservatives in

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<sup>41</sup> This brief description is borrowed from “USAID History,” [http://www.usaid.gov/about\\_usaid/usaidhist.html](http://www.usaid.gov/about_usaid/usaidhist.html).

<sup>42</sup> “Foreign Aid” folder, box 189, Senate Papers, 1964-72, Henry M. Jackson Papers, University of Washington, Seattle, WA (hereinafter Jackson Papers).

<sup>43</sup> One study has shown that the American public was slightly more supportive of democracy promotion in the 1970s than politicians were. Strong majorities approved linking international assistance to recipient nations’ human rights records, and most Americans were critical of aid to countries with poor records. Ole Holsti, “Public Opinion on Human Rights in American Foreign Policy,” in David Forsythe, ed., *The United States and Human Rights: Looking Inward and Outward* (Lincoln: University of Nebraska Press, 2000), 144. See also Holsti’s more general treatment of the subject of public opinion and American foreign policy, *Public Opinion and American Foreign Policy* (Ann Arbor: The University of Michigan Press, 1996).

Congress were also touting cuts in foreign aid as a means of cutting the federal budget. Many of their constituents agreed. A lawyer from Pasco, Washington, wrote to Senator Jackson in 1970, “In every country that we have given aid to that says ‘Go Home Yankee’ take them off the list of being permitted to receive foreign aid.” Another constituent wrote in 1971, “For too long we have overlooked the offensive and defiant behavior of nations we have sustained with our aid. Certainly now is the time to cut off our disproportionate support of the United Nations, and review our whole program of aid to needy nations.” Still another voter – a barber and military veteran – wrote in 1972, “Let’s build a healthy prosperous America if we have a lot of money to spend and the hell with the damned foreigners, let them fend for themselves, we had to didn’t we? Besides, the more we donate to them, the more they despise Americans.”<sup>44</sup>

“Neo-isolationism” was clearly a factor in these trends. This term defined a brand of non-interventionism particular to the Vietnam and post-Vietnam eras, during which Americans rejected broad plans for global melioration. “Any way you look at it,” said an Idaho rancher to a journalist shortly before the 1968 election, “the war is a lost cause. I think we should be spending a lot more of our money to improve things in this country than this foreign aid deal.”<sup>45</sup> Some observers preferred the term “limitationist,” asserting that the doubt and frustration of the post-Vietnam era differed from the pre-1941 brand of isolationism. Whatever the terminology, clearly the American public was dissatisfied with the steady expansion of American commitments since 1945. In a 1976 Gallup poll, 23% of respondents called themselves “predominantly” or “completely” isolationist,

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<sup>44</sup> This last writer added, “If the U.S. is so concerned in gaining friendship from idiotic countries, the fastest way to receive this friendship and respect is to tell them to go straight to hell, that we’re going to build our own country, believe me, they’ll respect us a lot quicker in the long run.” “Foreign Aid” folder, box 186; “Foreign Aid” folder, box 189; “Foreign Relations – 4” folder, box 189; “Foreign Aid” folder, box 197, Senate Papers, 1964-72, Jackson Papers.

<sup>45</sup> Sydney H. Schanberg, “Idaho Mormons Long for Change,” *New York Times*, 16 September 1968.

compared to only 8% in 1964. Meanwhile, the same poll showed that only 7% of respondents identified themselves as “completely internationalist” in 1976, while 30% had done so in 1964.<sup>46</sup> Liberal internationalists in the 1950s and 60s tended to support the use of U.S. dollars to build up the developing world. But liberals in the 1970s were far more likely to support cuts in foreign aid as a means of refocusing attention on America’s domestic ills. President Nixon asserted that American engagement with the world was “the enlightened liberal approach” after World War II, but in the 1970s “the intellectuals are becoming the new isolationists. . . . Collective security, multilateral assurances, are losing support in Congress.”<sup>47</sup> Among those who criticized these tendencies was Irving Kristol, who warned that the U.S. “can’t resign as policeman of the world.”<sup>48</sup>

Congress and the Executive did manage to cooperate on devising more positive approaches to foreign aid in the early 1970s.<sup>49</sup> The House Committee on Foreign Affairs took the lead on writing new standards into the 1973 Foreign Assistance Act and the Mutual Development and Cooperation Act. Dubbed “New Directions,” the program emphasized top-down development planning, commodity and technology transfers, and “basic needs” for the poor – food, housing, medical care. The earlier, liberal capitalist model of large-scale development projects would decrease, while multilateral institutions

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<sup>46</sup> Richard Sobel, *The Impact of Public Opinion on U.S. Foreign Policy since Vietnam* (New York: Oxford University Press, 2001), 37.

<sup>47</sup> Memcon, Nixon and Senator Jacob Javits, 12 November 1973, “Memcons – April-Nov 1973 [1 of 5]” folder, box 1027, Presidential/HAK Memcons, Nixon Papers, NARA II. See also Nixon’s acceptance of the Republican Party nomination, in which he called for a “new internationalism” defined by the U.S. “enlist[ing] its allies and its friends around the world in those struggles in which their interest is as great as ours.”

<sup>48</sup> Irving Kristol, “We Can’t Resign as ‘Policeman of the World,’” *New York Times*, 12 May 1968.

<sup>49</sup> I am relying here on Sibley, “Foreign Aid,” 93-110.

like the World Bank would become the key dispensers of aid.<sup>50</sup> Yet despite this optimistic revision of the foreign aid architecture, aid continued to be a battleground between the executive and legislative branches for the rest of the decade.

Military assistance (AKA security assistance, or military aid) is worthy of our close attention. This kind of aid had long served to do what the U.S. could not do on its own, and now nearly everyone agreed that the U.S. needed to reduce its direct military commitments. But security relationships were still vital, and military aid packages were important methods of keeping alliances together. The U.S. had invested many years in some of these friendships, and American leaders were reluctant to abandon precedent. Furthermore, because arms sales were highly profitable, the American defense industry had a huge stake in arms agreements. The U.S. sold arms to dozens of governments, including many that were clearly committing human rights violations. Yet conservatives tended to view these agreements as necessary stopgap measures for protecting vital American interests. After all, authoritarian, right-wing dictatorships may not have respected liberal democratic values across the board, but their rule was far preferable to communist dictatorships. Reducing or cutting off aid, some argued, could indicate that the U.S. was neither a valuable ally nor a true world power. The Nixon and Ford administrations generally supported military assistance agreements. Said Kissinger in a 1974 State Department meeting on the question of military assistance, “[Y]ou cannot

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<sup>50</sup> Multilateral aid was meant to have fewer strings attached than was bilateral aid. However, multilateral institutions’ loan structures and other policies often made it difficult for developing nations to repay debts (in addition to the classic problems of corruption, weak institutions, and the like). Multilateral lending policies often allowed political leaders in developing countries to exert greater control over their populations.

have military governments that you don't give arms to. They're going to get it sooner or later from somebody else.”<sup>51</sup>

Prior to the 1970s, human rights considerations were not a factor in deciding the amount of military equipment sold or granted to certain countries. Instead, the main issues were economic, strategic, and political. But in the 70s American policymakers asked a number of new questions: How much could the U.S. afford to give, and how much did the U.S. really want other nations to receive? How much did these nations need from the U.S., and how much could they afford to do on their own? How big a piece of the military assistance program (MAP) pie could the U.S. afford to give them, bearing in mind that Congress was generally decreasing MAP funding?

One of the earliest congressional statements against the use of American aid to support dubious anticommunist dictatorships was Senator Ted Kennedy's 1970 speech on the breakdown of the Alliance for Progress.<sup>52</sup> After pointing out that military governments were ruling eleven Latin American republics, “supported by hundreds of millions of dollars in American military assistance,” he added, “In some of those nations, basic human rights are violated and the democratic ideals of the alliance have vanished. . . . Much of the \$673 million in military aid granted in the past nine years has gone to those governments that displayed their contempt for democratic principles.”<sup>53</sup> (His use of the term “human rights” demonstrated a shift in language away from older terms like “democratic practices.”) Kennedy called for a change in economic assistance programs and argued that the U.S. “should lose no time in phasing out our military assistance

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<sup>51</sup> Transcript of State Department Regional Staff Meeting, 3 December 1974, doc. no. 01435, National Security Archive, George Washington University, Washington, DC.

<sup>52</sup> This was a political and economic alliance between the U.S. and several Latin American nations.

<sup>53</sup> The speech was originally given at the University of Montana. It was reprinted under the title, “Beginning Anew in Latin America: The Alianza in Trouble,” *Saturday Review*, 17 October 1970, 19.

programs and halting sales of arms on credit to Latin America.”<sup>54</sup> His criticism of military aid to dictators presaged the congressional activism of the 70s, much of which was similarly aimed at accountability of aid funding. Kennedy’s proposals would later be taken up in earnest by the entire Congress, and the new human rights legislation would eventually prove to be a significant sticking point between the executive and legislative branches.

### **Congressional Hearings**

While disillusionment with the foreign aid program was driving legislators toward human rights policies, the congressional hearings process became one of the most vital methods of publicizing human rights concerns. Many hearings in the 70s highlighted legislative attempts to assume greater control over defense, covert actions, and foreign relations in general. Although some of the most famous hearings were only tangentially related to the growing human rights movement, their revelations about secret government activities contributed to the public’s feelings of frustration with their political leaders. One of the first was Senator Sam Ervin’s 1971 investigation into allegations that the U.S. Army had spied on civilians.<sup>55</sup> A few years later, the 1973-74 hearings on the Watergate scandal revealed a tangle of questionable government activities. Indeed, Watergate clearly defined the entire political environment of the mid-70s. The scandal inhibited Nixon’s abilities throughout much of 1973 and 1974, and this vacuum of power provoked

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<sup>54</sup> Ibid., 20.

<sup>55</sup> Christopher H. Pyle, “CONUS Intelligence: The Army Watches Civilian Politics,” *Washington Monthly*, January 1970, 4-16; “CONUS Revisited: The Army Covers Up,” *idem.*, June 1970, 49-58.

Congress into acting more forthrightly.<sup>56</sup> The scandal also focused more attention on Kissinger's role in policymaking, and this attention continued after Nixon's resignation.

Shortly after Nixon resigned, the Church Committee (the Senate Select Committee on intelligence activities, led by Senator Frank Church) and its House counterpart, the Pike Committee (the House Select Committee on Intelligence, chaired by Congressman Otis G. Pike), looked into CIA and FBI intelligence-gathering and covert actions. The committee published fourteen reports in 1975 and 1976 that revealed these agencies' complicity in assassination attempts, coups d'etat, invasions of privacy, and the like.<sup>57</sup> All told, these hearings demonstrated the extent to which the U.S. government had used morally dubious methods to back undemocratic regimes. Moreover, they spurred further legislative action to rein in the power of the executive branch.<sup>58</sup>

Among the wide array of congressional hearings in this era, those related to human rights concerns became increasingly common and influential throughout the

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<sup>56</sup> Kissinger often stated that Nixon was in charge of the nation's foreign policy. In August 1973 Kissinger noted to some of his assistants at the NSC, "Everything is a little harder now and takes a little longer . . . It is a national obligation to get Watergate behind us so we can be seen as an operating government." Memcon, 3 August 1973, "Memcons – April-Nov 1973 [3 of 5]" folder, box 1027, Presidential/HAK Memcons, Nixon Papers, NARA II. In March of 1974 Kissinger met with the editorial board of the *Washington Post*. He said of the president's control over foreign policy, "I see him every day. Obviously he has many preoccupations now and the intensity of our discussions on foreign policy matters is less. . . . Is he in charge of foreign policy? I'm getting adequate guidance." He added that Nixon "makes the fundamental decisions, the major ones. On tactical moves, I think I know his mind and what he wants. This way of working is nothing new." Memcon, 13 March 1974, "Memcons – 1 Mar-8 May 1974 HAK & Presidential [3 of 4]" folder, box 1028, Presidential/HAK Memcons, Nixon Papers, NARA II.

<sup>57</sup> The hearings and reports were redacted for security purposes. Although only selections of the committees' findings were officially released to the public, much of the rest of their contents were leaked and published as well. Journalist Daniel Schorr was given the Pike Report, which he then passed along for publication in the *Village Voice*. See Laurence Stern, "Schorr Says He Leaked Material," *Washington Post*, 14 February 1976.

<sup>58</sup> Both houses of Congress created intelligence committees (in 1976 and 1977, respectively), and President Ford was pressured into issuing an executive order banning U.S. involvement in political assassinations. "Executive Order 11905 - United States Foreign Intelligence Activities," 18 February 1976, *PPP*, <http://www.presidency.ucsb.edu/ws/print.php?pid=59348>. The Intelligence Oversight Act of 1980 strengthened the 1974 Hughes-Ryan Act. See Michael J. Sullivan, *American Adventurism Abroad: 30 Invasions, Interventions, and Regime Changes since World War II* (Westport, Conn.: Praeger, 2004), 118-119.

decade. There had been a few precedents in the 1960s. Between 1965 and 1967, House and Senate committees looked into religious freedom and persecution of Jews in the Soviet Union and Eastern Europe; the impact of apartheid on America's relations with South Africa; and the American approach to the international human rights conventions.<sup>59</sup> However, it was not until the 70s that congressional hearings on human rights took on a life of their own. As American complicity in rights abuses abroad became more widely known, and as the Cold War continued to thaw, members of Congress increasingly turned to the hearings process as a means of publicizing international rights issues.

The 1971 hearings on U.S. relations with Brazil were the scene of some of the earliest explicit congressional attempts to link U.S. policies to another country's human rights record.<sup>60</sup> As we saw in chapter two, the Brazilian military regime's use of torture spawned a great deal of international condemnation. The 1971 hearings, then, were aimed at appraising U.S.-Brazil bilateral relations and America's role in these rights abuses. Senator Frank Church, the chair of the hearings, was clearly one of the great political gadflies of the era when it came to American aid to such regimes.<sup>61</sup> When he raised the issue of possible U.S. complicity in Brazilian torture tactics, he first pointed out that this was a direct concern of the U.S. government and the American taxpayer.

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<sup>59</sup> House Committee on Foreign Affairs, *Antireligious Activities in the Soviet Union and in Eastern Europe*, House Subcommittee on Europe, 89<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1965); House Committee on Foreign Affairs, *United States – South African Relations*, Subcommittee on Africa, 89<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington, DC: GPO, 1966); Senate Committee on Foreign Relations, *Human Rights Conventions*, Senate Ad Hoc Committee on Human Rights Conventions, 90<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1967).

<sup>60</sup> For a description of the human rights movement's actions regarding Brazil in the early 70s, see Sikkink, *Mixed Signals*, 58-65.

<sup>61</sup> For a good description of Church's role in attacking presidential foreign policy, especially via congressional hearings, see David F. Schmitz, "Senator Frank Church, the Ford Administration, and the Challenges of Post-Vietnam Foreign Policy," *Peace and Change* 21, no. 4 (October 1996): 438-463.

“How Brazilians organize their own affairs and how they treat each other,” he argued at the outset of the hearings, “are not proper concerns of the U.S. Senate. How the various agencies of the U.S. Government conduct themselves in Brazil and how they react to events there, however, are proper concerns of all Americans.” The hearings would be published, he stated, because “It is the people who pay the bill for what we are doing in Brazil, and they are entitled to know as much about it as the national security permits.”<sup>62</sup>

The committee was less interested in morality, broadly defined, than in the relative efficacy of the aid philosophy. Yet although Congress was not yet fully embracing “human rights” rhetoric and legislation, the torture issue was clearly an important one. Senator Claiborne Pell (D-RI), who was an early advocate of limiting aid to undemocratic governments, had a rather testy exchange on this point with USAID’s chief public safety adviser in Brazil, Theodore D. Brown. “The thing that arouses me and arouses American public opinion a good deal,” said Pell, “is this use of physical torture. Why is it the Brazilians . . . use torture as a police method when it will alienate their friends and allies around the world?” When Brown replied that he was “not personally aware of this torture,” Pell stated, “Can’t we accept the premise that physical torture does occur on frequent occasions in Brazilian jails?” Brown then gave an answer that showed a tacit admission of the problem: “Why certain people do things, that is a difficult question for me to answer, sir. . . . Why do some people beat their wives? These things, why do they occur, it is difficult for me to answer.” When Pell then asked whether a

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<sup>62</sup> Senate Committee on Foreign Relations, *United States Policies and Programs in Brazil: Hearings*, Subcommittee on Western Hemisphere Affairs, 92<sup>nd</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1971), 1.

strong statement from the U.S. administration and from USAID would help bring an end to torture, Brown replied, “I do not believe, senator, I am qualified to answer that.”<sup>63</sup>

The Brazil hearings highlighted the extent to which legislators and the American public had grown skeptical that U.S. aid was being put to good use. Shortly after Pell’s altercation with Brown, Senator Church got into a minor row with the U.S. ambassador to Brazil, William M. Rountree. Rountree stated that he was “tremendously impressed” with President Nixon’s statement that his administration “hope(d) that governments will evolve toward constitutional procedures but . . . We deal with governments as they are.” To this Senator Church replied, “We not only deal with them, we extend lavish amounts of money, in the case of Brazil, \$2 billion.” Church pressed further, “to what extent . . . should the government of the United States be concerned about the political health of Brazil? You quoted the president saying that is not our affair. But is it as simple as that, Mr. Ambassador? Can we simply say it matters not what the state of freedom is in any country?”<sup>64</sup> Senator Pell then stepped in to ask Rountree what the administration was doing to stop torture in Brazil. “How many times,” Pell asked, “have you made a formal protest in this regard?” The ambassador replied that the State Department had made two public statements of concern during press conferences, though these proved to have been rather mild statements that the administration would “continue to be in touch with them and express our concern.”

Church was clearly interested in the reasoning behind America’s foreign aid allotment to Brazil, and his succinct analysis of the problem showed a strong command

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<sup>63</sup> Ibid., 39.

<sup>64</sup> Ibid., 290-291.

of the moral dilemmas Americans faced. “When I go to American colleges and talk to young people,” he told Ambassador Rountree,

They ask why have we spent \$2 billion in Brazil when the government there is dictatorial in character, run by military men, any number of Brazilians are said to be mistreated in the jails, where there are recurrent reports of human torture. Why should the United States give such lavish support to a government of this kind? . . . They say, “What does this have to do with the kind of society we are supposed to stand for?” Those questions are not easily answered . . . [W]hat happens when that foreign policy falls out of contact with the traditional values of our country in such a way that people can no longer understand its purpose nor justify their support for it? . . . [F]rankly, public support for the American foreign policy is rapidly eroding away.<sup>65</sup>

When Church pressed Rountree to justify the amount of USAID funding that had been sent to Brazil since 1964, the latter suggested that this amount had been a great help in securing cordial diplomatic and trade relations with Brazil. Unmoved, Church shot back, “I would hope so. It has been costly enough to the United States. . . . My question is, what interest has the AID program served? We have spent \$2 billion in Brazil and I am trying to find out what national interest of the United States has been served by this expenditure.” Church was unimpressed with the assertion that the aid agreement promoted trade. “[W]e have had trade before and we are going to have trade after. One day we will have to stop this aid and we will have trade with Brazil and we will have it

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<sup>65</sup> Ibid., 295.

for good reasons, good business reasons.”<sup>66</sup> He went on to assail the Alliance for Progress, which had resulted in “nothing other than a precipitous slide toward militarism in Latin America.” The questionable results of the Alliance and foreign assistance, he concluded, “is why this committee is undertaking to reassess the whole aid program.”<sup>67</sup> Despite the concerns of Senators Church and Pell, aid to Brazil was not cut in 1971. But these hearings set an important precedent for the threat of aid cutoffs based on human rights concerns.

The year 1973 saw the first of a series of hearings that clearly pitted the legislative branch against the executive. Although the Watergate hearings were the most prominent of these, the hearings surrounding Henry Kissinger’s nomination as secretary of state were more significant to the burgeoning conversation on human rights. When Nixon nominated Kissinger to replace William Rogers, the Senate Foreign Relations Committee (SFRC) held four confirmation hearings. Three of these included Kissinger as a witness, and one included dissenters. Although the committee concluded that Kissinger was “eminently qualified” for the position of secretary of state, some members took advantage of the hearings to raise issues relating to the Nixon administration’s secretiveness and its foreign policy.<sup>68</sup> The subject that received the most attention during these hearings was the issue of wiretapping and the possibility that Kissinger may have played a role in the illegal surveillance of journalists and government employees.<sup>69</sup> The

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<sup>66</sup> Ibid., 298, 300.

<sup>67</sup> Worse still, said Church, events had not “borne out the theory that pumping in AID money would protect us from extremist governments in Latin America.” Ibid., 301.

<sup>68</sup> Senate Committee on Foreign Relations, *Hearings on the Nomination of Henry A. Kissinger*, 93<sup>rd</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1973), 2, 3.

<sup>69</sup> Kissinger knew enough to say the right things in this regard. According to the report, members of the committee “noted with approval” Kissinger’s statement that the wiretapping controversy “raises the issue of the balance between human liberty and the requirements of national security. I would say that the weight should be on the side of human liberty, and that if human liberty is to be ever infringed, the

summary report also alluded to the growing conflict between the executive and legislative branches. “Old suspicions die slowly and the temptation to question motives is ever present,” the senators wrote. “[T]he Committee is particularly anxious to restore the fabric of confidence which has been so badly damaged over the past decade.” They placed most of the blame for this on executive foreign policy, citing

The veil of secrecy behind which foreign policy decisions increasingly have been made, especially during the past decade and more. . . . [T]he Committee has attempted to respond to renewed public interest in the making of foreign policy after many years of frustrating secrecy. . . . The American constitutional system works best when each branch has a clear sense of the limits of its authority and of the rights of the other. We hope that this balance can be restored.<sup>70</sup>

Some senators were highly concerned with the Nixon administration’s human rights record and its neglect of the Third World. Senator Edmund Muskie (D-ME), a longtime Nixon opponent who had been a presidential candidate in 1972, assailed the Nixon administration’s “benign neglect of the developing world” and its “bungling, surreptitious ‘tilt’ toward Pakistan.” Muskie further attacked the “style of operation” of the Nixon-Kissinger foreign policy, saying “we have paid a serious and possibly

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demonstration on the national security side must be overwhelming.” Ibid., 3. The Senate cleared Kissinger of any wrongdoing with respect to wiretapping and surveillance between 1969 and 1971. The Foreign Relations Committee held executive hearings on this subject in September 1973, January 1974, and July 1974. See Senate Committee on Foreign Relations, *Hearings on the Role of Dr. Henry A. Kissinger in the Wiretapping of Certain Government Officials and Newsmen*, 93<sup>rd</sup> Cong., 2<sup>nd</sup> sess. (Washington, DC: GPO, 1974).

<sup>70</sup> Senate Committee, *Hearings on the Nomination of Henry A. Kissinger*, 7.

dangerous price for such a style.”<sup>71</sup> He was also critical of détente’s benefits for dissidents: “Progress toward détente must be accompanied by continued pressure on the Soviet Government for greater respect for human rights. . . . I am not sure that Dr. Kissinger has thought clearly enough about this dilemma – or about the ultimate goals of détente with the Soviet Union.”<sup>72</sup>

Suddenly forced to defend the Nixon administration’s human rights record, Kissinger stuck to his guns. For example, although he claimed to have been “very moved” and “certainly dismayed” by the latest conditions in the USSR, he questioned the value of involving the United States in another nation’s domestic policies:

[I]f we adopt as a national proposition the view that we must transform the domestic structure of all countries with which we deal, even if the foreign policy of those countries is otherwise moving in a more acceptable direction, then we will find ourselves massively involved in every country in the world, and then many of the concerns . . . of a constant American involvement everywhere will come to the fore again.<sup>73</sup>

At a later hearing he said to Senator McGovern, “We cannot be indifferent to the denial of human liberty, but we cannot, at the same time, so insist on transformations in the domestic structure of the Soviet system that we give up the general evolution that we are

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<sup>71</sup> The report’s authors further argued that the abuses of power revealed during the Watergate hearings made it “imperative that the Congress establish new procedures, new criteria, new monitoring provisions that will prevent such abuses in the future.” *Ibid.*, 10-11.

<sup>72</sup> Despite these reservations, Muskie supported Kissinger’s nomination. *Ibid.*, 13-14.

<sup>73</sup> *Ibid.*, 40.

hopefully starting.”<sup>74</sup> Still later, he argued that “it is dangerous for us to make the domestic policy of countries around the world a direct objective of American foreign policy.”<sup>75</sup>

A broad array of groups opposed Kissinger’s appointment as secretary of state. When the Senate was debating his confirmation, a variety of anti-Kissinger witnesses testified, and mail to Congress ran against him at a rate of nearly 50-to-1.<sup>76</sup> Liberals derided his secretiveness, his possible complicity in human rights violations, and his contributions to Nixon’s Indochina policy. Conservative Republicans and Democratic hawks blamed him for the shortcomings of détente. Meanwhile, those on the far right, such as Col. Curtis Dall of the Liberty Lobby, argued that Kissinger’s Jewish heritage would inhibit his ability to be an honest broker in the Middle East. Many of these witnesses cited moral arguments, which indicates something about the zeitgeist of this period. One university professor sounded out a critique that would become commonplace in the decades to come: “Illicit wiretapping, deception of Congress and of the American people, secret and massive bombing, and deep involvement in the most brutal use of armed violence against human beings in the post-World War II era are sufficient reason to deny his confirmation.” Representative Donald Fraser was somewhat more moderate in his plea that Kissinger’s confirmation be delayed until the Nixon administration revealed the truth about its foreign activities. Meanwhile, Rev. Douglas Moore of the Black United Front testified that Kissinger was “a functional racist” because he was uninterested in African affairs and because so few blacks held important

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<sup>74</sup> Ibid., 93.

<sup>75</sup> Ibid., 117.

<sup>76</sup> Ibid., 192-195. See also Bernard Gwertzman, “Various Groups Urge Senate Panel to Reject Kissinger,” *New York Times*, 15 September 1973.

positions in the nation's foreign policy hierarchy. Moore further assailed Kissinger's "Eurocentrism" and his interest in Israel.<sup>77</sup>

Despite these criticisms, the SFRC recommended his confirmation by a vote of 16 to 1. The lone negative vote was cast by Senator McGovern, the 1972 Democratic presidential nominee and staunch Nixon opponent, who cited "Kissinger's role in the needless prolongation of the Indochina War, as well as the 1971 tragedy of Bangladesh."<sup>78</sup> The full Senate voted 78 to 7 in favor of confirmation. Voting "no" were such liberals as McGovern and James Abourezk, together with unlikely bedfellows like conservative Republican Jesse Helms.

While the Kissinger conference hearings were taking place, Congressman Donald Fraser chaired the most significant hearings in the entire congressional human rights narrative.<sup>79</sup> While the nation had its eyes on the Watergate scandal, Fraser, a Democratic congressman from Minnesota, became the first to carry out hearings for the express purpose of grappling with America's international human rights policies. These helped establish him as the preeminent congressional advocate throughout the 1970s. He was originally inspired to pursue this work during a visit to Greece at the time of that country's military junta (1967-74). When someone showed him a picture of tanks on the streets of Athens, he noticed that "they were tanks made in the United States, and they were being used to suppress students who were protesting against the military junta's destruction of democracy in Greece."<sup>80</sup> He was also influenced by the large number of

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<sup>77</sup> Senate Committee, *Hearings on the Nomination of Henry A. Kissinger*, 103.

<sup>78</sup> Marilyn Berger, "Senate Panel Backs Kissinger Confirmation, 16-1," *Washington Post*, 19 September 1973.

<sup>79</sup> Fraser's story, and the story of the subcommittee hearings, are told in some depth in Sikkink, *Mixed Signals*, chapter 3. Sikkink emphasizes the committee's efforts on behalf of Latin America.

<sup>80</sup> Donald Fraser, "Human Rights and U.S. Foreign Policy," *International Studies Quarterly* 23, no. 2 (June 1979): 176.

military coups and civil wars, and he was repulsed by America's "secret war" against Allende in Chile. Americans became interested in human rights in the early 1970s, he would later write, because "the trauma of the Vietnam war [had] motivated members of Congress and the American public to take a fresh look at the role the United States played in the human rights field." Policymakers and ordinary citizens also realized "that the United States had been actively involved in assisting repressive regimes."<sup>81</sup> Fraser seems not to have been pushed in this direction by the voters of his Minneapolis district. Indeed, few of his constituents had a direct ethnic or religious connection to those whose rights were being violated.<sup>82</sup>

When it came to dealing with rights violators, Fraser favored international mechanisms, although he readily acknowledged that these mechanisms were not working well in the 1970s. The next best approach – something he termed "nonconfrontational diplomacy" – was a direct method of telling a foreign government that "we have the right to define our relations with you." This was far better, he argued, than presuming that Americans knew the best way for every other government in the world to run their countries. The best thing Americans could do was to support governments that were democratic or had improved conditions in their countries.<sup>83</sup>

The Fraser-chaired Subcommittee on International Organizations (colloquially referred to as the Fraser Committee) held 15 hearings on human rights issues from August to December 1973.<sup>84</sup> They heard testimony from over 40 witnesses, including members of Congress, lawyers, and former members of the Foreign Service. They also

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<sup>81</sup> Ibid.

<sup>82</sup> See Sikkink, *Mixed Signals*, 49.

<sup>83</sup> Fraser, "Human Rights and U.S. Foreign Policy," 183-185.

<sup>84</sup> The subcommittee was under the House Foreign Affairs Committee, later named the House Committee on International Relations.

brought in members of NGOs like Amnesty International, the International Commission of Jurists, and the International League for the Rights of Man.<sup>85</sup> Some witnesses, such as Sinn Fein president Ruairi O’Bradaigh, were not American citizens.<sup>86</sup> One of the most significant aspects of the Fraser Committee hearings, writes the political scientist Kathryn Sikkink, was “the quality of the conversation between Fraser and many of his witnesses. . . . [E]ach speaker ventured that foreign policy should in some way be more consistent with . . . visions of national identity.”<sup>87</sup> In March 1974, the subcommittee issued a final report titled, *Human Rights in the World Community: A Call for US Leadership*. The transcript of the hearings themselves – nearly one-thousand pages’ worth – was also published in its entirety.<sup>88</sup> Through this first set of hearings, the Fraser Committee strongly influenced the human rights tide in Congress. The committee went on to hold similar hearings on a variety of countries and regions, including Africa (1974), Haiti (1975), South Korea and the Philippines (1976), and Uruguay and Paraguay (1976).<sup>89</sup> By

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<sup>85</sup> Fraser wrote that NGOs were “a terribly important part of this endeavor.” Fraser, “Human Rights and U.S. Foreign Policy,” 184.

<sup>86</sup> When Fraser asked Frank McManus, minister of Parliament from Northern Ireland, if McManus would be speaking on behalf of his constituents or his government, the latter replied, “My government would hotly contest the thought I might speak as a representative of theirs.” House Committee on Foreign Affairs, *International Protection of Human Rights: The Work of International Organizations and the Role of U.S. Foreign Policy*, Subcommittee on International Organizations and Movements, 93<sup>rd</sup> Cong., 1<sup>st</sup> sess (Washington, DC: GPO, 1974), 290.

<sup>87</sup> Sikkink, *Mixed Signals*, 68, 71.

<sup>88</sup> House Committee, *Human Rights in the World Community*. The hearings were published as *International Protection of Human Rights* (cited above).

<sup>89</sup> House Committee on Foreign Affairs, *Human Rights in Africa: Report by the International Commission of Jurists*, Subcommittee on International Organizations and Movements, 93<sup>d</sup> Cong., 2<sup>nd</sup> sess. (Washington, DC: GPO, 1974); House Committee on International Relations, *Human Rights in Haiti*, Subcommittee on International Organizations, 94<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1975); House Committee on International Relations, *Human Rights in South Korea and the Philippines: Implications for U.S. Policy*, Subcommittee on International Organizations, 94<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1975); House Committee on International Relations, *Human Rights in Uruguay and Paraguay*, Subcommittee on International Organizations, 94<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington, DC: GPO, 1976).

the end of the decade the committee had held over 150 hearings concerning human rights matters in over 40 countries.<sup>90</sup>

The committee's 1974 report made a strong claim for greater attention to human rights. "The human rights factor," the report's authors stated, "is not accorded the high priority it deserves in our country's foreign policy. Too often it becomes invisible on the vast foreign policy horizon of political, economic, and military affairs."<sup>91</sup> They conceded that human rights "should not be the only factor, or even always the major factor" in the making of foreign policy. Rather, "a higher priority is urgently needed if future American leadership in the world is to mean what it has traditionally meant – encouragement to men and women everywhere who cherish individual freedom."<sup>92</sup>

Many of the committee's conclusions were thinly-veiled criticisms of the Nixon/Kissinger foreign policy. The report's authors asserted, for example, that "proponents of pure power politics too often dismiss [human rights] as a factor in diplomacy," and this attitude had "led the United States into embracing governments which practice torture and unabashedly violate almost every human rights guarantee pronounced by the world community."<sup>93</sup> Later in the hearings, Fraser himself stated, "Current U.S. policy . . . has made it clear that Soviet violations of human rights will not deter efforts to promote détente. . . . But cooperation must not extend to the point of collaboration in maintaining a police state."<sup>94</sup> The report went on to list a slew of authoritarian governments with which the U.S. had fairly cordial relations: South Vietnam, Greece, Spain, Portugal, the USSR, Brazil, Indonesia, the Philippines, and

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<sup>90</sup> Fraser, "Human Rights and U.S. Foreign Policy," 178.

<sup>91</sup> House Committee, *Human Rights in the World Community*, 9.

<sup>92</sup> *Ibid.*

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*, 11.

Chile. Case studies submitted to the subcommittee covered such subjects as torture in Brazil and Chile, the effects of racial discrimination in Southern Africa, and the massacres in Bangladesh and Burundi. In all of these cases the subcommittee found the U.S. response to be “lacking in view of the magnitude of the violations committed.”<sup>95</sup>

As for concrete proposals, the committee made recommendations in two areas: raising the priority of human rights in American foreign policy and strengthening the ability of international organizations. They called for a combination of public and private diplomacy, as well as even-handedness in the creation of standards. Because “ideology in international relations continues to wane,” the U.S. government “should adhere to objective human rights standards.”<sup>96</sup> (This was another minor stab at the Nixon foreign policy.)<sup>97</sup> The committee criticized structural impediments within the State Department, especially the fact that regional bureaus had an interest in maintaining good relations with the governments of the countries in their region.<sup>98</sup> Many of the committee’s recommendations were later passed into law.

Not every member of the Fraser Committee agreed with the report.<sup>99</sup> Republican Congressmen H.R. Gross of Iowa and Edward J. Derwinski of Illinois disclaimed any participation in the preparation of the report. Derwinski added that there were conclusions therein “with which I am in strong disagreement.”<sup>100</sup> Congressman L.H.

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<sup>95</sup> Ibid., 10.

<sup>96</sup> Ibid.

<sup>97</sup> Assistant Secretary of State David Popper testified on 1 November 1973. When he was asked about the Nixon administration’s criteria for action on human rights issues, he stated that each action concerning a particular situation had to be judged in light of its total effect on the national interest. Uniform guidelines, he argued, were impossible to establish.

<sup>98</sup> Ibid., 12.

<sup>99</sup> At this time, the subcommittee was comprised of Fraser, Dante B. Fascell (FL), L.H. Fountain (NC), Benjamin S. Rosenthal (NY), Jonathan B. Bingham (NY), Ogden R. Reid (NY), H.R. Gross (IA), Edward J. Derwinski (IL), Paul Findley (IL), Robert R. Bob Mathias (CA), and Larry Winn, Jr. (KS).

<sup>100</sup> Ibid., vii.

Fountain of North Carolina, a conservative Democrat, expressed “strong dissent” with the “too sweeping and too vague” recommendations, and added, “I am particularly concerned that we not impair the rights and liberties of Americans.” He continued, “The report presumes to have the answer for the prevention of nearly every form of human rights violation in the world today.”<sup>101</sup>

Despite these reservations, the Fraser Committee hearings showed that a trend was afoot. A combination of neo-isolationist sentiment, general dissatisfaction with the Nixon-Kissinger foreign policy, and conservatives’ desire to trim the foreign aid budget contributed to what William P. Bundy called “the revolt in Congress” of 1973-74. This revolt was most clearly evidenced by the many congressional hearings, Jackson-Vanik, and dramatic moves like the cutoff of military aid to Turkey. At the roots of this revolt, Bundy argued, was “a deep and widespread feeling, reflected in the Congress, that the realpolitik of President Nixon and Secretary Kissinger was neglecting something fairly basic to historic American foreign policy and to our sense of our own aspirations and standards.”<sup>102</sup>

Although this early action was set in motion predominantly by liberals (especially with respect to authoritarian regimes), conservatives soon took advantage of the prevailing trends to advance their own agendas via hearings and legislation. As we have seen, conservative Republicans began to criticize the Nixon administration very early in Nixon’s tenure, and the angry clamor grew every time Nixon proposed a quasi-liberal domestic social program. As early as 1971, the criticism was so bad that Kissinger told a group of prominent conservatives (including *National Review* publisher William Rusher

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<sup>101</sup> Ibid., 53.

<sup>102</sup> William P. Bundy, “Dictatorships and American Foreign Policy,” *Foreign Affairs* 54, no. 1 (October 1975): 58.

and *Human Events* editor Allan Ryskind) that “we are listening. . . . I just hope you will stop yelling at us, and start yelling at our enemies.” The Nixon administration, Kissinger continued, was “the loneliest administration imaginable.”<sup>103</sup>

Yet the conflict was not merely an internal Republican Party matter.

Conservatives from both parties were highly critical of détente, which they portrayed as an unwarranted admission of American weakness. Senator Henry Jackson was one of the most prominent conservative critics of détente, and as we saw in the previous chapter, the Jackson-Vanik amendment was one of the clearest signs of a revolt among conservatives. Jackson’s version of human rights was critical of both the congressional liberals and the Nixon administration. In a 1973 speech titled “Détente and Human Rights” (a title that suggests the new appeal of “human rights” language), he argued that the Soviets were far less deserving of U.S. assistance than were poor nations of the world, and he was sharply critical of both Senator Fulbright and Kissinger. “Senator Fulbright, who was beguiled by the Soviets, and Dr. Kissinger, who believes that *he* is beguiling *them*, managed to find common ground in rejecting [Soviet dissident] Dr. Andrei Sakharov’s wise counsel against promoting a détente unaccompanied by increased openness and trust.” Jackson astutely asserted that the dissident issue was closely tied to the most-favored-nation and emigration debates. “We are asked to believe,” he continued, “that the prospects for peace are enhanced by the flow of Pepsi-Cola to the Soviet Union and the flow of vodka to the United States. I say that we will move much further along the road to stable peace

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<sup>103</sup> This group told Kissinger that they were interested in halting the weakening of the military and the loss of national resolve. Kissinger argued that they all had common cause. The administration, he asserted, was just as interested as they were in developing a “counterweight to the liberal consensus,” but previous administrations had at least the moral support of “the Establishment at large.” Memcon, 12 August 1971, “Memcon – Henry Kissinger William Rusher” folder, box 1025, Presidential/HAK Memcons, Nixon Papers, NARA II.

when we see the flow of people and ideas across the barriers that divide East from West.”<sup>104</sup>

As the likes of Andrei Sakharov and Aleksandr Solzhenitsyn became *causes célèbres* in the West, the Soviet government grew increasingly aware of its human rights image problem, and this in turn created problems for the Nixon and Ford administrations’ détente aims.<sup>105</sup> Solzhenitsyn stands as perhaps the most prominent symbol of Soviet writers’ diminishing opportunities during the Brezhnev era. He was persecuted throughout the 1960s for his outspoken attitudes toward Soviet censorship policies, and he was finally expelled from the Union of Soviet Writers in 1969. The following year he won the Nobel Prize in Literature. The Soviet leadership considered Solzhenitsyn a menace because he criticized their policies on moral grounds and he asserted that there was no such thing as an “internal affair.” He was also critical of the ways in which détente might lead Americans to accept the Soviet system as part of the status quo. In his lengthy Nobel acceptance speech (“jeremiad” might be a more appropriate term), he wrote,

Various ministries of internal affairs still think that literature, too, is an internal affair falling under their jurisdiction. Newspaper headlines still display: “No Right to Interfere in Our Internal Affairs” whereas there are no internal affairs left on our crowded earth! And mankind’s sole salvation lies in everyone making everything his business: In the people of the East being vitally concerned with

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<sup>104</sup> Henry M. Jackson, “Détente and Human Rights,” Pacem In Terris speech, 11 October 1973, Program 637, The Center for the Study of Democratic Institutions Audio Archive, University of California – Santa Barbara, <http://library.ucsb.edu/speccoll/csdi/a8278.html>.

<sup>105</sup> See “Soviet Minister of Culture,” *New York Times*, 25 May 1972.

what is thought in the West, the people of the West vitally concerned with what goes on in the East.<sup>106</sup>

Statements like this led to his expulsion from the Soviet Union in 1974, after which he became something of a political pawn in America. Congressional conservatives immediately latched onto Solzhenitsyn's coattails, and they repeatedly pressed the Nixon and Ford administrations to do the same. Nevertheless, both Nixon and Ford were reluctant to do so. When Nixon was asked what he thought about Solzhenitsyn's expulsion from the Soviet Union, the president replied by calling himself "an admirer" of the writer for his "great courage." Yet Nixon went on to defend the course of détente and asserted that "turning back to confrontation" would not help dissidents like Solzhenitsyn. "I look back to the years of confrontation," said Nixon, "and I find that men like him, as a matter of fact, rather than being sent to Paris, would have been sent to Siberia or probably worse."<sup>107</sup> Senator Jackson assailed this logic by saying that Nixon and Kissinger had "obscured the relationship between détente and human rights by implying that firm American support for human rights will somehow increase the chance of nuclear war." The administration, Jackson continued, had "posed a false choice between avoiding nuclear war and keeping faith with traditional values of human decency and individual liberty."<sup>108</sup>

Labor leader George Meany invited Solzhenitsyn on a U.S. tour that kicked off with a speaking engagement at the AFL-CIO convention in June 1975. Because the

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<sup>106</sup> Alexander Solzhenitsyn, "Nobel Lecture in Literature 1970," Nobelprize.org, [http://nobelprize.org/nobel\\_prizes/literature/laureates/1970/solzhenitsyn-lecture.html](http://nobelprize.org/nobel_prizes/literature/laureates/1970/solzhenitsyn-lecture.html).

<sup>107</sup> "The President's News Conference of February 25th, 1974," *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=4367>.

<sup>108</sup> Speech, "Solzhenitsyn and Détente," 15 February 1974, "Détente and Human Rights" folder, box 244, Foreign Policy and Defense Papers, 1941-83, Jackson Papers.

convention was held in Washington, Meany and others suggested a meeting with President Ford. But in order to keep détente intact and to avoid antagonizing the Soviet Union, Kissinger convinced Ford not to meet with the writer.<sup>109</sup> Ford suffered as a result of the Solzhenitsyn snub. “The President has been lambasted editorially from coast to coast,” wrote Ford’s speechwriter John Casserly. “I see the fine hand of Henry Kissinger in this affair.”<sup>110</sup> In the first two weeks after the non-meeting, the White House received nearly 500 letters and telegrams, none of which commended Ford’s decision. This unanimity prompted Press Secretary Ron Nessen to state, “This may be some sort of a White House record.”<sup>111</sup> Ronald Reagan, who had his eye on the 1976 presidential election, sharply criticized Ford via his newspaper column, especially the administration’s explanation that “a visit with Solzhenitsyn would violate ‘the spirit of détente.’”<sup>112</sup> Senator Jackson took advantage of the snub by bringing Solzhenitsyn to speak to a large gathering in the Senate. Ford privately called Solzhenitsyn “a goddamn horse’s ass” and complained that the writer was gunning for publicity and lecture dates.<sup>113</sup>

### **Human Rights Legislation**

The Solzhenitsyn affair, the slew of congressional hearings, and several other events showed that members of Congress could wage “public diplomacy” on behalf of human

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<sup>109</sup> Kissinger later became angry that Daniel Patrick Moynihan attended a dinner with the writer. Douglas Schoen, *Pat: A Biography of Daniel Patrick Moynihan* (New York: Harper and Row, 1979), 220.

<sup>110</sup> John J. Casserly, *The Ford White House: The Diary of a Speechwriter* (Boulder: Colorado Associated University Press, 1977), 126; Robert T. Hartmann, *Palace Politics: An Inside Account of the Ford Years* (New York: McGraw-Hill, 1980), 337-339.

<sup>111</sup> William Greider, “Hill Audience Hears Solzhenitsyn,” *Washington Post*, 16 July 1975.

<sup>112</sup> Lou Cannon, *Reagan* (New York: G.P. Putnam’s Sons, 1982), 199.

<sup>113</sup> Ford was quoted by press secretary Ron Nessen. See Douglas Brinkley, *Gerald R. Ford* (New York: Times Books, 2007), 109.

rights concerns. In the long run, though, concrete legislative measures would have a much greater impact on American foreign policy as a whole. Between 1973 and 1978, Congress invoked the power of the purse and amended the Foreign Assistance Act to take into account the human rights situation in every nation receiving U.S. aid. Congress also passed country-specific legislation that influenced U.S. relations with upwards of twenty nations.<sup>114</sup> Through these congressional measures, the U.S. government became the first government to write human rights policies into its bilateral foreign policy laws. In Donald Fraser's words, this economic strategy was intended to let offending governments know that "human rights violations will cost them something in their relationship with the United States."<sup>115</sup> Yet despite congressional success in pushing bilateral human rights requirements, it was unable to pass multilateral policies, and this bifurcation led many to call American policymakers hypocrites.<sup>116</sup> Nevertheless, the wave of congressional legislation signaled a remarkable trend. As one pundit stated in 1976, human rights was "no longer a bleeding heart issue presided over by fairies in Geneva."

The year 1973 marked an important point in congressional human rights initiatives, as it witnessed the first direct attempts to attach human rights concerns to America's bilateral relationships. Against the backdrop of the Watergate inquiry and international events like the Pinochet coup in Chile and the publication of Solzhenitsyn's *Gulag Archipelago*, Congress added two provisions to the Foreign Assistance Act of 1973. With respect to political prisoners in Chile, the act stated "It is the sense of Congress that the President should deny any economic or military assistance to the

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<sup>114</sup> This legislation was passed from 1973 to 1984. Forsythe, *Human Rights and U.S. Foreign Policy*, 2.

<sup>115</sup> Donald Fraser, "Freedom and Foreign Policy," *Foreign Policy* 26 (Spring 1977): 146-147.

<sup>116</sup> Sikkink, *Mixed Signals*, 10-12; Forsythe, *Human Rights and U.S. Foreign Policy*, 2-3, 11-12. In 1980, Congress revised federal refugee laws to make American practices more consistent with the 1967 protocol on refugees, which the U.S. signed in 1968. Before 1980, U.S. refugee policies favored persons fleeing communist countries.

government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes."<sup>117</sup> Congress also passed a resolution stating that "the president should request the government of Chile to protect the human rights of all individuals."<sup>118</sup> Although this symbolic legislation did not set the terms of America's bilateral foreign policy, it was an important step.<sup>119</sup> In 1974, Congress took a more direct step by passing resolutions expressing its belief that security assistance and development assistance should be linked to human rights concerns.<sup>120</sup> In September of that year, 105 members of Congress signed Donald Fraser's letter to Henry Kissinger affirming that their decisions on aid extension would be influenced by the State Department's actions with respect to recipient nations' human rights records.<sup>121</sup>

As we have already seen, military assistance was a heated battleground during the 1970s, and congressional aid cuts reflected not only the popular demand for reductions in foreign aid, but also defense budget cuts, which began in earnest during Nixon's first term.<sup>122</sup> Through a series of legislative moves, Congress explicitly linked U.S. military assistance agreements to foreign governments' treatment of their citizens. Donald Fraser's first draft of a bill to halt the extension of U.S. aid to offending governments included a State Department mandate for country reports for every nation that received

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<sup>117</sup> Foreign Assistance Act of 1973, 22 U.S.C. 2151, note, Sec. 32.

<sup>118</sup> Foreign Assistance Act of 1973, 22 U.S.C. 2151, note, Sec. 35.

<sup>119</sup> Senator James G. Abourezk introduced an amendment to the foreign aid bill that would deny aid to any country that violated the human rights of its citizens. It was defeated, and the following year he joined with Sen. Alan Cranston to introduce a new bill, which was also defeated. Congressman Harkin's 1974 amendment incorporated the two senators' positions.

<sup>120</sup> The latter was Tom Harkin's amendment to the Foreign Assistance Act.

<sup>121</sup> William Korey, *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine* (New York: St. Martin's Press, 1998), 184-185.

<sup>122</sup> Lyndon Johnson's last defense budget was \$78.7 billion, which was 8.9% of the nation's GNP. Adjusted for inflation, the fiscal year 1971 defense budget was nearly \$15 billion lower, and it came in at only 7.4% of GNP.

such aid.<sup>123</sup> Ford vetoed this first bill following Kissinger's warning that it would make Congress too powerful, hamstring the decision-making process in the executive branch, and hurt America's relationships with anticommunist regimes.<sup>124</sup> (This veto was hardly an isolated act. Ford vetoed sixty-six bills during his short tenure, only twelve of which were overridden.)

The final version of the Foreign Assistance Act of 1974 called for military aid to be "reduced and terminated as rapidly as feasibly consistent with the security of the United States." Legislators also took a stand against the use of U.S. funds for foreign security forces. The Act also prohibited the U.S. from providing aid or training to foreign police forces, and it eliminated the Office of Public Safety (OPS). The OPS, which had been created in the early 1960s to provide training, weapons, and other equipment to foreign police forces, became controversial because its funds went to a number of regimes that were embracing authoritarianism, especially in Latin America. Several members of the Church Committee harshly criticized the OPS legacy, some even going so far as to accuse USAID of having CIA connections via the OPS.

In 1976, Congress took its biggest steps yet. The International Security Assistance and Arms Export Control Act of 1976 gave Congress the power to allow or disallow arms transfers and the sending of American military advisers to foreign lands.<sup>125</sup> President Ford also signed a far-reaching bill (drafted by Fraser) that became Section

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<sup>123</sup> Fraser's concurrent call for a bipartisan human rights commission to hold hearings on the state of human rights around the world was defeated after an organized effort against it by House Republicans. Robert F. Drinan, S.J., *The Mobilization of Shame: A World View of Human Rights* (New Haven: Yale University Press, 2001).

<sup>124</sup> *Ibid.*, 60. Drinan was a former congressman who had witnessed many of these events firsthand. He criticized the Republicans for preventing such a commission from being formed. Instead, for several years the country reports were put together in a rather partisan fashion, leading to a great deal of infighting every year when they were released.

<sup>125</sup> Edwin W. Rider and Fred A. Logan, *The Background and an Analysis of the International Security Assistance and Arms Export Control Act of 1976* (M.A. thesis, Air Force Institute of Technology, 1977).

502b of the Foreign Assistance Act.<sup>126</sup> This section mandated that “No security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights.”<sup>127</sup> Fraser later emphasized that the term “consistent pattern” was “very carefully chosen,” while the words “internationally recognized human rights” were intended to show that these were international standards, not just American standards.<sup>128</sup> Congress pressed for action only on “gross violations” – such as torture, incarceration without trial, summary execution, and the like – because those standards had what Fraser called “the widest acceptances.”<sup>129</sup> As he argued, “Military aid to a regime which practices torture was simply wrong on its face.”<sup>130</sup> Finally, the amendment mandated the State Department to furnish an annual human rights report for each country that was to receive American aid.<sup>131</sup> The amendment’s language shows that American legislators were defining “rights” somewhat narrowly. As David Forsythe has shown, despite a few congressional and presidential allusions to socioeconomic rights (“freedom from want”) during the Carter years, neither the legislative nor the executive branches ever prioritized the pursuit of such rights in the 1970s and 80s.<sup>132</sup>

Although the bill was clearly intended to rein in presidential power, it was flexible enough to allow some freedom of movement in the executive. Congress created

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<sup>126</sup> For a narrative description of Section 502b’s creation, see David Carleton and Michael Stohl, “The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan,” in *Human Rights Quarterly* 7, no. 2 (May 1985): 206n.

<sup>127</sup> Such security assistance could cover a variety of missions, including aid for military purposes, law enforcement, intelligence, and training. Foreign Assistance and Arms Export Act, 22 USC 2304.

<sup>128</sup> Fraser, “Human Rights and U.S. Foreign Policy,” 179.

<sup>129</sup> *Ibid.*, 178-79.

<sup>130</sup> *Ibid.*, 179.

<sup>131</sup> Amendment to Section 502B of the Foreign Assistance Act of 1961, *U.S. Statutes at Large* 90 (1976), 729.

<sup>132</sup> Forsythe, *Human Rights and U.S. Foreign Policy*, 4-5.

exceptions for “extraordinary circumstances” or for cases in which “on all the facts it is in the national interest of the United States to provide such assistance.” This exception proved to be a sticking point between the White House and Congress in the years to come. Fraser later wrote, “We might as well have opened the barn door and let the horses out right there! The Nixon-Ford administrations walked right through that door.”<sup>133</sup> As a result, only in rare instances did Section 502b and its accompanying legislation actually lead to a cutoff of aid. As the Catholic priest-turned-congressman Robert F. Drinan pointed out, most of the worst offenders – especially communist governments – were not receiving any American aid anyway.<sup>134</sup> Chile and Argentina were perhaps the most prominent examples of countries for which military aid was cut in the late 1970s, yet even in these cases the president was occasionally able to work around the requirements. One insider said of Kissinger’s ability to work around these restrictions, “The case of economic aid to Chile demonstrates that an administration with a will can find a way to circumvent congressional limitations in foreign assistance legislation.”<sup>135</sup>

Nevertheless, Congress did manage to bar arms sales and military assistance to several governments with country-specific legislation. Congress blocked military assistance to Angola in 1975, and this move was followed by the 1976 Clark Amendment, which barred U.S. aid to private paramilitary operations in that country. As we saw in chapter three, Congress also angered the Ford administration by cutting

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<sup>133</sup> Fraser, “Human Rights and U.S. Foreign Policy,” 179.

<sup>134</sup> Up to the year 2000, it had happened fewer than ten times, and mostly in Latin America. Drinan, *The Mobilization of Shame*, 62.

<sup>135</sup> The speaker was referring to Congress placing a \$25 million limit on economic aid to Chile and banning new military aid in 1974. Quoted in Lars Schoultz, *Human Rights and United States Policy toward Latin America* (Princeton: Princeton University Press, 1981), 202. Forsythe adds that Congress was also unable to prevent Kissinger and Ford from close diplomatic relations and covert support. Forsythe, *Human Rights and U.S. Foreign Policy*, 102.

military aid to Turkey in 1974. Ford told his cabinet that “The Turkish aid decision was the worst decision I have seen in my time in Congress.”<sup>136</sup> This was quite a claim for someone who had spent over twenty years in the House of Representatives. The following year, Congressman Ed Koch’s amendment to cut off military aid to Uruguay passed despite opposition from the Ford administration and the U.S. ambassador to Uruguay, Ernest Siracusa.<sup>137</sup> Much more activity along these lines took place during the Carter presidency (this will be treated in chapter seven).

While military aid was a source of much debate, Congress was much more immediately successful in its approach to economic aid. The 1975 Harkin Amendment banned continued economic assistance to nations that consistently violated internationally recognized rights standards. A loophole allowed for the distribution of aid only if the assistance would “directly benefit the needy people in such country.”<sup>138</sup> In 1977, Congress passed the third part of its foreign aid trifecta, this one affecting American votes in lending institutions. The International Financial Assistance Act instructed U.S. representatives to international financial institutions – such as the International Bank for Reconstruction and Development, the African Development Fund, and the Inter-American Development Bank – to oppose loans, financial assistance, or technical assistance to any country “whose governments engage in a consistent pattern of gross

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<sup>136</sup> Memorandum of Conversation, Ford administration cabinet meeting, 8 August 1975, <http://www.ford.utexas.edu/library/exhibits/cabinet/750808.htm>. The story of the Turkey aid cutoff was told in Göran Rystad, “Congress and the Ethnic Lobbies: The Case of the 1974 Arms Embargo on Turkey,” in Helene Christol and Serge Ricard, eds., *Hyphenated Diplomacy: European Immigration and U.S. Foreign Policy, 1914-1984* (Aix-en-Provence: Université de Provence, 1985), 89-107. See also Paul Y. Watanabe, *Ethnic Groups, Congress, and American Foreign Policy: The Politics of the Turkish Arms Embargo* (Westport: Greenwood Press, 1984); and Alexander DeConde, *Ethnicity, Race, and American Foreign Policy: A History* (Boston: Northeastern University Press, 1992), 172-174.

<sup>137</sup> Sikkink, *Mixed Signals*, 73.

<sup>138</sup> Foreign Assistance and Arms Export Act, 22 USC 2151, note, Sec. 116.

violations of internationally recognized human rights.”<sup>139</sup> Taken as a whole, these new requirements arguably put the U.S. government at the head of the international human rights movement, at least with respect to bilateral policies.<sup>140</sup>

While Congress was creating new rules regarding the nation’s bilateral relationships, it was also writing new requirements for the State Department. Among the most significant of these was the requirement that U.S. embassies produce “country reports.” The aforementioned 1976 amendment to Section 502B required the secretary of state to transmit to Congress “a full and complete report” concerning “respect for internationally recognized human rights in each country proposed as a recipient” of U.S. military and security assistance. Following the protests of conservatives, Congress later expanded the scope of the reports to include communist governments that were not receiving U.S. aid.<sup>141</sup> Congress also directed the State Department to publish the reports. These new requirements stemmed, at least in part, from the State Department’s slow responses to congressional and NGO human rights queries. “Kissinger is responsible for the requirement for human rights reports,” said one State Department official, “because he was so adamant about not playing ball at all.”<sup>142</sup> The congressional requirement for reports made the U.S. government the only government to be required by law to document foreign nations’ human rights practices. The first published series was released in 1978, and the reaction to its quality was largely negative. Congressman Fraser spoke for many when he wrote that the first two sets of published reports left

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<sup>139</sup> International Financial Institutions Act, 22 USC 262g.

<sup>140</sup> One multilateral exception from this period was congressional attention to the Helsinki process. In 1976 Congress created the Commission on Security and Cooperation in Europe to monitor the Helsinki developments. Dante Fascell played a major role in this commission.

<sup>141</sup> Forsythe, *Human Rights and U.S. Foreign Policy*, 16-17.

<sup>142</sup> Lawrence Pezzullo, quoted in Sikkink, *Mixed Signals*, 106.

“something to be desired in terms of frankness and completeness.”<sup>143</sup> James M. Wilson of the State Department added that “the published product received very mixed reviews,” and the initial reaction in most of the affected countries was “mostly severe . . . all were clearly unhappy.”<sup>144</sup> Despite these criticisms, in the long term these reports gained in quality and credibility, and their annual release became one of the most eagerly anticipated events in Washington during the early 1980s.

Congress also pressed the State Department to establish a new position that would coordinate human rights activities. When Fraser and his allies had floated proposals for such a position early in the decade, the Nixon administration predictably opposed expanding the human rights functions of the State Department. A Nixon aide wrote to Fraser in 1973, “We generally would be disinclined to propose a new or expanded bureaucratic structure in the human rights field without a clear and compelling justification for altering the existing structure.”<sup>145</sup> By April of 1975 the momentum in Congress supported such an alteration, and the position of Coordinator for Humanitarian Affairs was born. Congress, and later President Carter, eventually created the Bureau of Human Rights and Humanitarian Affairs, the first such government agency in the world. The coordinator position was elevated to the level of assistant secretary and the title was

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<sup>143</sup> Fraser, “Human Rights and U.S. Foreign Policy,” 180.

<sup>144</sup> Wilson concluded that the reaction would have been even worse if the report’s authors had been harsher in their judgments or had labeled “gross violations.” James M. Wilson, “Diplomatic Theology – An Early Chronicle of Human Rights at State,” unpublished narrative (hereinafter referred to as Wilson narrative), “Human Rights and Humanitarian Affairs – Wilson Memoir” folder, box 1, James M. Wilson Papers, Gerald Ford Library (hereinafter referred to as GFL).

<sup>145</sup> Stanton D. Anderson to Donald M. Fraser, 28 August 1973, in House Committee, *International Protection of Human Rights*, 817.

changed to Assistant Secretary of State for Human Rights and Humanitarian Affairs.<sup>146</sup>

The State Department also put human rights officers into each of its regional bureaus.

These new requirements further fueled the animosity between the executive and legislative branches. The new rules forced the diplomatic corps and much of the executive branch to do work that ran counter to the traditional Foreign Service mandate. According to David Forsythe, the creation of the human rights bureau was “coolly received” in the State Department because career Foreign Service officers had been “trained to put a high premium on stable and friendly relations with the states to which they were assigned.” These diplomats found that “raising the issue of human rights can be destabilizing if perceived as an unfriendly act.”<sup>147</sup> James M. Wilson similarly wrote that the State Department’s experts “were of the view that loud public outcries by our government on individual cases would only get the other government’s back up and accomplish nothing in the way of practical results, even though we might ourselves appear more virtuous.”<sup>148</sup> Another problem, argued Wilson, was the haphazard nature of the legislation. Although “the objectives of the legislation were laudable,” he stated, “the means specified by Congress to achieve those objectives were obviously ill defined. The whole thing presented complex problems that would not be easy to solve either bureaucratically or politically.”<sup>149</sup> Forsythe suggested another reason for the Foreign

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<sup>146</sup> The International Security Assistance and Arms Export Control Act of 1976 (P.L. 94-329; 90 Stat. 748) made the Coordinator a Presidential appointee subject to the consent of the Senate, and changed the title to Coordinator for Human Rights and Humanitarian Affairs. The Foreign Relations Authorization Act for Fiscal Year 1978 (P.L. 95-105; 91 Stat. 847) changed the Coordinator’s title to Assistant Secretary of State for Human Rights and Humanitarian Affairs. The State Department, by administrative action, established the Bureau of Human Rights and Humanitarian Affairs on 27 October 1977. The end of the Cold War led to another change in the office and title. Section 162 of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 (P.L. 103-236; 108 Stat. 403) authorized the appointment of an Assistant Secretary of State for Democracy, Human Rights, and Labor.

<sup>147</sup> Forsythe, *Human Rights and U.S. Foreign Policy*, 15.

<sup>148</sup> Wilson narrative.

<sup>149</sup> *Ibid.*

Service's opposition to a new bureau: "Like all large bureaucracies, the Department of State has often greeted change as if it were the plague."<sup>150</sup>

Congressional requirements like these did not merely fuel conflicts between the executive and legislative branches; they also spurred discord within the State Department itself, especially between the new human rights bureaucrats and Secretary Kissinger. On this point, one of the best sources we have is James M. Wilson's candid, lengthy, not-for-publication narrative of his time as the State Department's first Coordinator for Humanitarian Affairs from 1975 to 77.<sup>151</sup> Wilson accepted this position even though, by his own admission, he "knew nothing about human rights beyond an acquaintanceship with the U.N. Universal Declaration of Human Rights." He considered the general goal of human rights in foreign policy "appealing as something long neglected" and "meritorious in its own right," but he also understood at the outset that the subject "was obviously not going to be popular in the front office." (The term "front office" was clearly shorthand for Secretary Kissinger.) Wilson was joined in this work by the likes of Ron Palmer, Robert Ingersoll, and Carlyle Maw, among others.<sup>152</sup>

Wilson's tale is one of dedicated and interested career Foreign Service officers who were chronically understaffed and underfunded. In addition to the group's mandate to document human rights violations, they were charged with handling humanitarian issues such as the Vietnamese refugee crisis. They were further hamstrung by the density of the bureaucracy and the capricious whims of Congress. From Wilson's narrative and

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<sup>150</sup> Forsythe, *Human Rights and U.S. Foreign Policy*, 120.

<sup>151</sup> Wilson narrative. Wilson stated that he wrote this firsthand account of the State Department's new human rights bureau "in August 1977 for the record, not for publication." A copy is catalogued in the GFL (cited above). Wilson also sent a copy to the Georgetown University Institute for the Study of Diplomacy.

<sup>152</sup> Not everyone approved of Wilson's work. Later he was accused of having focused too much on the Vietnam refugee problem. Others stated that neither he nor the State Department as a whole were fully committed to the possibilities of the office. See Kirsten Sellars, *The Rise and Rise of Human Rights* (Phoenix Mill, UK: Sutton, 2002), 115.

the archival records of the Bureau of Human Rights and Humanitarian Affairs, one gets the sense that the bureau's thinkers and doers were often unsure of their mandate.<sup>153</sup> After all, there was much disagreement in Congress over what could properly be expected of the executive branch, and there was a great deal of discord within the Foreign Service itself. The new human rights bureaucrats debated their role in the State Department and in the Ford administration as a whole.<sup>154</sup>

Wilson also paints a less-than-flattering portrait of Kissinger, whose attitude seemed to fluctuate between wholly uninterested and completely hostile to the new human rights requirements. Deputy Secretary of State Robert Ingersoll told Wilson that the Ford administration and the Kissinger-led State Department were expressing “considerable concern” over the congressional human rights moves. Kissinger, said Ingersoll, was “looking for some means to cope with the problem.”<sup>155</sup> Kissinger went far beyond mere criticism of congressional meddling in diplomacy. He also referred to human rights advocates in the State Department as “theologians” and “bleeding hearts,” and he frequently overruled their recommendations. In 1976, he informed the Chilean foreign minister that the State Department was “made up of people who have a vocation for the ministry. Because there are not enough churches for them, they went into the Department of State.” He added that he “did not intend to harass Chile” on human rights

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<sup>153</sup> As of 2007, the State Department General Records included five boxes in its Human Rights Subject File, all of which were from the Bureau of Human Rights and Humanitarian Affairs. Boxes 2-4 included alphabetical files on the human rights situation in various countries, including many U.S. allies (South Korea, the Philippines, Indonesia, Spain, Chile, etc.). See Human Rights Subject File, boxes 1-5, 250/66/15/6-07, RG 59, State Department General Records, NARA II.

<sup>154</sup> The group also debated the definition of important terms (“gross violations,” for example) and the relationship they should have with Congress.

<sup>155</sup> Wilson narrative.

matters.<sup>156</sup> Kissinger even ignored the advice of experts from within the defense and security agencies. For example, when the Defense Department, the State Department's Latin American bureau, and the Politico-Military staff all recommended cutting grant military aid to all Latin American countries because such aid was unnecessary, Kissinger overruled the recommendations.<sup>157</sup>

Foreign Service veterans consistently sparred with Kissinger over Chile. Kissinger was adamant that the Security Assistance Program funding levels for Chile continue, and he favored a new funding program to replace the one Congress had eliminated. Kissinger's approach created so much animosity within the State Department that Wilson "let it be known that they could find a new Coordinator if Chile was included" in the aid allotments. Kissinger eventually gave up on the idea, but he continued to support aid to other countries.<sup>158</sup> In June of 1976, Kissinger took a trip to Chile – against the advice of most of his staff and the protestations of human rights activists – for the opening of the assembly of the Organization of American States (OAS). His opponents' misgivings were offset by his strong support of human rights in his OAS speech, which was so powerful that an exiled South African proclaimed it to be one of two major declarations that "ought to be taken as the 'Magna Carta' of the human rights movement." Concerning this reaction, Wilson wrote sardonically, "That would have been fine if Kissinger shortly after his return had not passed the word privately to

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<sup>156</sup> Conversation with Patricio Carvajal, quoted in William D. Rogers and Kenneth Maxwell, "Fleeing the Chilean Coup: The Debate over U.S. Complicity," *Foreign Affairs* 83, no. 1 (January/February 2004): 165.

<sup>157</sup> Wilson narrative.

<sup>158</sup> According to Wilson, Ambassador David Popper in Santiago was having a hard time explaining the new realities to the Chilean government, "who were undoubtedly bemused by the conflicting signals they were getting." Wilson narrative.

members of his immediate staff that he did not want all he had said publicly applied too literally in practice.”<sup>159</sup>

Few congressional requirements caused more conflict than the mandate for country reports. Wilson wrote that there was a high level of disagreement among State Department insiders and that these early months saw many “sharp cable exchanges with posts in the field.” The basic problem, he argued, was “reconciling the requirement for candor” with the need to “minimize as much as possible the inevitable backlash against the United States which would follow on publication of the reports.”<sup>160</sup> When Kissinger decided to submit only a generalized report of findings instead of individual country reports, the reaction in Congress, said Wilson, was “sulphurous.” Senator Hubert Humphrey, normally a moderate, called the report “about as bland as swallowing a bucket of sawdust.” Senator Cranston and Representative Fraser set about to introduce legislation to make individual country reports mandatory, not just “sense of the Congress.”<sup>161</sup> Meanwhile, inside the State Department’s human rights bureau, country reports were put together “amid waves of bureaucratic blood, sweat and tears,” wrote Wilson.<sup>162</sup>

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<sup>159</sup> Ibid. I agree with Hugh Arnold’s early assessment that Kissinger used human rights rhetoric primarily to deflect criticism. See “Henry Kissinger and Human Rights,” *Human Rights Quarterly* 2, no. 4 (October-December 1980): 57-71. William D. Rogers asserts that Kissinger clearly denounced the use of arbitrary violence in Chile when he met with Pinochet in 1976, though Kissinger seems to have pointed this out because these rights violations were hurting Chile’s relationship with the U.S. In other words, Kissinger raised the issue of rights violations, but not for moral reasons. See Rogers and Maxwell, “Fleeing the Chilean Coup,” 162-163. For another critical view of Kissinger’s relationship with the Chilean government, see Peter Kornbluh, *The Pinochet File: A Declassified Dossier on Atrocity and Accountability* (New York: New Press, 2003).

<sup>160</sup> Wilson narrative.

<sup>161</sup> The story of the preparation of the reports was then leaked to the *New York Times*. See Wilson narrative and Bernard Gwertzman, “U.S. Blocks Rights Data on Nations Getting Arms,” *New York Times*, 19 November 1975.

<sup>162</sup> Congress conjoined the FY76 and 77 aid directives into one bill, which Ford signed. This meant that the newly completed country reports would not be required until the FY78 program was presented in spring

Given the obstruction of the State Department's leaders, those in the human rights bureau began to devise alternative methods of meeting their mandate. Ron Palmer, who was Wilson's deputy coordinator, described how his group was able to work around Kissinger's obstinacy. Having grown increasingly weary of Kissinger's stonewalling, Palmer began to advise NGOs to circumvent the State Department entirely and instead go directly to Congress. Because the State Department was not required to answer queries from NGOs, Palmer told Amnesty International to formulate and submit questions to sympathetic members of Congress. If these members then submitted the queries to the State Department, the latter would be forced to reply within two days.<sup>163</sup>

In the presidential election season of 1976, Kissinger found that he had to make concessions in order to appease different constituencies. Congressman Fraser had been requesting a meeting with Kissinger for several years, and Kissinger finally agreed. When the meeting took place, other members of Congress and the State Department joined Fraser. Kissinger argued that the State Department and the Ford administration as a whole were doing a great deal already, especially through quiet diplomacy. James Wilson wrote of this meeting, "Fraser apparently remained more than somewhat skeptical, as did others present."<sup>164</sup> Kissinger and his policy planners then decided to have Kissinger give a speech – titled "The Moral Basis of Foreign Policy" – in Fraser's home district of Minneapolis. The gist of this speech was strong support for human rights on both moral and strategic grounds, but it also prioritized quiet diplomacy over

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1977. In Wilson's words, "The mountain again had labored in vain, and Congress still did not have its reports."

<sup>163</sup> This story is told in Kenneth Cmiel, "The Emergence of Human Rights Politics in the United States," *Journal of American History* 86, no. 3 (December 1999), 1238-1239.

<sup>164</sup> Wilson narrative.

confrontational rhetoric and discriminatory legislation. Needless to say, insiders noted Kissinger's lack of interest in the subject.<sup>165</sup>

As we will see in chapter seven, congressional human rights efforts influenced the 1976 election in interesting ways. The major candidates regularly addressed human rights issues, and President Ford was forced to defend his record against a hostile Congress. By the time Jimmy Carter was elected, over 100 countries were being monitored by some part of the U.S. government for its human rights practices. Congressman Fraser wrote at this time, "I think this is perhaps the best thing we [in Congress] have done," even though "the State Department sees it as very awkward."<sup>166</sup>

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<sup>165</sup> "Unfortunately," wrote Wilson, "the speech created relatively little stir, nationally or internationally; but most of the geographic bureaus tried to adopt it even more literally than intended." For example, the East Asia Bureau criticized Palmer's mention of human rights to some visiting Koreans and refused to tell Kissinger to raise human rights in his talks with Suharto. Wilson narrative.

<sup>166</sup> Fraser, "Human Rights and U.S. Foreign Policy," 180.

## Chapter 5 – The Limits of Morality: The Strange Career of the Genocide

### Convention

The Convention on the Prevention and Punishment of the Crime of Genocide – colloquially referred to as the Genocide Convention – was one of several human rights treaties created by the U.N. in the years after World War II. (“Convention” in this context means an international formal statement of principle generally accepted as a treaty by signatory nations.)<sup>1</sup> Aimed at codifying and preventing the crime of genocide, it was adopted even before the Universal Declaration on Human Rights, and thus was the original U.N. human rights statement.<sup>2</sup> Yet despite the moral simplicity of the convention’s goals, the U.S. Senate refused to ratify it until 1986.

My purpose in this chapter is to use the Genocide Convention to demonstrate the difficulties inherent in human rights policymaking.<sup>3</sup> The convention debate clearly illustrates Americans’ ambivalence toward multilateral agreements, as well as their negative attitude toward an increasingly anti-American U.N. While Congress and the executive were creating groundbreaking bilateral human rights policies – indeed, the U.S.

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<sup>1</sup> I will use the terms “convention” and “treaty” interchangeably. Although the Genocide Convention was not a treaty *per se*, its function was so similar that scholars tend to use both terms.

<sup>2</sup> Other conventions followed in the 1950s and 60s, including the Convention on the Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Between the 1970s and the 2000s, the U.N. passed conventions on Apartheid (1973), discrimination against women (1979), torture (1984), rights of children (1989), rights of migrant workers (1990), rights of persons with disabilities (2006), and protection from forced disappearance (2006).

<sup>3</sup> To my knowledge, this is the first archive-based diplomatic/political history of the Genocide Convention from the 1960s until its ratification in the 1980s. Portions of this story have been told in two works: William Korey, *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine* (New York: St. Martin’s Press, 1998), and Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Perennial, 2002). Korey worked almost exclusively from secondary sources in order to recount the role of NGOs in the story of the Genocide Convention. Power focused largely on the roles of Raphael Lemkin (the tireless crusader behind the treaty’s creation) and Senator William Proxmire, who made thousands of speeches in the Senate on behalf of the convention. Power did not explore the 1960s and 1970s in any detail. I have relied on documents from the Richard Nixon Library, the State Department General Records, the Henry M. Jackson Papers, the Arthur Goldberg Papers, the Bruno Bitker Papers, and some collections from the Jimmy Carter Library.

was the first country to write human rights policies into its bilateral foreign policy laws – there was little movement in the direction of a multilateral policy.<sup>4</sup> The convention also spawned more organized opposition than any of the other U.N. human rights treaties. Because the debate over the convention lasted so many years, it is a good subject for showing change over time. Just as activists and legislators had a hard time defining “human rights” with any precision in the 1960s, 70s, and 80s, so did the Genocide Convention spark international and domestic debates about the definition of genocide.

My working question here is simple: Considering the groundswell of support for human rights causes in the long 1970s, why did the convention remain unratified until 1986? After a twenty-year hiatus between 1950 and 1970, congressional hearings on the convention were held six times between 1970 and 1985 and it was favorably reported out of committee four times in the 1970s alone.<sup>5</sup> Presidents Nixon, Ford, and Carter supported it, as did most congressional Democrats at a time when their party dominated Congress. Furthermore, the radically altered Cold War environment made the convention seem much less dangerous in, say, 1973 than it had been twenty years earlier. Why, then, was the treaty not acted upon in the 70s? At a time when American society and the nation’s foreign policy had undergone so many changes, why was ratification of the Genocide Convention so hard to achieve?

I emphasize a few major factors as to why ratification efforts failed in this period. Some of these were specific to the late 1960s and early 70s. For example, as a result of the Vietnam War and the challenges of radical political groups like the Black Panthers, too many Americans feared that the U.S. government would be targeted for having

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<sup>4</sup> Sikkink, *Mixed Signals*, 10-12.

<sup>5</sup> Hearings were held in 1970, 1971, 1977, 1981, 1984, and 1985. It was reported out of committee favorably in 1970, 1971, 1973, 1976, 1984, and 1985.

committed “genocide” against minorities or the Vietnamese. At the same time, neo-isolationist sentiment had increased as a result of the Vietnam debacle, and conservatives of both parties were still viewing the world through the lens of the Cold War. These factors sparked a strong, persistent anti-ratification campaign that was able to wield power in Washington far beyond the size of its power base. Combined with the apathy of the general public, these opponents were able to prevent Senate ratification for many years. Other factors grew out of longstanding political conflicts. Whenever the convention built up momentum in the 1970s, power struggles between Congress and the Executive – including especially debates over détente, Watergate, and President Carter’s Panama and START treaties – consistently killed it. Arcane Senate rules also gave inordinate power to individual senators to prevent floor debates on the convention. Finally, despite the public support of Nixon, Ford, and Carter, the Genocide Convention was never a top priority for these presidents.

### **Background: The U.S and the U.N. Human Rights Conventions**

The U.S. government was an important force behind the Genocide Convention’s creation in the 1940s. Lawyers from the State Department were at the center of the drafting process, and as a result traditional American common law conceptions abounded in the text. President Truman signed the convention in December 1948 and submitted it to the Senate for advice and consent to ratification in June 1949. Senate ratification, Truman declared, “will demonstrate that the United States is prepared to take effective action on

its part to contribute to the establishment of principles of law and justice,” especially as against the “world-shocking crime of genocide.”<sup>6</sup>

But when the Senate took it up for a floor debate in February 1950, the treaty immediately encountered its first definitional impasse. Conservatives and anticommunists lamented the omission of “political” groups from the list of potential genocide victims, and they debated precisely the number of victims that comprised a genocide. Meanwhile, Southern senators worried that the definition of genocide might include lynching, a fear made all the more urgent when a group called the Civil Rights Congress delivered to the U.N. a petition titled “We Charge Genocide” in 1951. (Although the CRC was clearly a communist-front organization, the document caused something of a media sensation for its charges of Americans’ “genocidal” acts against African-Americans). All of these oppositional responses stemmed from the convention’s broad language, which even many supporters considered too vague.<sup>7</sup> Still, countless laws and treaties with more ambiguous language had passed through Congress in years past. Clearly, then, other factors were holding up ratification of the Genocide Convention.

The most significant factors working against ratification in the early 1950s were anticommunism, renewed isolationism, and the traditional animosity between the legislative and executive branches. Senator John Bricker, a conservative Republican from Ohio, became the leader of a movement aimed at limiting the president’s ability to make treaties. He proposed a constitutional amendment to accomplish this task, and this

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<sup>6</sup> “Special Message to the Senate Transmitting Convention on the Prevention and Punishment of the Crime of Genocide,” 16 June 1949, *Public Papers of the Presidents* (hereinafter *PPP*), <http://www.presidency.ucsb.edu/ws/?pid=13207>.

<sup>7</sup> Power goes on to demonstrate that the “numbers game” would remain a constant for American policymakers through the end of the century. Samantha Power, *A Problem from Hell*, 65-66. The State Department brought in the NAACP to counter-argue against this petition. See Carol Anderson, *Eyes off the Prize: The United Nations and the African-American Struggle for Human Rights, 1944-1955* (New York: Cambridge University Press, 2003).

so-called “Bricker Amendment” gained momentum with the Red Scare and the protracted war in Korea. Dwight Eisenhower’s secretary of state, John Foster Dulles, attempted to undercut the Brickerites by assuring the Senate Judiciary Committee that the Eisenhower administration would never become a party to any human rights treaty. He also added a strong statement against the use of treaties as a means of interfering in the internal affairs of foreign nations, a claim that effectively refuted the principles behind every one of the postwar human rights treaties. This “Dulles doctrine” – the belief that treaties could themselves amend the U.S. Constitution and expand the powers of the federal government (not to be confused with Dulles’s other doctrine, that of “massive nuclear retaliation”) – prevented passage of the Bricker amendment by essentially giving the Brickerites exactly what they wanted. The Supreme Court in 1957 ruled that the Constitution could not be amended through treaties, but the damage was already done.<sup>8</sup> The combination of the Bricker Amendment threat and the Dulles doctrine made the Genocide Convention a dead letter in Congress until the dawn of the 1970s.

U.S. action on other post-World War II human rights treaties began in a limited way in 1963. That year President Kennedy sent three conventions to the Senate: The Supplementary Convention on the Abolition of Slavery, the ILO Convention Concerning the Abolition of Forced Labor, and the Convention on the Political Rights of Women. The Genocide Convention was notably absent from this list because it was considered too divisive. At any rate, although these three were widely regarded as “minor” treaties, the Senate ratified only the first one. It held off on the other two, eventually tabling them in 1967.

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<sup>8</sup> *Reid v. Covert*, 354 U.S. 1 (1957).

Lyndon Johnson also attempted, in a limited way, to elicit action on these conventions. He was nudged in this direction by Arthur Goldberg, who was a consistent supporter of human rights treaties as the U.S. ambassador to the U.N. and as a delegate to the U.N. Human Rights Commission (HRC). Not only would U.S. ratification strengthen international standards, Goldberg told Johnson in 1966, but it would also “represent a new, liberal departure in our international relations” and allow the U.S. to answer Soviet criticism “in a psychologically important area of international cooperation.” Furthermore, ratification would be “the logical complement” to the administration’s domestic efforts in race relations. As of 1966, only twelve of the 116 U.N. nations had failed to ratify any of these treaties; thus the U.S. was in the rather dubious company of undemocratic countries like Spain, Yemen, and South Africa. Interestingly, Goldberg advised the president to hold off on the Genocide Convention until the other treaties had been ratified, because the necessary implementing legislation would make for a difficult Senate fight.<sup>9</sup>

Johnson signed the International Convention on Elimination of all Forms of Racial Discrimination in 1966, a move that was consistent with his domestic civil rights initiatives.<sup>10</sup> His administration’s action, he insisted, “reflects this Government’s commitment to promote the cause of human rights and the end of racial discrimination.”<sup>11</sup> In 1968, on the occasion of U.N. Human Rights Year, Johnson created

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<sup>9</sup> Arthur Goldberg to Lyndon Johnson, 4 May 1966, folder 12, box I:47, United Nations Files, Arthur J. Goldberg Papers, Manuscript Division, Library of Congress, Washington, D.C. (hereinafter LOC).

<sup>10</sup> Johnson noted that nothing in the convention required action incompatible with the U.S. Constitution. He did not submit it to the Senate for advice and consent to ratification because constitutional issues still had to be worked out. The convention included possible free speech restrictions, and some obligations seemed to go beyond existing federal civil rights legislation, which raised the problem of federal-state jurisdiction.

<sup>11</sup> “Message to the Congress Transmitting Report on United States Participation in the United Nations, 1966,” 15 November 1967, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=28547>.

a Commission for the Observance of Human Rights Year that included such liberal stalwarts as Averell Harriman, A. Philip Randolph, George Meany, and Bruno Bitker. The commission put together the first comprehensive survey of all aspects of human rights in America, titled *For Free Men in a Free World: A Survey of Human Rights in the United States*.<sup>12</sup> That same year Johnson stated that American ratification of the human rights conventions was “long overdue. It is my earnest hope that the Senate will complete the tasks before it by ratifying the remaining human right conventions.”<sup>13</sup> Still, Johnson took no more action on these treaties, as he already had his hands full with civil rights, the Great Society, and the war in Vietnam.

Support for ratification of these treaties extended far beyond government circles. The Ad Hoc Committee on the Human Rights and Genocide Treaties stood out as the preeminent pro-ratification organization. Formed in 1964 to encourage the U.S. government to ratify the four U.N. conventions (genocide, slavery, forced labor, and the political rights of women), the committee’s founding members came largely from the American Jewish community, including the heads of the American Jewish Congress and B’nai B’rith. It very quickly expanded to include over 50 organizations, including labor unions (AFL-CIO, UAW, Workers Defense League); left-liberal political groups (ACLU, Americans for Democratic Action); and religious groups (United Church of Christ, Methodist Church, Episcopal Church, Union of American Hebrew Congregations, National Conference of Christians and Jews). Significantly, many of the committee’s

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<sup>12</sup> Bruno Bitker to Averell Harriman, 17 November 1976, folder 6, “Harriman, Averell W.,” box 1, Bruno Bitker Papers, MSS 29, Golda Meier Library, University of Wisconsin – Milwaukee. The commission compiled a final report that included a recommendation for a high official within the president’s immediate staff. President Jimmy Carter would later take up this recommendation.

<sup>13</sup> “Statement by the President upon Signing Order Establishing the President's Commission for the Observance of Human Rights Year 1968,” 30 January 1968, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=29049>.

member organizations were ethnic or ethnoreligious in character (Ukrainian National Association, Ukrainian Congress Committee, American Romanian National Committee, Hadassah, Jewish War Veterans, NAACP).

The Ad Hoc Committee spread the word through letter-writing campaigns, pamphlets, and lobbying of senators and congressmen. They used many methods of moral persuasion. One of their early pamphlets asked whether the U.S. was “a lost leader” in the worldwide drive for human rights, and went on to call for the U.S. to “reclaim, by active cooperation, its position of leadership in the worldwide march toward human rights.” Its authors quoted President Johnson on this point: “International cooperation is no longer an academic subject, it is a fact of life.”<sup>14</sup>

Meanwhile, the most significant anti-ratification organization in the 1960s and early 70s was the American Bar Association (ABA). The ABA played a crucial role in the debate over multilateral human rights treaties through its ability to shape the thinking of members of the Senate Foreign Relations Committee (SFRC). ABA representatives were called to testify before the SFRC on several occasions, and each time they argued against ratification. Yet although the association’s House of Delegates consistently voted against ratification of human rights conventions, opinions within the ABA were mixed. A narrow majority of the ABA House of Delegates supported non-action on the human rights treaties in 1967. That same year, an effort to put the ABA Section on International and Comparative Law on record in opposition to human rights treaties was defeated.<sup>15</sup> But despite splits in the ranks, the ABA as a whole would continue to vote against all human rights treaties until 1976.

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<sup>14</sup> “Is the U.S. a Lost Leader?,” 1967 (n.d.), “United Nations” folder, box 92, Campaign 1968 Research Files, Richard Nixon Library and Birthplace, Yorba Linda, California (hereinafter RNLB).

<sup>15</sup> Fred P. Graham, “Bar Unit Neutral on U.N. Treaties,” *New York Times*, 29 April 1967.

The year 1967 saw the fledgling beginnings of a national conversation on the human rights treaties. That year *Foreign Affairs* published William Korey's scathing criticism of congressional stalling on human rights treaties, which was the eminent journal's first-ever essay on a human rights subject.<sup>16</sup> Congress also took a major move in the direction of treaty ratification when the SFRC held the first ratification hearings since 1950. Although the committee did not consider the Genocide Convention, the hearings themselves were an important early step on the road to a significant national debate on the treaties and on human rights in general.

The Ad Hoc Committee played a significant role in these hearings. When attorney Richard Gardner testified for the committee, he emphasized the treaties' significance to American national interests. "Slavery and forced labor practiced abroad," he stated, "in addition to breeding political and social tensions, can have a direct impact on the sales of American products in the United States and foreign markets." He made a similar case with respect to the denial of basic rights to women, which constituted "a major obstacle to progress in less developed countries receiving quantities of American aid." American ratification, he asserted, would encourage newly-decolonized nations to take these treaties seriously. It would also improve America's legal position to criticize rights abusers worldwide, and it would give the U.S. more power to frame U.N. human rights norms. Above all, ratification would end a long period of embarrassment.<sup>17</sup>

Arthur Goldberg agreed with Gardner, stating that "we have strong reasons of national self-interest" to be a part of these "modest efforts" to elevate world standards.

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<sup>16</sup> William Korey, "Human Rights Treaties: Why is the U.S. Stalling?" *Foreign Affairs* 45, no. 3 (April 1967): 414-424.

<sup>17</sup> Richard N. Gardner, "The Case for Action on the Forced Labor and Political Rights of Women conventions," n.d., "Campaign 1968 Research Files – United Nations (2 of 4)" folder, box 92, Campaign 1968 Research Collection, RNLB.

Efforts to improve human rights and the economic development of the Third World, he argued, “have direct bearing on our own welfare and security.”<sup>18</sup> He also ensured the SFRC that these treaties were proper for federal use of the treaty power. The relevant test, he asserted, was whether a treaty dealt with a matter “which is properly the subject of negotiation with a foreign country,” not whether something was “domestic” in the sense of being a matter between a state and its own citizens.<sup>19</sup> The U.S. had entered into many such treaties, including the 1926 Slavery Convention. “If these matters were within the treaty power 40 years ago,” wrote Goldberg, “they can hardly be outside the treaty power today.”<sup>20</sup> As we might expect, Goldberg also used a moral argument, asserting that “ratification would demonstrate that our country . . . is not prepared to abdicate leadership and be left behind with the handful of other countries that have never ratified a single United Nations human rights treaty.” America’s non-ratification had become “a source of major diplomatic embarrassment.”<sup>21</sup> Goldberg drove home this point by concluding that he “never found a convincing answer” when asked by other U.N. delegates why the U.S. had not ratified these treaties.<sup>22</sup>

Congressional consideration of these treaties ended for the time being when the SFRC voted to table the conventions on forced labor and the political rights of women. In a letter to Senator Fulbright, Reverend Halbert of the Ad Hoc Committee called this decision “a costly anachronism,” and asserted that the conventions had been tabled two

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<sup>18</sup> Arthur Goldberg to Orison S. Marden, 7 July 1967, folder 8, box I:45, United Nations Files, Goldberg Papers, LOC.

<sup>19</sup> *Geofroy v. Riggs*, 133 U.S. 258, 267 (1890).

<sup>20</sup> Arthur Goldberg to Orison Marden, 11 May 1967, folder 12, box I:47, United Nations Files, Goldberg Papers, LOC.

<sup>21</sup> Arthur Goldberg to Orison S. Marden, 7 July 1967, folder 8, box I:45, United Nations Files, Goldberg Papers, LOC.

<sup>22</sup> Korey, *NGOs and the Universal Declaration*, 216-217.

decades earlier “for tactical considerations that no longer prevail.”<sup>23</sup> The otherwise liberal Fulbright responded with a largely constitutional explanation, insisting that the Committee’s decision “was not capricious,” and that its action was based on constitutional concerns that were “at least not unreasonable and, at most, of a fundamental nature.” The threat to the “constitutional balance . . . is not to be taken lightly – on emotional or propaganda grounds, for example.” Furthermore, because the area of human rights was new for treaty consideration, it was “an area in which we must proceed carefully and rationally, especially in these days of increasing concentration of power in the executive and in the federal government.” Fulbright also took a stab at the activist community by alleging that “much of the current pressure for action comes from individuals and organizations which have made little or no effort to examine the constitutional issues which these otherwise most commendable conventions raise for the United States.” He even released a statement explaining the SFRC’s decision to table the two treaties, even though the committee was not required to explain its vote.<sup>24</sup> Following this 1967 SFRC vote, the Ad Hoc Committee decided to focus its energies on the Genocide Convention.

### **The Genocide Convention in the Long 1970s**

The fortunes of the human rights treaties took several interesting turns during the Nixon/Kissinger years. In light of the Nixon administration’s attitude toward the U.N.,

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<sup>23</sup> Letter, Herschel Halbert to J. William Fulbright, 30 November 1967, “Campaign 1968 Research Files – United Nations (2 of 4)” folder, box 92, Campaign 1968 Research Collection, RNLB.

<sup>24</sup> Letter, J. William Fulbright to Herschel Halbert, 13 December 1967, “Campaign 1968 Research Files – United Nations (2 of 4)” folder, box 92, Campaign 1968 Research Collection, RNLB. The same group of documents includes Richard N. Gardner’s “case for action on the forced labor and political rights of women conventions.” See also “Statement by Senator J.W. Fulbright, Human Rights conventions,” January 1968, folder 5, box I:66, Goldberg Papers, LOC.

its record on these treaties was surprising. It is well known that Nixon and Kissinger privately criticized the U.N. as a sounding board for communist and nonaligned governments. As realists, they were far more interested in the Security Council and in relations between powerful nations. Nevertheless, they were wise enough to see that the U.N. served a purpose in the modern world. Thus they publicly supported many U.N. initiatives and even occasionally used the General Assembly to publicize the administration's position on international issues. They also took U.N. action seriously when it came to issues with which they were most interested, such as Chinese representation. The Nixon administration took on some very specific human rights targets in the U.N., mostly concerning religious and national self-determination or civil liberties in communist countries. U.S. representatives in HRC sessions mentioned the plight of Soviet Jews, Ukrainians, Tatars, Tibetans, Cuban political prisoners, Bangladesh, and the Baltic peoples. American representatives also consistently criticized apartheid whenever South Africa was mentioned, and they consistently spoke in favor of self-determination for the Portuguese colonies, Southern Rhodesia, and Namibia.<sup>25</sup>

This mixed approach – keeping the U.N. at a distance, but also recognizing the importance of public forums – allowed Nixon some room to maneuver when it came to the human rights treaties. In 1969 he directed the State Department to review the conventions to see if he should recommend any to the Senate for ratification. At the time, the U.S. was a signatory to only two of the 18 human rights treaties: the Supplementary Slavery Convention of 1952 and the Refugee Protocol. The State Department specialists, in their final report to the president, decided that “it would be in the interest of the United

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<sup>25</sup> Listed in letter, Marshall Wright to Donald Fraser, 7 December 1973, “SOC 14 U.N. 1-1-73” folder, box 3041, State Department General Records, RG 59, National Archives II, College Park, Maryland (hereinafter RG 59, NARA II).

States, as well as tactically advantageous,” to push for Senate consideration of the Genocide Convention.

They chose the Genocide Convention for several reasons. The SFRC had tabled the other two conventions only a few years earlier, so it was too soon to expect a reversal. Also, since human rights conventions elicited such strong reactions from across the political spectrum, the reviewers surmised “it would seem to be better tactics” to focus on the Genocide Convention first. If the Senate then agreed to ratify, positive action on the other treaties would be more likely. Secretary of State William Rogers also reminded President Nixon that the convention’s safeguards would prevent its use by anti-American regimes.<sup>26</sup> The Justice Department concurred that the convention text, as written, posed no legal problems for the U.S. The Nixon administration also likely supported the treaty as a means of improving America’s international image while also winning over some liberal voters in the process. For Nixon, there was little risk in supporting it. Because treaty ratification was the job of the Senate, he could simply blame the Senate if it chose not to act.

The year 1970 thus became the real starting point for a national debate on the Genocide Convention. Nixon sent a special message to the Senate in February 1970 in which he urged ratification.<sup>27</sup> He reminded Americans that 74 nations “from all parts of the world and of every political persuasion” had signed it. Ever the political realist, he also stressed that “Ratification at this time . . . would be in the national interest of the United States. . . . I regret to say, some of our detractors have sought to exploit our failure

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<sup>26</sup> “Message from the President of the United States Transmitting a Report from the Secretary of State Concerning the Convention of the Prevention and Punishment of the Crime of Genocide,” 19 February 1970, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 1970). Rogers also recommended adding an understanding to the text which would state that “mental harm” meant permanent impairment of mental faculties.

<sup>27</sup> It is perhaps worth noting that in 1954, when Nixon was vice president, he fought against the convention’s ratification.

to ratify this convention to question our sincerity.” Finally, in a nod to his law and order reputation, he asserted that ratification “will demonstrate unequivocally our country’s desire to participate in the building of international order based on law and justice.”<sup>28</sup> A State Department adviser pointed out to the press that federal jurisdiction in this matter had been established via a surfeit of new federal legislation in areas like race relations.<sup>29</sup>

Nixon’s decision touched off a congressional debate on the convention, as well as organized, national efforts both for and against ratification. In fall of 1970, the SFRC took up the convention for the first time in twenty years, and reported it out favorably in December of that year. The Senate did not vote on the treaty because the congressional session ended shortly thereafter; nevertheless, the committee’s positive action set the groundwork for a serious effort on the part of ratification advocates over the course of the entire decade. This effort was met in kind by anti-ratification conservatives, who wove numerous arguments into an effective oppositional strategy.

International events contributed to the American domestic conversation on genocide. As we saw in earlier chapters, many regions of the world witnessed large-scale bloodletting and human rights violations in the early 1970s, and these events became a part of the public consciousness in the U.S. The Nigeria/Biafra situation, for example, saw one million killed or starved to death. At almost the same time, another African tragedy took place in Burundi, where thousands were killed in the conflict between the Hutu and Tutsi peoples. Meanwhile, Bengali attempts to separate from Pakistan were met with harsh reprisals and mass murder, with the U.S. remaining silent for strategic

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<sup>28</sup> “Message to the Senate Transmitting the Convention on the Prevention and Punishment of the Crime of Genocide,” 19 February 1970, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=2846>.

<sup>29</sup> This was Warren E. Hewitt, chief of the Human Rights Affairs Division in the State Department. President Reagan would later appoint him Director of the Office of Human Rights Affairs, Bureau of International Organization Affairs. White House Press Conference, 19 February 1970, “Gen HU 3-4 Worship, Religion 1969-70” folder, box 38, WHCF, Subject Files HU, Nixon Papers, NARA II.

reasons. All three of these cases were called “genocides” by a considerable number of observers, and all three were discussed at high levels of the U.S. government.

In March 1971, the SFRC voted in favor of the convention by a vote of 10 to 4. Voting in favor were Senators Church, Pell, McGee, Muskie, Spong, Case, Javits, Scott, Symington, and Fulbright, while Sparkman, Aiken, Cooper and Pearson voted against. “We find no substantial merit,” the committee’s report concluded, “in the arguments against the convention. Indeed, there is a note of fear behind most arguments . . . as if we as a people don’t trust ourselves and our society.”<sup>30</sup> The executive branch then sent draft implementing legislation to Congress aimed at adding genocide to the U.S. Code and clarifying some of the convention’s vague terms. Yet the full Senate did not take up the convention for debate because opponents were able to prevent its introduction.

The following year, Senator Mansfield, who was one of the convention’s key supporters, stated that he would not schedule a debate on the convention until he had lined up a sufficient number of senators to support it. The SFRC again voted it favorably out of committee in February 1973, after which the Liberty Lobby, the John Birch Society, and the American Legion spearheaded a letter-writing campaign against it. During this campaign, letters to senators on the subject allegedly ran 50 to 1 against ratification.<sup>31</sup> (For example, virtually every letter and telegram Senator Henry Jackson received on the subject at this time urged him to vote against the treaty.<sup>32</sup>) When Mansfield brought the treaty up on the floor of the Senate in February 1974, Alabama Senator James B. Allen led a bloc of Southern Democrats and conservative Republicans

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<sup>30</sup> Quoted in Sen. Ex. Rep. No. 92-6, 92d Cong., 1<sup>st</sup> sess. (1971). See also Arthur J. Goldberg and Richard N. Gardner, “The Genocide Convention,” *New York Times*, 28 March 1972.

<sup>31</sup> Betty Kaye Taylor, Ad Hoc Committee memo, 3 July 1973, folder 6, box I:66, Goldberg Papers, LOC.

<sup>32</sup> See “United Nations” folder, box 194, 3560-4; and “Genocide Convention” folder, boxes 110 & 154, 3560-5, Senate Papers, 1964-72, Henry M. Jackson Papers, University of Washington, Seattle, WA (hereinafter HJP).

in a filibuster to prevent a vote. Cloture motions were then defeated on two consecutive days. (Cloture is the method by which Senators can end debate on a matter; it is often invoked to end a filibuster.) The first cloture motion was six votes shy of success. The next day a similar vote also failed, and once again the convention was relegated to the backburner.

### **Convention Opponents**

In order to understand the parameters of the Genocide Convention debate during the long 1970s, we should consider the arguments of its critics. Most critics were conservatives, but moderates in both parties also found reasons to be wary of the convention. The list of ratification opponents was extensive. Those who testified against ratification before the SFRC in 1970-71 included Senators Sam J. Ervin of North Carolina and Russell Long of Louisiana, attorneys Harry LeRoy Jones and Eberhard Deutsch (chairman of the ABA's Standing Committee on Peace and Law through the United Nations), Dr. William L. Pierce (the American Nazi Party leader who later became infamous as the author of *The Turner Diaries*), and organizations like the Liberty Lobby and the American Coalition of Patriotic Societies.

The ABA was the most prominent anti-ratification organization, though as we have seen, its individual members and committees were split on the issue. Some ABA sections and committees – such as the Section of Individual Rights and Responsibilities and the Committee on International Aspects of Individual Rights and Responsibilities – recommended ratification for several years, but a slim majority of voting delegates in the

association as a whole continued to vote against ratification.<sup>33</sup> In 1970, for example, the ABA's House of Delegates rejected six expert committees' recommendations and voted against the convention by a very narrow margin. One delegate justified the vote by writing that there were "important constitutional questions [which] the proposed convention . . . does not resolve . . . in a manner consistent with our form of government."<sup>34</sup>

Even John Bricker, now a private citizen practicing law in Ohio, warned President Nixon of the convention's dangers. The convention "clearly would overrule our local law and make American citizens subject to the treaty without the protection of the Constitution," he argued. "I cannot help but think that someone is promoting this in the interest of a small minority and not that of the American people . . . I cannot help but think that it is being promoted by Mrs. Hauser, our representative to the United Nations Human Rights Commission, on behalf of the New York crowd that opposed my amendment."<sup>35</sup> Nixon, ever interested in the balance of power, replied that "the balance of benefits to the United States lies clearly on the side of American ratification."<sup>36</sup>

Arguments against ratification ran the gamut during these years. Everything from anticommunism to fears of loss of sovereignty underpinned these sentiments, as did the concern that radicals would use the convention against American citizens. Contemporary events fueled fears that the convention would be used to target Americans for crimes

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<sup>33</sup> The latter committee was chaired by Rita Hauser, U.S. representative to the U.N. Commission on Human Rights. She submitted a report to the Senate explaining the section's position. See memo, Robert L. Brown to Henry Kissinger, 2 January 1970, "SOC 14 1970" folder, box 3037, RG 59, State Department General Records, NARA II.

<sup>34</sup> Ori L. Philips and Eberhard P. Deutsch, "Pitfalls of the Genocide Convention," *American Bar Association Journal* 56, no. 7 (July 1970): 641-646.

<sup>35</sup> Both from "SOC 14-7 4/1/70" file, box 3041, RG 59, State Department General Records, NARA II.

<sup>36</sup> Nixon to John Bricker, 24 August 1970, "[EX] HU 4 Genocide Begin - 12/3/70" folder, box 38, Subject Files HU, WHCF, Nixon Papers, NARA II.

against the Vietnamese. Indeed, “genocide” accusations against the U.S. began almost as soon as President Johnson sent American troops to Southeast Asia and ordered the Rolling Thunder bombing raids. In 1965, reporters from the Soviet news outlets *Tass* and *Pravda* considered the term’s applicability to America’s actions in Vietnam, and the following year the Cuban government issued a series of “Genocide in Vietnam” postage stamps. In 1967, Yugoslavian dictator Josip Broz Tito told a crowd of his supporters, “We cannot be indifferent when a tremendous mass of people [in North Vietnam] is being exterminated.” Leaders of other communist and nonaligned nations repeated these charges, as did some Americans. The maverick Rutgers University history professor Eugene D. Genovese charged in 1966 that President Johnson’s “Hitlerian policy” in Vietnam “bordered on genocide.” Several academics and policy experts similarly used the term when they testified before the 1970 congressional Conference on War and National Responsibility. Mark Lane, the well-known author and lawyer, also called U.S. actions in Vietnam “genocide.”<sup>37</sup>

The bombing campaigns and the highly-publicized My Lai “massacre” became central to this interpretation by 1970. “The chief obstacle to the Genocide Convention,” observed one journalist, “is the fear, now fanned by the [My Lai] case, that the treaty somehow will be used by other governments to prosecute U.S. soldiers who fought in Vietnam.” The Soviet representative in one U.N. committee stated that My Lai was “in the same category as Lidice (a Czech town that had been razed by the Nazis during

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<sup>37</sup> The information in this paragraph and the one that follows is from Peter Grose, “Stewart Leaves after Failing to Budge Russians,” *New York Times*, 4 December 1965; “Cuba Issues ‘Genocide Stamps,’” *idem.*, 27 November 1966; “Tito Accuses U.S. of Vietnam Genocide,” *Washington Post*, 27 March 1967; “Genovese Echoes Comment on Reds,” *New York Times*, 20 April 1966; “Hill Unit Reverses Genocide Vote,” *Washington Post*, 29 July 1970; Warren Unna, “U.S. Practicing Genocide in Vietnam, Hill Parley is Told,” *idem.*, 21 February 1970; Spencer Rich, “Genocide, Poison Gas Pacts in Peril,” *idem.*, 26 April 1971. The committee in which the Soviet representative spoke was the U.N. Committee on Human Rights in Armed Conflict.

World War II), while the Stockholm International Commission on War Crimes concluded that the American soldiers had committed atrocities. Opponents of ratification incorrectly assumed that soldiers returning from Vietnam would be subject to extradition. ABA spokesman Eberhard P. Deutsch argued before the SFRC in 1971 that Hanoi would take U.S. ratification as consent to trial of U.S. prisoners for genocide. The My Lai controversy even led the SFRC to rescind its approval vote for a short time in 1970. Senator Church declared that the committee was worried about a clause in the text that would allow other nations to haul American citizens before the International Court of Justice (the ICJ, or “World Court”), and he mentioned the My Lai defendants as a possible example. “There was a lot of opposition [to the convention] even without Vietnam,” said Senator Mansfield. “Vietnam will add to it.”

Contemporary racial issues also animated the debate over the genocide treaty. In the late 1960s it became somewhat fashionable among black radicals to charge the U.S. with “genocidal” policies against African-Americans. In 1967 the Black Caucus of the New Politics Conference included in its manifesto, “We, as black people, believe that a United States system that is committed to the practice of genocide, social degradation, the denial of political and cultural self-determination, cannot reform itself.”<sup>38</sup> Other black activists adapted the term to fit a wide variety of charges: “educational genocide,” “psychological genocide,” “physical genocide,” “institutional genocide,” and the like.<sup>39</sup> Perhaps more significant was the Black Panther Party’s 1970 petition to the U.N. charging the U.S. with genocide against black Americans. This genocide, said one spokesman, was not being carried out “in the customary way of lining up people and

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<sup>38</sup> David S. Broder, “Negroes Push Left to ‘Genocide’ Blast,” *Washington Post*, 3 September 1967.

<sup>39</sup> John Herbers, “Tour of 7 Cities Indicates Mood of Negro is Uneasy,” *New York Times*, 1 June 1969.

shooting them,” but by a longer process of denying them jobs, food, and money.<sup>40</sup> That same year a committee of black leaders – including Coretta Scott King, Huey Newton, Bobby Seale, Ossie Davis, Ralph D. Abernathy, and Rep. Shirley Chisholm – reissued the aforementioned Civil Rights Congress petition from the early 1950s, “We Charge Genocide.”<sup>41</sup>

Some in the black community even charged that birth control methods were subtle forms of genocide. At the 1967 Black Power Conference, held in Newark, New Jersey, conferees passed a resolution declaring birth control a method of “black genocide.” In 1969, repeated firebomb threats forced a Planned Parenthood clinic in a predominantly black neighborhood in Pittsburgh to close its doors. It seems that only a minority of African Americans agreed with these sentiments, but the most vocal activists received a good deal of attention.<sup>42</sup> And at any rate, these exploits bolstered the campaign against ratification of the Genocide Convention. Just as in the early 1950s, accusations of American “genocide” were easily lampooned by the convention’s opponents. Eberhard Deutsch, for example, used the “We Charge Genocide” petition in his 1973 testimony against ratification, all the while scoffing at the petitioners’ status as “outstanding leaders.”<sup>43</sup> (It is perhaps worth noting that “genocide” rhetoric was also appropriated by Catholic anti-abortion activists. Patrick Cardinal O’Boyle, Archbishop of Washington, said of the abortion rights movement of the early 1970s, “In a city that is 71 percent black

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<sup>40</sup> Paul W. Valentine, “Panthers to Press Genocide Charge,” *Washington Post*, 10 January 1970.

<sup>41</sup> Eberhard P. Deutsch to unnamed senator, 20 March 1973, folder 6, box I:66, Goldberg Papers, LOC.

<sup>42</sup> “Negroes Fighting for Birth Clinic,” *New York Times*, 11 August 1968. See also Brian Sullivan, “Blacks Discount ‘Genocide’ in Birth Curbs,” *Washington Post*, 26 August 1971.

<sup>43</sup> Eberhard P. Deutsch to unnamed senator, 20 March 1973.

and that includes a measurable amount of poor people, no one can ignore the implications of genocide.”<sup>44</sup>)

Another set of arguments against ratification came in response to the new radicalism of the United Nations. Conservatives and isolationists had criticized the U.N. – and virtually every other multilateral agreement and organization, for that matter – since its inception. But something different was happening in the 1970s. By this time it had become obvious to much of middle America, including many political moderates and liberals, that the U.N. had grown into a much more radical organization. As the U.N.’s membership had swelled with representatives from newly decolonized nations, it had grown more extreme, anti-Western, and anti-American. As a result, much of the American public and the U.S. Congress lost confidence in the U.N. and its initiatives. (This subject will be taken up in the next chapter.) Because the Genocide Convention was a treaty under U.N. auspices, its opponents could easily roll their opposition into a broader, populist attack on the organization as a whole, and thus gain new support in the fight against ratification.

Several other arguments against ratification were based on common legal misconceptions.<sup>45</sup> Opponents believed that American citizens could be subjected to trial under an international penal tribunal that would not have the procedural safeguards of American courts, or that the convention would place each American citizen under jurisdiction of the ICJ.<sup>46</sup> In the words of Eberhard P. Deutsch, the convention “places in the hands of nations whose peoples have never known the freedoms guaranteed under our

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<sup>44</sup> Karlyn Barker, “Abortion, Genocide Linked by O’Boyle,” *Washington Post*, 7 August 1972.

<sup>45</sup> Many of these anti-ratification arguments were documented by Philips and Deutsch, who laid out the ABA position in their article “Pitfalls of the Genocide Convention.” The pro-ratification argument was presented by Arthur J. Goldberg and Richard N. Gardner, “Time to Act on the Genocide Convention,” *American Bar Association Journal* 58, no. 2 (February 1972): 141-145.

<sup>46</sup> The ICJ was created under the U.N. Charter in the 1940s.

Constitution, the power to judge whether those freedoms are being protected properly within our domestic borders.”<sup>47</sup> Similarly, some wondered if another country could take the U.S. government to the ICJ, and thus override the Connally Amendment reservation, which had limited the U.S.’s adherence to the court. (Under this amendment, the U.S. reserved the right to determine for itself what matters fell “essentially within the domestic jurisdiction” of the U.S. and outside the ICJ’s scope.) Some opponents believed that the “incitement to commit genocide” clause would override American free speech laws, while still others feared that the convention would upset the balance between state and federal power by subsuming areas of criminal jurisdiction that had long been within the domain of states.

The convention’s allegedly “vague” definition of genocide further fueled these misconceptions. Minority groups, it seemed, could use Article II to claim genocide via “serious mental harm.” “Please explain how the U.N. would determine the horrendous crime of hurting one’s mind,” wrote one bemused constituent to his senator. “Would the zero birthrate policy of the U.S. be classified as genocide?”<sup>48</sup> As for the treaty’s injunction against inflicting “on the group conditions of life calculated to bring about its physical destruction,” Senator Ervin asked his Senate colleagues, “Does this mean that a county official who refuses to give a member of a group the amount of welfare deemed desirable can be punished for genocide?”<sup>49</sup>

Conservatives tended to argue that ratification was fraught with “slippery slope” implications. The convention, they alleged, was a potential “wedge” treaty that would commit the U.S. to more troublesome treaties. It was also another step toward “world

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<sup>47</sup> Eberhard P. Deutsch to unnamed senator, 20 March 1973.

<sup>48</sup> “SOC 14-7 1/1/71” folder, box 3043, RG 59, State Department General Records, NARA II.

<sup>49</sup> See *Congressional Record*, 25 May 1970, for Ervin’s comments.

government” (advocates of this position tended to call the ICJ the “World Court,” which sounded more suitably diabolical).<sup>50</sup> The arch-conservative Dean Clarence Manion assailed the convention along these lines shortly after Nixon sent his special message to Congress in 1970. “The dangers inherent in the ratification of the Genocide Treaty are immeasurably greater now than they were when the American Bar Association rejected it 20 years ago,” he asserted. “Nothing that is said or done against any person can be immunized against the charge of genocide if this emotionally charged Treaty becomes the law of the land.”<sup>51</sup> Since the treaty attempted to preempt the “Nuremberg defense” (i.e., “I was only following orders”), other opponents feared military commanders would hesitate to act on their orders out of fear of future prosecution for genocide or war crimes. Still others cited lack of precedent. “I am opposed as a matter of principle to trials where there is no existing body of law,” said Senator John Sherman Cooper, a liberal Republican from Kentucky. Without due process, he asserted, “There is always the possibility of revenge and unfair treatment . . . and this I cannot support.”<sup>52</sup>

Anti-ratification voices were loud and clear in a cache of letters sent to President Nixon in 1970.<sup>53</sup> These give some indication of ordinary Americans’ feelings on the subject, however misinformed their authors were on the facts. “Judging from the long-standing habit of communists and liberals to smear all conservatives as ‘fascists’ and ‘racists,’” wrote a man from Washington state, “the Genocide Treaty would be used to

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<sup>50</sup> “SOC 14-7 1/1/71” folder, box 3043, RG 59, State Department General Records, NARA II.

<sup>51</sup> Transcript, *The Manion Forum* broadcast, 15 February 1970. Copy filed in “United Nations” folder, box 194, 3560-4, Senate Papers, 1964-72, Jackson Papers. Natalie Kaufman Hevener has discussed the concerns of senators in her book *Human Rights Treaties and the Senate: A History of Opposition* (Chapel Hill: University of North Carolina Press, 1990), ch. 5.

<sup>52</sup> John Sherman Cooper to Bruno Bitker, 8 April 1972, “Correspondence, 1944-1981” folder, box 1, MSS 29, Bruno Bitker Papers.

<sup>53</sup> See “[GEN] HU 4 Genocide 1969-70 [2 of 2]” folder, box 38, Subject Files HU, WHCF, Nixon Papers, NARA II.

suppress all criticism of the Leftist Establishment.” The convention, he asserted, had been held up in the SFRC for years, “waiting for the time the American public became so brainwashed that its ratification could be rammed through the Senate.” Some letter-writers worried that the convention only needed a yes vote from 2/3 of senators present, not 2/3 of the entire Senate, and that Senate ratification would make genocide a crime without the consent of both houses. (One angry voter insisted that “as few as two senators could pass the Genocide Convention, and thereby repeal the Bill of Rights.”<sup>54</sup>) A Texas woman lambasted Nixon on several fronts, saying, “This suicidal legislation is strictly AGAINST America, the Constitution and Bill of Rights, all of which have been the foundation, very foundation, for the greatness of this wonderful country. . . . If only you would not surround yourself with leftists and ‘kooks,’ you might be able to see the forest and not just the trees.” The conservative Liberty Lobby – admittedly, hardly a beacon of reasoned argument – organized an anti-ratification campaign, calling the convention “a nightmare of deceptive and dangerous wording” pieced together by “internationalist liberals and doubletalkers.” Unless the public was apprised of “this communist-backed HOAX,” the Lobby argued, the convention could be “slipped through the Senate when no one is looking; at one stroke slashing the throats of American liberty.” A voter from Washington state sounded out similar themes in a letter to Senator Henry Jackson: “We cannot request too strongly that you take a position against the Genocide Treaty. You know what it will do to the protections we have built for our

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<sup>54</sup> “SOC 14-7 1/1/71” folder, box 3043, RG 59, State Department General Records, NARA II.

citizens over the last two hundred years if they are turned over to the one-world United Nations gang of communist-managed cutthroats.”<sup>55</sup> (all emphases in original)

Some letter-writers argued that the convention was diverting too much attention from the nation’s real problems. “Our nation is presently in dire distress over both domestic and foreign problems,” wrote a group of Republican women from California, “and does not need the fears, suspicions, anxieties and divisiveness which this convention would endlessly compound.”<sup>56</sup> Senator Ervin raised a similar objection, arguing that “a substantial part of the American people wish to contract rather than expand their international obligations.”<sup>57</sup> And because “political” groups were omitted from the list of possible genocide victims, opponents asserted that communist governments could freely commit genocide against any group that resisted their rule. The Los Angeles County Federation of Republican Women argued against ratification on the grounds that “there is no provision against the extensive murders committed in Russia, China, and Biafra,” and because the prospective convention’s definition of genocide included “ambiguous terms such as mental harm and conditions of life.”<sup>58</sup>

Another criticism – voiced by opponents *and* advocates – was that the convention had accomplished very little since it was first signed. Opponents somewhat paradoxically criticized what Eberhard P. Deutsch called the “emasculating reservations” through which upwards of 18 governments had watered down the original document.<sup>59</sup>

Testifying before the SFRC in 1971, lawyer Alfred J. Schweppe argued that the U.S. had

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<sup>55</sup> Letter to Henry M. Jackson, 23 April 1973, “Genocide Convention” folder, box 110, 3560-5, Jackson Papers.

<sup>56</sup> “SOC 14-7 4/1/70” file, box 3041, RG 59, State Department General Records, NARA II.

<sup>57</sup> “Guilt and the Genocide Convention,” *Washington Post*, 1 June 1970.

<sup>58</sup> Tilden Mattox to Richard Nixon, 31 March 1970, “SOC 14-7 1-1-70” folder, box 3041, RG 59, State Department General Records, NARA II.

<sup>59</sup> Eberhard P. Deutsch to unnamed senator, 20 March 1973.

not been a leader in drafting the convention, but rather had constantly retreated on key points like the inclusion of “political groups.” And whereas most critics argued that ratification would diminish American sovereignty – thus arguing that the convention’s terms were too strong – some simultaneously pointed out the convention’s inutility in preventing genocides. This point was echoed by a group of San Diego Republican women, who pointed out that not a single case of genocide had been brought before the ICJ, “although the crime of genocide has obviously taken place in Tibet, Belgian Congo, Biafra, and at Hue, Vietnam.”<sup>60</sup>

Beyond the misgivings of conservatives, one important institutional impediment in the ratification fight was the struggle between the executive and legislative branches. As we have seen, Congress attempted to assert itself into the foreign policymaking process in the early 1970s, and senators and congressmen like Henry Jackson and Donald Fraser did so by pushing the executive to act on human rights issues. In the case of the Genocide Convention, however, congressional activism had the opposite effect. Because Presidents Nixon, Ford, and Carter approved of the convention and asked for Senate ratification, congressional opponents of presidential foreign policy – who always seemed to be in a majority during these years – were wary of supporting it. In 1971, Senator Fulbright wrote to a member of the Ad Hoc Committee, “For many years the role exercised by the committee on foreign relations was that of the unquestioning advocate of policies and programs submitted to the Senate by the executive branch of the government.” But in the 1970s “the committee has become aware that it is no service to the nation to accept without question judgments made by the executive. . . . the cozy

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<sup>60</sup> “SOC 14-7 4/1/70” file, box 3041, RG 59, State Department General Records, NARA II.

relationship has been replaced by questions.”<sup>61</sup> Clearly the failings of American foreign policy in the 1960s and early 70s strengthened this conflict. “With foreign and domestic issues deeply intertwined,” wrote one journalist, “Congress has moved to challenge what the Supreme Court described in 1936 as the ‘external sovereignty.’ In tone and in practice the Congressional voice is inherently negative.”<sup>62</sup>

A second institutional factor – the arcane operational rules of the Senate – created one of the most powerful impediments to ratification. Not only was it difficult to garner a two-thirds majority in the Senate, but conversely the opposition needed only to mobilize a relatively small minority in order to block a vote or a debate. In fact, a single senator could prevent a debate on the treaty by denying unanimous consent. For example, when Senator Mansfield tried to bring up the convention for debate on the Senate floor in October 1972, Senator Ervin was able to prevent such a debate by simply stating, “Madam President, with reluctance I object.” This effectively killed the matter until the next congressional session. Senator Javits replied to Ervin by stating, “This treaty has never been more desirable than now. . . . I think it is terribly tragic . . . that at a time when terror has produced such bloodshed, we have not and apparently cannot even consider this particular measure.” Senator Proxmire agreed, adding that he was “deeply disappointed” that Ervin had objected.<sup>63</sup> Nevertheless, Ervin did not need to threaten a filibuster; it was implied with his objection. The operational rules of the Senate have led “institutionalist” political scientists to conclude that a nation’s ratification of any given human rights treaty does not in itself indicate a nation’s overall attitude toward “rights.”

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<sup>61</sup> John. W. Finney, “Foreign Policy: Congress More Active,” *New York Times*, 23 January 1971. This article lists numerous congressional attempts to wrest control from the executive.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Congressional Record*, 5 October 1972, S16921-S16922.

For not only was it relatively difficult to win assent for something like the Genocide Convention in the U.S. Senate, but undemocratic regimes were able to easily sign such conventions without the difficulties of the democratic process.

The Watergate scandal also got in the way of further movement on the Genocide Convention. The pro-ratification crowd had long relied on Senator Mansfield to introduce the treaty on the Senate floor, and when he hesitated to do so in 1973, Watergate seemed to be the driving issue. Hyman Bookbinder observed at this time that there was “a strong feeling, one shared by top State Department people, that Mansfield promised [Senator] Ervin not to bring it up . . . while Watergate activities are still underway.”<sup>64</sup> The State Department recommended at this time that the president hold off on sending a second pro-ratification message to Congress until such a time as the Senate began to move toward an open debate.<sup>65</sup> Nixon never sent a second message, in part because he was too busy fighting for his political life.

Finally, perhaps the most powerful preventative to ratification was simply the apathy of much of the public and individuals in the federal government. As Samantha Power has pointed out, unlike so many other treaties which passed the Senate so easily over the years, “The genocide convention . . . dealt with people. Because it did not promote profit or pleasure for Americans, it did not easily garner active support.”<sup>66</sup> And since the number of active supporters was quite low, the anti-ratification lobby was able to hold sway, despite their small numbers. “In a fashion not unusual for Capitol Hill,” Power added, “the lobbies were making themselves more vocal and thus more effective

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<sup>64</sup> Hyman Bookbinder to Arthur Goldberg, 20 September 1973, folder 6, box I:66, Goldberg Papers, LOC.

<sup>65</sup> Memo, Theodore L. Eliot to Henry Kissinger, 20 January 1972, “SOC 14-7 1-1-71” folder, box 3043, RG 59, State Department General Records, NARA II.

<sup>66</sup> Power, *A Problem from Hell*, 85.

in their opposition than mainstream American groups that supported the law in a passive way.”<sup>67</sup> As one sign of governmental apathy, countless government reports on the topic of the human rights treaties, written by expert commissions, were ignored or forgotten over the years. “Unfortunately,” wrote Bruno Bitker to John Salzburg (one of the most active ratification advocates in the State Department) in 1974, “too many studies and reports of congressional committees get buried” and lost in a “deep freeze.”<sup>68</sup> Anyone interested in re-election had to tread a fine line on the Genocide Convention, or otherwise face a potential loss of political support. One National Security Council policy analyst wrote to Alexander Haig in 1971 that although there was “nothing substantively wrong” with the administration’s position on the convention, “politically it is nonetheless an unequivocal loser.” It was, he argued, “a Pavlovian issue with the right-wing;” in “the hookworm belt” it was as hated as the ILO and the Geneva Protocol.<sup>69</sup>

### **Convention Advocates**

Genocide Convention advocates also represented a broad spectrum of American society, including prominent lawyers, judges, and political figures. Among the ABA attorneys who supported ratification were Morris Abram, Bruno Bitker, Richard N. Gardner, Rita Hauser, Whitney North Seymour, John Minor Wisdom, and Chief Justice Earl Warren, who clarified his stand by stating, “We as a nation should have been the first to ratify the Genocide Convention . . . Instead we may well be the last.”<sup>70</sup> Congressmen and senators

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<sup>67</sup> Ibid., 156.

<sup>68</sup> Bruno Bitker to John Salzburg, 20 December 1974, “Correspondence, 1944-1981” folder, box 1, MSS 29, Bruno Bitker Papers.

<sup>69</sup> Letter, J.F. Lehman to Alexander Haig, 4 June 1971, “[GEN] HU 4 Genocide 1/1/71 – [12/31/72]” folder, box 38, Subject Files HU, WHCF, Nixon Papers, NARA II.

<sup>70</sup> Quoted in Bruno V. Bitker, “Genocide Revisited,” *American Bar Association Journal* 56 (January 1970): 71-75.

included Mike Mansfield, Jacob Javits, Frank Church, and Donald Fraser. Many labor unions backed the conventions in the name of worker solidarity, political liberalism, or ethnic connections. (Most American labor unions were staunchly anti-communist, and labor leaders routinely pointed out that totalitarian and authoritarian governments alike curtailed the power of unions.)<sup>71</sup> And as the membership list of the Ad Hoc Committee shows, liberals and religious groups were also strong supporters, including civil rights organizations like Roy Wilkins's Leadership Conference on Civil Rights.

The most avid defender of ratification was Senator William Proxmire of Wisconsin, who used the convention to build one of the most remarkable speaking records in the history of Congress. Following the prompting of Milwaukee lawyer Bruno Bitker, Proxmire vowed to make a Senate speech in support of the Genocide Convention every day until it was ratified. Although he could not have known just how long it would take, he lived up to his promise. Between 1967 and 1986, Proxmire gave 3,211 such speeches on the floor of the Senate. Because he wanted each one to be unique, his staffers were hard pressed to come up with original spins on the same message.<sup>72</sup> Although Proxmire's honesty and maverick personality made him very popular in his home state – as evidenced in his landslide re-elections – he was much less popular on Capitol Hill. (This was due in part to his creation of the Golden Fleece Award, through which he publicized pork barrel political projects and other blatant examples of government largesse.) At any rate, his crusade proved to be a losing battle for many years.

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<sup>71</sup> See “[GEN] HU 4 Genocide 1969-70 [1 of 2]” folder, box 38, Subject Files HU, WHCF, Nixon Papers, NARA II. The Vermont State Labor Council, AFL-CIO, and Lev Dobriansky and the Ukrainian Congress Committee of America also supported ratification.

<sup>72</sup> The most detailed description of Proxmire's senatorial efforts on behalf of the Genocide Convention appears in Power, *A Problem from Hell*, 79-85, 155-169.

Ratification advocates challenged opponents on legal, constitutional, and moral grounds.<sup>73</sup> Concerning penal tribunals, they pointed out that no such tribunal existed; and even if one were created, Congress would decide whether or not the U.S. would sign on (ratifying the convention did not mean the U.S. was required to accept the jurisdiction of such a court). As for the charge that the convention would place each American citizen under the jurisdiction of the International Court of Justice, in reality the ICJ had no jurisdiction over individuals. Vietnam veterans could not be extradited because the convention was not an extradition treaty. The U.S. had no such treaty with either North or South Vietnam, and in any event, trials of this nature could be held in one's home country. As for the "mental harm" criticism, advocates pointed out that "mental harm" meant permanent impairment of mental faculties, which they considered a rigid enough standard to prevent frivolous allegations.

The pro-ratification side also took on the constitutional questions. As for the claim that the convention went against the 1<sup>st</sup> Amendment, legal experts pointed out that the difference between advocacy and incitement was well established in American law. Incitement to commit illegal activity was not protected by the U.S. Constitution, and in the event of a conflict with a treaty, the 1<sup>st</sup> Amendment would take precedent. Advocates of ratification further answered that genocide was a crime against the laws of nations, and that Congress had clear power to define such crimes. If the convention were ratified, the entire Congress would create appropriate legislation to implement the convention.

As to the charge that the convention did not fall within the proper jurisdiction of the treaty power, legal experts argued the opposite. Arthur Goldberg continued to testify

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<sup>73</sup> Philips and Deutsch, "Pitfalls of the Genocide Convention," 641-646; Goldberg and Gardner, "Time to Act on the Genocide Convention," 141-145.

that the convention was a valid subject of the treaty power. Bruno Bitker simplified this definition by saying, “If our country can protect the lives of seals and migratory birds through agreements with other nations, it should be able to prevent mass murder of human beings.”<sup>74</sup> Goldberg and Gardner also challenged the logic of critics who believed the convention was useless. “We do not say,” they wrote in 1972, “that our adherence to this convention will work miracles. . . . Let us remember, however, that none of the great documents of human civilization produced instant morality. . . . The point is that they did shape history in the long run.”<sup>75</sup> The one point that pro-ratification advocates conceded was that another country could take the U.S. to the ICJ. This was true under Article IX of the convention, and most advocates considered this an appropriate provision.

The SFRC occasionally joined the pro-ratification advocates in assailing the convention’s critics. When the committee voted in favor of ratification in 1973, for example, its final report addressed the charges of American “genocide” against the Vietnamese and against black Americans. “None of these . . . is genocide,” they wrote, “unless the *intent* to destroy the group as a group is proven. Harassment of minority groups and racial and religious intolerance generally, no matter how much to be deplored, are not outlawed per se by the Genocide Convention.”<sup>76</sup> The committee also listed all the things the convention did *not* do. The convention would not alter the rules of warfare or the rules regarding treatment of prisoners and civilians (the Geneva conventions covered these issues). The convention also did not apply to civil wars; to persecutions like the

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<sup>74</sup> Bruno V. Bitker, “Genocide Revisited,” *American Bar Association Journal* 56 (January 1970): 71-75.

<sup>75</sup> Goldberg and Gardner, “Time to Act on the Genocide Convention,” 141-145.

<sup>76</sup> “International Convention on the Prevention and Punishment of the Crime of Genocide,” Executive Report 93-5, 93<sup>rd</sup> Cong., 1<sup>st</sup> sess., 6 March 1973.

Soviets' treatment of prospective Jewish émigrés; to discrimination, racial slurs, or insults; or to voluntary population control measures. One of the convention's defining characteristics, its advocates argued, was that it did not apply to the past. "Genocide is what the convention says," wrote the committee, "and not what crusaders for human rights, no matter how well motivated, allege."<sup>77</sup>

And whereas campaigners against ratification argued that the nation's domestic problems were far more important than the Genocide Convention, many advocates argued the opposite. The nation's current problems, asserted Arthur Goldberg, made it imperative that the government aspire to greatness through its actions. "At a time when our commitment to human rights is being questioned by some of our own people and by others overseas," he told the SFRC in 1971, "it is particularly important that we ratify a treaty so consistent with our national purpose."<sup>78</sup> Along similar lines, the editors of the *Washington Post* lambasted Senator Ervin's statement that most Americans wished "to contract rather than expand their international obligations," calling this logic "an absurd misconception of the American wish . . . to contract their military involvement in remote places where American vital interests are not entailed."<sup>79</sup> Others hoped that ratification would send a similar message about America's military adventures. The president of B'Nai B'Rith Women asserted that the convention should be ratified as part of the effort to turn back "the nihilistic power of modern military violence."<sup>80</sup>

Many Americans similarly felt that non-ratification was a source of international shame. As early as 1965 this argument was reflected in the B'Nai B'Rith International

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<sup>77</sup> Ibid.

<sup>78</sup> Quoted in Ad Hoc Committee pamphlet, n.d., folder 5, box I:66, Goldberg Papers, LOC.

<sup>79</sup> "Guilt and the Genocide Convention," *Washington Post*, 1 June 1970.

<sup>80</sup> "SOC 14-7 1/1/71" folder, box 3043, RG 59, State Department General Records, NARA II.

Council's statement of non-ratification as "a national embarrassment. . . . Morally, the United States cannot parade a posture of 'do as I say, not as I do.'" <sup>81</sup> The editors of the *New York Times* were only exaggerating slightly when they wrote shortly after Nixon's 1968 election, "President Nixon could take few actions early in his administration that would so boost this country's international stature and that of the United Nations as would the completion of this unfinished business on human rights." The *Times* later called non-ratification "an ugly blot" on the nation's international reputation, and "a national disgrace." <sup>82</sup> *The Milwaukee Journal* similarly summed up the national zeitgeist in 1972 by writing, "As if the American image in world affairs were not tarnished enough by events, a nonevent [non-ratification] continues to make it appear thoroughly disreputable." <sup>83</sup> This feeling persisted throughout the decade. A Methodist bishop wrote to Senator Henry Jackson in 1977, "It is a contradiction of our American ideals and principles, as well as an embarrassment to us as a people, for the United States to be one of the few nations not to have ratified this convention." That same year a Seattle man wrote to his senator, "I think it shameful that after all these years it still remains unratified. It makes our human rights stand something of a mockery." <sup>84</sup>

The years 1976-77 seemed promising to ratification advocates. For starters, the Vietnam War and the racial turmoil of the early 1970s could no longer interfere with the debate. Just as significant from a legal standpoint, the ABA finally dropped its opposition to the convention. Shortly thereafter, a *New York Times* editorial summed up

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<sup>81</sup> B'Nai B'Rith International Council, "Fact Sheet: The Genocide Convention," March 1965, folder 5, box I:66, Goldberg Papers, LOC.

<sup>82</sup> "Negligence on Human Rights," *New York Times*, 15 December 1968; idem, 20 February 1970; 8 May 1972.

<sup>83</sup> "Foot Dragging on Genocide," *The Milwaukee Journal*, 13 February 1972.

<sup>84</sup> These last two letters were written in 1977. "Genocide Convention" file, box 161, 3560-6, Foreign Policy and Defense Papers, 1941-83, Jackson Papers.

the factors that had recently made ratification seem like a safe bet: “The gains liberals have made in the Senate, the reduction to sixty in the votes required for cloture and, above all, the shift in position of the ABA should remove any doubt about the affirmative outcome of the next Senate vote.”<sup>85</sup> Senator Ervin, the chief opponent among senior senators, had retired in 1974 (in Arthur Goldberg’s words, he was “fishing in North Carolina” and thus “no longer an obstacle”).<sup>86</sup> In 1976, President Ford signed the Convention on the Political Rights of Women, and a national conversation on human rights took place during the 1976 presidential election campaign. Above all, Jimmy Carter’s election to the presidency seemed to herald new life for the convention. As a candidate he pledged to renew America’s efforts in the arena of human rights, and during his first months as president he seemed to be setting out on just such a path. In a March 1977 speech to the U.N. General Assembly, Carter pledged to work with Congress to secure ratification of the Genocide Convention.<sup>87</sup> Soon thereafter he signed the covenants on economic, social, and cultural rights, and the one on civil and political rights. Yet despite these dramatic political and institutional changes, ratification of the Genocide Convention was anything but a foregone conclusion.

This was chiefly because powerful forces were still aligned against ratification. Senators Byrd, Helms, and Thurmond were as strongly opposed to ratification as Senator Ervin had been, and much of middle America still feared liberal internationalism. In 1977 opponents rallied for another grass-roots campaign to stop the ratification push. As just one example, the conservative magazine *The Independent American* sent out

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<sup>85</sup> “To Banish Genocide,” *New York Times*, 26 February 1976.

<sup>86</sup> Arthur Goldberg to Daniel K. Inouye, 12 July 1977; Goldberg to Moynihan, 3 June 1977, folder 6, box I:66, Goldberg Papers, LOC.

<sup>87</sup> “United Nations – Address Before the General Assembly,” 17 March 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7183>.

thousands of pamphlets titled “Defeat the Anti-America Genocide Treaty!”, in which its authors promised to expose “the plan of the internationalists to destroy individual freedom in the U.S.”<sup>88</sup> Ratification advocate Bruno Bitker pointed out another factor that hindered the ratification effort: “Unfortunately, memories of the holocaust that brought the convention into being have faded. The treaty has no active constituency.”<sup>89</sup> Arthur Goldberg seconded this assertion by saying that, although ratification was owed to the memory of Holocaust victims, the treaty “largely will have only symbolic value.”<sup>90</sup>

Perhaps even more significant than the anti-ratification campaign, President Carter used up his political capital with the Senate on the Panama Canal Treaty in 1977 and START II in 1979. During the canal negotiations the administration put the genocide pact on the backburner because Carter did not want to give his anti-Panama antagonists another rallying point. At the same time, Senate committee hearings on two other human rights treaties made it clear that these were unlikely to be approved. One journalist at the time noted the Carter administration’s tendency “to move with extreme caution” on a broad range of international initiatives “to avoid offending or inflaming legislators” who would be relied upon to deliver votes in the Panama Canal matter.<sup>91</sup> William Korey put it more bluntly: “Carter’s problem was that he had so many other problems.”<sup>92</sup>

Other factors influenced Carter’s attitude toward the Genocide Convention. Although he came to office with a sincere desire to make human rights an integral aspect of the nation’s diplomacy, he had to choose his battles. Because he focused his human

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<sup>88</sup> The Jackson Papers include dozens of letters from ordinary Americans in 1977; most were against the treaty. “Genocide Convention” folder, box 154, 3560-5, Senate Papers, 1965-83, Jackson Papers.

<sup>89</sup> Letter to the Editor, *New York Times*, 10 June 1977.

<sup>90</sup> Goldberg to Inouye, 12 July 1977; Goldberg to Moynihan, 3 June 1977.

<sup>91</sup> Bernard Gwertzman, “Canal Pacts: Fight Stalls other Foreign Problems,” *New York Times*, 7 September 1977.

<sup>92</sup> Quoted in Power, *A Problem from Hell*, 156.

rights energies on high-profile cases in Eastern Europe and the developing world, the Genocide Convention remained a secondary concern. Furthermore, Carter's interest in human rights causes flagged by 1979-80, in part because he faced so many other pressing issues and in part because the voting public was trending conservative.

### **Coda: Ratification at Last**

I began this chapter by asking why the Genocide Convention was not ratified in the 1970s. Of course, I could just as easily have asked why the Senate *did* ratify it in the 1980s.<sup>93</sup> As we have seen, the human rights momentum of the 1970s was not enough to overcome the fierce opposition of a vocal minority, and this was also true in the early 1980s. However, an unexpected turn of events in 1984-85 finally made ratification possible. In order to understand the Genocide Convention debate of the 1970s, we must come to grips with its conclusion in the 1980s.

Although President Carter had been unable to push the convention through, the outlook for advocates was not entirely grim at the dawn of the 1980s. By this time many of the Genocide Convention's traditional opponents (the ABA, Senator Ervin, moderate Republicans) had either abandoned opposition or dropped out of politics altogether. Meanwhile, the pro-ratification advocates had taken up a new tack and were now publicly connecting the convention to the memory of the Holocaust. The Holocaust was now a more prominent topic of discussion, and the American Jewish community was arguably more influential in national politics than it had been ten years earlier. So there was reason to believe that ratification would be accomplished shortly.

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<sup>93</sup> Unless otherwise noted, in this final section I am relying on Power, *A Problem from Hell*, 155-169, and Korey, *NGOs and the Universal Declaration*, 225-228.

Ronald Reagan, though, seemed to be a considerable obstacle. As the godfather of the conservatives, he became the first president to eschew public endorsement of the convention, and his opponents knew that he was a stubborn man. Through his somewhat cynical nomination of Ernest Lefever as assistant secretary of state for human rights in 1981 (to be described in a later chapter), he showed that he was largely uninterested in human rights issues. Indeed, when the SFRC held new Genocide Convention hearings that same year, no one from the Reagan administration showed up to testify. Reagan sent a similar message by cultivating close ties to a series of authoritarian, anticommunist world leaders during his first term.

Nevertheless, ratification advocates realized that Reagan did not want to be outdone by the Soviets when it came to moral issues. After all, he often invoked the word “genocide” when speaking of the crimes of the Khmer Rouge in Cambodia, and he had never shied away from criticizing communist nations’ human rights records. During his first few years in office he was a stalwart conservative, but he began to moderate his views on a number of issues in 1984. Around this time, he asked his advisers to study the conventions and report back to him. That summer the Democratic Party Platform for the 1984 presidential election included a Genocide Convention ratification pledge that criticized Reagan for his lack of support. In a characteristically bold stroke, Reagan then decided to undercut the Democrats’ moral authority by coming out in support of the convention two months before the 1984 election. Speaking before the International Convention of B’nai B’rith, Reagan told his audience:

With a cautious view, in part due to the human rights abuses performed by some nations that have already ratified the documents, our administration has conducted a long and exhaustive study of the convention. And yesterday, as a result of that review, we announced that we will vigorously support, consistent with the United States Constitution, the ratification of the Genocide Convention. And I want you to know that we intend to use the convention in our efforts to expand human freedom and fight human rights abuses around the world. Like you, I say in a forthright voice, “Never again!”<sup>94</sup>

It was a public relations coup, especially considering Walter Mondale’s decision not to mention the convention during his speech to the same audience on the same day.

Although this about-face may seem incongruous with Reagan’s principles, it is easy to understand from a political standpoint. He was surely aware that the Senate would only be in session for three more weeks. Thus the move allowed him to score political points without any worry that the convention would be brought up for a vote before the election. The move would also likely win some crossover voters, continuing a trend that had begun with the “Reagan Democrats” and neoconservatives in 1980. We might also add that Reagan’s position fit well with his new moderation on many issues, a transition most clearly evidenced in his emergent relationship with his Soviet counterpart, Mikhail Gorbachev.

Genocide Convention advocates were thrilled, but opponents were still passionately dismissive. Most chalked up Reagan’s decision to electoral politics. A

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<sup>94</sup> “Remarks at the International Convention of B'nai B'rith,” 6 September 1984, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=40332>.

Liberty Lobby statement charged that Reagan was “bowing to the pressures of an election year and feels he must placate the internationalist lobby by dragging out this old treaty, which none of his predecessors has been able to persuade the Senate to ratify.”<sup>95</sup> Still, Reagan’s public support brought along many conservatives. For example, Jeane Kirkpatrick, the U.S. ambassador to the U.N., testified before the SFRC in support of the convention. Conservative converts like Kirkpatrick tended to defend their positions with a combination of moral and strategic logic, including the longstanding contention that the communist governments were using the convention as an anti-American propaganda tool. In October 1984 the SFRC voted unanimously to approve ratification. The entire Senate then voted 87 to 2 in favor of a resolution approving the treaty’s principles and pledging quick action at the next legislative session.

Reagan’s change in attitude was important, but the real push for ratification came in the wake of an unexpected controversy. His advisers planned a wreath-laying ceremony at a military cemetery in Bitburg, West Germany during his trip to Europe in May 1985. What they did not know was that 49 members of the Waffen SS were buried there. Reagan’s refusal to cancel the trip touched off a firestorm of criticism among Jewish and veterans’ groups. Reagan defended the trip as a gesture of goodwill toward America’s former enemy, and he agreed to visit a concentration camp on the same trip. Still, never one to back down from a decision, he would not cancel the visit to the cemetery. When he got back to the U.S., his administration decided to push the Genocide

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<sup>95</sup> Bernard Gwertzman, “Reagan Will Submit 1948 Genocide Pact for Senate Approval,” *New York Times*, 6 September 1984.

Convention as a means of mending fences. “Bitburg wasn’t a reason for the shift” in the administration’s priorities, said one insider, “it was the *only* reason.”<sup>96</sup>

With Reagan’s full backing, the Senate took up debate on the convention early in 1985. As expected, congressional critics like Jesse Helms and Strom Thurmond added numerous reservations and understandings that effectively prevented the treaty’s use against Americans. They objected most strenuously to the possibility that the ICJ would have jurisdiction over American citizens. Thus they wrote provisions to ensure that only formal U.S. approval could precipitate U.S. involvement in ICJ trials. The convention’s longtime supporters were appalled that opponents had so weakened the treaty, but they chose to back the watered-down version nonetheless. (Nine Western European nations eventually filed formal objections to the American congressional conditions.) The ratification momentum accelerated in October 1985, when a groundbreaking ceremony for the Holocaust Museum in Washington occasioned several speeches in favor of the convention. But as usual, a few determined opponents were able to stop this momentum in its tracks. In December 1985, Senator Helms and Senator Chic Hecht of Nevada objected to a floor debate, and thus killed the matter until at least the next congressional session. Through a series of compromises with conservative senators, supporters were able to begin a debate during the next session, and the Senate finally ratified the convention on 19 February 1986 by a vote of 83 to 11.

The implementing domestic legislation took many months to work out, due in part to opponents’ attempts to kill the treaty by inflating the legislation. Senator Thurmond, for example, created a logjam by insisting on the death penalty for convention violators. This, he hoped, would make the implementing legislation so unpalatable that it would

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<sup>96</sup> Power, *A Problem from Hell*, 163.

never pass. The impasse was broken when Thurmond agreed to drop his amendment in exchange for the Senate Judiciary Committee's consideration of some Republican judicial nominees. The legislation was passed, and President Reagan signed it on 4 November 1988, just four days before the election that put George H.W. Bush into the Oval Office. Upon signing, Reagan told his audience that he was "delighted to fulfill the promise made by Harry Truman to all the peoples of the world, especially the Jewish people."<sup>97</sup>

The watered-down treaty and accompanying legislation seemed a hollow victory to many longtime advocates. Nevertheless, the convention's final passage was a proud moment for those who had fought so long and hard for ratification. Its passage also helped break the logjam of human rights treaties in the Senate; ratification of other such treaties followed in short order thereafter. The larger lesson, it seems, is that human rights activists in the 1970s faced an arduous task even with such a relatively straightforward document as the Genocide Convention. As was the case with so many other human rights issues of this period, the small victories tended to go to those who were the most active, regardless of their numbers. This episode also shows us the extent to which the American political culture – despite the human rights momentum of the long 1970s – was still defined by persistent anticommunism, conservatism, and neo-isolationism.

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<sup>97</sup> "Remarks on Signing the Genocide Convention Implementation Act of 1987 (the Proxmire Act) in Chicago, Illinois," 4 November 1988, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=35107>.

## **Chapter 6 – The Limits of Morality II: The U.N. and Economic Rights**

In this chapter I continue exploring the multilateral approach to human rights by examining the hotly contested arena of economic rights. First I examine the thorny relationship between the U.S. and the United Nations in the late 1960s and 70s, paying particular attention to the U.N.'s inability to effectively address international human rights concerns. I then describe American reactions to the New International Economic Order (NIEO) and the Charter of Economic Rights and Duties of States (CERDS), which developing nations proposed as an alternative to existing international economic relationships.<sup>1</sup> I conclude that multilateral approaches to human rights issues were largely unsuccessful in the long 1970s. Furthermore, arguments over economic “rights” illustrated the limits of Western conceptions of universal rights standards. The specifics of the NIEO/CERDS plan are only of secondary importance to this chapter. What is more significant is that American policymakers were forced to devise creative ways of addressing the determination of the Third World. American vacillation on NIEO/CERDS reflected national misgivings about the value of the U.N. and the trustworthiness of LDCs (less-developed countries). It also reflected the traditional aversion to multilateralism and the Nixon and Ford administrations’ focus on East/West relations. The weakened position of the presidency in the 1973-77 period also contributed to a lukewarm American response to Third World economic demands.

Efforts to insert human rights and democratization issues into the American diplomatic agenda were hampered by more than just domestic political disputes, Cold

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<sup>1</sup> For the sake of simplicity, I will use the terms “Third World,” “LDC” (less-developed country), and “developing country” interchangeably. Although such terms mute the complexity of different regions and nations, they convey the mood of the time. In the mid 1970s, there was a genuine push on the part of the nonaligned to create a power bloc based on the common interests of developing countries. Thus the generalization is valid within the context of the NIEO and the time period.

War concerns, and *realpolitik*. There was also a considerable amount of friction between advocates of differing conceptions of universal rights.<sup>2</sup> Several cultural, ideological, and religious traditions offered serious challenges to the Western-oriented human rights movement. Whereas Americans and Europeans tended to advance the Enlightenment tradition of individualism, many of the developing world's cultures were imbued with communal and collective traditions that were inimical to the individualistic, Western conception of human rights. The Marxist tradition – with its stress on collective “rights” and its critique of human rights rhetoric as bourgeois ideology – offered another coherent, influential counterpoint to the idea of universal rights norms. The communist bloc nations therefore consistently assailed the legal and political rights tradition of Western liberalism and touted the Marxist tradition of social and economic rights. With few exceptions, Marxists in decolonizing nations had not emphasized “rights” in the 1950s and 60s, but in the 1970s they became much more interested in rights rhetoric. The Islamic tradition also contested the notion of “universality.”<sup>3</sup> Finally, perhaps the most significant challenge of all was the postcolonial critique, through which developing nations contested the “neo-imperialism” of the Western human rights program. Advocates of this viewpoint interpreted “human rights” as merely the latest form of Western imperial domination. Although these nations had gladly signed – and in many cases, had helped write the language – of international covenants in the 1950s and 60s, eventually the contradiction between communal values and Western individualism

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<sup>2</sup> Kathryn Sikkink, *Mixed Signals: U.S. Human Rights Policy in Latin America* (Ithaca: Cornell University Press, 2004), 10-12.

<sup>3</sup> In the words of Michael Ignatieff, the Iranian Revolution “provided the focus and the leadership for this revolt [against individualist human rights]. It is not surprising that Islam should have been the source of the central intellectual challenge to secular human rights.” Michael Ignatieff, “Human Rights,” in Carla Hesse and Robert Post, eds., *Human Rights in Political Transitions: Gettysburg to Bosnia* (New York: Zone Books, 1999), 319-320.

became too clear to ignore.<sup>4</sup> Put simply, American policymakers and activists found that they could not easily control the behavior of the LDCs.

Economic stagnation in the 1970s further spurred LDCs' discontent. Many in the developing world resented the Western rights tradition's emphasis on political rights over economic ones. As Iran's representative to the IMF and World Bank wrote (prior to the Iranian revolution), "American and Western libertarian philosophy still regards 'human rights' in a very narrow context: as essentially political, universal, and timeless. . . . But as far as the Third World is concerned, they are largely one-sided, passive and abstract." In those countries that were suffering from the worst deprivation, poverty, illiteracy, and the like, "the masses might indeed be much happier if they could put more into their mouths than empty words; if they could have a healthcare center instead of Hyde Park corner; if they were assured of gainful employment instead of the right to march on the Capitol."<sup>5</sup>

### **The U.N., the Developing World, and "Rights" in the Long 1970s**

The U.N. underwent two important shifts in the 1960s and 70s. First, as the General Assembly's membership swelled with representatives from newly decolonized nations, the organization became more radical. Second, this increase in radicalism paralleled the organization's increasing inability to handle human rights issues. The U.N. had 55 members when it was founded, and for many years thereafter the organization's interests paralleled those of the U.S. By 1969 there were over 100 new nations, few of which had

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<sup>4</sup> Ignatieff, "Human Rights," 314, 319-320.

<sup>5</sup> Jahangir Amuzegar, "Rights, and Wrongs," *New York Times*, 29 January 1978.

much in the way of liberal democratic traditions.<sup>6</sup> However, these nations *did* possess strong anticolonial attitudes, as well as (in the case of former British colonies) a tradition of Fabian socialism.<sup>7</sup> As a result, in the 1960s and 70s the U.N. as a whole became more of a sounding board for developing nations' grievances than a forum in which states could solve international problems.

In addition to decolonization, several events in the early 1970s brought the Third World to the attention of industrialized nations. The most significant was the combination of the 1973 Yom Kippur War, the OPEC oil embargo, and the ensuing energy crisis, all of which showed the developed world that some LDCs were capable of wielding real economic power. As the price of oil rose from under \$10 a barrel to over \$30, the American economy took a major hit. The U.S. balance of merchandise trade dropped from a surplus in 1973 to a five-billion dollar deficit in 1974.<sup>8</sup> When coupled with rising unemployment and declining competitiveness, the oil embargo hardened American attitudes toward LDCs' economic demands. The oil shock also hurt the LDCs in a major way, as the embargo essentially ended the possibility of cheap development through cheap energy. Developing nations had to pay more to import necessary goods and to export their own raw materials and agricultural products. These problems were compounded by a global food shortage that grew out of failed harvests in 1972 and 1974. As a result of these events, the developed nations acknowledged the growing needs of LDCs via such gatherings as the U.N. Conferences on Trade and Development (UNCTAD), the U.S.-sponsored World Food Conference, and the Seventh Special

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<sup>6</sup> John G. Stoessinger, *Henry Kissinger: The Anguish of Power* (New York: W.W. Norton and Company, 1976), 164.

<sup>7</sup> For an exposition of this view, see Daniel Patrick Moynihan, "The United States in Opposition," *Commentary*, March 1975, 35.

<sup>8</sup> Alan P. Dobson, *U.S. Economic Statecraft for Survival, 1933-1991: Of Sanctions, Embargoes, and Economic Warfare* (New York: Routledge, 2002), 216.

Session of the General Assembly, which was aimed at economic development. The U.N. held no fewer than eight international conferences on development between 1972 and 1977, covering everything from population to desertification.<sup>9</sup>

Against the backdrop of the oil embargo and the general economic failures of the 1970s, developing nations were inspired to make strong economic demands on the developed world. Former colonies blamed their erstwhile rulers for their plight while simultaneously petitioning them for relief, and several of the more radical Third World leaders bitterly denounced the First World. A typical example was Chilean President Salvador Allende's passionate attack against the industrial democracies – and the U.S. in particular – at the third UNCTAD meeting (1972). These nations, he asserted, had created a world in which “the toil and resources of the poorer nations pay for the prosperity of the affluent peoples.”<sup>10</sup> He went on to assail “economic colonization” as a root cause of Third World misery. “There is an attempt to condemn us, the underdeveloped countries, to being second-class realities, always subordinated,” he said. “If the present state of affairs continues, 15 per cent of the population of the ‘third-world’ is doomed to die of starvation.”<sup>11</sup> To many, this North/South divide began to seem as insuperable as the East/West split of the Cold War.

These trends had a significant Cold War connection. Many of the new nations favored a path of nonalignment, but some tilted toward the Soviets for reasons of geostrategy, economics, or ideology. Some also joined the Soviet camp because the

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<sup>9</sup> See “The 1970s: Era of Alternatives,” *The State of the World's Children, 1996* (UNICEF: 1996), <http://www.unicef.org/sowc96/1970s.htm>.

<sup>10</sup> Speech, 13 April 1972, quoted in Henry Kissinger, *Years of Upheaval* (Boston: Little, Brown and Company, 1982), 392.

<sup>11</sup> Salvador Allende, speech to UNCTAD, 13 April 1972, in Victor Farias, ed., *La Izquierda Chilena (1969–1973): Documentos Para el Estudio de Su Linea Estratégica* (Berlin: Wissenschaftlicher Verlag, 2000), 2143.

U.S.S.R. had led the anticolonial drive in the U.N. through its sponsorship of the 1960 Declaration of the Granting of Independence to Colonial Countries and Peoples, a vote from which the U.S. abstained. (To many observers in the Western democracies, it was no small irony that the Soviet Union arguably included more colonially subjugated peoples than any nation on earth.)

The Soviets succeeded in using their clout among the LDCs to dramatically alter the role of non-government organizations (NGOs) within the United Nations. Human rights issues at the time were addressed by both the Economic and Social Council (ECOSOC) and the Human Rights Commission (HRC). Between 1969 and 1972 Soviet representatives led a power shift among the leadership of ECOSOC's important NGO Committee. Several developing nations joined with the nations of the communist bloc to intimidate, and eventually eject, a number of Western NGOs.<sup>12</sup> This outcome benefited the Soviets, who were reeling from international criticism of their policies toward dissidents and Jews. It also benefited the developing world's anti-Western and authoritarian leaders, who cared little for the criticisms of Western human rights NGOs. Western criticism of the new nations' human rights records only made them more headstrong in the General Assembly and in U.N. committee meetings. Within a few years the Soviets and LDCs had successfully lobbied to move the entire U.N. human rights system to Geneva – far from the New York news media, American NGOs, and Jewish organizations that publicized the plight of Soviet Jews.

The travails of the HRC symbolized the U.N.'s inability to effectively improve international human rights practices. The commission had been established to provide a

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<sup>12</sup> William Korey, *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine* (New York: St. Martin's Press, 1998), 77-94.

forum for discussion of human rights issues, but it was not well equipped with enforcement mechanisms. American delegate Morris Abram witnessed the HRC's shortcomings firsthand in the 1960s. "Our field of work – human rights – is one of frustration," he told members of Congress. "The [Human Rights] Commission's means . . . are simply insufficient to the magnitude of the task." Because the HRC could not use physical force, said Abram, "moral force . . . however inadequate it may be" was "the chief international instrument for the promotion of human rights."<sup>13</sup> As further evidence of the U.N.'s weakness on human rights during this period, its members could not agree on whether to create an office of High Commissioner for Human Rights. The idea was first suggested in 1964 by Jacob Blaustein of the American Jewish Committee, who argued that a High Commissioner could effectively handle complaints and report his findings to the General Assembly.<sup>14</sup> Although a succession of American presidents and members of Congress supported the idea, the office was not created until 1994.

The undemocratic character of most HRC member nations further inhibited the commission's abilities. The HRC found it politically expedient in the late 1960s and 70s to routinely assail South Africa and Israel while ignoring most other states. Out of twenty resolutions and telegrams adopted by the HRC during the 24<sup>th</sup> session (1967-68), thirteen dealt with Apartheid.<sup>15</sup> William Korey, B'Nai B'Rith representative to the U.N., reported that African and Asian representatives objected to the "undesirable precedent" of human rights petitions concerning countries like Haiti, Kenya, and Indonesia. A Tanzanian delegate even threatened to open debate on human rights violations in

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<sup>13</sup> "Statement by Morris Abram on the U.N. High Commissioner for Human Rights," 25 March 1966, folder 10, box I:39, Arthur Goldberg Papers, Library of Congress (hereinafter LOC).

<sup>14</sup> Korey, *NGOs and the Universal Declaration of Human Rights*, 9.

<sup>15</sup> Summary, Betsy Levin, 17 April 1968; memo, Betsy Levin to Morris Abram, 20 March 1968, folder 12, box I:47, United Nations Files, Goldberg Papers, LOC.

Vietnam and America if an HRC subcommission debated regions outside of Southern Africa. In October 1967 a U.N. committee voted 87 to 2 to avoid mention of anti-Semitism in a religious intolerance convention. (Israel and the U.S. submitted the two “nay” votes.) To Korey, the “classic case of U.N. indifference” was its non-reaction to the 1971 massacre of tens of thousands of Bengalis by Pakistani troops, during which “not a word about the Bengali plight was sounded” in the HRC. Although the LDCs within the HRC had a variety of reasons for acting as they did, most American observers joined Korey in faulting these nations’ “undemocratic” character. In stark contrast to the Commission’s early years, when such luminaries as Eleanor Roosevelt and René Cassin used the U.N. podium to speak out on behalf of universal rights standards, in the early 1970s the 32-member body was composed “mainly of political or bureaucratic appointees whose commitment to human rights is somewhat less than their commitment to the political interests of the governments they represent,” stated Korey.<sup>16</sup>

Ambassador George H.W. Bush’s summary of the 1971-72 HRC session substantiated Korey’s views. The majority of the commission’s time, Bush wrote, was devoted to racial discrimination and the Middle East “to the neglect of questions of more general and long-range interest such as development of norms and procedures for protection of human rights. This imbalance in the work of the commission has seriously detracted from its formerly prestigious character.” The Soviets consistently attacked the West and used the HRC “to avoid any consideration of questions which would reflect adversely on their own conduct. They were remarkably successful in this strategy at this session because of the behavior of other members.” Although the American delegation

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<sup>16</sup> Robert H. Estabrook, “U.N. Panel Said to Overlook Repression,” *Washington Post*, 24 November 1968; William Korey, “The Genocide Convention: Time to Sign,” *New York Times*, 8 December 1973; Korey, “What Hope for the Genocide Convention?” *Vista*, November-December 1972, 43-51.

succeeded in raising the issues of treatment of American prisoners-of-war<sup>17</sup> and Soviet Jews, it was otherwise “frustrated in efforts to focus attention on questions of basic concern in the human rights field, such as freedom of expression and right to leave one’s country.” Bush’s final thoughts crystallized American frustrations: “We are deeply concerned over the performance of the commission and its diminished importance as an instrument to effect genuine progress in the promotion and protection of fundamental human rights and freedoms.”<sup>18</sup> As a consequence of these developments, it became clear that the UN was no longer the place in which human rights issues were to be publicized and solved. Instead, national governments, legislatures, and NGOs took the helm to alleviate human rights troubles. Non-government activists began to pursue new avenues, such as direct appeals to international news and information media.<sup>19</sup>

The more radical U.N. of the late 1960s and early 70s was also clearly more anti-American, especially when compared with the organization’s early years. The U.S. was routinely singled out in the General Assembly for special criticism.<sup>20</sup> For example, Secretary General U Thant lambasted America’s bombing of North Vietnam but said nothing about Hanoi’s actions against the South Vietnamese or the Soviets’ invasion of Czechoslovakia.<sup>21</sup> Third World representatives also lashed out at the consistent American abstention or opposition to amendments on colonialism following the passage

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<sup>17</sup> Because of the Vietnam conflict, the U.S. was particularly concerned with the treatment of prisoners of war. A large body of international laws regarding armed conflict – including the Geneva Convention relative to the Treatment of Prisoners of War – culminated in a resolution on Human Rights in Armed Conflicts, adopted by the International Conference on Human Rights on 12 May 1968. Violations of these laws were taken up in the U.N. See University of Minnesota Human Rights Library, <http://www1.umn.edu/humanrts/instree/1968a.htm>.

<sup>18</sup> State Department memo, April 1972, “SOC 14 ECOSOC 1972” folder, box 3039, RG 59, State Department General Records, National Archives II, College Park, MD (hereinafter NARA II).

<sup>19</sup> Korey, *NGOs and the Universal Declaration of Human Rights*, 89-90.

<sup>20</sup> *U.S. News and World Report* published numerous articles that reflected this view. See “How Helpful Are U.S. Allies?” 13 September 1965; 25 April 1966, 50-52 (on race becoming the real standard in the U.N.); and 28 February 1966 (on the U.N.’s ineffectiveness as a peacekeeping body).

<sup>21</sup> Editorials, *Chicago Tribune*, 15 May 1968, 23 July 1968.

of the 1960 anticolonial declaration. In 1970, as a direct result of the news that some residents of the U.S. Virgin Islands had died in Vietnam, Third World delegates even passed a resolution that condemned the use of “indigenous populations” in “colonial” wars.<sup>22</sup> Henry Kissinger, among many others, took stock of these trends and referred to what he called “the double standard of the dominant group in the United Nations,” which turned a blind eye to the excesses of leftist and autocratic governments while criticizing the U.S. and other democracies for their alleged abuses of power.<sup>23</sup> Speaking somewhat less diplomatically, former U.S. ambassador Clare Boothe Luce called the newly decolonized nations “the diaper set.”<sup>24</sup>

As this anti-Americanism continued into the 1970s, American representatives at the U.N. and ordinary citizens alike became increasingly dissatisfied with the entire organization. For example, when the U.N. released its 1971 Report on the World Social Situation, it included a number of questionable claims about American economic and social indicators. Daniel Patrick Moynihan, who was then a member of the USUN delegation under Ambassador Bush, publicly criticized the report, writing in a press release (in a clear nod to his previous vocation as a professor) that it read “like the work of a harassed undergraduate, hoping against reason that his senior thesis, compiled in three horrendous nights of scissors, paste, and black coffee, will be accepted on grounds that he will otherwise not graduate.” He concluded that the U.N. was not “drowning in words” but rather “settling in a swamp of untruth and half truth and vagary.”<sup>25</sup> President Nixon wrote to Moynihan a few days later, “Your superb handling of the inaccurate

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<sup>22</sup> David D. Newsom, *The Imperial Mantle: The United States, Decolonization, and the Third World* (Bloomington: Indiana University Press, 2001), 179.

<sup>23</sup> Kissinger, *Years of Upheaval*, 412.

<sup>24</sup> Quoted in *The Commonwealth*, 6 March 1967, 63.

<sup>25</sup> Press release, U.S. Delegation to the General Assembly, 7 October 1971.

descriptions . . . set the record straight on this matter and was a source of deep satisfaction to me. You were right on the mark.”<sup>26</sup>

American policymakers’ disillusionment drove them to act. In 1971, President Nixon pulled the U.S. out of the Committee of 24 on Decolonization because of the committee’s radical rhetoric.<sup>27</sup> The following year the administration persuaded Congress to reduce America’s share of U.N. dues from 31% to 25%. Congress also passed resolutions urging the U.N. to clarify its procedures and act on the issues of torture and treatment of prisoners. These resolutions criticized, among other things, the HRC’s inability to meet in special session to address “urgent situations involving gross violations of human rights.” The sponsors of one such resolution asserted that “the high quality of legal expertise represented among the membership of the Commission on Human Rights has not been maintained at the same level as was evidenced during the early years of the United Nations.” These resolutions were a clear message that many in Congress were troubled by the HRC’s procedural obstacles and anti-American demagoguery.<sup>28</sup>

President Nixon did not place much faith in the U.N. because, as Gary B. Ostrower has argued, the Cold War “was mainly fought without regard to the United Nations.”<sup>29</sup> According to Foreign Service veteran Seymour Maxwell Finger, Nixon’s

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<sup>26</sup> Letter, Richard Nixon to Daniel Patrick Moynihan, 9 November 1971, folder 9, box I:323, Moynihan Papers, LOC. William F. Buckley also praised Moynihan’s assault on the U.N., calling one passage from this speech (Moynihan’s claim that “we are fully content that others live as they will”) “the last word in anti-Wilsonianism.” William F. Buckley, Jr., “Prof. Moynihan at the U.N.,” 9 November 1971.

<sup>27</sup> President Johnson had also considered doing so. The U.S. was joined in this 1971 action by the government of the U.K.

<sup>28</sup> See H. Con. Res. 310, H. Con. Res. 311, H. Con. Res. 312, H. Con. Res. 313, 93<sup>rd</sup> Cong., 1<sup>st</sup> sess., 1973; “SOC 14-3 1/1/70” folder, box 3041, RG 59, State Department General Records, NARA II.

<sup>29</sup> See, for example, Gary B. Ostrower, “‘I Hate it. I Hate it. I Hate it.’ The UN during the Nixon Years,” review of *FRUS, 1969-1976, Volume V: United Nations, 1969-1972*, in *Diplomatic History* 31, no. 2 (April 2007): 353-356.

U.N. ambassadors “had little influence on major policy issues.”<sup>30</sup> The Nixon administration’s position on human rights in the U.N. was a combination of general detachment and mild criticism of the organization’s ineffectiveness. One administration insider wrote to Congressman Donald Fraser in 1973,

In our judgment the failure of the United Nations to deal with greater success and in a balanced way with human rights violations reflects not the lack of adequate machinery, but rather political factors which shape the general approach of the organization toward the delicate questions involved. . . . Unfortunately, at this stage in history governments tend to be so sensitive with respect to human rights questions lying within their domestic jurisdiction that effective fact-finding procedures are all too frequently impossible to apply.<sup>31</sup>

Henry Kissinger, too, was largely unconcerned with the affairs of LDCs. As national security adviser, his considerable diplomatic talents were directed toward war-torn regions like Vietnam and great powers like China and the USSR. It was only natural, then, that he looked askance at Third World demands. His attitude can be gleaned from a comment he allegedly made in private to a group of Chileans: “I am not interested in, nor do I know anything about, the southern portion of the world from the

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<sup>30</sup> Seymour Finger, *Inside the World of Diplomacy: The U.S. Foreign Service in a Changing World*. (Westport, Conn.: Praeger, 2002), 138. Five men were sent to Turtle Bay to serve as U.N. Ambassador while Kissinger was in the White House: Charles Yost, George H.W. Bush, John Scali, Daniel Patrick Moynihan, and William Scranton.

<sup>31</sup> Letter, Marshall Wright to Donald Fraser, 10 August 1973, “SOC 14 U.N. 1-1-73” folder, box 3041, RG 59, State Department General Records, NARA II. Nixon also opposed elevating the U.N. Commission on Human Rights to the level of a U.N. Human Rights Council.

Pyrenees on down.”<sup>32</sup> Kissinger was similarly unimpressed with the U.N. General Assembly, which he considered little more than a symbolic body. To Kissinger, the real decision-making power lay in the hands of the Security Council, a forum in which he could spar with other powerful leaders while leaving the economic and humanitarian issues to those who were better qualified and eminently more interested. Nevertheless, when he became secretary of state in September 1973 he realized that he had to address the Third World.<sup>33</sup> Writing years later about his first U.N. address as secretary of state, he groused, “That forum obligates one to list every key region and trouble spot in some more or less meaningful sentence. The omission of a part of the world is likely to cause a diplomatic incident; frequently banality is the better part of valor.”<sup>34</sup> Regardless of his misgivings, the developing world – especially the Middle East – was clearly the source of many new conflicts. And despite the growing chasm between American interests and the direction of the U.N., few American policymakers supported a U.S. withdrawal from the organization. “We are going through a familiar cycle of having expected too much and then being too disappointed,” stated U.S. delegate Daniel Patrick Moynihan in 1971. “A world without the United Nations would be a lesser world, a world with more difficulties than it has.”<sup>35</sup>

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<sup>32</sup> Gabriel García Márquez, “The Death of Salvador Allende,” *Harper’s*, March 1974, 46.

<sup>33</sup> After being named secretary of state by President Nixon, Kissinger continued to serve as national security adviser until President Ford replaced him in November 1975.

<sup>34</sup> Kissinger, *Years of Upheaval*, 447. Kissinger would eventually visit virtually every nation in the Middle East and Latin America as secretary of state. Kissinger, *Years of Renewal* (New York: Simon and Schuster, 1999), 710.

<sup>35</sup> Transcript, *Meet the Press*, 26 December 1971.

## NIEO/CERDS

We can learn a great deal about this North/South divide, the shortcomings of multilateralism, and the “rights” dilemmas of the 1970s by taking a closer look at the U.S. response to the Charter of Economic Rights and Duties of States (CERDS) and the New International Economic Order (NIEO). Inequality in global wealth was among the major international issues of the day. The scholar Robert Gilpin wrote of this period, “In the past, the dividing line between wealth and poverty was drawn between elite and mass; in the late twentieth century the line separated nations, races, and hemispheres,” setting “the poor South against the affluent North and the Third World against the First World of the market economies.” The distribution of wealth, he added, had “an international dimension” in this period and was “a major issue of world politics.”<sup>36</sup>

Mexican President Luis Echeverría first proposed CERDS in 1972, and this Charter became the centerpiece of a broader move to create an NIEO. Two years later, at the Sixth Special Session of the U.N. General Assembly, a bloc of LDCs known as the Group of 77 pushed the Charter through the Assembly.<sup>37</sup> Their draft of the Charter proclaimed a nation’s right to form producer cartels, nationalize foreign businesses, and control its own natural resources. It also called for the binding of LDCs’ commodity prices to the prices of developed nations’ manufactured goods. Leaders of Western democracies considered these proposals quite radical. Less-controversial NIEO goals became the subject of negotiation rather than immediate rejection by the developed

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<sup>36</sup> Robert Gilpin, *The Political Economy of International Relations* (Princeton: Princeton University Press, 1987), 264-265.

<sup>37</sup> “Group of 77” referred to the 77 LDCs that cosponsored the first UNCTAD meeting. Through their “Joint Declaration of the 77 Developing Countries,” these nations declared their intention to maintain unity as a means of promoting an agenda of economic equality. The NIEO idea can be traced to other proposals and conferences. The first of these was the 1948 charter of the International Trade Organization, which was created in Havana, Cuba.

nations. These included alleviation of debt, reduced technology costs, greater access to developed markets, increased foreign aid, and a set of rules to regulate multinational corporations. The Group of 77's perspective was, of course, quite different from that of the developed countries, and these differences would eventually inhibit the LDCs' ability to coax economic concessions from the northern countries.

Although the CERDS proposals seemed unworkable to Western policymakers in the aggregate – especially considering the radical credentials of some of their sponsors – many observers argued that the plan was not inherently anti-capitalist. Robert Gilpin has asserted that CERDS and NIEO were generally in the spirit of structuralism and based on the notion that LDCs could best advance economically *within* the world system.<sup>38</sup> In his words, these nations wanted “policy and institutional reforms that would make the international economic system operate to the advantage of the less-developed countries and enlarge their role in running the system.”<sup>39</sup> Some contemporary supporters thought CERDS was as significant as the Universal Declaration on Human Rights and the declaration against colonialism, two proposals that also relied on moral power rather than legal force.<sup>40</sup>

The Nixon and Ford administrations' actions during the initial NIEO/CERDS negotiations (1973-1976) illuminate the trajectory of North/South relations in the 1970s. These leaders' preference for individual diplomacy and bilateral agreements reflected Kissinger's central role in policy formulation. Ford and Kissinger, in particular, worked from two primary assumptions: 1) Agreements like CERDS were merely LDCs' symbolic statements of grievance against developed nations, and 2) The Soviet Union

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<sup>38</sup> Gilpin, *The Political Economy of International Relations*, 298-299.

<sup>39</sup> *Ibid.*, 299.

<sup>40</sup> Teltsch, “New Declaration Voted,” *New York Times*, 13 December 1974.

had pushed LDCs to use economic issues to attack the affluent, industrial democracies.<sup>41</sup> Nevertheless, Nixon, Ford, and Kissinger rarely openly antagonized either the Soviets (for fear of threatening détente) or the Third World bloc (for fear of appearing arrogant).

The initial American response to CERDS was consistent with the traditional support for free market capitalism and the concomitant aversion to revolutionary ideologies. American policymakers combined somewhat banal public statements on the importance of international “development” with public and private diplomatic criticism of the more radical measures. Meanwhile, Kissinger embarked on a “divide and conquer” effort to bring about bilateral accords between the U.S. and some of the more important LDCs. He believed that these nations would act independently if they could appreciate the benefits of better relations with the western democracies. He further hoped to weaken the Third World bloc in the General Assembly. Despite Kissinger’s realistic approach, he saw little harm in the occasional public pronouncement on the importance of humanitarian goals. He was not blind to idealism’s significance to Americans, but he criticized what he called “all-purpose Wilsonianism.” As he later explained, “I had [long] emphasized the need for a consistent view of the national interest and recognition of the importance of the balance of power.”<sup>42</sup> Ford echoed these sentiments, charging that OPEC-style cartels and one-sided economic agreements would result in “production restrictions, artificial pricing, and the prospect of ultimate bankruptcy” of rich and poor nations alike.<sup>43</sup> Although the American position on CERDS was fairly consistent throughout this period, the diplomatic responses varied. Among the contemporary events

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<sup>41</sup> Ford showed little interest in CERDS, but he recognized the symbolic importance of the North/South split and proposals that seemed to indicate such a rift was becoming irreversible. He did not mention CERDS or the NIEO in his memoir, *A Time to Heal*.

<sup>42</sup> Kissinger, *Years of Renewal*, 733.

<sup>43</sup> Quoted in Robert A. Mortimer, *The Third-World Coalition in International Politics*, 2<sup>nd</sup> ed. (Boulder: Westview Press, 1984), 57.

and trends that influenced North/South diplomacy were the U.N.'s anti-Zionist resolution, American domestic attitudes toward détente, increasing American dissatisfaction with the U.N., and a multitude of new trade arrangements with nations like Mexico, Saudi Arabia, and Venezuela.

In addition to a general distaste for “redistributionist” programs, one of the Ford administration’s chief concerns was America’s relationship with Mexico. Speaking of the CERDS negotiation phase, Senator Charles Percy said that the American delegation “tried to go the extra mile in particular because of our close and friendly relations with Mexico.”<sup>44</sup> At around the same time, shortly before the formal December 1974 CERDS vote in the U.N., President Ford told Mexican President Echeverría that he considered portions of the Charter to be worthy public statements.<sup>45</sup> As the vote approached, Kissinger sought an American abstention as a means of safeguarding U.S.-Mexico relations. When an assistant secretary of state told Kissinger that the American business community “feels very strongly that we ought to stand up” and challenge the NIEO, Kissinger replied, “Our business community is a bunch of idiots. . . . Which business is going to be affected by [the Charter] by one percent, if we abstain from the vote?” When the assistant secretary suggested that the U.S. should vote against the Charter even if the Europeans abstained, Kissinger retorted, “I don’t see why we alone should pay a tremendous price with Mexico on something that will be forgotten three weeks after it’s voted, except by . . . a few businesses who will distinguish themselves by idiocy no matter what we do.”<sup>46</sup>

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<sup>44</sup> “Statement by Senator Percy,” 146.

<sup>45</sup> “Excerpts from Ford-Echeverría News Conference,” *New York Times*, 22 October 1974.

<sup>46</sup> Transcript of State Department Regional Staff Meeting, 3 December 1974, doc. no. 01435, National Security Archive, George Washington University, Washington, DC.

Just days before the CERDS roll-call vote, U.S. Ambassador John Scali delivered a tough, provocative address to the General Assembly. He argued that the U.N. was not meant to serve special interests and that the U.S. was “deeply concerned over the growing tendency of [the U.N.] to adopt one-sided, unrealistic resolutions that cannot be implemented.”<sup>47</sup> Scali boldly asserted, “A better world can only be constructed on negotiation and compromise, not on confrontation which inevitably sows the seeds of new conflicts.” He went on to remind his audience that the General Assembly was not “a legislature,” and that the U.N. Charter was designed “to insure that the important decisions of this organization reflected real power relationships, and that decisions, once adopted, could be enforced.” The sharpest turn of phrase was the assertion that the U.N. had fallen victim to “the tyranny of the new majority” and was in danger of fading into “the shadow world of rhetoric, abandoning its important role in the real world of negotiation and compromise.” If this brand of tyranny were to dominate, he argued, the U.N. would cease to function. Finally, in a nod to the importance of public opinion, he added that many Americans were “questioning their belief in the United Nations. They are deeply disturbed” by recent trends, including the restriction of Israel’s right to speak in the Assembly and the granting of observer status to the Palestinian Liberation Organization.<sup>48</sup> Scali’s indictment of the LDC bloc, wrote one observer, “appeared to stun many delegates from other nations” and brought a tough reaction from Middle East representatives.<sup>49</sup> (Kissinger, too, was slightly irked, but only because he had wanted to

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<sup>47</sup> “The Text of the Address by Scali before the United Nations General Assembly,” *New York Times*, 7 December 1974.

<sup>48</sup> *Ibid.*

<sup>49</sup> Paul Hofmann, “U.S. Warns U.N. on Trend to ‘Tyranny of Majority’ and Says Support Wanes,” *New York Times*, 7 December 1974.

be the first to use the phrase “tyranny of the majority.” He did not catch it when Scali submitted the speech to the State Department.)<sup>50</sup>

On 12 December 1974, the Sixth Special Session of the United Nations General Assembly concluded with an overwhelming vote in favor of CERDS. The vote was split along North/South lines, with half a dozen developed countries voting against it.<sup>51</sup> The U.S. delegation voted against the entire Charter because its members considered key passages to be unacceptable. One U.S. delegate, Senator Charles H. Percy, cited CERDS’s recognition of producer cartels and its treatment of foreign investors, neither of which took into account other international agreements.<sup>52</sup> Kissinger summarized the American position more directly: “We had no intention of yielding to one-sided propositions.”<sup>53</sup> Since the OPEC oil embargo was still fresh in American minds, the administration also intended to head off the creation of new producer cartels. “We were determined to prevent other commodity producers from repeating OPEC’s success,” said Kissinger.<sup>54</sup> The U.S. registered its vote “with deep regret” because it did not want to hurt its relations with the nations of Latin America.<sup>55</sup> Nevertheless, some Latin American leaders were unforgiving. As Mexican Foreign Minister Emilio Rabasa stated, opponents of CERDS “had permitted the selfish interests of a privileged few to take precedence.”<sup>56</sup> American observers noted that the Charter was supported by the

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<sup>50</sup> Seymour M. Finger, *American Ambassadors at the U.N.: People, Politics and Bureaucracy in Making Foreign Policy* (New York: Holmes and Meier, 1988), 229.

<sup>51</sup> The roll-call vote was 120 to 6. Voting against were the U.S., Belgium, Denmark, West Germany, Luxembourg, and the UK; abstaining were Austria, Canada, France, Ireland, Israel, Italy, Japan, the Netherlands, Norway, and Spain. “Resolution 3281 (XXIX),” 12 December 1974, *Yearbook of the United Nations* 28 (1974).

<sup>52</sup> “Statement by Senator Percy,” 146; House Committee on International Relations, *Report of Secretary of State Kissinger on His Trip to Latin America*, 94th Cong., 2<sup>nd</sup> sess. (Washington, DC: GPO, 1976), 32.

<sup>53</sup> Kissinger, *Years of Renewal*, 710.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> Kathleen Teltsch, “New Declaration Voted in the UN,” *New York Times*, 13 December 1974.

communist bloc nations, though the U.S. delegation could not be sure what role the Soviets had played behind the scenes.<sup>57</sup>

Following the vote, the Ford administration worked from the belief that LDCs were diverse and that the U.S. had different interests in each region. Key nations, administration officials believed, had more to gain from working *with* the U.S. than from working against it, and the Third World's newfound aggressiveness would only hurt poorer nations in the long run. The perceived imprudence of attacking all of the Third World nations head-on led Kissinger to curry favor with those nations that were the most important to American interests, especially in Latin America (including oil-rich Mexico and Venezuela), the Middle East (oil producers and bulwarks against the USSR), and East Asia (important economies like Japan and South Korea). Kissinger called his CERDS alternative "an American agenda of cooperation . . . offering the key developing countries bilateral commissions."<sup>58</sup> Such American offers would make plain to developing nations that they would get more out of bilateral agreements with the U.S. than from joining into a poorly defined, dissenting "Third World bloc."<sup>59</sup> Kissinger was also well aware that the Charter's status as a moral recommendation – and not a binding treaty – left it open to the possibility that, as one anonymous diplomat stated, it would be "forgotten as soon as it is signed."<sup>60</sup> He continued to use personal diplomacy on foreign diplomats, all the while echoing Senator Percy's statement that the U.S. "stands ready to resume negotiations on a charter which could command the support of all countries."<sup>61</sup>

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<sup>57</sup> Ibid.

<sup>58</sup> Kissinger, *Years of Renewal*, 734.

<sup>59</sup> Ibid.

<sup>60</sup> Alan Riding, "Multinationals' Role Sparks a Dispute," *New York Times*, 21 June 1974.

<sup>61</sup> "Statement by Senator Percy," 147.

The Ford administration was also well aware that a fine line separated a nation's public rhetoric from its privately recognized interests. Kissinger respected Mexican President Echeverría, for example, but he believed that much of Echeverría's bluster was meant to appease the Mexican Left, which seemed to demand a new radical cause every year. The administration also knew that Echeverría had to appeal to Mexican patriotism by talking tough to the Americans.<sup>62</sup> It further emerged that Echeverría was seeking publicity as part of his campaign to replace Kurt Waldheim as Secretary General of the U.N.<sup>63</sup> However, the Mexican leadership spoke very differently behind closed doors, where their real interests led them to soft-pedal CERDS.<sup>64</sup> Echeverría was staunchly anticommunist, and he found common cause with the Americans in his fear that communism could spread in Latin America. (He may have played a role, as interior minister, in the killing and wounding of hundreds of students in Mexico City in 1968.) President Nixon had liked Echeverría, describing him in 1971 and 1972 as "bright, energetic," "a vigorous fellow," and "a very attractive guy." Regarding the Mexican president's anticommunism, Nixon had stated, "He's strong, he wants to play the right games."<sup>65</sup> Still, it was Echeverría who had proposed CERDS, and his nation's delegates supported the Charter during the General Assembly roll-call. Kissinger was thus surprised that a valuable ally like Mexico could consider its "political independence [to be] more important than . . . economic cooperation."<sup>66</sup>

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<sup>62</sup> Kissinger, *Years of Renewal*, 718.

<sup>63</sup> "Protests on Spain," *New York Times*, 3 October 1975.

<sup>64</sup> Kissinger, *Years of Renewal*, 719.

<sup>65</sup> These quotes are from conversations recorded in 1971 and 1972. See Kate Doyle, "The Nixon Tapes: Secret Recordings from the Nixon White House on Luis Echeverría and Much Much More," 18 August 2003, National Security Archive, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB95>.

<sup>66</sup> Kissinger, *Years of Renewal*, 720.

A series of NIEO talks held in Paris in the spring of 1975 ended in a stalemate, leading Kissinger and Treasury Secretary William E. Simon to a disagreement over America's next move. Simon argued that Third World slogans would effectively become the reality unless the NIEO was killed in negotiation. Kissinger, on the other hand, sought a balance of bilateral commissions and conciliatory language. Both men feared alienating moderate LDCs, including OPEC nations with whom the U.S. generally had good relations. Kissinger floated his proposal to President Ford, saying,

Our job will be to discuss the particular issues and divide the LDCs. We can't do this on a theological basis. The LDCs will unite and the developed countries will split up. We are much better off doing this on a concrete basis in which there are some who have something to gain. . . . We should not put them in the position where they can unite by defending a few platitudes.<sup>67</sup>

President Ford eventually sided with Kissinger, telling him, "Sometimes I think it is important to solve problems rather than to be too concerned about phraseology. . . . You may have to give a little on words in order to achieve something necessary to solve problems."<sup>68</sup> The new approach, then, retained the tough stand against redistributionist programs, but it also included public cooperation with moderate LDCs and acceptance of milder NIEO measures.

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<sup>67</sup> Ibid., 735.

<sup>68</sup> Ibid., 736.

Kissinger tested the new approach by giving speeches in Paris and Kansas City that were aimed at opening a new dialogue with the LDCs.<sup>69</sup> In the most important of these, given to a conference of the Organization for Economic Cooperation and Development (OECD), he returned to the stress on inter-regional cooperation. He also proposed some significant American initiatives, including support for an IMF trust fund for the poorest countries and an American contribution to a food production fund. To those developing nations that had been demanding wealth redistribution measures, Kissinger chided, "It is time to end the theoretical debate over whether we are seeking a new order or improving the old one. Let us deal in reality, not rhetoric."<sup>70</sup> These initiatives on "hard" economic matters did not signal a significant shift in policy toward CERDS, for the Ford administration had not committed the U.S. to anything specific.<sup>71</sup> Furthermore, a dialogue on commodity issues fell far short of the LDCs' demands. Nevertheless, the speech did what Kissinger had planned. As he said to President Ford, his strategy was "to project an image of the United States which is progressive . . . but I want to fuzz it up . . . I don't want to accept a New Economic Order."<sup>72</sup>

The new, pacific tone did not prevent Kissinger from occasionally going on the offensive. In a speech given in Milwaukee in July 1975, he lambasted the U.N. for its drift toward majoritarian injustice.<sup>73</sup> Kissinger reasserted America's commitment to the principle of LDCs' growth, promising "concrete and constructive proposals for action across a broad spectrum of international economic activities such as trade and

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<sup>69</sup> Edwin L. Dale, Jr., "Kissinger's Worldwide Economic Design," *New York Times*, 8 June 1975.

<sup>70</sup> "Excerpts from Kissinger's Paris Talks," *idem.*, 29 May 1975; Clyde H. Farnsworth, "Kissinger Offers New U.S. Aid Plan," *idem.*, 29 May 1975.

<sup>71</sup> Dale, Jr., "Kissinger's Worldwide Economic Design."

<sup>72</sup> Kissinger, *Years of Renewal*, 734.

<sup>73</sup> This speech was a comprehensive summary of the U.S. position on Third World aggression. It was based on the theme "Global Challenge and International Competition." Kathleen Teltsch, "Kissinger Warns Majority in U.N. on U.S. Support," *New York Times*, 15 July 1975.

commodities, world food production, and international financial measures.” But the real message was an attack on the new Third World “tyranny.” He argued once again that LDCs were only hurting themselves with their saber-rattling rhetoric. “They are more in need of the U.N. than the larger powers such as the United States,” he stated, “which can prosper within or outside the institution.”<sup>74</sup> Although he did not directly threaten American withdrawal, he made it clear that the U.S. was “determined to oppose tendencies which in our view will undermine irreparably the effectiveness of the United Nations.” Concerning CERDS, Kissinger challenged the “unrealistic economic demands” of the LDCs and threw down the gauntlet: “Never before have the industrial nations been more ready to deal with the problems of development in a constructive spirit. Yet lopsided, loaded voting, biased results and arbitrary tactics threaten to destroy these possibilities.” In an effort to get the message out to Third World observers, the prepared text was delivered to news organizations before the speech.

Kissinger had political motives for making such strong statements. Most significantly, his pursuit of détente had placed him in a difficult domestic political situation. Because détente was so unpopular in much of Middle America, he delivered many such speeches throughout 1975 and 1976 in order to clarify his foreign policy goals. He was particularly interested in taking this message to the Midwest and the South, where détente was eliciting the most resistance. It was only natural, then, that he often tempered his broader goals with tough talk aimed at the developing world and the communist bloc.<sup>75</sup> Indeed, domestic political pressure from conservatives (notably Ronald Reagan, who had his eye on the 1976 Republican nomination) was the most

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<sup>74</sup> “Excerpts from Kissinger’s Milwaukee Speech on the U.N.,” *New York Times*, 15 July 1975.

<sup>75</sup> Robert Hartmann, *Palace Politics: An Inside Account of the Ford Years* (New York: McGraw-Hill, 1980), 363.

irksome challenge to the Ford administration's foreign policy, for it pitted Kissinger and Ford against members of their own party. The two men thus had to appear staunch opponents of communism to keep congressional hawks on their side while not alienating the moderates who supported détente.<sup>76</sup> Because the Republican right wing had scapegoated Kissinger after the fall of Saigon, many of his public statements attacked tyranny in general terms while also leaving the door open for better relations with the Soviets.

### **Daniel Patrick Moynihan and the “Liberty Card”**

President Ford's replacement of U.N. Ambassador John Scali with Daniel Patrick Moynihan in the summer of 1975 was a clear sign of a more aggressive turn in the American approach.<sup>77</sup> At a time when Ford needed to show that he was a commanding executive, his nomination of the famously combative scholar was clearly intended to send a message to the LDCs and the communist bloc alike. Upon naming Moynihan as ambassador, Ford made it clear that the U.S. government would “firmly resist efforts by any group of countries to exploit the machinery of the United Nations for narrow, political interests, or for parliamentary manipulation.” Among Moynihan's many

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<sup>76</sup> Robert D. Schulzinger, “The Decline of Détente,” in Bernard J. Firestone and Alexej Ugrinsky, eds., *Gerald R. Ford and the Politics of Post-Watergate America*, vol. 2 (Westport, CT: Greenwood Press, 1993), 414-415.

<sup>77</sup> It is hard to come to a definitive conclusion on the matter of Scali's replacement because inside accounts contradict one another. According to Ford speechwriter John J. Casserly, Scali blamed Kissinger and Moynihan. But Seymour Finger has argued that Scali stepped down voluntarily. As to the appointment of Moynihan, Kissinger claims that he proposed Moynihan to Ford, but Ford recalled that he had to convince Kissinger that Moynihan was a good choice. Moynihan, meanwhile, later wrote that Kissinger was never too eager to take him on as ambassador. John J. Casserly, *The Ford White House: The Diary of a Speechwriter* (Boulder: Colorado Associated University Press, 1977), 111; Finger, *American Ambassadors*, 235; Walter Isaacson, *Kissinger: A Biography* (New York: Simon and Schuster, 1992), 665-668. Moynihan apparently carried a grudge against Kissinger for the latter's sabotaging of Moynihan's domestic program in 1970. As Moynihan stated in his U.N. memoir, his domestic measures were “doomed” because of “Henry Kissinger's damn fool invasion of Cambodia.” Moynihan, *A Dangerous Place* (Boston: Little, Brown and Co., 1978), 59-60.

qualifications, said Ford, “he knows what America is all about and what it actually stands for, and he knows our role in international affairs.”<sup>78</sup> The message was unmistakable: “Mr. Moynihan’s selection as ambassador,” wrote the *New York Times*, was “formal recognition for a new United States posture of vocal opposition to third world countries.”<sup>79</sup>

Moynihan’s unique role in the international “rights” debates of the 70s necessitates a close look at his background and his writings. He cut a rather distinctive figure in the political culture of the 1970s. Holding a Ph.D. in sociology, he earned a reputation as one of the new breed of political intellectuals, and he became the only person ever to serve in the cabinet or subcabinet of four consecutive presidents. As an Irish Catholic who had come of age in New York’s Hell’s Kitchen, he was a lifelong Democrat. Nevertheless, he was difficult to pin down politically. His credentials as an urban Democrat earned him a place in the Kennedy and Johnson administrations. (He was in the White House when the news of Kennedy’s assassination was received.) Yet his respect for tradition and political moderation garnered him positions in the Nixon/Ford circle. Nixon, who seemed to appreciate having at least a few learned men around the Oval Office, took him on as his urban affairs adviser and “resident intellectual.” Nixon once told Moynihan that he was the Nixon family’s “favorite Irish Democrat.”<sup>80</sup>

More germane to our consideration of human rights issues, Moynihan is one of the best examples of the ethnic connection to the human rights movement. Indeed, he

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<sup>78</sup> “Remarks at the Swearing in of Daniel P. Moynihan as United States Representative to the United Nations,” 30 June 1975, *Public Papers of the Presidents*, <http://www.presidency.ucsb.edu/ws/index.php?pid=5033>.

<sup>79</sup> “Moynihan Assails Uganda President,” *New York Times*, 4 October 1975.

<sup>80</sup> Letter, Nixon to Moynihan, 29 December 1975, folder 4, box I:330, Moynihan Papers, LOC.

was one of the major shapers of the ethnic revival. His 1963 book *Beyond the Melting Pot*, co-written with Nathan Glazer, was a landmark in the study of ethnicity and immigrant assimilation. He had ties to many prominent New Yorkers, ethnic intellectuals, and ethnic politicians, and he was able to bring together like-minded Catholics and Jews through his close contacts with organizations in both communities. He was often categorized as a “neoconservative,” together with the likes of Norman Podhoretz, Irving Kristol, and Nathan Glazer, and he generally held more traditional conservatives like William F. Buckley and Barry Goldwater at arm’s length.

Although Moynihan was not a career Foreign Service man, his intellect blazed trails for him in the diplomatic corps. He served in U.N. under Ambassador George H.W. Bush in 1971-72, during which he experienced firsthand the frustrations of the American delegation. Even in this early period he demonstrated his ability to turn a phrase. He once stated to another UN delegation, “My country is simply not interested in having the representatives of totalitarian governments lecture us on the liberties of American citizens.”<sup>81</sup> That same year he wrote of the glacial pace of business at the General Assembly, “Words may be weapons, but at the United Nations they wound exceedingly slow . . . The agenda seems to go on forever, and so do the committees, and so does the talk.” He added,

What I think we could usefully have less of at the U.N. is this quest for large pronouncements about things which are difficult for anyone to understand and impossible for governments to agree upon. . . . I don’t think [Americans are] very good at ideological argument . . . We have a lot of experience about how you run

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<sup>81</sup> Memo, Moynihan to Bush, 9 November 1971, folder 12, box I:324, U.N. File, Moynihan Papers, LOC.

a decent country, but surprisingly little experience at describing the process. This is a weakness of our foreign policy and the strength of our democracy.<sup>82</sup>

His work at the U.N. was rewarded with an appointment as U.S. ambassador to India, an office he held through 1973 and 1974.<sup>83</sup> Although his tenure in India was characterized by few noteworthy events (he held only one press conference), it is significant that he began to write articles on American foreign relations during this period. In one 1974 essay he noted common cause between the American and South Asian economies while also acknowledging the socialist influence on the Asian countries. “Our hope and endeavor,” he wrote, “should be to use this moment of unquestioned economic crisis to bring about a measure of mutual economic involvement between the West and developing Asia that the past quarter century of bickering has never accomplished.”<sup>84</sup> President Ford later told Moynihan that he had done “quite a job” as ambassador. When Ford added that he was distressed at the contemporary Indian democracy crisis, Moynihan quipped, “Look at it this way, Mr. President. Under your administration the United States became the world’s largest democracy.”<sup>85</sup>

Building on what he had learned in the U.N. and in India, Moynihan began to press for stronger American rhetoric in international affairs. This attitude was clearly

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<sup>82</sup> Israel Shenker, “Moynihan, a Delegate, Finds the U.N. with Head Lost in a Cloud of Ideals,” *New York Times*, 10 November 1971.

<sup>83</sup> Moynihan was never too happy with the office of ambassador to India, as evidenced in many personal letters – even one to President Nixon – saying that he would happily take another job back in the U.S. He resigned on the same day as Nixon. Letter, DP Moynihan to Nixon, 22 April 1973, folder 6, box I: 357, Moynihan Papers, LOC.

<sup>84</sup> Daniel Patrick Moynihan, “The Poor May be Rich in People,” *New York Times*, 27 January 1974.

<sup>85</sup> India experienced a crisis in 1975 as a result of political violence and an accompanying government crackdown on dissent. See Norman D. Palmer, “India in 1975: Democracy in Eclipse,” *Asian Survey* 16, no. 2 (February 1976): 95-110; Letter, Moynihan to William F. Buckley, Jr., 21 July 1975, folder 4, box I:333, Moynihan Papers, LOC.

evidenced in his influential March 1975 *Commentary* article, “The United States in Opposition,” which allegedly convinced Kissinger and Ford to nominate him as U.N. ambassador.<sup>86</sup> In this piece Moynihan charted the evolution of Third World anti-Americanism. By his estimation, it could be traced to the triumph of Fabian socialism in Britain in the first half of the 20th century. This ideology was then exported to the overseas empire and remained in place when the colonies became independent states. This “British Revolution” had gone largely unnoticed by American observers, who preferred to think of the decolonizing world as a blank slate upon which either American-style democratic capitalism or Soviet totalitarian socialism would make the sharpest imprint. “It was not generally perceived,” wrote Moynihan, “that [these new nations] were in a sense already spoken for – that they came to independence with a preexisting, coherent, and surprisingly stable ideological base which, while related to both the earlier traditions, was distinct from both.” He went on to argue that American leaders were doing a poor job of handling the more militant LDCs. “At some level,” he suggested, “there has been a massive failure of American diplomacy” in dealing with the Third World.<sup>87</sup> Speaking of the U.N., he argued that American representatives had tolerated the General Assembly’s more radical elements for far too long:

Cataloguing the economic failings of other countries is something to be done out of necessity, not chance. But speaking for political and civil liberty, and doing so in detail and in concrete particulars, is something that can surely be undertaken by Americans with enthusiasm and zeal. . . . It is time, that is, that the American

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<sup>86</sup> Bernard Lewis, *From Babel to Dragomans: Interpreting the Middle East* (New York: Oxford University Press, 2004), 272.

<sup>87</sup> Daniel Patrick Moynihan, “The United States in Opposition,” 35.

spokesman came to be feared in international forums for the truths he might reveal.<sup>88</sup>

When this article was published, the *New York Times* quoted Moynihan as saying, “It is time for the United States to go into the United Nations and every other international forum and start raising hell.” He added, “We should rip the hides off’ America’s opponents; “shame them, hurt them, yell at them.”<sup>89</sup>

Moynihan was a populist in the sense that he saw America’s political troubles emanating from the actions of elites. One consistent theme in his essays and speeches was his conviction that the democratization principle had been misapplied by the foreign policy elite since World War II. In 1974 he took on misguided foreign policy makers in an essay rhetorically titled, “Was Woodrow Wilson Right?” Here he argued that American political figures in the 1970s were lacking “the dimension of duty,” which was “a problem “not so much of people in general as of elites.”<sup>90</sup> He went on to caution his readers against complacency in the international arena, because such indifference would indicate a loss of faith in national ideals. In his words, America must not go down the path of least resistance “at the silent behest of men who know too much to believe anything in particular and opt instead for accommodations of reasonableness and urbanity that drain our world position of moral purpose.”<sup>91</sup> This problem of elites did not necessarily trickle down to the rank-and-file in the Foreign Service. As he later said to

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<sup>88</sup> Ibid., 42.

<sup>89</sup> Kathleen Teltsch, “Moynihan Calls on U.S. to ‘Start Raising Hell’ in U.N.,” *New York Times*, 26 February 1975.

<sup>90</sup> Daniel Patrick Moynihan, “Was Woodrow Wilson Right?: Morality and American Foreign Policy,” *Commentary*, May 1974, 28.

<sup>91</sup> Ibid., 29.

President Ford, “The Foreign Service is a first-rate bunch. They will do what they are told, but they have never been told.”<sup>92</sup>

He returned to the theme of democratic values in a 1975 essay titled, “How Much Does Freedom Matter?” Here he more thoroughly lambasted the moral poverty of post-Vietnam American diplomacy. To Moynihan, although there was a time when American foreign policy elites had pursued a set of national goals at virtually any cost, this was no longer true in the 1970s. In his words, “If one asks, ‘How much does freedom matter to the United States today?’ those in a position to answer for the most part do not do so. Clearly this could constitute an accommodation to totalitarianism without precedent in our history.”<sup>93</sup> Neo-isolationism was also a major problem. Foreign policy elites, it seemed, had traded a commitment to freedom for the security of inaction. To wit, Moynihan lamented the failure of the pre-Vietnam consensus and argued that in 1975 “one cannot conceive that any consensus likely to emerge in the future would have anything like the commitment to freedom abroad comparable to that of the past. What there will be instead is freedom *from* American involvement.”<sup>94</sup>

### **Moynihan in the U.N.**

Shortly after Moynihan was sworn in as U.N. Ambassador, he reiterated these beliefs in a meeting with President Ford. He assured Ford that the world had changed to America’s disadvantage, and said, “You will be presiding through a more difficult time than your predecessor . . . It will be a world where more and more don’t like us.” Moreover, this

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<sup>92</sup> Memorandum of Conversation, Gerald R. Ford, Daniel Patrick Moynihan, and Brent Scowcroft, 27 August 1975, box 14, National Security Adviser, Memoranda of Conversations, GFL.  
<http://www.fordlibrarymuseum.gov/library/document/memcons/750827a.htm>.

<sup>93</sup> Daniel Patrick Moynihan, “How Much Does Freedom Matter?” *The Atlantic*, July 1975, 21-22.

<sup>94</sup> *Ibid.*, 24.

trend would likely continue: “For the last decade and for the next generation, the U.S. will be a beleaguered garrison in international forums. This is a fact. It will have consequences; we will look like losers.” He said of the Third World, “This bunch is anti-American, just by nature. The success of Soviet arms in the world is tending the world against the democracies. We get beat. . . . The Third World finds it can impose things by bloc voting in multilateral forums.” He further proposed a new approach to the developing world. One possible solution, he suggested, was to separate America’s critics from its allies and stop doing favors for the harshest critics. On this point, he tried to persuade Kissinger that the administration should designate a list of “multilateral countries” with which the U.N. delegation would assign first priority.<sup>95</sup> The USUN mission, under his orders, had ranked nations by their relative bilateral or multilateral value to the U.S. Those nations with whom the US had substantial ties in terms of trade, investment, and the like were on the bilateral list. This left 64 countries that the mission suggested should be on the multilateral list. Ford told Moynihan that this prioritization “fits into my philosophy. . . . I am attracted to the idea.” Moynihan reiterated: “These countries need us. We feed a lot of them. . . . We must start being harder on the weak than the strong. We must play hard ball.”<sup>96</sup>

With Moynihan’s accession to the U.N. ambassadorship, a clearer divide appeared between opposing international conceptions of “rights.” Whereas most LDCs perceived “rights” issues in communal and economic terms, Moynihan and his compatriots fought for the expansion of Western conceptions of individual rights. Moynihan told presidential counsel Leonard Garment, “We can do something that has

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<sup>95</sup> Letter, Moynihan to Kissinger, 14 August 1975, folder 4, box I: 333, Moynihan Papers, LOC.

<sup>96</sup> Memorandum of Conversation, Ford, Moynihan, Scowcroft, 27 August 1975.

never been done: we can make the central objective of the United States at the U.N. General Assembly the advancement and protection of human rights.”<sup>97</sup> When Garment expressed skepticism about the possibility of doing so without being dismissed, Moynihan replied, “We’ll just worry about being effective, not about being fired. Maybe getting fired should be our objective.”<sup>98</sup> The General Assembly, stated Moynihan, despite its shortcomings, had the ability to set the “order of moral reality.”<sup>99</sup>

Another aspect of Moynihan’s entry onto the diplomatic scene is worth considering. His role as ambassador made him an intellectual counterpart – and at times, an adversary – to Kissinger.<sup>100</sup> At first glance, the two men seem to have been quite similar. Both were Harvard professors who came out of academia to work in Nixon’s White House, and both men’s political influence continued far beyond the Nixon years. Politicians of both parties tapped them for advice, and critics assailed them from all parts of the political spectrum. As Kissinger explained, because he had so many enemies, “even major diplomatic achievements of this period became controversial.”<sup>101</sup> As for Moynihan, he angered many liberals when he counseled President Nixon in 1970 that race relations could benefit from a period of “benign neglect.” His intentions were good: he had meant that the president should avoid tactics and rhetoric that would allow extremists to gain political advantage. Nevertheless, when taken out of context it

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<sup>97</sup> Leonard Garment, *Crazy Rhythm: My Journey from Brooklyn, Jazz, and Wall Street to Nixon’s White House, Watergate, and Beyond* (New York: Times Books, 1997), 305.

<sup>98</sup> Ibid.

<sup>99</sup> Moynihan prepared for his new role by continuing to make the case for democracy’s place in American foreign relations. In his “How Much Does Freedom Matter” speech, he asked his audience whether Americans would still, as President Kennedy had implored, “pay any price, bear any burden, and meet any hardship” in defense of liberty. “Did democracy,” Moynihan asked, “other than American democracy, much matter to us anymore?” Moynihan, *A Dangerous Place*, 30-31, 61.

<sup>100</sup> For an interesting comparison between the two men, see Michael Nelson, “The Scholar-Courtier and the Scholar-Politician,” *Chronicle of Higher Education*, 3 August 2001.

<sup>101</sup> Henry Kissinger, *Diplomacy* (New York: Simon and Schuster, 1994), 757.

appeared as though he was asking the president to neglect the needs of America's minorities.<sup>102</sup>

Despite the similarities, Kissinger and Moynihan were remarkably different characters, and their differing approaches symbolized the divisions within the American foreign policy establishment in the 1970s. As we have seen, in contrast to Kissinger's anti-ideological, *realpolitik* approach, Moynihan believed that America's unique position in world affairs necessitated a strong response to the LDCs' anti-American attacks. He also questioned Kissinger's preference for China over India – a position that routinely pitted the Nixon and Ford administrations against the world's largest democracy in favor of the world's largest communist state. As a former Ambassador to India, Moynihan saw few problems with “non-alignment” as long as a nation respected fundamental individual liberties.<sup>103</sup> Moynihan had also disagreed with Kissinger's support of Pakistan during the 1971 Bangladesh war, once saying privately to a colleague, “What the hell are we doing backing a military regime, and a losing one at that?”<sup>104</sup> According to Godfrey Hodgson, who was a friend of Moynihan's, the latter felt he had to fear Kissinger while serving as ambassador. When Moynihan re-entered public life under Ford, he was “without illusion about Kissinger, or without much.”<sup>105</sup> As Hodgson saw it, Moynihan's feelings about the

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<sup>102</sup> He also described the considerable gains made by African-Americans in the 1960s and suggested that the administration should not be complacent, lest these gains be lost. He had borrowed the line from a 19<sup>th</sup> century British politician. Memo, Moynihan to Nixon, 16 January 1970, folder 1, box I:255, Moynihan Papers, LOC.

<sup>103</sup> Moynihan was close to fellow Harvard professor John Kenneth Galbraith, who was also a past-ambassador to India.

<sup>104</sup> Godfrey Hodgson, *The Gentleman from New York: Daniel Patrick Moynihan* (Boston: Houghton Mifflin, 2000), 199.

<sup>105</sup> *Ibid.*, 232.

secretary of state were complex: “They included admiration, rivalry, suspicion, deep intellectual disagreement, a dash of contempt and occasional affection.”<sup>106</sup>

As for Kissinger, because he looked down on men whom he considered intellectual lightweights, he may have accorded Moynihan a rare modicum of respect. He certainly thought enough of Moynihan to accept him as U.N. ambassador. On the other hand, he may have felt threatened by Moynihan’s considerable intellect. More to the point, although Moynihan’s focus on human rights won him political points with much of Middle America, it also had the capacity to threaten the aims of détente. Perhaps because Moynihan did not hold elective office before 1976, he did not come naturally to the world of political compromise. Instead he worked from the belief that the world was becoming polarized between opposing ideologies of “liberty” and “equality,” and that this necessitated a strong American defense of liberty. We should also recognize the excesses of his rhetorical style. “One is never quite sure when to take [Moynihan] seriously,” said veteran U.N. observer William R. Frye. “He uses hyperbole as most men use everyday language.”<sup>107</sup> Ford speechwriter John Casserly similarly wrote of the Kissinger/Moynihan divide, “The so-called inside word at the State Department is the differences boil down simply to style.”<sup>108</sup> At any rate, despite their differences in diplomatic style, the two men were in general agreement when it came to handling Third World “rights” claims. Kissinger remained the predominant foreign policy maker of the period, but Moynihan’s tougher methods would also help define the parameters of the North/South debate.

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<sup>106</sup> Ibid., 225.

<sup>107</sup> Frye, “New American at U.N. Will Heat up Debate,” *Toronto Star*, 26 April 1975.

<sup>108</sup> Casserly, *The Ford White House*, 250.

## Moynihan and CERDS

The time of Moynihan's nomination and confirmation was characterized by a brief thaw between the LDCs and the industrial democracies. Each side began to soften its respective stance on CERDS while also considering new proposals. According to Leonard Garment, Moynihan and Kissinger "agreed to try to gain the support of the major Western nations for a more generous approach to Third World economic development. They hoped that we could thereby break their pattern of submission to Soviet domination."<sup>109</sup> Kissinger also believed he was succeeding in bringing the Western democracies back into the American fold. "Our relations with our allies are better than ever since the early Marshall Plan days," he stated somewhat hyperbolically at a cabinet meeting. He went on to remark that America was retaining its position of strength in the world, not least because the Soviet Union seemed so weak. Speaking of his meetings with Soviet officials, he stated, "We didn't have the impression that this group was on the upswing. Anyone observing from another planet would not have thought Communism was the wave of the future."<sup>110</sup>

The developed nations took the initiative in planning the Seventh Special Session in September 1975 as a means of resolving economic issues. In Garment's words, the session was necessary because the working CERDS proposal was still "a standard compilation of blue-sky demands and anti-Western vitriol."<sup>111</sup> Moynihan made his U.N. debut at this session by reading a Kissinger-penned speech titled "Global Consensus and Economic Development." Reflecting the more conciliatory American stance, the speech

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<sup>109</sup> Garment, *Crazy Rhythm*, 306.

<sup>110</sup> Memorandum of Conversation, Cabinet Meeting, 8 August 1975, <http://www.ford.utexas.edu/library/exhibits/cabinet/750808.htm>.

<sup>111</sup> Moynihan decided that the American delegation had to rewrite the speech, "adopting its general language and format while amending almost every sentence in minute particulars." Garment, *Crazy Rhythm*, 306.

acknowledged some LDC demands but also made it clear that changes would not be carried out under the one-sided terms of CERDS. The U.S. position now included support for a restructuring of the U.N. as a starting point for eventual economic progress; the rationalization of the U.N.'s fragmented aid programs; and strengthening of the leadership in development and economic programs.<sup>112</sup> The speech also signaled the Ford administration's shift in preferences from bilateral foreign *aid* agreements to bilateral *trade* agreements. Kissinger was thus acknowledging congressional misgivings over the foreign aid program.<sup>113</sup>

When the special session ended on September 16, its participants hailed its accomplishments.<sup>114</sup> "In the recent history, perhaps in the whole history of the United Nations," said Moynihan, "there has not been a more striking, even exhilarating example of what the General Assembly can accomplish than the example of the Seventh Special Session."<sup>115</sup> Its result was the passage of Resolution 3362, which was considered a success because all sides could claim at least a minor victory. The sponsoring LDCs won developed nations' agreement on a milder version of the NIEO, including a 0.7% long-term aid target and endorsement of a price indexing plan.<sup>116</sup> The U.S. delegation attached many reservations to the resolution, most of which were aimed at promoting development through trade liberalization, commodity price stabilization, and technology and aid transfers. Owing to the growing American disenchantment with the U.N., the U.S. delegation supported keeping these matters outside the hands of U.N.

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<sup>112</sup> Paul Hofmann, "Finally, A Chance for Reform at the U.N.," *New York Times*, 7 September 1975.

<sup>113</sup> Leonard Silk, "Conciliatory Kissinger Message Aims to Soften Rich-Poor Conflict," *New York Times*, September 2, 1975.

<sup>114</sup> Moynihan, *A Dangerous Place*, 140-141.

<sup>115</sup> Press release, U.S.U.N.-190 (75), 17 December 1975.

<sup>116</sup> Developed nations would eventually give 0.7% of their GDPs as foreign aid to the poorest countries.

organizations.<sup>117</sup> The agreeable tone of negotiations continued through the end of October, when President Ford delivered an optimistic foreign policy speech in San Francisco that was essentially neutral on the issue of Third World demands.<sup>118</sup>

This congenial mood did not prevent Moynihan from lambasting the U.N. on other counts. He and his colleague, Clarence Mitchell, openly criticized the General Assembly for giving Idi Amin a public forum, with Moynihan even going so far as to agree with the *New York Times*' description of the Ugandan dictator as a "racist murderer."<sup>119</sup> "It is no accident, I fear," said Moynihan in October 1975, "this 'racist murderer' . . . is head of the Organization of African Unity." This attack prompted the columnist and former Nixon speechwriter William Safire to write of the new U.S. posture in the U.N., "If a nation wishes to act publicly as an enemy of democracy, or a supporter of racist murder, that will cost it something."<sup>120</sup> Several African delegates, meanwhile, decried Moynihan's arrogance. President Ford publicly backed Moynihan and Mitchell, stating in a cabinet meeting that the two had "said what needed to be said." He added informally to Moynihan, "You seem to be surviving, Pat," to which the latter replied, "If you say so, sir, then I am."<sup>121</sup>

On November 10, the relative calm was broken by the General Assembly's adoption of Resolution 3379, which declared Zionism to be "a form of racism and racial discrimination." The resolution passed by a large margin for several reasons, including

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<sup>117</sup> For a contemporary view of this special session, see Barnett F. Baron, "Population and the Seventh Special Session: A Report," in *Population and Development Review* 1, no. 2 (December 1975): 297-306.

<sup>118</sup> Kissinger thought the original wording of the speech sounded too much like Moynihan, so he fought a minor battle with speechwriter Casserly over the exact text. Kissinger won out in the end. Casserly, *The Ford White House*, 218-219.

<sup>119</sup> The original statement by the editors of the *New York Times* appeared in the editorial, "Protests on Spain," 3 October 1975. Moynihan's approval was reported in "Moynihan Assails Uganda President," *New York Times*, 4 October 1975.

<sup>120</sup> William Safire, "New Order of Rhetoric," *New York Times*, 9 October 1975.

<sup>121</sup> *Ibid.*

the tenacity of the Middle Eastern states, the politicking of the Soviets, and the common perception among many Third World delegates that Israel was the latest in a long line of Western colonizers.<sup>122</sup> At a time in which it seemed as though North/South relations were improving, this resolution put a tremendous strain on international affairs. The American delegation considered it an ill-conceived, symbolic move on the part of the LDCs.<sup>123</sup> The Americans were also troubled by the ability of one region's LDCs – in this case, the Middle East – to convince other LDCs that it was in their best interest to join into a single voting unit. According to Leonard Garment, the Arab nations succeeded in “buying a majority.” Latin American delegates, for example, supported the resolution as a result of “a combination of internal leftist politics, covert Soviet pressure, ‘gringophobia,’ and anti-Semitism among some of their leadership.”<sup>124</sup> Moynihan led the charge against the resolution. Upon its passage, he announced to the General Assembly in near-Churchillian parlance, “The United States declares that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.”<sup>125</sup> The Anti-Defamation League found that this was the first issue of the decade in which its surveys of editorial reaction showed a unanimous opinion among the top 50 American newspapers, all of which denounced the resolution.<sup>126</sup> Many noted with revulsion that the resolution had passed on the anniversary of *Kristallnacht*.

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<sup>122</sup> Stoessinger, *Henry Kissinger: The Anguish of Power*, 169. The resolution vote was 72 to 35 with 32 abstentions. Three countries – Romania, South Africa and Spain – were recorded as absent. Bernard Lewis, “The Anti-Zionist Resolution,” *Foreign Affairs* 55, no. 1 (October 1976): 54.

<sup>123</sup> Daniel Patrick Moynihan, *Loyalties* (New York: Harcourt, Brace, Jovanovich, 1984), 36, 40; idem., *On the Law of Nations* (Cambridge, Mass.: Harvard University Press, 1990), 162, 164.

<sup>124</sup> Garment, *Crazy Rhythm*, 310.

<sup>125</sup> Hodgson, *The Gentleman from New York*, 246.

<sup>126</sup> Memo, Jerome Bakst to Arnold Forster, 26 November 1975, folder 7, box I: 325, Moynihan Papers, LOC.

To the American delegation the anti-Zionist resolution appeared to be the handiwork of the USSR. As we saw in chapter three, for several years the Soviet government had been waging an anti-Semitism campaign in response to the rise in Jewish nationalism and the related emigration issue. The Soviets were also seeking a position of power among the Arab states of the Middle East. As a result, what the Soviet leadership referred to as “anti-Zionism” was usually thinly-veiled anti-Semitism, and the Soviet leaders assumed that a U.N. resolution would give the illusion of international sanction to this campaign.<sup>127</sup> The Soviets had earlier tried to expel Israel from the General Assembly but stopped short when the U.S. threatened to walk out. Thus attacks on “Zionism” looked like a cheap fallback strategy.<sup>128</sup>

In a broader sense, the resolution confirmed to many Americans that the U.N. had indeed failed as an institution and that American representatives were capable of standing up for principles that were morally superior to those advocated by the majority of the General Assembly.<sup>129</sup> Moynihan received around 26,000 letters in three months, nearly all of which approved his tough stand on a variety of issues and thanked him for defending liberal democratic values.<sup>130</sup> “There is a great shifting of sentiment in this nation,” wrote a Wisconsin man, “from wringing its hands and wearing sackcloth and ashes for its ‘misdeeds,’ to squaring its shoulders and assuming the role (and demeanor) of the leader it is. In your conduct and speeches at the U.N. you have scored a direct hit.”<sup>131</sup> Other Western representatives that had been stung by Third World attacks were

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<sup>127</sup> For a contemporary view of the Soviets’ backing of the anti-Zionism resolution, see Lewis, “The Anti-Zionist Resolution,” 60-64.

<sup>128</sup> Garment, *Crazy Rhythm*, 309.

<sup>129</sup> Lewis, “The Anti-Zionist Resolution,” 54.

<sup>130</sup> Mark Gayn, “26,000 Letters Back Moynihan’s Hard Line,” *Toronto Star*, 5 January 1976.

<sup>131</sup> This man’s son had studied under Moynihan at Harvard. Letter, H.D. Balliett to Moynihan, folder 7, box I:325, Moynihan Papers, LOC.

also appreciative. Canadian M.P. Perrin Beatty wrote to Moynihan, “I was pleased with your candor [in the anti-Zionist speech] as I have been concerned for some time now that the Western democracies have not been sufficiently forceful in putting their case.”<sup>132</sup>

Although some letter-writers suggested that the U.S. should pull out of the U.N., most wanted the U.N. to be more valuable to U.S. interests.<sup>133</sup> Much of Moynihan’s support came from ethnic organizations in his home state of New York. (This may have helped convince him that he had enough support for a Senate run; in fact, some of these letters explicitly told him to run for the Senate.)

Contemporary journalists also noted that Moynihan had tapped into an enormous public reservoir of resentment against the developing nations’ anti-Americanism. “For all of [Moynihan’s supporters], the right, the left and the center,” wrote one columnist, “he has suddenly provided a common denominator – the feeling that America has values to stand for.”<sup>134</sup> As for Moynihan’s effect on diplomacy, the columnist William Safire summarized it thus: “The price of a delicious diatribe against the United States is the aid and friendship of the United States.” Safire went on to say, “In the pink sheets that circulate our diplomatic cable traffic, one can read – for the first time – a tough-minded American position that says ‘abstention is not enough.’ If nations want us to believe they are with us, they will have to put their votes where their private assurances were.”<sup>135</sup> His support certainly had much to do with his rhetorical style and his mastery of popular national symbols. His choice of causes mattered as well. When he received the 1975 Human Rights Award from the International League for the Rights of Man, one journalist

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<sup>132</sup> Letter, Perrin Beatty to Moynihan, 21 November 1975, folder 8, box I:325, Moynihan Papers, LOC.

<sup>133</sup> Congressman Ed Koch called for a U.S. withdrawal shortly after the anti-Zionist resolution. *Congressional Record*, 26 November 1974.

<sup>134</sup> Mark Gayn, “26,000 Letters Back Moynihan’s Hard Line,” *Toronto Star*, 5 January 1976.

<sup>135</sup> Safire, “New Order of Rhetoric.”

noted that “it seemed clear that the [anti-Zionism] issue figured heavily in his selection.”<sup>136</sup>

Moynihan had his critics as well. He was privately criticized by State Department insiders, who believed that he was alienating potential allies among the nonaligned. Rep. Charles Rangel of New York called Moynihan’s rhetoric “insulting behavior,” and he declared the ambassador’s appointment of singer Pearl Bailey to the American delegation “an insult to black professionals as well as the Third World.”<sup>137</sup> The British ambassador to the U.N., Ivor Richard, publicly criticized Moynihan for behaving like “the Wyatt Earp of international politics” following the anti-Zionism vote. Richard added that Moynihan was like “Lear raging amidst the storm on the blasted heath” and “Savonarola in the role of an avenging angel preaching retribution and revenge.”<sup>138</sup>

Galvanized in part by his popularity (and perhaps also by the criticism), in January of 1976 Moynihan suggested that the U.S. had won the brief struggle between North and South on economic and human rights issues. As he wrote in a State Department cable,

The nonaligned, or the Group of 77, or whatever, are groups made up of extraordinarily disparate nations with greatly disparate interests. Their recent bloc-like unity was artificial and was bound to break up. Maintaining solid ranks was simply too expensive for too many members, as witness the cost of saying

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<sup>136</sup> *Diplomatic World Bulletin*, 15 December 1975. Morris Abram had received this award the previous year.

<sup>137</sup> Andrew Greeley, “Moynihan’s the Critics’ Choice,” *Chicago Tribune*, 1 January 1976.

<sup>138</sup> “Daniel Patrick Moynihan,” *Telegraph* (UK), 3 March 2003; “Ivor Richard: Man in the Middle,” *Time*, 15 November 1976.

nothing about the OPEC price increases, which hurt the developing nations far more than the developed ones.<sup>139</sup>

The tougher American stance, he argued, had not alienated the Third World, but had instead succeeded in beginning the breakup of the Third World bloc. He further argued that history was on the side of the West, and that a large faction in the State Department wanted his agenda to fail.

This last sentiment was perhaps his most contentious claim. It was one thing for an American diplomat to defend his actions in a private missive. It was another thing entirely to claim in an unclassified cable that his work was being thwarted by obstinate elites. (Although Moynihan claimed he had not wanted the cable leaked, he had given it the lowest possible security classification, and the *New York Times* published the text in its entirety.<sup>140</sup>) President Ford wanted the LDCs to know that there would be consequences – including decreases in foreign aid – if they voted against the U.S. in the U.N. Nevertheless, many State Department officials privately muttered that Moynihan’s style did not suit his position. One reporter wrote that these officials “charge him with personal headline-hunting and argue that his approach only irritates other nations without helping U.S. policy.”<sup>141</sup> Some even went so far as to say that the anti-Zionist resolution would not have passed if it had not been for Moynihan’s criticism of LDCs.<sup>142</sup>

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<sup>139</sup> “Text of Cablegram Sent by Moynihan to Kissinger and all American Embassies,” *New York Times*, 28 January 1976.

<sup>140</sup> Leslie H. Gelb, “Moynihan Says State Department Fails to Back Policy Against U.S. Foes in U.N.,” *New York Times*, 28 January 1976.

<sup>141</sup> *Ibid.*

<sup>142</sup> Leslie H. Gelb, “Ford and Kissinger Give Assurances to Moynihan,” *New York Times*, 29 January 1976. See also Edward Luck and Peter Fromuth, “Anti-Americanism at the United Nations: Perception or Reality,” in Alvin Z. Rubinstein and Donald E. Smith, eds., *Anti-Americanism in the Third World: Implications for U.S. Foreign Policy* (New York: Praeger, 1985), 234.

When Moynihan resigned his post on 2 February 1976, he cited his desire to keep his tenure at Harvard. He later admitted, though, that he had been distressed by Ford and Kissinger's lack of confidence, which he felt had been evident "between the lines" of news reports. They apparently felt that he had become a liability to the administration.<sup>143</sup> Many others commented that Moynihan was sent packing because he dared to speak so "undiplomatically."<sup>144</sup> "In an administration as dull as Gerald Ford's," stated one newspaper editorial, "and in an organization as moribund as the United Nations, Daniel P. Moynihan simply couldn't last."<sup>145</sup> He likely also had a Senate run in mind, because within a few months he was on the campaign trail for the vacant New York seat. A cynic thus could charge that Moynihan was most concerned with human rights when there were political advantages. Although he claimed to have had no designs upon public office when he accepted the ambassadorial position, his senatorial run is worth keeping in mind because many of the issues he confronted in the U.N. had a domestic political payoff, especially the anti-Zionist resolution. At any rate, by the time he parted company with the administration, he was convinced that he had helped to give the U.S. the moral high ground on a series of complicated issues. In his words, "Not until it was over did it turn out that we had changed the language of American foreign policy. Human rights emerged as one of the organizing principles that define our interests and help to inform our conduct in world affairs."<sup>146</sup>

This was a rather strong statement considering the multifarious forces behind the human rights movement. Yet on a rhetorical level, at least, Moynihan could claim

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<sup>143</sup> Moynihan, *A Dangerous Place*, 272-277; Kathleen Teltsch, "Moynihan Said to Feel He Lacked Vital Support," *New York Times*, 3 February 1976.

<sup>144</sup> See, for example, "Daniel in the Kitty's Den," *Washington Star*, 28 October 1975.

<sup>145</sup> *Bangkok Post*, 4 February 1976.

<sup>146</sup> Moynihan, *A Dangerous Place*, 278.

greater responsibility than any other American representative at the U.N. He and his allies were certainly reflecting the zeitgeist: the trend in 1975-76 was clearly in the direction of “values” and human rights. The U.S. Congress made many moves in this direction, and Jimmy Carter was able to ride these sentiments to the White House. Moynihan’s emphasis on human rights and democracy showed politicians that this kind of tough defense of American principles could turn the tables on critics of the U.S. while also giving Americans something positive to support. Some years later, Leonard Garment argued that the Moynihan approach was an accurate representation of American sentiment in the mid-1970s: “The public, Congress, and many in the media welcomed the change in atmosphere that Pat had brought. But the UN community and the State Department deplored his strategy. Among the principal deplorers was Henry Kissinger.”<sup>147</sup>

Indeed, in the final days of Moynihan’s U.N. stint we can see evidence that he and Kissinger had become rivals. When Moynihan’s tough talk in the U.N. landed his image on the front pages of newspapers and magazines across the country, Kissinger took personal umbrage. Godfrey Hodgson concluded that “Kissinger was jealous of Moynihan's celebrity.”<sup>148</sup> “I was his Ambassador,” Moynihan later said sardonically of Kissinger. “What was I doing on the front page of the *Times*?”<sup>149</sup> The two remained aloof and had few dealings after Moynihan’s resignation. Moynihan summarized his attitude toward the secretary of state by saying, “[Kissinger’s] problem was that he was dangerous to be close to . . . With Kissinger the risk was to end up destroyed. He could

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<sup>147</sup> Garment, *Crazy Rhythm*, 312.

<sup>148</sup> Hodgson, *The Gentleman from New York*, 242.

<sup>149</sup> Moynihan, *A Dangerous Place*, 166-168.

not help this.” In the old story of the frog and the scorpion, he added, Kissinger was every bit the scorpion.<sup>150</sup>

For the remainder of Ford’s presidency, North/South tensions decreased considerably. Ford replaced Moynihan with William Scranton, who went on to become one of the most popular American ambassadors ever to work at the U.N., not least because his personality contrasted so sharply with that of his predecessor. The U.S. position remained firm on the structural issues of the NIEO, but the Ford administration eventually committed the U.S. to some minor concessions on foreign aid and access to Western markets. Third World leaders may have had these concessions in mind all along, for they could not have expected the northern countries to acquiesce in a plan to allow nationalization of foreign industries, formation of commodity producer cartels, and the binding of raw material and manufactured goods’ prices. These proposals were just too radical to be taken seriously by the countries that wielded real economic power. The improvement in North/South relations reached its apex with Jimmy Carter’s 1977 appointment of Andrew Young as U.N. ambassador.

Meanwhile, Kissinger remained involved in diplomatic talks with several of the developing countries. In February 1976 – the same month in which Moynihan resigned – Kissinger visited a slew of Latin American countries, and upon returning to the U.S. he spoke of a new spirit of cooperation. Once again, the verbal agreements he had reached with America’s important southern neighbors were not multilateral in nature. Kissinger also floated alternatives to NIEO/CERDS. Regarding the general principle behind the Charter, he told a congressional panel that the administration “would basically support . .

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<sup>150</sup> Ibid., 40-41; Hodgson, *The Gentleman from New York*, 225.

. the concept of having some international rules of conduct.”<sup>151</sup> As he told Congress, “While I was in Latin America I repeatedly suggested to my hosts that we develop an international agreement . . . that would regulate the behavior of multinational corporations as well as the obligation of the host government towards these multinational corporations.”<sup>152</sup> Nevertheless, he made it clear that the U.S. could not sign a document “which has basic provisions that we oppose in principle with respect to expropriation and similar issues.”<sup>153</sup> Shortly thereafter he traveled to Africa to court friendly nations and defuse tensions between various African states. He discussed economic issues with the African leaders but avoided firm commitments on NIEO-oriented proposals. Later he told President Ford this trip had shown him that American aid should only go to friendly nations. In his words, if aid went to some and not to others, it would “therefore create incentives.” Kissinger remained far more concerned with security issues than with questions of foreign aid.<sup>154</sup> He was also convinced that the Western allies were closer than they had been in many years; that peace between the superpowers was genuine; and that these two conditions were the key to international stability.<sup>155</sup>

As for Moynihan, he headed back to Harvard and penned a critique of the United Nations for the *Harvard International Law Journal*. In defense of his “opposition” strategy, he noted that American challenges to Third World demands were based on the belief “that the better part of the Third World, and hence of the United Nations majority,

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<sup>151</sup> *Report of Secretary of State Kissinger on His Trip to Latin America*, 32.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*, 32

<sup>154</sup> National Security Council Meeting Minutes, 11 May 1976, *FRUS*, Volume E-6, Documents on Africa, 1973-1976, <http://www.state.gov/r/pa/ho/frus/nixon/e6/66548.htm>.

<sup>155</sup> Memorandum of Conversation, President Ford, Henry Kissinger, Brent Scowcroft, 29 June 1976, <http://www.ford.utexas.edu/library/exhibits/cabinet/760629.htm>.

was politically allied with the West, even if it was estranged on economic issues.”<sup>156</sup> In other words, although Americans generally opposed the developing countries’ economic demands, the U.S. acknowledged that most of these nations were potential democracies, and often political allies. He added, “Given that economic issues are far the more readily negotiated . . . there seemed a prospect for constructive cooperation in this area, which could only strengthen the already existing degree of political cooperation.” But Moynihan also modified his earlier *Commentary* thesis regarding the “British Revolution” and the ensuing spread of anti-American democratic socialism in the newly-decolonized world. Whereas he had earlier traced overt anti-Americanism to the formative years of democratic socialist governments in the Third World (which were anti-American, perhaps, but not Marxist), he now acknowledged that these nations seemed to be leaning more toward totalitarian dictatorship along Soviet lines. It was possible, he suggested, “that the democratic socialist tradition was fast disappearing in the developing world, while the movement towards nondemocratic and even antidemocratic regimes was far more prevalent.” As evidence, he cited the Indian democracy crisis of 1975, the consolidation of harsh Marxist regimes in former Portuguese colonies, and passage of the anti-Zionism resolution. To Moynihan, then, the previous year’s ambiguous U.N. accomplishments symbolized the uncertain future of democracy.

He showed some prescience in this regard, for the mid-1970s were truly dark years for democracy worldwide. Although there had been thirty democracies in 1950, that number did not rise in the decades to come, even though the number of nations rose

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<sup>156</sup> Daniel Patrick Moynihan, “Abiotrophy in Turtle Bay,” *Harvard International Law Journal* 17, no. 3 (Summer 1976), 465-502.

dramatically. There were still only thirty democracies in 1975.<sup>157</sup> The communist governments seemed as resolute as ever, while right-wing, authoritarian dictatorships were rife in much of the rest of the world. Few at the time could have known – or would have believed – that the next few decades would witness one of the greatest democratic transformations in history, including the triumph of democratic systems in Latin America, Eastern Europe, and South Africa, among other regions. (By 2005, 119 of the world’s 190 countries had become democracies.)<sup>158</sup> Moynihan thus had many reasons to believe that democracy was imperiled in the 1970s. Indeed, the human rights movement as a whole owed much of its momentum to the apparent retreat of liberal democracy during this period.

### **Conclusion: The Impact of CERDS**

The CERDS negotiations did not bring about the kinds of structural changes that the developing nations had sought. However, the proposal led to an extended debate on America’s mission in the world. Eventually, through some tough diplomatic wrangling, the LDCs took a softer stance on CERDS, and many signed bilateral agreements with the U.S. and other western democracies. NIEO negotiations continued to little effect, and outcomes included only a few minor accomplishments, such as the non-binding Restrictive Business Practice Code adopted in 1980. The NIEO was essentially dead by the early 1980s.<sup>159</sup>

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<sup>157</sup> Michael Mandelbaum, “Democracy without America,” *Foreign Affairs* 86, no. 5 (September/October 2007): 119-130. Ten nations were democracies in 1900.

<sup>158</sup> *Ibid.*

<sup>159</sup> Mitsuo Matsushita, Thomas J. Schoenbaum, and Petros C. Mavroidis, *The World Trade Organization: Law, Practice, and Policy* (New York: Oxford University Press, 2003), 388-389.

Robert Gilpin has listed three main reasons for the failure of NIEO in these years. First, despite some differences in the developed nations' positions, none of them was willing to make any significant concessions. Second, OPEC members were similarly unwilling to put their wealth at the service of other LDCs. Third, OPEC nations' successes hurt LDCs by hitting them with higher import bills and lower demand for their commodity exports.<sup>160</sup> Thus the NIEO was eventually sabotaged by a combination of traditional liberal capitalism and the insuperable inequalities among LDCs themselves. A fundamental dilemma faced the LDCs: the nationalistic spirit that drove attempts to change the operation of the world market economy, writes Gilpin, was "the same nationalistic spirit [that] frequently undermine[d] their efforts to cooperate with one another and to form an economic alliance against the developed countries."<sup>161</sup> It seems that LDCs never could have gained real concessions by working as a unified bloc, although individual LDCs could gain a great deal through a combination of nationalism and adherence to international agreements. Although the large-scale transfer of wealth from rich to poor countries never took place, the less-radical principles of the NIEO ultimately reappeared in trade agreements like the North American Free Trade Agreement (NAFTA), as well as in the creation of international bodies like the World Trade Organization (WTO). Neither economic issues nor the North/South rift disappeared when CERDS fell from the radar screen.

The CERDS/NIEO proposals represent yet another point of fracture in the American trend toward human rights policymaking in the long 1970s. Whereas many developing nations considered the economic charter to be a practical challenge to

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<sup>160</sup> Gilpin, *The Political Economy of International Relations*, 300.

<sup>161</sup> *Ibid.*

Northern countries' economic dominance *and* individualistic Western conceptions of rights, Americans viewed CERDS/NIEO as another in a long line of radical moves in the U.N. These proposals thus contributed to the already significant American bitterness over LDCs' provocations and the radicalism of the United Nations. In December 1976, the former Human Rights Commission delegate Bruno Bitker advised Andrew Young upon the latter's appointment as U.S. Ambassador, "If there existed a Dow Jones scale on American public interest in the [U.N.], it would be at a record low as you take over."<sup>162</sup>

This episode also gives us some indication of the divides within the upper echelon of American diplomats. The Kissingerian approach was largely indifferent to Third World demands, while the Moynihan style arguably encompassed a great deal of respect for the developing world. In the words of Middle East scholar Bernard Lewis, Moynihan's "real offense was that he did not share the fashionable feeling of guilt, with its . . . patronizing tendency to treat smaller and weaker nations as smaller and weaker beings."<sup>163</sup> In addition, when compared with Kissinger and Ford, who were generally more interested in tempering the harsh edges of the Cold War, Moynihan was one of the few who seemed able to look beyond the Cold War order to a world in which the North/South divide would be more significant than the division between East and West.<sup>164</sup> One scholar has recently written of the Kissinger/Moynihan divide,

During the quarter-century since Kissinger left office, his version of realpolitik has lost much of its political and intellectual luster. Liberal champions of a

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<sup>162</sup> Bruno Bitker to Andrew Young, 23 December 1976, "Correspondence, 1944-1981" folder, box 1, MSS 29, Bruno Bitker Papers.

<sup>163</sup> Lewis, *From Babel to Dragomans*, 272.

<sup>164</sup> Moynihan would soon thereafter predict that ethnic tensions and economic weakness would force the breakup of the Soviet Union.

foreign policy based on promoting human rights and democracy helped elect Jimmy Carter in 1976, and conservatives determined to bring down, not just outmaneuver, the Soviet “evil empire” were mainstays of Ronald Reagan's conservative crusade in the 1980s.<sup>165</sup>

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<sup>165</sup> Michael Nelson, “The Scholar-Courtier and the Scholar-Politician.”

## **Chapter 7 – The Movement at its Peak: The 1976 Election and the Carter Years**

The customary scholarly narrative of Jimmy Carter’s human rights policy has Carter entering office with high ideals amid a popular demand for a new brand of diplomacy.<sup>1</sup> His attitude then changed in response to a variety of unexpected events, including runaway inflation, the energy crisis, the Soviet invasion of Afghanistan, and the Iran-hostage crisis. According to most observers, Carter never abandoned his interest in human rights altogether, though his priorities changed considerably in the second half of his term. I generally concur with this interpretation, but I also believe that we can learn more about the human rights movement, broadly speaking, if we place Carter within the long-term narrative of the 1970s and contrast his ideas with those of liberals, conservatives, and non-government actors alike. In this chapter, then, I take a close look at the evolution of human rights rhetoric and policies during the 1976 presidential campaign and the Carter presidency. I pay special attention to the role of “moral” rhetoric, and I continue the earlier discussion of ethnic lobbying. I conclude that Carter embraced human rights largely as an oppositional strategy and that he promised more than he could deliver. The first few months of his presidency saw a great deal of activity, but his priorities changed as he became aware of the difficulties human rights posed for his overall foreign policy.

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<sup>1</sup> Early studies included Gaddis Smith, *Morality, Reason, and Power: American Diplomacy in the Carter Years* (New York: Hill and Wang, 1986) and Joshua Muravchik, *The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy* (Latham: Hamilton Press, 1986). Another early work was Burton I. Kaufman’s *The Presidency of James Earl Carter, Jr.*, revised 2nd ed. (Lawrence: University Press of Kansas, 2006; orig. 1993). A more recent interpretation can be found in David F. Schmitz and Vanessa Walker, “Jimmy Carter and the Foreign Policy of Human Rights: The Development of a Post-Cold War Foreign Policy,” in *Diplomatic History* 28, no. 1 (January 2005): 113-143. See also Itai Nartzizenfeld Sneh, “Not Radical Enough: Why Jimmy Carter Failed to Change American Foreign Policy,” *Historia Actual On-Line* 6 (Winter 2005): 55-70; and Sneh, *The Eclectic Badge of Honor: How the Carter Administration Integrated Human Rights into American Foreign Policy and to What Extent* (Ph.D. diss., Columbia University, 2003).

## Moral Concerns and the 1976 Presidential Campaign

In order to understand the links between earlier congressional activism and the executive-led activism of the Carter years, we should first consider the 1976 election campaign. The 1976 election was something of a “perfect storm” of conflict over human rights policies, détente, ethnic concerns, and morality in foreign policy.<sup>2</sup> While Congress and NGOs were placing human rights concerns into the public spotlight, the ethnic revival was reaching its apex, and the détente process was becoming more controversial than ever. As a result of these developments, all of the major presidential candidates tried to please American “ethnics,” especially those of Eastern European origin. These ethnics lobbied the U.S. government to ensure the extension of rights to the peoples of Eastern Europe, and they continued to seek the eventual liberation of the East. American relations with the countries of Eastern and Central Europe thus became intertwined with debates over human rights. In order to highlight these developments in the 1976 campaign and beyond, I will focus on the drafting of the party platforms, debates over the Helsinki agreement, and individual ethnic lobbying.

The 1976 campaign’s human rights debates were closely linked to the national obsession with moral concerns. Given the general public dissatisfaction with political leaders, “morality” was a central theme of the election. Polling data showed that voters were more concerned about “honesty in government” and “moral leadership” than

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<sup>2</sup> Some of the best sources on the 1976 campaign are Witcover’s *Marathon: The Pursuit of the Presidency, 1972-1976* (New York: Viking Press, 1977); Elizabeth Drew’s *American Journal: The Events of 1976* (New York: Random House, 1977); House Committee on House Administration, *The Presidential Campaign 1976*, vol. 1-2 (Washington: GPO, 1978-79); and Craig Shirley, *Reagan’s Revolution: The Untold Story of the Campaign that Started it All* (Nashville: Nelson Current, 2005). Shirley’s book is a study of the Reagan campaign and conservative attempts to reorient the party. He argues that the 1976 campaign was the real beginning of the Reagan revolution.

unemployment, federal spending, environmental protection, and education. Malcolm MacDougall, an advertising executive who helped spearhead Ford's publicity campaign, wrote, "If there ever was a year when you could run on motherhood and Mom's apple pie, this was it." MacDougall added that "the morality issue" was no surprise to any astute political observer; "it's what created Jimmy Carter, after all."<sup>3</sup> Carter, the born-again Southern Baptist, set this national conversation in motion by claiming that he could not be bought by the special interests or controlled by machine politics. The other major presidential candidates also invoked the nation's moral primacy. Senator Henry Jackson, who was considered the Democratic frontrunner early in 1976, argued that the election would be a referendum on leadership and national resolve. Typical was his statement that "we seem to lack, at the highest levels of government, the willpower and conviction to take a strong stand. Détente has become a one-way street on which advantages pass to the Soviets."<sup>4</sup> Ronald Reagan made similar statements in an attempt to win the Republican nomination.

Carter's overt moralism did not appeal to every voter. Although much of Middle America appreciated an openly religious candidate, many others were wary of his pedigree.<sup>5</sup> The esteemed political journalist Jules Witcover asserted that the news media were ever vigilant in their desire to find flaws in Carter's aura of moral superiority.<sup>6</sup> The media relished pointing out Carter's apparent contradictions, such as his ambiguous stand

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<sup>3</sup> MacDougall came to these conclusions about voters' feelings after consulting Ford's polling expert, Bob Teeter. See Malcolm D. MacDougall, *We Almost Made It* (New York: Crown Publishers, 1977), 44. One of Carter's biographers composed an entire volume dedicated to Carter's moralism. Kenneth E. Morris, *Jimmy Carter: American Moralist* (Athens, GA: University of Georgia Press, 1996).

<sup>4</sup> Henry M. Jackson, "Where I Stand," *New York Times*, 11 February 1976.

<sup>5</sup> For an example of this discussion, see Morris Abram's defense of Carter, "Carter and Baptists," *New York Times*, 5 June 1976. It did not hurt Carter's chances that he entered the national political scene at a time in which evangelical Christians were becoming more involved in politics.

<sup>6</sup> See Witcover, *Marathon*, 549-552.

on abortion – which caused him genuine trouble with Catholic voters<sup>7</sup> – and his notorious *Playboy* interview, in which he admitted that he had “looked on a lot of women with lust.” A Ford campaign insider later wrote that this interview “was a gift from heaven. It seemed like God’s way of slapping Jimmy Carter’s wrist for wearing his religion on his sleeve.”<sup>8</sup> Republican vice-presidential nominee Bob Dole similarly quipped, “I couldn’t understand frankly why he was in *Playboy* magazine. But he was, and we’ll give him the bunny vote.”<sup>9</sup>

Considering Carter’s image and the importance of moral concerns in the 1976 election season, he came rather late to the human rights cause. Accounts vary as to exactly when he decided to take it up. He included the term in his announcement of candidacy in December 1974, but he made few efforts to elaborate on it throughout most of the campaign.<sup>10</sup> Indeed, in 1975 he even criticized the Helsinki Agreement and the interventionist implications of rights activism.<sup>11</sup> And although he regularly assailed governmental secrecy in foreign affairs and called for greater attention to moral principles and humanitarianism, he had little to say about what the United States government must do to improve the rights situation in other countries. Carter made a few brief statements on human rights during 1976, but even as late as the Democratic

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<sup>7</sup> Lawrence M. O’Rourke, *Geno: The Life and Mission of Geno Baroni* (New York: Paulist Press, 1991), 128-130. When candidate Carter met with a group of Catholic bishops, they hammered him on his ambiguous abortion position.

<sup>8</sup> MacDougall, *We Almost Made It*, 126.

<sup>9</sup> Dole spoke at the vice-presidential debate. Sidney Kraus, ed., *The Great Debates: Carter vs. Ford, 1976* (Bloomington: Indiana University Press, 1979), 510.

<sup>10</sup> In his formal announcement of 12 December 1974, he asserted that the U.S. had “set a standard within the community of nations of courage, compassion, integrity, and dedication to basic human rights and freedoms.” House Committee, *The Presidential Campaign*, vol. 1, part 1, 3.

<sup>11</sup> Arthur Schlesinger, Jr., “Human Rights and the American Tradition,” *Foreign Affairs* 57, no. 3, America and the World 1978 (1978), 513.

convention he and his team were, in Daniel Patrick Moynihan's words, "at best neutral."<sup>12</sup>

Carter more openly embraced human rights after the Democratic Party platform was written.<sup>13</sup> He gave his most elaborate explanation of his beliefs at the B'Nai B'Rith convention in September 1976. Here he expressed support for national self-determination, morality in covert actions, provision of foreign aid that would go directly to needy people, and ratification of the U.N. human rights conventions. He also called for the U.S. government to do more to encourage free emigration from Eastern Europe and to curb the abuses of America's friends in places like South Korea and Chile. He claimed that he would be "realistic" and would not insist that every nation adopt an "identical system" of government. "I do not say that we can remake the world in our own image," he added. He also reminded his audience that such a policy would be difficult because "our power is not unlimited."<sup>14</sup> Thereafter, his ideas took shape into a basic pattern of criticism against Ford and Kissinger. Using rather traditional anticommunist rhetoric, Carter criticized détente, the Helsinki Accords, the Solzhenitsyn snub, and the like. He also peppered his speeches with references to other regions of the world, especially Latin America.

By the time of the October presidential debates, Carter had fully integrated his attacks on immorality in foreign policy, executive secrecy, and U.S. complicity in propping up undemocratic regimes. "What we were formally so proud of," he stated,

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<sup>12</sup> Moynihan, "The Politics of Human Rights," *Commentary*, August 1977, 19. Carter's first substantial statement on human rights came in a speech to the Foreign Policy Association on 23 June 1976. House Committee, *The Presidential Campaign*, vol. 1, part 1, 270.

<sup>13</sup> Joshua Muravchik argued that Carter's interest in human rights grew directly from the debates over the Democratic Party platform. Muravchik, *The Uncertain Crusade*, 2-5, 7-9.

<sup>14</sup> House Committee, *The Presidential Campaign*, vol. 1, part 2, 712-713.

“the strength of our country, its moral integrity,” was now “gone.”<sup>15</sup> Carter charged that Ford and Kissinger had neglected South Africa and the democratic movement in Portugal, and he combined all of Ford’s foreign policy shortcomings into a single moral critique. “Every time Mr. Ford speaks from a position of secrecy in negotiations,” stated Carter, “in secret treaties that’ve been pursued and achieved, in supporting dictatorships, in ignoring human rights, we are weak and the rest of the world knows it.”<sup>16</sup> President Ford defended his administration’s record by saying that Carter “talks about morality in foreign policy. . . . What is more moral than peace, and the United States is at peace today.” Ford also argued that his achievements in fighting world hunger and taking the lead in Southern Africa and the Middle East were initiatives “of the highest moral standard.”<sup>17</sup> He echoed these sentiments to a reporter shortly after the 1976 election, saying, “It’s important for 215 million Americans and 260 million Soviets not to have a nuclear holocaust. Those are pretty important human rights, too.”<sup>18</sup> (The general anticommunist tone of Carter’s attacks – and Ford’s replies in kind – prompted a journalist to say of this debate, “Sometimes it has seemed as if Ronald Reagan were debating Ronald Reagan.”<sup>19</sup>) Nevertheless, Carter was hardly able to offer alternatives. When asked whether he was willing to risk an oil embargo to promote human rights in Iran and Saudi Arabia, or whether he would withhold grain shipments in order to promote

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<sup>15</sup> Kraus, *The Great Debates*, 479.

<sup>16</sup> *Ibid.*, 476-497. Carter lobbed one of his strongest insults at Ford’s executive weakness, even going so far as to say that “Mr. Kissinger has been the president of this country” in the foreign policy realm.

<sup>17</sup> *Ibid.*, 490. He further asserted that he had used private diplomacy with the government of South Korea.

<sup>18</sup> Quoted in Thomas M. DeFrank, *Write It When I’m Gone: Remarkable Off-the-Record Conversations with Gerald R. Ford* (New York: G.P. Putnam’s Sons, 2007), 144. Although Ford did not admit it publicly, his administration had also made the first moves toward liberalization in Cuba. In a little known gambit, his administration attempted to begin a détente with Cuba in 1975. Ford hoped to begin a normalization of relations, but he was adamant that the lifting of some sanctions would only come after Castro made significant moves toward liberalization. Castro refused to budge, and the idea was scrapped over the worsening situation in Angola. Graeme Mount, *895 Days that Changed the World: The Presidency of Gerald R. Ford* (Montreal: Rose Books, 2006), 36-54.

<sup>19</sup> Drew, *American Journal*, 464-465.

such rights in the Soviet Union, he avoided the question.<sup>20</sup> It was much easier to criticize the incumbent's record than it was to come up with viable alternatives.

Several factors contributed to Carter's shifting priorities on the campaign trail. His religious faith and his experiences in the desegregating South laid the foundations for his acknowledgement of moral principles in diplomacy. At the same time, he gathered from the public mood that human rights rhetoric could comprise a valuable political tool. He was aware of the congressional moves of the previous few years, and it became clear during the campaign that the cutting of aid to offending regimes was not controversial among the U.S. public.<sup>21</sup> Polling data and other evidence also suggested a greater public awareness of, and dissatisfaction with, American complicity in rights abuses abroad. A *Washington Post* writer summarized this data during the 1976 election season: "The evidence suggests that large numbers of American citizens are demanding that their government no longer look the other way as the Pinochets and Park Chung Hees crowd their prisons with the innocent."<sup>22</sup> Zbigniew Brzezinski was one of many who acknowledged that Carter's prioritization of human rights reflected his "political acumen." Although Carter believed in the human rights cause, wrote Brzezinski, "At the same time, he sensed, I think, that the issue was an appealing one, for it drew a sharp contrast between himself and the policies of Nixon and Kissinger."<sup>23</sup> Some of Carter's

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<sup>20</sup> Kraus, *The Great Debates*, 483-484.

<sup>21</sup> According to former Congressman Robert F. Drinan, the new legislation on foreign aid to offending regimes (the Fraser bill) caused virtually no controversy during the 1976 campaign. Drinan, *The Mobilization of Shame: A World View of Human Rights* (New Haven: Yale University Press, 2001), 64.

<sup>22</sup> Colman McCarthy, "Governments that Rule by Violence," *Washington Post*, 7 August 1976.

<sup>23</sup> Zbigniew Brzezinski, *Power and Principle: Memoirs of the National Security Adviser, 1977-1981* (New York: Farrar, Straus, Giroux, 1983), 49.

liberal associates – especially those who had been involved in the Civil Rights movement – also influenced his embrace of the human rights mantra.<sup>24</sup>

Because Carter altered his approach to human rights concerns after the Democratic convention, the party platform debates bear some close scrutiny. In a normal election year, platform committee deliberations live up to Otto von Bismarck’s maxim regarding laws and sausages – you do not want to see them being made. But this election was rather distinctive for the attention given to moral concerns in the respective platform negotiations. It was also the first time in which both party platforms explicitly took on the role of human rights in diplomacy. On the Republican side, the major point of contention was the role of Kissingerian *realpolitik* and *détente*, as well as the role of Kissinger himself, whom many conservatives despised. Conservative backers of Ronald Reagan managed to insert their foreign policy plank – titled “Morality in Foreign Policy” – into the party platform. While ostensibly a statement on the importance of moral principles in policymaking, the plank was a clear stab at all of Kissinger’s major initiatives, and it tied Ford to the amoral policies of Richard Nixon.

The fight over the conservatives’ “morality” plank was long and grueling.<sup>25</sup> The first draft of the plank – spearheaded by Jesse Helms – denounced Ford’s foreign policy by listing the usual litany of criticisms of Kissinger and Ford: Helsinki, trading with the Soviets, *détente*, arms control, and Solzhenitsyn. The party’s Foreign Policy Subcommittee defeated this draft by a nine-to-seven vote and then approved a watered-

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<sup>24</sup> Morris Abram, an acquaintance from Georgia, suggested to Carter that the candidate could use human rights to distinguish himself from President Ford during the campaign. Abram later claimed to have urged Carter “to advocate use of America’s record in domestic human rights as a foreign policy asset and as a challenge to the rest of the world to live up to standards of the Declaration of Human Rights.” Morris B. Abram, *The Day is Short: An Autobiography* (New York: Harcourt, Brace Jovanovich: 1982), 251.

<sup>25</sup> From Shirley, *Reagan’s Revolution*, 311-312, 315, 322-325. See also Witcover, *Marathon*, 485-486, 500-503; and Gerald R. Ford, *A Time to Heal: The Autobiography of Gerald R. Ford* (New York: Harper and Row, 1979), 398.

down version after nine hours of harsh deliberations. The full platform committee rejected this second version by a vote of fifty-five to forty-three. After the full committee approved a far more diluted version, the conservatives promised to press for stronger language during the Republican convention. Meanwhile, Reagan's team brought their own version of a "morality in foreign policy" plank to the convention, and the combination of the two versions caused a great deal of trouble for Ford and the party moderates. Ford's advisers worried that if they challenged the plank they would lose out in other platform debates. White House Chief of Staff Dick Cheney later recalled that the plank

did everything but strip Henry bare of every piece of clothing on his body. And Rockefeller and Kissinger were pushing to have the fight to defeat the platform plank. I was arguing this is not the time to have the fight on the platform. And Kissinger said at one point, "If you don't take on this fight, I'm going to resign. I'm going to quit here and now." [Republican lobbyist/strategist Tom] Korologos piped up and said, "Well Henry, if you're going to quit, do it now. We need the votes."<sup>26</sup>

Ford's advisers did not fight the plank, and as a result the final version of the Republican platform included some remarkably scathing criticisms of the party's own president and secretary of state. The platform assailed diplomatic secrecy, as well as a détente in which "unilateral favors" were granted "with only the hope of getting future favors in return." Agreements like Helsinki, it stated, "must not take from those who do

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<sup>26</sup> Quoted in Shirley, *Reagan's Revolution*, 324.

not have freedom the hope of one day gaining it.” The platform even included some direct allusions to the human rights movement and its outcomes. “We recognize and commend that great beacon of human courage and morality, Alexander Solzhenitsyn,” it stated, “for his compelling message that we must face the world with no illusions about the nature of tyranny.” Furthermore, while affirming continued U.S. support for the defense of South Korea, the party “encourage(d) the Governments of South Korea and North Korea to institute domestic policy initiatives leading to the extension of basic human rights.” (This proved to be one of the Republicans’ few open criticisms of an American ally during the 1976 campaign.) The plank included similar statements about China. As for the Soviet Union, the platform supported freedom of emigration and stated that “governments which enjoy the confidence of their people need have no fear of cultural, intellectual or press freedom.”<sup>27</sup>

The debate over the Republican platform and the conservatives’ plank illustrates a few important points. First, the candidates were bandying about many definitions of morality, some of which explicitly invoked the need for stronger human rights policies. Second, support for détente was incredibly tenuous. Third, moral arguments were largely oppositional in nature. After all, it was much easier for conservatives to allege diplomatic failures than to devise superior solutions. To put it simply, they were anti-communist, anti-détente, and above all, anti-Kissinger. As Republican co-campaign manager Jim Baker later said of the “morality” proposal, “I could see a two-word plank: ‘Fire Kissinger.’”<sup>28</sup> Finally, the debate over the conservative foreign policy plank

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<sup>27</sup> Republican Party Platform of 1976, 18 August 1976, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=25843>.

<sup>28</sup> Witcover, *Marathon*, 500.

illustrated the emerging power of the Sunbelt conservatives, whose influence was clear in the ouster of Nelson A. Rockefeller from the vice-presidential ticket.<sup>29</sup>

The Democratic Party, too, debated morality while drafting their platform. As we have already seen, liberal Democrats had long concerned themselves with the abuses of right-wing regimes, while conservatives (the so-called “Jackson Democrats”) had made significant strides in influencing policies toward communist regimes. Daniel Patrick Moynihan, who was one of the most prominent Jackson Democrats on the platform committee, hammered out a key rights agreement with the “McGovernite” liberal, Sam Brown. When Brown introduced a plank resolution calling for wholesale cuts in military aid to dictatorial regimes of the right, Moynihan called attention to the abuses of the communist world. “The Brown proposal,” argued Moynihan, “was too much a convenience for those nations which get their hardware from Czechoslovakia, and want their soft loans from the United States.” The solution, he believed, was to oppose aid to all rights-abusing regimes. “We’ll be against the dictators you don’t like the most,” Moynihan said to Brown, “if you’ll be against the dictators we don’t like the most.” This compromise resulted in what Moynihan termed “the strongest platform commitment to human rights in our history.”<sup>30</sup>

In its final form, the Democratic platform bore more than a passing resemblance to the conservative Republicans’ “morality” plank. The Democrats asserted that “Eight years of Nixon-Ford diplomacy have left our nation isolated abroad and divided at home,” and they singled out everything from diplomatic secrecy to the allegedly one-sided benefits of détente. According to the platform, Kissinger and Ford had “disdained

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<sup>29</sup> Technically speaking, Rockefeller volunteered not to run, but it was clear that he had been pushed out. He was replaced by Bob Dole.

<sup>30</sup> Moynihan told this tale in “The Politics of Human Rights,” 22.

traditional American principles” and “built a sorry record of disregard for human rights, manipulative interference in the internal affairs of other nations, and, frequently, a greater concern for our relations with totalitarian adversaries than with our democratic allies.” The platform’s authors argued that “the moral strength of our democratic values” was “the greatest inspiration to our friends and the attribute most feared by our enemies.” After stating that the Democrats would “reaffirm the fundamental American commitment to human rights across the globe,” the authors listed rights that mirrored those in the Republicans’ “morality” plank: liberalization of emigration policies, freedom of the press, and the need for Soviet compliance with the Helsinki agreement.<sup>31</sup>

### **The Ethnic Influence in the 1976 Election**

The parties’ concern with morality and human rights developed alongside their interest in ethnic voters. As we have already seen, Republicans had been waging a fairly successful “ethnic strategy” for several years, and in the 1976 election every presidential candidate pandered to ethnics’ interests. Eastern European ethnics had long voted Democrat, but in the 1970s they were trending Republican for reasons of anticommunism and cultural politics. Furthermore, as one journalist put it, Jimmy Carter “could not have been more foreign to their experience.”<sup>32</sup> These voters were, in a sense, up for grabs in the 1976 election.

As we saw in chapter three, Ford’s advisers were aware of both the ethnic revival and Eastern European ethnics’ reluctance to embrace the Kissinger/Ford foreign policy.

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<sup>31</sup> Democratic Party Platform of 1976, 12 July 1976, *PPP*, <http://www.presidency.ucsb.edu/ws/index.php?pid=29606>.

<sup>32</sup> R.W. Apple, Jr., “The President Slipped in Front of Just the Wrong Audience,” *New York Times*, 10 October 1976.

Ford's July 1975 meeting with a group of these ethnics was the first ever presidential meeting with the leaders of a multitude of groups interested in Eastern Europe.<sup>33</sup> Ford assured his visitors that his policy had always been "to support the aspirations for freedom and national independence of the peoples of Eastern Europe – with whom we have close ties of culture and blood – by every proper and peaceful means." He also declared that he would visit Poland, Romania, and Yugoslavia in order to demonstrate America's "continuing friendship and interest in the welfare and progress of the fine people of Eastern Europe."<sup>34</sup> When Ford met with another large group of Eastern European ethnics in spring of 1976, he reminded his audience that he had visited these three countries in order to show American support for Eastern European independence from Soviet domination, a point upon which he was unambiguous. "Our policy," he told the group, "is in no sense – and I emphasize this – in no sense to accept Soviet dominion of Eastern Europe or any kind of organic union." He also stated that his administration would continue to intercede on behalf of specific dissidents.<sup>35</sup>

Perhaps the most controversial foreign policy issue for Eastern European ethnics was the 1975 Final Act on the Conference on Security and Cooperation in Europe (better known as the Helsinki Accords), in which 35 nations agreed on a variety of issues relating to territorial sovereignty and interstate cooperation.<sup>36</sup> Although the Soviets saw

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<sup>33</sup> Ford made this claim during the latter meeting. Remarks and a Question-and-Answer Session with Representatives of Greater Milwaukee Ethnic Organizations, 2 April 1976, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=5781>.

<sup>34</sup> Text of Remarks at a Meeting with Representatives of Americans of Eastern European Background Concerning the Conference on Security and Cooperation in Europe, 25 July 1975, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=5106>.

<sup>35</sup> Remarks and a Question-and-Answer Session, 2 April 1976, <http://www.presidency.ucsb.edu/ws/?pid=5781>.

<sup>36</sup> For more on Ford's Helsinki decision, see Ford, *A Time to Heal*, 300-302; Raymond L. Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan* (Washington: Brookings Institution, 1994), 478-79; and Cathal J. Nolan, *Principled Diplomacy: Security and Rights in U.S. Foreign Policy* (Westport, Conn.: Greenwood Press, 1993), 139-142.

it as a treaty that would guarantee national sovereignty and the integrity of existing national boundaries, we now know that the Helsinki agreement was a key element in the eventual end of the Cold War.<sup>37</sup> The agreement's section on human rights (the so-called "Basket III" portion) comprised the first ever rights guarantees to citizens in Eastern and Central Europe, and it led many dissidents to establish "Helsinki Commissions" to monitor the agreement. According to one firsthand observer, when the Soviet dissidents Andre Sakharov and Anatoly Scharansky saw that the human rights provisions of the Helsinki Accords were printed in their entirety in the Soviet newspapers *Pravda* and *Izvestia*, they were "amazed but jubilant."<sup>38</sup> Soviet ambassador Anatoly Dobrynin later wrote that conditions for Soviet dissidents "certainly did not change overnight, but they were definitely encouraged by this historic document. . . . It gradually became a manifesto of the dissident and liberal movement, a development totally beyond the imagination of the Soviet leadership."<sup>39</sup> Smaller European nations also appreciated the agreement, for it gave them a forum in which they could challenge the Eastern Bloc to allow religious freedom, return appropriated property, free dissidents, and the like.<sup>40</sup>

Yet these positive long-term outcomes were unforeseeable in 1975-76. Therefore, President Ford's decision to travel to Helsinki and sign the agreement was a big sticking point with ethnics and conservatives, some of whom called the agreement "the new

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<sup>37</sup> See, for example, Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton U Press, 2001). Thomas examines the agreement and its aftermath through the lens of "norms." He focuses on how the Helsinki accords helped bring about the end of the Cold War by making human rights concerns into international norms. See also Daniel C. Thomas, "Human Rights Ideas, the Demise of Communism, and the End of the Cold War," *Journal of Cold War Studies* 7, no. 2 (Spring 2005): 110-141. This article is more specifically about the Helsinki agreement's effect on the Soviet Union.

<sup>38</sup> Drinan, *The Mobilization of Shame*, 73.

<sup>39</sup> Anatoly Dobrynin, *In Confidence: Moscow's Ambassador to America's Six Cold War Presidents* (New York: Times Books, 1995), 345-346.

<sup>40</sup> Drinan, *The Mobilization of Shame*, 73.

Yalta” and argued that it was a tacit admission of Soviet domination of Eastern Europe. Ronald Reagan said of the agreement, “I am against it, and I think all Americans should be against it.”<sup>41</sup> *The Wall Street Journal* printed an editorial entitled, “Jerry Don’t Go.”<sup>42</sup> Even the exiled Soviet writer Aleksandr Solzhenitsyn stated that Ford was going to affirm “the betrayal of Eastern Europe, to acknowledge officially its slavery forever.”<sup>43</sup>

Despite these objections, Ford had many reasons for traveling to Helsinki. Thirty-four other nations were planning to sign the accords, and American inaction would have seemed like a callously unilateral decision. Said Kissinger, although the U.S. had not taken the lead in pushing for the agreement, “we didn’t want to break with our allies or confront the Soviets on it.”<sup>44</sup> An agreement on European boundaries would also foster stability in Europe without necessarily accepting Soviet domination in the East. “The borders were legally established long ago,” said Kissinger in a cabinet meeting. “All the new things in the document are in our favor – peaceful change, human contacts, maneuver notification.”<sup>45</sup> Indeed, Kissinger believed the agreement was so superfluous that he privately called the accords “a bunch of crappy issues.”<sup>46</sup> Ford hoped that his participation would help build a positive environment for the SALT II arms limitation talks while also preventing NGOs and members of Congress from pressing for new

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<sup>41</sup> Steven F. Hayward, *The Age of Reagan, 1964-1980: The Fall of the Old Liberal Order* (Roseville, CA: Prima, 2001), 436.

<sup>42</sup> *The Wall Street Journal*, 23 July 1975.

<sup>43</sup> Kim Willenson, “Ford’s Big Gamble on Détente,” *Newsweek*, 4 August 1975, 16.

<sup>44</sup> Memcon, 8 August 1975, “August 8, 1975 – Cabinet Meeting” folder, box 14, National Security Adviser Memoranda of Conversations, Gerald R. Ford Library, Ann Arbor, MI, <http://www.ford.utexas.edu/library/exhibits/cabinet/750808.htm>.

<sup>45</sup> Ibid. Kissinger continued, “The complaints we are seeing show the moral collapse of the academic community. They are bitching now about the borders we did nothing to change when we had a nuclear monopoly. . . . At the Conference, it was the President who dominated the Conference and it was the West which was on the offensive. It was not Brezhnev who took a triumphal tour through Eastern Europe – it was the President.”

<sup>46</sup> Willenson, “Ford’s Big Gamble.” Kissinger had a hand in blunting the sharper edges of Ford’s Helsinki speech. Robert T. Hartmann, *Palace Politics: An Inside Account of the Ford Years* (New York: McGraw-Hill, 1980), 342-343, 345.

human rights legislation.<sup>47</sup> Ford in Helsinki invoked traditional Western liberal language when he said of the agreement's human rights provisions,

To my country, they are not clichés or empty phrases. We take this work and these words very seriously. . . . It is important that you recognize the deep devotion of the American people and their Government to human rights and fundamental freedoms and thus to the pledges that this Conference has made regarding the freer movement of people, ideas, information.

He continued with a phrase that was remembered long afterward: "History will judge this Conference . . . not by the promises we make, but by the promises we keep."<sup>48</sup>

Despite Ford's rhetorical flourishes at Helsinki, American ethnics were ambiguous, at best, about the agreement. Although Ford assured them that the agreement would help break down barriers, increase contacts, and allow people and ideas to flow more freely, the ethnics remained wary of the Ford/Kissinger foreign policy generally.<sup>49</sup> They were especially critical of what had come to be called the "Sonnenfeldt Doctrine," through which Kissinger's deputy, Helmut Sonnenfeldt, was alleged to have said that the Soviet sphere in Eastern Europe was a fixed reality (Ford repeatedly denied that such a doctrine existed).<sup>50</sup> As a result of the weaknesses of Ford's policies toward the Soviet Union, many Eastern European ethnics wanted to see Kissinger and détente head for the exits. The editors of *The Ukrainian Weekly*, for example, looked forward to "the long-

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<sup>47</sup> Douglas Brinkley, *Gerald R. Ford* (New York: Times Books, 2007), 108.

<sup>48</sup> Address in Helsinki before the Conference on Security and Cooperation in Europe, 1 August 1975, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=5137>.

<sup>49</sup> Text of Remarks at a Meeting with Representatives, 25 July 1975.

<sup>50</sup> See Leo P. Ribuffo, "Is Poland a Soviet Satellite?: Gerald Ford, the Sonnenfeldt Doctrine and the Election of 1976," *Diplomatic History* 14, no. 3 (Summer 1990): 385-404.

awaited exodus of Dr. Kissinger” and the presumed “rearrangement of priorities” that would follow a new president’s inauguration.<sup>51</sup>

Jimmy Carter and the Democrats also actively courted ethnics during the 1976 campaign. Carter hired Father Geno Baroni, a Catholic priest, to make the campaign more appealing to ethnics. Baroni convinced Carter to campaign among the urban Catholics in places like Polish Hill in Pittsburgh, and he counseled him to avoid the abortion issue and instead steer conversations toward jobs, healthcare, and neighborhoods.<sup>52</sup> In the words of Carter’s domestic policy adviser, Stuart Eizenstat, Baroni’s role was to “educate a Southern governor and a parochial staff, who had very little understanding of urban ethnic concerns.”<sup>53</sup> Thereafter, Carter’s campaign staged photo-op “walking tours” of ethnic neighborhoods (often done so quickly that journalists concluded they were done primarily for the cameras<sup>54</sup>), and Carter participated in “family days” in working-class districts.<sup>55</sup> As a southerner in the *terra incognita* of the northern cities, Carter often pushed a bit too hard to connect with ethnics, as when he told a bewildered audience of Slovenians from Ohio, “I want to be one of you, and I want you to be one of me.”<sup>56</sup> Despite such mix-ups, Carter and the Democratic Party as a whole effectively connected his nascent human rights interest to ethnics’ disillusionment with Ford and Kissinger. Even the Democratic Party platform clearly connected Ford and

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<sup>51</sup> Quoted in Andrew Fedynsky, “Valentin Moroz – 25 Years Later,” *The Ukrainian Weekly*, 25 January 2004.

<sup>52</sup> O’Rourke, *Geno*, 5.

<sup>53</sup> Transcript, Eisenhower Foundation Forum on Public Morality, 24-25 October 2005, <http://www.eisenhowerfoundation.org/docs/eizenstat.pdf>.

<sup>54</sup> See Elizabeth Drew’s description of Carter’s visit to the Baltimore neighborhood of Highlandtown. *American Journal*, 429-430.

<sup>55</sup> He did this in Newark and Pittsburgh in the days just prior to the election. Michael Novak, “Novak: The Rise of the Unmeltable Ethnics, Part I,” *First Things*, 30 August 2006, <http://www.firstthings.com/onthesquare/?p=450>.

<sup>56</sup> Drew, *American Journal*, 420.

Kissinger to the plight of Eastern Europeans by stating that “the continued U.S.S.R. military dominance of many Eastern European countries remains a source of oppression for the peoples of those nations, an oppression we do not accept and to which we are morally opposed.”<sup>57</sup>

Carter’s speechwriters prepared appropriate remarks for specific ethnic audiences. In Chicago, for example, he told the Council on Foreign Relations that he “deplore(d) the recent infliction upon Poland of a constitution that ratifies its status as a Soviet satellite” and believed that “an enduring American-Soviet détente cannot ignore the legitimate aspirations of other nations.”<sup>58</sup> A few weeks before the election, he told a Polish-American group on Pulaski Day in Chicago, “It’s time we had leaders who will speak up for freedom in Eastern Europe, and also in the rest of the world.” He claimed that he would press the Soviets on the Helsinki agreement, especially with respect to “freedom of movement . . . freedom of expression” and “freedom of families to reunite with their relatives overseas. . . . There has to be access to those who live in Poland from the free world.” He also called for an expanded network of human and commercial ties between Eastern European countries and the West.<sup>59</sup>

Ethnic politics made headlines at two points during the campaign. The first case, shortly before the Pennsylvania primary in spring of 1976, involved Carter’s position on the character of urban neighborhoods. When asked about housing, he said that he saw “nothing wrong with ethnic purity being maintained” by these communities. He went on to say, “I have nothing against a community that is made up of people who are Polish, or

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<sup>57</sup> Democratic Party Platform of 1976, 12 July 1976, *PPP*, <http://www.presidency.ucsb.edu/ws/index.php?pid=29606>.

<sup>58</sup> House Committee, *The Presidential Campaign*, vol. 1, part 1, 117.

<sup>59</sup> *Ibid.*, part 2, 1004-1005.

who are Czechoslovakians, or who are French Canadians or who are blacks trying to maintain the ethnic purity of their neighborhoods. This is a natural inclination.” This caused a great deal of controversy, not least among African-Americans, who wondered where Carter stood on the issues of housing and segregation. Carter apologized five days later.<sup>60</sup> Nevertheless, he continued to stand behind the idea, and he argued that his “only mistake” was using the word “purity.”<sup>61</sup> A short time later he told an audience in Cleveland, “I got in trouble one time using the word ‘ethnic purity,’ which I should not have used, but I do believe in ethnic neighborhoods, ethnic character, ethnic heritage.”<sup>62</sup> One post-election study concluded that his use of this term helped him among ethnic voters.<sup>63</sup>

The second major “ethnic” incident was more significant to American foreign relations. In the second presidential debate, President Ford committed one of the most serious errors of his presidency when he said, “There is no Soviet domination of Eastern Europe and there never will be under a Ford administration.”<sup>64</sup> James Naughton of the *New York Times* later recalled that “there was an audible intake of air” among the theater audience when Ford said this. “I kept thinking of the Alliance of Poles Hall in Cleveland,” Naughton added, “and how they might be throwing beer bottles at the screen.”<sup>65</sup> Ford tried to clarify the statement, and he pointed out that he had traveled to Eastern Europe to show America’s support for those nations’ autonomy.<sup>66</sup> Carter rose to the bait during this debate by combining appeals to ethnic pride and human rights with a

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<sup>60</sup> “Candidate Carter: I Apologize,” *Time*, 19 April 1976; Jacobson, 56.

<sup>61</sup> Drew, *American Journal*, 158-159.

<sup>62</sup> *Ibid.*, 417.

<sup>63</sup> Leo W. Jeffres and K. Kyoon Hur, “Impact of Ethnic Issues on Ethnic Voters,” in Kraus, ed., *The Great Debates*, 443.

<sup>64</sup> Kraus, *The Great Debates*, 482.

<sup>65</sup> Quoted in Witcover, *Marathon*, 598.

<sup>66</sup> Kraus, *The Great Debates*, 482.

set of sharp, opportunistic attacks on his opponent's integrity. He tore into Ford by saying, "I would like to see Mr. Ford convince the Polish Americans and the Czech Americans and the Hungarian Americans in this country that those countries don't live under the domination and supervision of the Soviet Union behind the Iron Curtain." Carter went on to assail Ford's record of "ignoring human rights" and argued that the president had yielded to Soviet pressure. "The Soviet Union . . . put pressure on Mr. Ford," said Carter, "and he refused to see a symbol of human freedom recognized around the world, Aleksandr Solzhenitsyn."<sup>67</sup>

In the days that followed, even Ford's own advisers were surprised at his stubborn unwillingness to renounce his remark and clarify his position. The trouble this caused with the ethnics was palpable.<sup>68</sup> Aloysius Mazewski, president of the Polish-American Congress, said of the situation, "many [Polish Americans] were not enthusiastic about Carter and were going to vote for President Ford. I think many of them will go back to the Democratic side now."<sup>69</sup> The chairman of the Captive Nations Committee similarly criticized Ford by saying, "There are no free countries in Eastern Europe and the president should be the first to know that."<sup>70</sup> Stanley Makowski, the mayor of (heavily Polish) Buffalo, said of the city's ethnic electorate: "Many were undecided. Sometimes it

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<sup>67</sup> Carter/Ford Presidential Debate Transcript, 6 October 1976, <http://www.debates.org/pages/trans76b.html>. Interestingly, Ronald Reagan would use a similar argument in 1980 as a means of turning the tables on Carter. See Carter/Reagan Presidential Debate Transcript, 28 October 1980. <http://www.debates.org/pages/trans80b.html>.

<sup>68</sup> The day after the debate he clarified his "no Soviet domination" statement by telling an audience, "I admire the courage of the Polish people and have always supported the hopes of Polish-Americans for freedom for their ancestral homeland." He supported "every peaceful means to assist countries in Eastern Europe in their efforts to become less dependent on the Soviet Union." Nevertheless, he did not clearly renounce the earlier statement until nearly a week later. Witcover, *Marathon*, 602.

<sup>69</sup> *Ibid.*, 603.

<sup>70</sup> *Ibid.*

takes one thing that pushes them over the brink. This looks like it.”<sup>71</sup> Outside observers shared these sentiments. Andrew Greeley, the noted scholar of American ethnics, said shortly after the debate, “The Poles hadn’t made up their minds [in the election], but they have now and there’s nothing Ford can do about it.”<sup>72</sup> A *New York Times* columnist added that Ford’s misstatement would hurt him because “the ‘ethnics’ vote in the states that really count.”<sup>73</sup> Ford finally called Mazewski from *Air Force One* to apologize for the “misunderstanding,” and he apologized to a group of ethnic leaders five days after the debate, saying, “The original mistake was mine. I did not express myself clearly; I admit it.”<sup>74</sup>

With the benefit of hindsight, Ford’s statement was something of a tempest in a teacup. The “no Soviet domination” quote was such a shocking inversion of Ford’s previous statements on Soviet rule in the region, it was clear that he had misspoken. As one journalist wrote, “Very much is being made of the President’s slip on Eastern Europe – as if Gerald Ford’s anticommunist credentials were questionable, or as if the United States might possibly liberate Eastern Europe.”<sup>75</sup> Another journalist suggested that Ford was looking to answer conservatives’ criticism of Helsinki; he merely got his terminology out of order.<sup>76</sup> Nevertheless, emotional responses to verbal gaffes have long been integral to the presidential campaign process, and this statement may have turned

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<sup>71</sup> He said this after vice-presidential candidate Walter Mondale marched in Buffalo’s annual General Pulaski parade. *Ibid.*, 607.

<sup>72</sup> Apple, “The President Slipped.” Greeley had argued in 1974 that ethnics could “no longer be ignored” by American social scientists. See A.M. Greeley, “Political Participation among Ethnic Groups in the United States: A Preliminary Reconnaissance,” *American Journal of Sociology* 80, no 1 (July 1974): 170-179.

<sup>73</sup> Apple, “The President Slipped.”

<sup>74</sup> *Ibid.*, 606, 608.

<sup>75</sup> Drew, *American Journal*, 465.

<sup>76</sup> Michael Barone, *Our Country: The Shaping of America from Roosevelt to Reagan* (New York: Free Press, 1990), 555-556.

the tide of opinion in key districts in 1976. Although several factors contributed to Carter's narrow victory over Ford, ethnic and human rights concerns likely played a part.

### **The Carter Years: Early Promises, Mixed Results**

Human rights-oriented attacks clearly served Carter well during the 1976 presidential campaign, and once he was elected he was forced to put his campaign promises into action. In this section I explain Carter's human rights policy, its characteristics, and some of its major shortcomings. The policy's evolution – and its ultimate “failure” – owed much to domestic political factors, America's international relationships, and Carter's campaign promises to ethnics and human rights activists. Whatever else we might say about Carter's human rights policy, it was constantly in flux, and it was always controversial.

Carter had several reasons for establishing a vigorous human rights policy after his inauguration. For starters, the public had responded positively to these ideas during the campaign and in the months following the election. Patrick Caddell, the Democrats' polling expert, informed Carter that human rights had a remarkably broad appeal.<sup>77</sup> It also seemed to be a useful set of principles for unifying the Democrats, who had been wandering in the wilderness for nearly a decade. As Carter wrote in his memoir, “human rights had become the central theme of our foreign policy in the minds of the press and public. It seemed that a spark had been ignited, and I had no inclination to douse the growing flames.”<sup>78</sup> The administration would need this kind of broad support in order to

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<sup>77</sup> Elizabeth Drew, “Human Rights,” 37.

<sup>78</sup> Jimmy Carter, *Keeping Faith: Memoirs of a President* (New York: Bantam Books, 1982), 144-145. This attitude extended through the administration's first year. Carter adviser Hamilton Jordan told the president in December 1977, “Of our numerous foreign policy initiatives, [human rights] is the only one that has a

accomplish breakthroughs in more controversial areas such as SALT II and the Panama Canal.

Second, and perhaps just as important, human rights initiatives seemed very appropriate considering the national sense of limits. Most of the U.S. government's prior activity on behalf of human rights – mild public pronouncements, private diplomacy, and the cutting of aid to abusive regimes – had been relatively painless to Americans, and Carter continued his predecessors' lead in limiting the public's expectations of what their government could do. "We have learned," he said in his inaugural address, "that more is not necessarily better, that even our great nation has its recognized limits, and that we can neither answer all questions nor solve all problems." Echoing Nixon's inaugural pronouncements of 1968 and 1972, Carter added, "We cannot afford to do everything . . . So, together, in a spirit of individual sacrifice for the common good, we must simply do our best."<sup>79</sup> (He would make a more dramatic statement along these lines in his much maligned "national malaise" speech of 15 July 1979.)<sup>80</sup>

Third, a human rights policy was in line with Carter's liberal internationalist goals. Like Nixon and Ford, he proclaimed that he was not an ideologue, for America's position in the world would no longer permit doctrinaire thinking. Furthermore, the Cold War thaw had arguably diminished the threat of radicalism in the developing world and allowed for more nuance in America's relationship with these nations. Carter thus followed the congressional trend of moving the U.S. away from support of oppressive, anticommunist governments. His innovation in this area was his goal of better relations

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broad base of support among the American people and is not considered 'liberal.'" Quoted in John Dumbrell, *American Foreign Policy: Carter to Clinton* (London: Macmillan Press, 1997), 17-18.

<sup>79</sup> Inaugural Address, 20 January 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=6575>.

<sup>80</sup> Address to the Nation on Energy and National Goals, 15 July 1979, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=32596>.

with the peoples of the developing world. In order to promote diverse views within his inner circle, he appointed a veteran of the Kennedy/Johnson years, Cyrus Vance, as secretary of state and an academic (and staunch anti-Soviet cold warrior), Zbigniew Brzezinski, as his national security adviser. Although Vance and Brzezinski agreed on some things, they parted ways on the nature of détente and the importance of human rights. Although Vance was arguably more of a liberal internationalist, he wanted to use détente to promote arms control, which meant downplaying human rights rhetoric and policies. He argued that quiet diplomacy would be more beneficial in the long run than efforts that were “strident or polemical.”<sup>81</sup> Brzezinski, on the other hand, preferred to combine a tough stance toward the Soviets with greater attention to the rights of people in Eastern Europe. He largely agreed with Carter on international rights issues, at least early in the term, at one point telling an audience, “If we do not stand for something more than anticommunism, then indeed we may confront the decline of the West.”<sup>82</sup>

Carter opened his presidency with a flurry of activity on behalf of rights causes, beginning with his inaugural statement that “our commitment to human rights must be absolute.”<sup>83</sup> During his first week in office, he publicly protested the persecution of the Charter 77 group in Czechoslovakia, wrote an open letter to Andrei Sakharov, and met with the exiled Soviet dissident Vladimir Bukovsky. He followed this bout of activity

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<sup>81</sup> Cyrus Vance, *Hard Choices: Critical Years in America's Foreign Policy* (New York: Simon and Schuster, 1983), 46, 441.

<sup>82</sup> Zbigniew Brzezinski, Address to the American Foreign Service Association, 9 December 1977, *Department of Defense Selected Statements*, 1 March 1978, 25.

<sup>83</sup> Inaugural Address of President Jimmy Carter, 20 January 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=6575>. William F. Buckley later criticized Carter's phrasing: “An absolute commitment would require us to declare war against China and the Soviet Union, just to begin with.” Therefore, wrote Buckley, one's commitment to human rights “has to be something less than absolute.” William F. Buckley, “Human Rights and Foreign Policy: A Proposal,” in *Right Reason: A Collection Selected by William Brookhiser* (New York: Doubleday, 1985), 173n. (Orig. in *Foreign Affairs* 58, no. 4 (Spring 1980): 775-796.)

with several institutional and policy-related moves, including pledging his support for linking military and economic aid to a country's human rights record.<sup>84</sup>

He also built up a working human rights bureaucracy through his political appointments. He nominated several "outsiders" to key positions, most notably the Mississippi-born civil rights activist Patricia Derian, who became Assistant Secretary of State for Human Rights and Humanitarian Affairs.<sup>85</sup> Shortly thereafter, the State Department established the Bureau of Human Rights and Humanitarian Affairs, which was composed of an Office of Human Rights, Office of Refugee and Migration Affairs, and an office that handled POW and MIA cases. Carter also named Deputy Secretary of State Warren Christopher to ensure the consideration of the human rights policy in the implementation of U.S. foreign aid. (His group became known as the "Christopher Committee.") Other appointments demonstrated Carter's interest in the developing world. In Brzezinski's words, Carter's nomination of people like Andrew Young gave the human rights policy "a special Third World orientation, with emphasis on Africa, and that, too, had some domestic appeal in the black community."<sup>86</sup> Carter also appointed many liberals of the "McGovern" variety; that is, second-level bureaucrats whom many considered "radical." As a result of these appointments, the administration took aim at right-wing dictators in the early part of Carter's presidency.<sup>87</sup> This early administration

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<sup>84</sup> Foreign Assistance Programs Message to the Congress, 17 March 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7188>.

<sup>85</sup> Another outsider was the microbiologist Jessica Tuchman, who became Director of Global Issues at the NSC.

<sup>86</sup> Brzezinski, *Power and Principle*, 49.

<sup>87</sup> Neoconservatives like Muravchik found such appointments to be symptomatic of the Carter administration's selective thinking and propensity to target right-wing dictators in Latin America. See Muravchik, *The Uncertain Crusade*, 7-17.

activity prompted the *New York Times* to assert that human rights groups were “riding a wave of popularity.”<sup>88</sup>

During Carter’s first six months in office, these staffing efforts were accompanied by a series of administration speeches that explained the basic premises of the president’s foreign policy. Speaking before the United Nations General Assembly in March 1977, Carter spoke in general terms about the need “to work with potential adversaries as well as our close friends to advance the cause of human rights.” He was slightly more specific in pledging his administration’s support for democratization in Portugal and Spain, majority rule through peaceful means in South Africa, implementation of the Helsinki Accords, multilateral sanctions against Rhodesia, and U.S. ratification of the remaining U.N. human rights covenants. He also paired his crusade with a conciliatory attitude toward the developing world, as in his pursuit of better relations with African nations and the return of the Panama Canal. He further supported strengthening and depoliticizing the U.N.’s human rights machinery. Finally, in line with his recognition of American limits (and the world’s contempt for the American unilateralism of the past), he told the international audience, “I realize that the United States cannot solve the problems of the world. We can sometimes help others resolve their differences, but we cannot do so by imposing our own particular solutions.”<sup>89</sup>

One month later, Secretary of State Cyrus Vance explicitly stated the administration’s working definition of what comprised a “human right.” The three main categories were integrity of the person (torture, arbitrary arrest, cruel and inhuman punishments, etc.), “vital needs” (food, shelter, health care, etc.), and civil and political

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<sup>88</sup> “Human Rights Groups are Riding a Wave of Popularity,” *New York Times*, 28 February 1977.

<sup>89</sup> “Address before the General Assembly,” 17 March 1977, *Public Papers of the Presidents* (hereinafter *PPP*), <http://www.presidency.ucsb.edu/ws/?pid=7183>.

liberties (freedom of speech, freedom of movement, political participation, etc.). He pointed out that these were all encompassed in the U.N.'s 1948 Universal Declaration. Vance further explained that the administration would take a pragmatic approach to these problems, "always keep[ing] in mind the limits of our power and of our wisdom." In order to be "realistic," he said, the administration would examine nations on a case-by-case basis, paying close attention to the nature of the abuses, the nature of the government's relationship with the U.S., the prospects for effective action, and so forth. He then laid out the administration's program of streamlining the foreign economic assistance program, which would involve increasing assistance to the most needy, complying with U.N. sanctions against Rhodesia, and working within multilateral organizations whenever possible. As to the issue of other nations' sovereignty, he added, "It is not our purpose to intervene in the internal affairs of other countries, but as the President has emphasized, no member of the United Nations can claim that violation of internationally protected human rights is solely its own affair."<sup>90</sup>

In a May 1977 speech at Notre Dame University, Carter spoke in broad terms about why a human rights policy made practical sense for the United States in the 1970s. He claimed that the U.S. was now "free" from the "inordinate fear of communism" and therefore no longer needed to blindly support anticommunist dictators. As he had done a few months earlier, he mentioned the difficulties of moral causes. He assured his listeners that he understood "the limits of moral suasion" and had "no illusion that changes will come easily or soon." He would not practice foreign policy "by rigid moral maxims;" such a course of action, he stated, would be unworkable in our "complex and

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<sup>90</sup> Cyrus Vance, "Human Rights and Foreign Policy," *Bulletin of the Department of State* 76, no. 1978 (23 May 1977): 505-508. Vance spoke at the Law Day ceremonies at the University of Georgia School of Law on 30 April 1977.

confused” world. Nevertheless, it would be a “mistake” to “undervalue the power of words and of the ideas that words embody.” Carter also tried to convince his audience that the world expected Americans to lead in the areas of democratization and human rights. The world was experiencing a wave of advancing protection of citizens from arbitrary power, and “for us to ignore this trend,” he asserted, “would be to lose influence and moral authority in the world. . . . We want the world to know that our Nation stands for more than financial prosperity.”<sup>91</sup>

Despite the sound and fury of this first year, these early activities were a bit haphazard. And because the administration often spoke about specific issues in general terms, they left many questions unanswered. Which “rights,” many observers asked, should be considered “universal?” Should the world community concern itself only with those fundamental political and civil rights that were spelled out in the Helsinki Accords? Or were nations also obligated to take into account “economic rights,” such as a minimum standard of living and a minimum number of calories per day? Should some rights be prioritized? Even if a list of basic rights was agreed upon, what was the best way to go about enforcing international standards? Should quiet diplomacy and public accusations be enhanced with newer techniques, such as cuts in foreign aid and trade, sanctions, and even military intervention? Looming over all of these questions was the possibility that American policy prescriptions might cross the line of national sovereignty.

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<sup>91</sup> He also pledged closer cooperation among the industrial democracies, better relations with the Soviets, and a stronger conventional defense force. (As a former naval officer and World War II veteran, Carter backed a strong defense. Although he favored reductions in the superpowers’ nuclear weapons arsenals, he also reversed the post-Vietnam trend of shrinking defense budgets.) He supported continuation of détente, as long as it led to progress that was “both comprehensive and reciprocal.” “University of Notre Dame: Address at Commencement Exercises at the University,” May 22, 1977,” *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7552>.

It was not until February 1978 that the administration finally wrote the human rights policy into a comprehensive form in Presidential Directive 30. This was the first time that all previous statements and iterations were consolidated into one policy statement. According to the directive, the policy was intended to be applied globally, “but with due consideration” of other factors, such as overriding U.S. interests and the unique characteristics of each nation. Reflecting Vance’s April 1977 speech, the directive described those rights that the administration would prioritize: integrity of the person and civil and political liberties. Basic economic and social rights, on the other hand, would be “a continuing U.S. objective” rather than a priority. As for implementation, the directive pledged the use of “the full range” of diplomatic methods, and it emphasized a preference for the carrot (positive inducements and incentives) over the stick.<sup>92</sup>

Within this broad range of diplomatic options, quiet diplomacy became the Carter administration’s primary method of action. Furthermore, these consultations took place at a higher level than in the Nixon and Ford administrations.<sup>93</sup> Speaking shortly after Carter left office, a spokesperson for the Lawyers Committee for International Human Rights pointed out that it was “a serious misconception” to believe “that the Carter Administration was a loud, raucous group who didn’t rely on quiet diplomacy. The opposite was true. We in nongovernmental organizations were often critical of the Carter administration for not being more public more often.”<sup>94</sup> Said one inside observer of

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<sup>92</sup> Presidential Directive/NSC-30, Human Rights, 17 February 1978, <http://www.jimmycarterlibrary.org/documents/pddirectives/pd30.pdf>.

<sup>93</sup> Jeffrey D. Merritt, “Unilateral Human Rights Intercession: American Practice under Nixon, Ford, and Carter,” in David D. Newsom, ed., *The Diplomacy of Human Rights* (Lanham: University Press of America, 1986), 46.

<sup>94</sup> A. Glenn Mower, Jr., *Human Rights and American Foreign Policy: The Carter and Reagan Experiences* (New York: Greenwood Press, 1987), 90-91. (Orig. in House Committee on Foreign Affairs, *Review of*

Patricia Derian's tactics, "for every case where she was vocal there were ten of quiet diplomacy."<sup>95</sup> Public diplomacy was often an important counterpart to private consultations. Members of Carter's administration were routinely authorized to make public statements, as were his representatives at the U.N. and at the CSCE (Helsinki follow-up) sessions.

These early policy statements and executive moves had many practical effects. As for regional specifics, the administration was most vigilant in American relations with Latin America and Eastern Europe. Carter cut aid to several military regimes in South America, and he was able to influence the behavior of Eastern Bloc nations by working to isolate them from the Soviet orbit and by offering most-favored-nation trade status in exchange for a waiver of emigration restrictions. He did the latter with respect to Romania, a nation with which the U.S. had forged a "special relationship" of sorts since the Nixon administration.<sup>96</sup> There was some internal disagreement as to which region was the most significant to American interests. Although some favored acting against the more pliable Latin American regimes, Brzezinski's human rights officer at the NSC asserted that the "bottom line" of the human rights policy was its "seriousness vis-à-vis the Soviet Union."<sup>97</sup>

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*U.S. Human Rights Policy: Hearings*, Subcommittee on Human Rights and International Organizations, 98th Cong., 1st sess. (Washington, DC: GPO, 1983), 89.)

<sup>95</sup> Quoted in Mower, *Human Rights and American Foreign Policy*, 91.

<sup>96</sup> Once Congress approved MFN status for Romania in 1975, Carter was able to use human rights as one of his criteria for deciding whether to approve an annual renewal. As a result of the Romanians' flexibility on the emigration issue, MFN status was renewed annually until the late 1980s. See Joseph F. Harrington, "American-Romanian Relations, 1977-1981: A Case Study in Carter's Human Rights Policy," in Herbert D. Rosenbaum and Alexej Ugrinsky, eds., *Jimmy Carter: Foreign Policy and Post-Presidential Years* (Westport: Greenwood Press, 1994), 89-101.

<sup>97</sup> Memo, Jessica Tuchman Matthews to Brzezinski, 7 July 1978, box HU-2, White House Central Files HU: Human Rights, Jimmy Carter Library (hereinafter JCL).

Carter's approach to foreign aid was also clearly informed by his human rights policy. By and large, he supported congressional aid cuts to blatant rights violators. And as part of a broad effort to separate aid allocation from political agendas, the Carter administration removed USAID from under the State Department's tutelage and placed it under the new International Development Cooperation Agency (IDCA). Nevertheless, other national interests often dictated aid decisions, including security needs and a genuine desire to get economic aid into the hands of needy people. As a result, bilateral and multilateral assistance to the LDCs increased during the Carter years.<sup>98</sup>

The Carter administration also tried to promote a multilateral human rights policy, but these efforts were only partially successful. Carter signed four international agreements covering civil and political rights, economic/social/cultural rights, elimination of racial discrimination, and rights in the inter-American region.<sup>99</sup> Nevertheless, he was unable to get the Senate to ratify any of these treaties. He also made some effort to promote ratification of the Genocide Convention, which Brzezinski agreed must be given high priority on what he called "our list of legislative priorities." Otherwise, suggested Brzezinski, Carter would be "accused again of 'backing off' on human rights."<sup>100</sup> Nevertheless, as we saw in chapter five, Carter did not succeed in securing ratification of the Genocide Convention.

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<sup>98</sup> William Ascher, "The World Bank and U.S. Control," in M.P. Karns and K.A. Mingst, eds., *The United States and Multilateral Institutions* (London: Routledge, 1992), 115-140. Carter reduced aid to Ethiopia's Mengistu Haile-Mariam. Once the Soviets started backing Mengistu, the U.S. spirited military aid to his Somalian enemies. Israel and Egypt became the recipients of the most U.S. aid following the 1978 Camp David peace accords. See Katherine A. S. Sibley, "Foreign Aid," in Alexander DeConde, Richard Dean Burns, and Fredrik Logevall, eds., *Encyclopedia of American Foreign Policy*, vol. 2, 2<sup>nd</sup> ed. (New York: Scribner's, 2001): 93-110.

<sup>99</sup> These were the International Covenant on Civil and Political Rights, the International Covenant on Economic and Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the Inter-American Convention on Human Rights.

<sup>100</sup> "Address Before the General Assembly," 17 March 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7183>; memo, Brzezinski to Stu Eizenstat, 10 June 1977, "HU 3 1/20/77-12/31/78" folder, box HU-18, Human Rights, Subject File, White House Central Files, JCL.

In order to understand the relative successes and failures of Carter's human rights policy, we must come to grips with the wide array of criticisms he faced for his actions and rhetoric. Critics from across the political spectrum called his policy too moralistic, too selective, and too confusing. Conservatives thought he was doing too little against the communists and too much against right-wing dictators, while liberals thought he was doing too little against right-wing dictators. Meanwhile, human rights activists thought he was doing too little altogether. Others were skeptical of the practical application of human rights rhetoric. In the words of one journalist, human rights was as banal as "apple pie" and "motherhood." "Who can bad mouth human rights?," this writer asked. "It is beyond partisanship and beyond attack."<sup>101</sup> Carter also faced resistance from within the foreign policy bureaucracy. One high-ranking official in the State Department's Human Rights Bureau called the policy "oversold and sanctimonious," and blamed the administration for not clarifying the policy's importance to American national interests.<sup>102</sup> Another official testified to the "relatively thin layer of support" the policy received in the State Department.<sup>103</sup> Many State Department officers disliked the policy because they had a vested interest in continuing good relations with the countries in which they served. Talk of human rights violations could only hurt these relationships in the short run.<sup>104</sup>

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<sup>101</sup> Ronald Steel, "Motherhood, Apple Pie and Human Rights," *New Republic*, 4 June 1977, 14.

<sup>102</sup> This was Deputy Assistant Secretary of State Stephen Cohen. Quoted in Vernon J. Vavrina, "The Carter Human Rights Policy: Political Idealism and Realpolitik," in Rosenbaum and Ugrinsky, *Jimmy Carter: Foreign Policy and Post-Presidential Years*, 103.

<sup>103</sup> Stanley Heginbotham, speaking before the House Committee on International Relations, *Human Rights and U.S. Foreign Policy*, Subcommittee on International Organizations, 96<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington, DC: GPO, 1979), 114.

<sup>104</sup> Even the State Department's departing human rights bureaucrats grumbled at Carter's selection of neophytes to head the human rights bureaus. James M. Wilson was particularly turned off by Brady Tyson. Tyson was on Andrew Young's staff and was slated to serve on the U.S. delegation of the U.N. Human Rights Commission in Geneva. When Wilson invited Tyson to come to the State Department to meet the people who were working on his problems in Geneva, the latter "insisted on doing all the talking, listening

One of the most common criticisms of the policy concerned its selectivity. The administration's goal of taking each case on its own merits led to accusations of inconsistency. That is to say, some regimes were clearly the target of American attention, while others were left off the hook. America's old friendships with undemocratic regimes could not be callously disregarded, nor could the administration easily abandon new relationships with regimes of the left. As a result, Carter criticized the human rights situation in the U.S.S.R. (even though he claimed he wanted to move Americans away from the rote anticommunism of the past), but he had virtually nothing to say about abuses by communist governments in China, Cambodia, Yugoslavia, and Romania. This was largely because the administration was seeking normalization of relations with China. Carter had also decided to hold up Yugoslavia and Romania as courageous counterpoints to Soviet domination in Eastern Europe. The Carter administration tolerated several abusive regimes in Africa and Asia, in part because these nations were not vital to American interests and in part because Carter sought better relations with the developing world. The administration did single out South Africa for special opprobrium while at the same time all but ignoring human rights violations in black African states (Idi Amin's government being a notable exception). This may have had much to do with Carter's desire for better relations with African states and the African-American community alike. Meanwhile, security relationships took precedence over human rights in South Korea and the Philippines, where military aid continued because the U.S. wanted to maintain its military bases. Similarly, trade relations took

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to very little that we or the experts present had to say about the issues which would be coming up in the next few days," wrote Wilson. "Indeed I had the distinct feeling when we were through – as I did with many other members of the new team – that those careerists among us who had served with the old regime were to be treated as 'the enemy.'" Tyson was recalled by Carter soon thereafter for making uncleared remarks before the HRC. See James M. Wilson narrative, "Human Rights and Humanitarian Affairs – Wilson Memoir" folder, box 1, James M. Wilson Papers, GFL.

precedence over human rights in relations with much of the Middle East. Yet Carter did single out the Latin American nations of Chile, Argentina, Guatemala, El Salvador, Uruguay, Paraguay, and Brazil, perhaps because these nations did not have strong security imperatives or large ethnic constituencies in the U.S. Several of these countries responded to U.S. aid-cutting proposals by finding other sources of aid and military hardware.

To summarize, Latin American governments bore the brunt of Carter's human rights policy with a few other regions also coming in for special scrutiny. In the words of one scholar, "To a large degree, the human rights policy became a policy for South Africa, the Soviet Union, and, especially, for Latin America, where the U.S. enjoyed particular leverage."<sup>105</sup> The scholar and Carter critic Joshua Muravchik summarized the focus on Latin America (and the concurrent tolerance of other nations' abuses) thus:

Because we were trying to make new friends in black Africa, because we needed oil from the nations of the Near East, because we wanted détente with the Russians and the rest of the Warsaw Pact and also to encourage polycentrism within it, and because in Asia we were trying to build new relationships with some Communist governments while continuing to protect non-Communist aggression, practically the only place left to which the Carter administration felt it could apply its human rights policy was Latin America.<sup>106</sup>

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<sup>105</sup> Dumbrell, *American Foreign Policy: Carter to Clinton*, 19.

<sup>106</sup> Muravchik, *The Uncertain Crusade*, 149.

Another observer commented that Carter's policy was potentially dividing the world into two categories: "countries unimportant enough to be hectored about human rights and countries important enough to get away with murder."<sup>107</sup>

Carter's policies toward the U.S.S.R. seemed to please no one. Indeed, some of the sharpest criticism stemmed from his attempt to maintain the U.S.-Soviet détente while also making human rights a priority. After campaigning on a platform of tough talk against Soviet policies, he wavered between confrontation and quiet diplomatic efforts, and this vacillation led to accusations of incoherence. As we have seen, his tough approach during the opening months of his presidency broke the unwritten rule that each nation's leaders would not meddle in the "internal affairs" of the other. The Carter administration also rejected "linkage" of arms control and human rights, pledging instead to pursue these goals separately. Yet his criticism of Soviet policies led U.S. arms negotiators to worry that the Soviets would become more standoffish. Predictably, the Soviets responded harshly to his public entreaties. This early conflict may have stemmed as much from Carter's ignorance of East/West relations as from his zeal for human rights standards, for some of his other actions demonstrated a poor understanding of long-term U.S.-Soviet issues.<sup>108</sup> The U.S.-Soviet relationship was never very good during Carter's presidency.<sup>109</sup>

Carter learned his lesson and toned down his rhetoric after the first few months.

His opening gambits with Sakharov and Bukovsky did not continue, though he carried on

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<sup>107</sup> Roberta Cohen, quoted in Sellars, *The Rise and Rise of Human Rights*, 130.

<sup>108</sup> For example, in a move that surprised his advisers, he unilaterally proposed that both the U.S. and the Soviets lower their joint upper limit for strategic weapons.

<sup>109</sup> Even Soviet academics disliked Carter. According to Gaddis Smith, Soviet academics in the late 1970s and early 1980s "abhorred" Carter and believed him to be "totally untrustworthy." On the other hand, they believed Richard Nixon to have been a trustworthy "martyr to the cause of peace" who had been "undone by the enemies of détente." Rosenbaum and Ugrinsky, *Jimmy Carter*, 68.

private diplomatic efforts to free dissidents. Late in 1977, Secretary Vance even instructed the U.S. delegation to the U.N. Human Rights Commission not to mention the Soviet dissident Yuri Orlov, who had recently been jailed.<sup>110</sup> Carter also repeatedly claimed that he was not singling out the Soviets. “I have never had an inclination to single out the Soviet Union as the only place where human rights are being abridged,” he stated at a press conference one month into his presidency.<sup>111</sup> One month later, he told the press corps, “I have tried to make sure that the world knows that we are not singling out the Soviet Union for abuse or criticism.”<sup>112</sup> In a July 1977 speech in Charleston, South Carolina, Carter acknowledged that his policy had led to many misunderstandings in East/West relations, and he clarified his aims as they pertained to the U.S.-Soviet relationship. He asserted that his policy applied “to all countries equally” and was not “aimed specifically” at the Soviets. He made it clear that he did not want to interfere with the Soviets’ “vital interests,” nor did he seek to “heat up the arms race” or “bring back the Cold War.” He further assured his listeners that he did not seek immediate, radical changes to the nation’s international relationships, and he did not want to create an atmosphere of “belligerence.” And as he had repeated many times before, he had “no illusions” that the “process will be quick or that change will come easily.”<sup>113</sup> He also pointed out in June 1977 that he had “never made the first comment that personally criticized General Secretary Brezhnev.”<sup>114</sup> Carter periodically revived his criticism of

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<sup>110</sup> Buckley, “Human Rights and Foreign Policy,” 173; Vavrina, “The Carter Human Rights Policy,” 107.

<sup>111</sup> The President's News Conference of February 23rd, 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=6887>.

<sup>112</sup> The President's News Conference of March 24th, 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7229>.

<sup>113</sup> Charleston, South Carolina Remarks at the 31st Annual Meeting of the Southern Legislative Conference, 21 July 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7852>.

<sup>114</sup> The President's News Conference of June 13th, 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7670>.

Soviet human rights policies to appease American conservatives.<sup>115</sup> Speaking at the Naval Academy in 1978, he accused the Soviets of using détente to continue their “aggressive struggle for political advantage and increased influence.”<sup>116</sup> But it was not until late in 1979 that his overall attitude toward the Soviets changed dramatically.

Another problem for Carter was that his perceived focus on right-wing dictators fueled a conservative insurgency. This attitude was aptly summarized in Gerald Ford’s appraisal of Carter’s human rights policy: “He can’t ignore it vis-à-vis Cuba and Vietnam, and insist upon it with our Latin American friends.”<sup>117</sup> There was some truth to Ford’s claim. Congress and the Carter administration paid much more attention to human rights violations in South Korea, for example, than they did the far more egregious violations taking place in communist North Korea. With respect to right-wing regimes, Carter later admitted that “world condemnation and our influence” were much more effective than in communist countries, “where repression was so complete that it could not be easily observed or rooted out.”<sup>118</sup> Furthermore, the Carter administration may have expected more from a nation like Chile because of its democratic tradition. A nation like Iran, on the other hand, escaped censure in part because it had no equivalent tradition.<sup>119</sup>

Conservative Democrats – many of whom had been wary of supporting Carter in 1976 – joined up with Republicans in criticizing Carter’s attention to right-wing dictators in Latin America. “If the foreign service prevails,” wrote Daniel Patrick Moynihan, “the

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<sup>115</sup> David Skidmore, *Carter’s Foreign Policy, Domestic Politics, and the Failure of Reform* (Nashville: Vanderbilt University Press, 1996), 134. Skidmore’s book is focused largely on the East/West aspects of Carter’s foreign policy.

<sup>116</sup> United States Naval Academy Address at the Commencement Exercises, 7 June 1978, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=30915>.

<sup>117</sup> DeFrank, *Write It When I’m Gone*, 144.

<sup>118</sup> Carter, *Keeping Faith*, 143.

<sup>119</sup> Vavrina, “The Carter Human Rights Policy,” 105.

Secretary of State will soothe the Soviet Union and only challenge Ecuador.” This kind of policy, he continued, spelled “disaster” because it asserted “that human rights is not a political issue but rather a humanitarian aid program, a special kind of international social work.”<sup>120</sup> Criticism of this sort became more common after political scientist Jeanne Kirkpatrick published a widely-read defense of authoritarian dictatorships based on the notion that these regimes were able to change through democratic processes. She also asserted that these regimes tended to respect the right to private property and religious freedom.<sup>121</sup> Kirkpatrick’s differentiation between leftist and rightist dictatorships became something of a sacred text of American conservatives, especially during the early Reagan years.

Carter’s public diplomatic relationships further fueled animosity toward his policy. Not only did he refuse to rebuke some of the most egregious offenders of rights standards, but he actually met with several of them. He gave a warm welcome to Romanian dictator Nicolae Ceausescu and Yugoslavian dictator Josip Broz Tito in 1978. Although Carter was continuing important bilateral relationships that had begun long before he became president, it was clear that both of these leaders were autocrats who allowed their citizens few liberties. As we will see in the next section, American ethnic groups’ influence on Democratic Party policies may have been a factor in Carter’s unwillingness to criticize the governments of Eastern Europe. Yet Carter also did not criticize the Khmer Rouge of Cambodia until 21 April 1978, a full three years after the regime had begun its campaign of genocide. He may have waited so long because his administration had no true leverage there and because the American public would not

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<sup>120</sup> Moynihan, “The Politics of Human Rights,” 23-24.

<sup>121</sup> Jeanne J. Kirkpatrick, “Dictatorships and Double-Standards,” *Commentary*, November 1979, 34-45.

tolerate new adventures in Southeast Asia. Whatever his reasoning, his silence had caused some concern, as did his later change of policy toward Southeast Asia. Although Carter was willing to call the Cambodian government “the worst violator of human rights in the world today,” his administration later shocked human rights activists by tilting toward Pol Pot’s murderous regime after Vietnam invaded Cambodia in 1979.<sup>122</sup>

Carter’s relationship with the Shah of Iran caused him perhaps the most trouble of all. Although the Shah had long ruled with an iron grip and had routinely crushed dissent via his secret police apparatus, SAVAK, successive American administrations had considered him a key anti-Soviet ally and a supplier of cheap oil. Thus in Iran, as in South Korea and the Philippines, security and economic interests trumped the implementation of American human rights policies. Iran’s oil wealth prevented American policymakers from using economic policies to force changes in the Shah’s behavior, though trade and military deals were still negotiable. Carter agreed to sell AWACS radar systems to Iran (over congressional disapproval) and he publicly praised the Shah upon his visit to Washington in November 1977. At the end of a day that saw protesters disrupt the pair’s meeting (124 injuries were reported during the protests, and teargas interfered with the White House press conference), Carter offered a warm toast during the state dinner.<sup>123</sup> In a subtle reference to the anti-Shah protesters arrayed throughout the city, Carter also quipped, “One thing that I can say about the Shah, he

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<sup>122</sup> See Kenton Clymer, “Jimmy Carter, Human Rights, and Cambodia,” *Diplomatic History* 27, no. 2 (April 2003): 246-247, 252-253; Human Rights Violations in Cambodia Statement by the President, 21 April 1978, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=30693>.

<sup>123</sup> For Carter’s version of events, see *Keeping Faith*, 433-439.

certainly knows how to draw a crowd.”<sup>124</sup> Critics castigated him for not mentioning human rights, though he did so privately.<sup>125</sup>

When Carter visited Iran the following month, he was somewhat more willing to speak out. After pointing out the two nations’ common purpose in the areas of energy and security, Carter stated in his opening remarks, “The interests of our nations are built on the interests of individuals. And in all of our discussions, both public and private, we emphasize guaranteeing our citizens the fullest economic and political human rights.”<sup>126</sup> That evening he toasted the Shah for making Iran “an island of stability in one of the more troubled areas of the world,” and he noted “the respect and the admiration and love” that the Iranian people held out for the Shah. Carter also made up for his earlier oversight by adding, “The cause of human rights is one that also is shared deeply by our people and by the leaders of our two nations.”<sup>127</sup> Although such toasts are always occasions for polite platitudes of friendship and joint interests (especially in this case, because Carter was a political neophyte while the Shah had been on the throne for 37 years), Carter’s toasts to the Shah would come back to haunt him when the Iranian revolutionaries targeted Americans living in Iran.

Other state visits to Washington – especially that of Chilean dictator Augusto Pinochet – galvanized a much broader array of liberal human rights activists. When Pinochet came to Washington in September 1977 to attend the Panama Canal treaty-signing ceremony. Carter defended his decision to meet with the general, explaining that

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<sup>124</sup> Donnie Radcliffe and Jacqueline Trescott, “Back-Door Diplomacy at the White House,” *Washington Post*, 16 November 1977. See also Paul W. Valentine, “2 Iran Factions Clash; 124 Hurt at White House,” *idem.*, 16 November 1977.

<sup>125</sup> Carter, *Keeping Faith*, 436-437; Vavrina, “The Carter Human Rights Policy,” 104.

<sup>126</sup> Tehran, Iran Remarks of the President and Mohammad Reza Palavi, Shahanshah of Iran at the Welcoming Ceremony, 31 December 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7079>.

<sup>127</sup> Tehran, Iran Toasts of the President and the Shah at a State Dinner, 31 December 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7080>.

this was the best way to let the dictator know the feelings of the U.S. government. Yet although Carter succeeded in winning some concessions from Pinochet, such as allowing international observers to enter Chile, human rights activists were livid over the meeting. At a Lafayette Park rally that included the widow of former Chilean ambassador Orlando Letelier (who had been killed by a car bomb in Washington as a result of his anti-Pinochet politics), one protestor spoke directly to Carter: “From now on, Jimmy Carter, you have given us the signal of what our attitude must be towards your administration. This administration is all lip, all words.”<sup>128</sup> Another protestor mentioned the visiting dictators of Paraguay, Uruguay, and Bolivia, calling them “the most motley collection of butchers ever assembled. The only thing that would be analogous in my mind would be if Franco, Hitler, and Mussolini were to have been invited here shortly before World War II.”<sup>129</sup> Other activists echoed these sentiments in 1978, when Carter invited hundreds of members of human rights organizations to the White House to outline his initiatives. “The Carter administration,” griped a board member of Amnesty International, “has given human rights more public visibility but it still has relegated it to the status of a footnote to policy.”<sup>130</sup> It seems that the NGO community was rarely satisfied with any federal government actions. When the first set of State Department country reports was released to the public in 1978, NGOs were among these reports’ harshest critics.<sup>131</sup>

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<sup>128</sup> Ibid.

<sup>129</sup> Paul W. Valentine and B.D. Colen, “Security Heavy in Day of Protests, Threats and Dignitaries,” *Washington Post*, 8 September 1977.

<sup>130</sup> Quoted in Kathleen Teltsch, “Rights Treaty Move Aimed at Liberals,” *New York Times*, 11 December 1978.

<sup>131</sup> Human Rights Watch founder Robert Bernstein formed the Americas Watch arm of the organization in part to scrutinize and expose “all the lies” that comprised the Country Reports. William Korey, *NGOs and the Universal Declaration of Human Rights: A Curious Grapevine* (New York: St. Martin’s Press, 1998), 342.

## **Carter and the Ethnics**

We have already seen how ethnic voters and lobbies helped fuel the human rights movement in the 70s and how they influenced the 1976 campaign. In this section, I will show the ethnic influence on Carter's human rights policy. Following Carter's campaign promises, he tried to implement his policy in several countries that could potentially have a domestic payoff. These included Poland, the Soviet Union, Hungary, Ukraine, Armenia, Rhodesia/Zimbabwe, Northern Ireland, Cuba, and South Africa.<sup>132</sup>

Nevertheless, he found that the real world was more complicated than the world of the election campaign, and he eventually realized that his efforts on behalf of specific individuals abroad paid few political dividends. Because even his notable achievements were poorly appreciated, I argue that his experience with domestic ethnic politics led him to downplay human rights during the second half of his presidency, especially in Eastern Europe. In chapter three, I focused on Soviet-Jewish emigration and liberalization in Poland. Here I will tell the story of Hungarian Americans and the crown of St. Stephen, Polish Americans and the deteriorating situation in Poland, and Ukrainian Americans and the plight of the dissident Valentyn Moroz.

After Carter was elected he acted to build new bridges to Eastern Bloc nations.

He hoped this would make the détente process more inclusive while also showing

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<sup>132</sup> Writing some years later, Secretary of State Vance stated, "We were committed to majority rule, self-determination, and racial equality as a matter of fairness and basic human rights. If the United States did not support social and political justice in Rhodesia, Namibia, and South Africa itself, Africans would correctly dismiss our human rights policy as mere cold war propaganda, employed at the expense of the peoples of Africa." Cyrus Vance, *Hard Choices: Critical Years in America's Foreign Policy* (New York: Simon and Schuster, 1983), 256-257. Over the course of Carter's four years as president, he did much to curry favor in this region. He repealed the Byrd Amendment, which had allowed chrome imports from Rhodesia, and he backed initiatives that would speed Namibian independence. Carter also supported a mandatory U.N. arms embargo against South Africa, which was kept intact through most of 1979 despite congressional reservations. See Sandy Vogelgesang, *American Dream, Global Nightmare: The Dilemma of U.S. Human Rights Policy* (New York: W.W. Norton, 1980), 62-63.

American ethnics that he meant business when it came to liberalization in the East. As Zbigniew Brzezinski stated shortly after Carter's inauguration, "We wanted to show that the road to Eastern Europe did not necessarily lead through Moscow." During Carter's first year, Brzezinski prepared a classified Presidential Directive on guidelines the administration should follow in this matter. He suggested that American relations with Eastern Europe should not be considered only within the context of détente, but rather for their own sake. This essentially continued the policy set in motion by President Nixon. Unlike the Nixon policy, though, the Carter administration decided to concentrate on those states that were doing the most to improve their internal policies while also straying as far as possible from the Soviet Union. These were Poland, Romania, Hungary, and Yugoslavia.<sup>133</sup> Brzezinski called his approach of dealing with Eastern European governments separately "political polycentrism," which was aimed at widening the gap between Moscow and the satellite states.<sup>134</sup>

The Carter administration often failed in its attempts to achieve this delicate balance between its domestic political interests, East/West security requirements, and human rights concerns. One such case was Carter's plan to return the Crown of St. Stephen to the people of Hungary. The thousand-year-old crown, which had great national and religious meaning to Hungarians, had been spirited out of Hungary during World War II and given to the United States in order to prevent it from falling into the hands of the Red Army. Carter decided during his first year that the crown's return would be a "magnanimous gesture" that would help court the Eastern European countries

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<sup>133</sup> The ideas were laid out in Presidential Review Memorandum (PRM)/NSC-9, "Comprehensive Review of European Issues," 1 February 1977, <http://www.fas.org/irp/offdocs/prm/prm09.pdf>. The policy was adopted in Presidential Directive/NSC-21, "Policy Toward Eastern Europe," 13 September 1977, <http://www.jimmycarterlibrary.org/documents/pddirectives/pd21.pdf>.

<sup>134</sup> See Brzezinski, *Power and Principle*, 296-297.

(and thus pull them further outside the Soviet orbit), improve the relationship with Hungary, improve the rights situation in Hungary, and win the affection of Hungarian Americans. He also wanted to use the crown's return to show that his human rights policy was effective. Despite these good intentions, Carter seriously misunderstood Hungarian-American feelings on the subject.<sup>135</sup>

To the Carter administration, the Hungarian government of Janos Kadar had already taken steps that signaled an improvement in their attitude toward human rights. The Hungarians had relaxed their censorship and dissident policies, and they had allowed thirty-five intellectuals to declare public support for the Czech Charter 77 human rights declaration. They had also publicly honored a former political figure who had been jailed by earlier Hungarian communist governments.<sup>136</sup> Once the Carter administration began secret negotiations with the Kadar government for the return of the crown in 1977, the Hungarians made further concessions, including reunification of families, greater religious freedom, and improved trade relations with the U.S. As a result of these concessions, the Carter administration assumed that the return of the crown would be a good way to press for expansion of rights while also pleasing Hungarian Americans.<sup>137</sup> Even the exiled post-World War II political leader Ferenc Nagy told the administration that he approved of the crown's return.

But the Hungarian-American community violently opposed the move. The general attitude was summed up by the editor of the Chicago-based *American Hungarian*

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<sup>135</sup> Unless indicated otherwise, I am relying here on Lawrence O'Rourke's description of the crown negotiations. O'Rourke, *Geno*, 186-194.

<sup>136</sup> This was Sandor Jaraszi – former minister of the non-communist, post-WWII government of Ferenc Nagy – whom the Hungarian government honored even though the hardliners of the 1950s had jailed Jaraszi for eight years as “a leading force of the counterrevolution.”

<sup>137</sup> Brezinski later wrote, “Initially I had been skeptical when the State Department proposed this initiative. After consulting the White House domestic advisers, I feared a negative reaction from voters of Eastern European origin.” Brzezinski, *Power and Principle*, 299.

*Life* newspaper, who wrote, “I hate Carter. To return the crown to the Communists [is] a slap in the face at the freedom-loving people of Hungary and all Hungarian-Americans.”<sup>138</sup> When a group of Hungarian Americans visited the White House, Carter argued that the crown was being returned to the Hungarian people, not the government, and that this would lead to better conditions for Hungarians while also convincing their government to further distance itself from Moscow. But neither Carter nor Vice-President Mondale could convince the visitors that the return of the crown was a worthwhile gesture. “It was a disaster,” said a Mondale aide. “They shouted at [Mondale]. I thought at one point some of them were going to get up and start waving their fists. The Secret Service was very edgy.” After the meeting, a Carter aide added, “It was pretty much a wasted effort. There was no convincing them that our position had a grain of sense.”<sup>139</sup>

Because these Hungarian leaders threatened to make a political issue out of the crown’s return, Carter’s strategists knew they had to do something. Although Hungarian Americans were hardly the largest ethnic constituency in the country, size was not the only factor in ethnic politics. The U.S. Census Bureau counted 1.4 million registered Hungarian-American voters in 1978, 80% of whom were Democrats. Many of them lived in the Cleveland area, and Carter had won Ohio by only around 11,000 votes in 1976. Because the auto industry was hurting, Carter had to make a move. He asked his ethnic advisor, Geno Baroni, to speak to Archbishop Bernardin of Cincinnati, who then contacted the Vatican. The Vatican then informed Bernardin and Baroni that the Pope approved of the crown’s return, mainly because relations between the Hungarian

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<sup>138</sup> Quoted in O’Rourke, *Geno*, 189.

<sup>139</sup> *Ibid.*, 190.

government and the Catholic Church had improved. Owing to the papal endorsement and the promise of better conditions for the Hungarian people, Father Martin Hernady of Toledo also endorsed the crown's return. Hernady's backing was crucial to the general approval among the Hungarian community in Toledo. As a result, Hungarian-American newspaper editors and opinion leaders gave tentative backing to the crown's return, but they sought further concessions from the Hungarian government. Kadar granted some concessions in the ensuing negotiations. Billy Graham was allowed to preach in Hungary, and Kadar's wife visited Rome to attend the Pope's birthday mass. The crown was then returned in 1978 to great acclaim in Hungary, but Hungarian Americans registered only a tepid response. Geno Baroni later conceded that the return of the crown may have hurt Carter in the 1980 election.

A second example of Carter's awkward balancing act on behalf of ethnics and human rights involved a much larger group. Polish Americans were the largest Eastern European ethnic group in the U.S., numbering nearly ten million in the 1970s – the seventh largest ethnic group in America.<sup>140</sup> As with other such groups, a wave of pride in national origins swept through the community in this period. A survey conducted by the U.S. Census Bureau in the early 1970s found that over one million more Americans were identifying themselves as Polish Americans than had done so only a few years earlier, a difference that could not be explained by higher birthrates or immigration.<sup>141</sup> The election of a Polish Pope in 1978 (whom Carter invited to the White House in

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<sup>140</sup> In 1979 the Census Bureau established the size of the Polish-American community at 8,228,037. Z. A. Kruszewski, "The Polish American Congress, East-West Issues, and the Formulation of American Foreign Policy," in Mohammed E. Ahrari, ed., *Ethnic Groups and U.S. Foreign Policy* (New York: Greenwood Press, 1987), 83-84.

<sup>141</sup> Jacobson, *Roots Too*, 48.

October 1979) most certainly contributed to these feelings of ethnic pride.<sup>142</sup> Archbishop of Philadelphia John Cardinal Krol noted that some of his parishioners were admitting for the first time that they were of Polish descent. “I wouldn’t say they concealed it before,” he noted, “but they didn’t voluntarily reveal it.”<sup>143</sup> Carter’s first overseas state visit was to Poland, and, of course, it is also significant that his national security adviser, Zbigniew Brzezinski, was a native of Poland and a staunch believer in the eventual liberation of Eastern Europe.<sup>144</sup> Even Carter’s second secretary of state, Edmund Muskie, was of Polish descent.

Polish Americans shared many of the standard “ethnic” concerns when it came to domestic politics: integrity of neighborhoods, loss of blue-collar jobs, economic stagnation, and disdain for affirmative action. On this last point, Carter’s aides advised him that Polish Americans, like other European ethnics, felt ignored. This group, wrote one aide, “are presently the people that are suffering the most due to affirmative action policies, because they are just beginning to make inroads in certain areas and are now being passed over.”<sup>145</sup> When Carter met with the Polish National Alliance (the premier Polish ethnic organization in America), this organization furnished a laundry list of the community’s interests. Among other things, they wanted Polish Americans included on the Holocaust Commission; continuing support for Radio Free Europe; and changes in the administration’s affirmative action policy. “In view of the continuous discrimination

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<sup>142</sup> When the Pope came to Washington, one of the points of discussion was the Helsinki process, which both he and Carter considered “essential” for expanding freedom of conscience worldwide. Visit of Pope John Paul II White House Statement, 6 October 1979, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=31489>.

<sup>143</sup> Quoted in Gregory Jaynes, “A Papal Visit Revives Long Memories and Ethnic Pride,” *New York Times*, 3 June 1979.

<sup>144</sup> James G. Hershberg, “Released Ukrainian Dissident May Accept Post at Harvard,” *The Harvard Crimson*, 30 April 1979.

<sup>145</sup> Untitled memo, n.d., “Polish-American: Meeting with the President 8/3/79” folder, box 47, Staff Offices, Ethnic Affairs, Aiello collection, Jimmy Carter Library (hereinafter JCL).

against many Eastern Europeans, with particular emphasis on Polish Americans,” they wrote, “we urge the inclusion in the Affirmative Action Program ‘national origin.’ This certainly merits serious consideration.”<sup>146</sup>

Their top foreign policy concern, meanwhile, was civil liberties in Poland, especially religious freedom and the right to national self-determination (or in the catchphrase of the day, freedom from Soviet domination).<sup>147</sup> Polish Americans were also interested in liberalizing trade and aid, as long as it was broadly beneficial to the people of Poland. As we saw in chapter three, this was generally tolerated – and at times even encouraged – by the Polish government, which stood to benefit economically. This liberal attitude spurred trade, tourism, and the return of Poland-born U.S. citizens who wanted to retire in Poland. Polish Americans sought the expansion of nearly all such bilateral contacts, except those between Polish-American organizations and the Polish government.<sup>148</sup> Polish Americans were somewhat less interested in disputes over European national borders.<sup>149</sup>

Given these concerns, Carter routinely emphasized both the ethnic connection and the human rights interest in his statements on U.S.-Polish relations. When he visited Warsaw in December 1977, he repeatedly pointed out that Poland was “the ancestral home of more than six million Americans,” and he added that the world was now one “in which old ideological labels have lost their meaning and in which the basic goals of

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<sup>146</sup> Memo, Aloysius A. Mazewski to Carter, “Polish-American: Meeting with the President 8/3/79” folder, box 47, Staff Offices, Ethnic Affairs, Aiello collection, JCL.

<sup>147</sup> Ibid.

<sup>148</sup> Kruszewski, “The Polish-American Congress,” 92-93.

<sup>149</sup> West Germany had recognized the Oder-Neisse line as the German-Polish border in the 1970 Treaty of Warsaw. Thereafter, and including the time of the Helsinki negotiations, the Polish American Congress (the most prominent Polish-American organization) did not press for the return of prewar borders based on force. This organization was even relatively open to the Helsinki agreement in 1975. Kruszewski, “The Polish American Congress,” 90.

friendship, world peace, justice, human rights, and individual freedom loom more important than ever.”<sup>150</sup> In a clear attempt at influencing Polish-American Catholics, he sent Brzezinski and Rosalynn Carter to meet with the leader of Poland’s Catholic Church, Cardinal Wyszyński. As a result of Carter’s visit to Poland, Polish Communist leader Edward Gierek made some concessions with respect to emigration, and his government made the unprecedented decision to broadcast the Carter-Gierek press conference in its entirety in Poland.<sup>151</sup>

Beyond these small steps, though, Carter could do little to change living conditions in Poland. Worse still, during Carter’s Poland trip he was put in the unenviable position of having to explain his famous scoring of President Ford over “Soviet domination.” An American reporter in Warsaw asked him, “now that you’re here, is it your view that this domination will continue almost into perpetuity, or do you see a day when Poland may be actually free? And if so, how would that come about?” Carter gave a pro forma response emphasizing Poland’s uniqueness in Eastern Europe, especially regarding freedom of religion. “I don’t think there’s any doubt,” Carter stated, “that the will of the Polish people for complete preservation and enhancement of human rights is the same as our own.” When the reporter followed up with, “You don’t deny that they are dominated here, Mr. President?” Carter replied, “I think I’ve commented all I wish on that subject.”<sup>152</sup>

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<sup>150</sup> Warsaw, Poland Remarks of the President and First Secretary Edward Gierek at the Welcoming Ceremony, 29 December 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7074>.

<sup>151</sup> Business deals also ensued, including an agreement whereby the U.S. granted over \$500 million in grain credits to Poland.

<sup>152</sup> The President's News Conference of December 30<sup>th</sup>, 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7075>. Needless to say, the Soviets did not appreciate American overtures toward Poland. Said one Soviet official in 1978 when an American reporter needled him about Soviet actions in Africa, “How can you Americans complain so self-righteously about what we are doing outside your sphere of influence

By 1979, Carter's zeal for solving human rights dilemmas had been tempered by a firmer understanding of complex international realities. His slow movement frustrated the ethnics, to whom he had promised so much during the 1976 campaign. Some evidence for this can be seen in his response to the Polish National Alliance's list of concerns during their 1979 meeting. "We are concerned about human rights in Poland," they wrote. "In execution of our foreign policy, the goal of human rights has not been pursued with prudent but resolute determination, at least in relation to Poland." They went on to list violations like "refusal of passports to prominent scholars," "brutal repression of independent minded people," and the enforcement of communist doctrine in Polish universities. They candidly admitted, "We realize that they are internal problems, but I am sure that in our trade, economical and cultural contact, an understanding can be reached to alleviate these conditions."<sup>153</sup>

Carter promised action on the domestic front, but he downplayed the rights issues. He was all too aware that he had few options for influencing life in the Eastern Bloc.<sup>154</sup> It had been easy for him to offer quasi-radical solutions when he was running for president, but once he was in office the tables were turned. In 1980, when Polish workers went on strike and Polish Americans called for attention to the strike as a human rights issue, Carter balked. The administration judged that the strikers would not benefit if the United States spoke out too forcefully. In the words of one administration official, "This is an indigenous Polish problem. And we wouldn't want to give the Soviets an excuse for intervening by making it seem as though the United States was somehow involved."

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when you are making mischief right in our own front yard?" "Mischief in Moscow's Front Yard," *Time*, 12 June 1978, 19.

<sup>153</sup> Memo, Aloysius A. Mazewski to Carter.

<sup>154</sup> He agreed to include some Poles on the Holocaust Commission and to do something about the lack of Poles in the federal government. Talking points memo, n.d., "Polish-American: Meeting with the President 8/3/79" folder, box 47, Staff Offices, Ethnic Affairs, Aiello collection, JCL.

This sounded eerily like the kind of détente proclamations the Nixon and Ford administrations had issued on a regular basis. By 1980, then, it was the Republicans' turn to be oppositional. Said Congressman Edward J. Derwinski of Illinois, perhaps anticipating the upcoming election, "[The administration is] interested in placating the Soviets. They're not concerned for the welfare of Polish workers."<sup>155</sup>

Carter's advisers apprised him of the importance of the ethnic vote in the 1980 election.<sup>156</sup> Although Carter had changed his foreign policy priorities, he could not jettison his humanitarian interests straightaway. During the 1980 election season, he returned to using human rights rhetoric in defense of his record. Because Reagan and the Republicans were attacking him as soft on defense, soft on Soviet communism, and naïve on human rights, Carter emphasized his policies' effectiveness in Eastern Europe. Speaking before a group of Polish-Americans in Philadelphia a week before the 1980 election (with Lech Walesa's father in tow), he said,

The Republican leaders have criticized my commitment on behalf of this Nation to the principle of protecting human rights, not only in our own country but in other nations. This is a deep commitment of mine, but they seem to think it's naive for America to stand up for freedom and to stand up for democracy. I

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<sup>155</sup> Ed Bruske, "Ethnic Leaders Call Polish Strike a Human Rights Issue," *Washington Post*, 22 August 1980.

<sup>156</sup> In a memo to Hamilton Jordan, Stephen Aiello speculated on the role of ethnics in the 1980 election: "In this election, the ethnics, more so than any other group, are the unknown factor, and will be the swing vote. Although the largest of these groups (Italians, Poles, Slavs) have been traditionally Democrats, there have been changes since the mid 1960s. The majority are still Democrats, but this year, more ethnics have crossed party lines in primaries or voted in protest for [Ted] Kennedy, than in previous elections." As in earlier elections, the Republicans were "making the ethnics their prime campaign target" by forming "a strong nationalities committee and publish[ing] newsletters to attract ethnic voters." Memo, Aiello to Jordan, n.d., "[Ethnic Votes] Campaign [1980] 2/80-12/80," box 49, Staff Offices, Ethnic Affairs, Aiello collection, JCL.

disagree with that very strongly. If we in the land of freedom do not stand up for human rights, then what is it, what is the meaning of America? What should we stand for? What should our commitment be? Just ask the Polish workers who are struggling for human progress. Ask them if America should stand up for human rights.

He reminded his audience that he had recently ordered quick approval of the largest ever grain credit guarantee for Poland. He went on to say, “Poland has reminded us that the desire for human rights and human dignity is universal. I want the people of Poland to know that we heard their message, that we observed and admired their courage.”<sup>157</sup>

Despite Carter’s entreaties, he did not win enough Polish-American support to be re-elected. Interestingly, his administration’s last major international crisis was in Poland. Shortly after the 1980 election, Carter and his advisers worried about the possibility of a Soviet invasion in response to the Solidarity movement. Throughout the crisis of 1980-81, the Carter and Reagan administrations warned the Soviets not to intervene, and they rewarded the Polish government’s restraint by continuing to build on the Poland-U.S. relationship via food aid and rescheduling of debt.<sup>158</sup>

One final story that illustrates the connection between ethnics and human rights was the case of Valentyn Moroz, a Ukrainian historian who spent nearly 14 years in Soviet prisons between 1965 and 1979 for allegedly “anti-Soviet” activities. He gained worldwide attention when he was released as part of a prisoner exchange in 1979 along

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<sup>157</sup> Philadelphia, Pennsylvania Remarks to Members of the Polish Community, 30 October 1980, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=45395>.

<sup>158</sup> Andrzej Paczkowski and Malcolm Byrne, eds., *From Solidarity to Martial Law: The Polish Crisis of 1980-1981: A Documentary History* (Budapest: Central European University Press, 2007), 139-140, 162-163. The AFL-CIO raised money for Solidarity in 1980.

with four other political prisoners – Alexander Ginzburg, Eduard Kuznetsov, Mark Dymshits, and Georgy Vins.<sup>159</sup> The Moroz case demonstrates that ethnic lobbying was taken into consideration in Carter’s human rights policy. The case also shows just how few benefits accrued to Carter even when he succeeded beyond all expectations.

The plight of Ukrainian political prisoners – many of whom were imprisoned for reasons of “illegal” nationalism, opposition to the Soviet state, and the like – was less well known in the West than was the plight of Soviet Jews and intellectuals like Andrei Sakharov, Aleksandr Solzhenitsyn, and Anatoly Shcharansky. Although Ukrainian Americans were not among the largest immigrant ethnic groups, as we have seen with respect to other ethnics, the size of the group was only one factor in the consideration given to their concerns. Furthermore, Ukrainian Americans represented a people who comprised the largest ethnic group in the world without their own nation. Thus the focus of Ukrainian rights activism was national independence or greater autonomy. (Soviet Jews, meanwhile, were interested in emigration and freedom of religion, while Russians pursued civil rights and democratization).<sup>160</sup>

Ukrainian Americans lobbied incessantly on Moroz’s behalf for several years. One Ukrainian-American newspaper’s editor wrote that Moroz’s name had “become burned into the hearts and minds of each Ukrainian, both behind the Iron Curtain and in the free world. Every Ukrainian,” the author continued, “from grammar school-aged children through senior citizens, from third- and fourth-generation Ukrainians to children of post-World War II immigrants, knows of his devotion and dedication to his Ukrainian

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<sup>159</sup> Kuznetsov and Ginzburg went to Israel soon thereafter. Vins was a Russian Baptist pastor who had served several prison sentences. (Baptists were among the persecuted Christians of the Soviet Union.) When Vins was arrested and sentenced in 1974-75, Andrei Sakharov spearheaded an international outcry, and Vins became arguably the most prominent religious dissident in the Soviet orbit.

<sup>160</sup> Roma Sochan-Hadzewycz, “Moroz Says He Can Do More for Ukraine in United States,” *The Ukrainian Weekly*, 6 May 1979.

nation.”<sup>161</sup> Moroz earned some acclaim through his prison writings (his essay, *Report from the Beria Reserve*, was smuggled out of prison and later published abroad), and he became the subject of U.S. congressional attention as early as September of 1974, when the first of several House resolutions “concerning the safety and freedom of Valentyn Moroz” were passed in response to Moroz’s 20-week hunger strike in protest of his living conditions in prison.<sup>162</sup> Amnesty International, the English Centre of International Pen, and a slew of other NGOs petitioned the Soviet government for his freedom, or at least for fair treatment.<sup>163</sup> In November 1974, the *New York Times* published an op-ed piece that graphically described Moroz’s mistreatment in prison. This was notable as the first article on human rights to appear on the *Times* op-ed page; it was also the first to use Amnesty International as a source. The ensuing outcry on Moroz’s behalf led President Ford to put Moroz’s case on the agenda at his upcoming meeting with Soviet Premiere Leonid Brezhnev.<sup>164</sup> Ukrainian groups continued to lobby the Ford administration, even going so far as to name Moroz at a presidential press conference, during which Ford told the audience that his administration would take it up with the Soviets.<sup>165</sup> Yet despite all of this activity, Moroz remained incarcerated for several more years.

The Moroz matter was one of the human rights cases that hung over Jimmy Carter’s head from the first day of his administration. As we have seen, Carter was in

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<sup>161</sup> “Freed at Long Last,” *Ukrainian Weekly*, 6 May 1979.

<sup>162</sup> H. Res. 1352, introduced 11 September 1974. Others who wrote about the horrors of prison life after Stalin were Anatoly Marchenko (*My Testimony*) and Edward Kuznetsov (*Prison Diaries*).

<sup>163</sup> *Times of London*, 10 June 1976, 6.

<sup>164</sup> Jeri Laber, “The ‘Wire Skeleton’ of Vladimir Prison,” *New York Times*, 9 Nov 1974, 31; Laber, *The Courage of Strangers: Coming of Age with the Human Rights Movement* (New York: Public Affairs, 2002), 73.

<sup>165</sup> Remarks and a Question-and-Answer Session with Representatives of Greater Milwaukee Ethnic Organizations, 2 April 1976, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=5781>. Other prominent Ukrainians were Vyacheslav Chornovil and Vasyl Romaniuk. Ford clarified that the Helsinki agreement did not guarantee the rights of free speech or religion, though other liberties were included in its provisions.

some ways a victim of his own campaign promises. His openness to human rights concerns led many constituents to petition him on behalf of individuals in several countries. He was then somewhat obligated to respond because he had consistently claimed that this was a foreign policy priority. One month before the 1976 election, eager to capitalize on President Ford's misstatement about Soviet domination of Eastern Europe, Carter had said, "I will not turn my back on Valentyn Moroz."<sup>166</sup> Once Carter was elected, his human rights overtures offered hope to Eastern European ethnics who had long worked for the release of imprisoned or persecuted dissidents. Furthermore, Carter's appointment of Brzezinski seemed to symbolize a tougher approach to "Soviet domination." (Brzezinski had also served on the visiting committee to the Ukrainian Studies Institute at Harvard before joining the Carter administration.<sup>167</sup>) Following Carter's campaign promise to keep Moroz in his sights, Ukrainian-American organizations consistently pressed the issue.<sup>168</sup>

In addition to Carter's policies and promises, partisan politics pushed him toward direct action on the Moroz case. During the midterm election season of 1978, Democrats and Republicans once again tried to present themselves as the party most capable of standing up for dissidents. In October 1978, Ukrainian-American organizations arranged a high-profile Capitol Hill gathering in defense of Ukrainian political prisoners in the U.S.S.R. The event was cosponsored by Senators Bob Dole and Daniel Patrick Moynihan. One month later, the third annual World Congress of Free Ukrainians was similarly attended by prominent politicians. Joseph LeSawyer, who headed the most

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<sup>166</sup> Hershberg, "Released Ukrainian Dissident." According to this article, Carter made this statement on 8 October 1976.

<sup>167</sup> Ibid.

<sup>168</sup> Some wrote to Brzezinski reminding him of Carter's promise. Ibid.

prominent Ukrainian association in America and chaired the Ukrainian Section of the Democratic Party's Nationalities Division, strongly suggested the presence of a cabinet-level representative as main speaker at the World Congress event. Some Ukrainians were cultivating top Republicans like Senator Dole and Ambassador George H.W. Bush and "planning to have them appear at the Convention in the role of champions of human rights, particularly in the Soviet Union and more so in Soviet Ukraine." He summed up the political ramifications by writing, "If we Ukrainian Democrats are not supported by the administration on this occasion we will be backed into a corner this fall and in the next presidential election."<sup>169</sup> An administration aide agreed with LeSawyer and advised Carter of Ukrainians' feeling that Democrats "were ignoring this constituency and they would like to promote Senator Dole because he is deeply concerned and vocal on [the] human rights issue." Although Ukrainians were "2/3 Democrat," they felt "that the administration has not been very sensitive to ethnics, especially their group."<sup>170</sup>

The 1978 "show trials" of the dissidents Anatoly Shcharansky and Alexander Ginzburg were the final straw for Carter on the Moroz matter. These trials, which were widely criticized in the West, led Carter to believe that the Soviets were taking a tough turn on several issues, including the dissident question. Carter ordered Brzezinski to negotiate for the freedom of some of the dissidents, and the latter spent several months hammering out a prisoner exchange with Soviet Ambassador Anatoly Dobrynin.<sup>171</sup>

When Brzezinski suggested to Dobrynin that they quietly arrange for the resolution of

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<sup>169</sup> This internal information is in "Ukrainians – Meetings [Valentyn Moroz] 10/78-8/79" folder, box 47, Staff Offices, Ethnic Affairs, Aiello collection, JCL.

<sup>170</sup> Transmittal slip from unidentified author, September 1978, "Ukrainians – Meetings [Valentyn Moroz] 10/78-8/79" folder, box 47, Staff Offices, Ethnic Affairs, Aiello collection, JCL.

<sup>171</sup> As an indication of Brzezinski and Dobrynin's close working relationship, these negotiations were sometimes held in Brzezinski's Virginia home, where his daughter rode horses with Dobrynin's granddaughter. "From Gulag to Gotham," *Time*, 7 May 1979.

“the more glaring cases,” Dobrynin agreed, but he balked on high-profile individuals like Shcharansky, whose case had become highly symbolic on an international level. The Soviet leaders, said Dobrynin, “feel very strongly” about Shcharansky but would likely settle some of the “less notorious cases.” Brzezinski held his ground and noted that the freeing of dissidents was “designed to have a positive political effect” for the Carter administration. Brzezinski advised Carter that “focusing on essentially obscure cases would not serve the political purposes of such accommodation.”<sup>172</sup> As a sign of the domestic political goals inherent in the negotiations, including the interests of American ethnics, Brzezinski later recalled that he had “constructed the list very deliberately to include some leading Jewish dissidents, some outstanding Russian opposition figures, as well as representatives of the Ukrainian minority and victims of religious persecution.”<sup>173</sup> In the end, a combination of low- and high-profile prisoners were put on the list, and the Soviets eventually agreed to include Valentyn Moroz.

Thus it came about that in 1979 Moroz was released along with four other political prisoners – the aforementioned Ginzburg, Kuznetsov, Dymshits, and Vins – as part of a prisoner exchange. In one of those rare, true cloak-and-dagger moments of the Cold War, the group of dissidents was handed over to the U.S. in exchange for two Soviet nationals who had been convicted the previous year of spying for the Soviet Union. An Aeroflot jet flew the dissidents from the U.S.S.R. to New York, and as they departed down one set of stairs onto the runway at JFK Airport, the two Soviet spies

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<sup>172</sup> Memcon, Dobrynin and Brzezinski, 20 September 1978, “U.S.S.R. – U.S.-Soviet Relations 7/78 – 3/80” folder, box 19, Brzezinski Donated, JCL.

<sup>173</sup> Brzezinski, *Power and Principle*, 339.

walked up a separate set of stairs on the opposite side of the plane.<sup>174</sup> This was the first time that Soviet spies were exchanged for Soviet citizens. At the time of Moroz's release, he still had over five years left on his sentence. Of course, no superpower negotiation could be realized without gains for both sides. The Soviets received more than just two spies; they got the Americans to talk about most-favored-nation status for the Soviet Union. In fact, trade talks began the day the prisoners were exchanged. The prisoner exchange also established a more congenial environment for the assumed future ratification of SALT II.<sup>175</sup>

The prisoner exchange was followed by a brief celebratory interlude. Carter scored points for accomplishing concrete results in his dealings with the Soviets. As one administration official put it, the prisoner swap “show[ed] how to deal with these guys and get results. . . . Realism and self-interest are better than vague good intentions.”<sup>176</sup> Carter also made gains among anticommunist American ethnics. Before Moroz visited the White House to thank Carter and Brzezinski for winning his release, presidential aides noted that the occasion would be “a good opportunity for us to bring in a broad representative group of Ukrainian Americans to the White House.”<sup>177</sup> One Ukrainian-American journalist wrote, “For the first time, American diplomats dealing with the

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<sup>174</sup> For a description of the exchange, see Robert D. McFadden, “Day of Intrigue and Confusion Shrouded Trade,” *New York Times*, 28 April 1979. Carter also described the process briefly in his diary. See Carter, *Keeping Faith*, 147.

<sup>175</sup> “From Gulag to Gotham.” Regarding the prisoner exchange, by September 1978 Brzezinski was linking Soviet action on dissidents to possible MFN status. He was also stressing to the Soviets that such a release or an exchange would “contribute to a better atmosphere, which in turn [would] make SALT ratification easier.” The resolution of such cases was thus “in our mutual interest.” Memcon, Dobrynin and Brzezinski, 20 September 1978.

<sup>176</sup> “From Gulag to Gotham.”

<sup>177</sup> Memo, Vicki Mongiardo to Mike Chanin, 9 May 1979, “Ukrainians – Meetings [Valentyn Moroz] 10/78-8/79” folder, box 47, Staff Offices, Ethnic Affairs, Aiello collection, JCL.

Soviet Union put the Ukrainian national issue on the table and won.”<sup>178</sup> When Moroz attended a celebratory rally in Philadelphia shortly after his arrival in the U.S., a Carter administration official was quoted as saying that the Ukrainian groups “looked at Moroz like some kind of icon, since they have been working for him so long.”<sup>179</sup> A Ukrainian-American newspaper similarly reported of the community’s reaction to his freeing, “He has been considered by many to be the symbol of a free Ukraine;” at the celebratory rally Moroz appeared “like a triumphant general returning to his native land.”<sup>180</sup> At a more personal level, the major accomplishment was winning the freedom of men who had committed no crimes. “The prisoner exchange was . . . one of the most significant things in a human way that we’ve done since I’ve been in office,” Carter wrote in his diary.<sup>181</sup>

Despite this brief euphoria, the aftermath of the Moroz episode shows that such cases could be a double-edged sword for Carter. We would expect the freeing of Moroz and the other dissidents to have been applauded by human rights activists and representatives of these ethnic and religious groups. And indeed it was, but only to a certain extent. Many took the opportunity to ask why the administration did not do more. At a rally for Soviet Jews, coincidentally held only two days after the dissidents arrived in New York, one reporter noted that a common sentiment in the crowd of 100,000 was “that the administration ought to do more for Soviet dissidents.”<sup>182</sup> As a direct result of the prisoner exchange and its publicity, the Carter White House received thousands of letters, mailgrams, and telegrams on behalf of others who were still imprisoned. One

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<sup>178</sup> Fedynsky, “Valentin Moroz;” Bohdan Vitvitsky, “Republicans, Democrats and Ukraine,” *Ukrainian Weekly*, 12 September 2004.

<sup>179</sup> “From Gulag to Gotham.”

<sup>180</sup> “Valentyn Moroz Freed,” *Ukrainian Weekly*, 6 May 1979; “2,000 Ukrainians Greet Moroz in Philadelphia,” *idem*.

<sup>181</sup> Carter, *Keeping Faith*, 147.

<sup>182</sup> Pranay B. Gupte, “Dissidents Honored at Rally by 100,000 for Jews in Soviet,” *New York Times*, 30 April 1979.

such letter-writing campaign was on behalf of two Catholic Lithuanians. A typical letter from this campaign read, “Viktoras Petkus and Balys Gajauskas were sentenced to 15 years of prison because of their stand on human rights. If Ginzburg and others could be freed, I am sure Petkus and Gajauskas can too.” Another wrote, “Two for five isn’t a bad deal, but failure to include any Catholic dissidents is a serious oversight. Take all steps to free Catholics Petkus and Gajauskas.” Still another such mailgram read, “If you can get five Soviet political prisoners out of Hell, surely you can do the same for two Lithuanian prisoners of conscience. Or are the Baltic states being traded for a pinch of salt?” Another wrote, “Détente must not merely serve as a pretext for the Soviets to reclaim their spies.”<sup>183</sup>

At a press conference held shortly after his release, Valentyn Moroz himself echoed these sentiments by saying, “I do not want to seem ungrateful, but the United States could be more energetic in demanding the decolonization of Ukraine, the Baltic states, Georgia, Armenia and others.”<sup>184</sup> A few months later he pulled no punches in criticizing Carter’s selectivity on human rights matters. In testimony delivered before the CSCE (the Helsinki committee), Moroz was quite critical of the West in general and the U.S. in particular:

We should not appeal, but demand, that American enterprises not sell crucial goods that Moscow needs until specific changes are instituted in the realm of human rights. . . . To struggle against violations of human rights in the Soviet

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<sup>183</sup> From “Dissident Release, A-B” folder, box 2, Brzezinski Public and Congressional Correspondence, National Security Adviser Files, JCL.

<sup>184</sup> Roma Sochan-Hadzewycz, “Moroz Says He Can Do More for Ukraine in United States,” *The Ukrainian Weekly*, 6 May 1979.

Union requires the creation of an atmosphere that would convince President Carter that unless he raises the demand for a general amnesty in places such as Vienna, he will return to Washington to face a new “Watergate.” . . . We expected that President Carter would raise the demand for amnesty for political prisoners during his trip to Vienna [where he signed the SALT II agreement], but unfortunately an odd situation developed. Carter held all of the cards in his meeting with Brezhnev. But for some inexplicable reason he didn’t play them; he left them behind in Washington. All that could possibly be relinquished in Vienna, Carter relinquished.<sup>185</sup>

And this about the man who freed him from prison!<sup>186</sup> With all of Carter and Brzezinski’s other international and domestic problems, they grew weary of such demands. They could never please everyone. Worse yet, the more they achieved, the more human rights activists would want. And the more activists wanted, the more it would look like Carter was powerless to act. Furthermore, some conservatives interpreted the 1979 prisoner exchange as a show of American weakness, for the Soviets garnered the lion’s share of concessions in the deal. Clearly the Soviets held the trump cards in these cases; whether or not a prisoner was freed depended more on events in the Eastern Bloc than anything else. Realists of the pro-détente variety, meanwhile, criticized such attempts to undermine the internal policies of the Soviet Union. These

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<sup>185</sup> “Testimony of Valentyn Moroz as Prepared for Delivery before the Commission on Security and Cooperation in Europe,” 19 July 1979, “Ukrainians – Meetings [Valentyn Moroz] 10/78-8/79” folder, box 47, Staff Offices, Ethnic Affairs, Aiello collection, JCL.

<sup>186</sup> It is perhaps also worth noting that Alexander Ginzburg claimed that he was unhappy with his condition less than a week after he was freed. Exile, he stated, was “worse, perhaps, than prison.” He made it clear that he preferred to be returned to the Soviet Union as part of another prisoner exchange. Arnold Abrams, “Ginzburg: Exile Worse than Prison,” *Washington Post*, 5 May 1979.

critics tended to see the U.S.S.R. as a “status quo power” that had to be dealt with as such. In short, considering just how much criticism grew from a *successful* dissident negotiation, “human rights” by the end of the decade was looking like an exceedingly thankless foreign policy plank. As one journalist at the time summed up insider opinion, “[Carter’s] real problem was that, having encouraged the dissidents, he was finally powerless to help them.”<sup>187</sup> The administration could not have known that the prisoner exchange would be one of the last cooperative moves between the U.S. and U.S.S.R. in this period. When the Soviets invaded Afghanistan a few months later, Carter assumed a more traditional Cold War posture, SALT II was tabled, détente was shelved, and Carter’s human rights policy took a backseat to more pressing concerns.

What became of Valentyn Moroz? As an American journalist later wrote, “Once freed, Mr. Moroz lost his allure as a symbol and slipped into obscurity.”<sup>188</sup> Meanwhile, those dissidents who remained incarcerated kept hold of public attention in the remainder of the 1970s and 80s, while other human rights-oriented groups, such as *Solidarnosc* and the various Helsinki NGOs, kept up the fight for greater civil liberties in Eastern Europe and elsewhere. Upon his release, Moroz was given a one-year research fellowship at Harvard, and in 1982 he completed his history studies in Munich. He then took up residence in Canada, where he worked as a writer, editor, radio journalist, and lecturer. He moved back to Ukraine in 1997 and became a university lecturer.

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<sup>187</sup> Peter Goldman, “At the Wall,” *Newsweek*, 24 July 1978, 19.

<sup>188</sup> Fedynsky, “Valentin Moroz.”

### Conclusion: The Crises of 1979-80

Carter's policy was already wavering midway through his presidency with the growing conflict between Cyrus Vance and Zbigniew Brzezinski. The international crises of 1979-80 – the Soviet invasion of Afghanistan, the Iran-hostage crisis, and the Nicaraguan revolution – proved to be the final straw. In response to Soviet and Iranian belligerence, Carter shed the vagaries of moral appeals in favor of the pre-Vietnam certainties of overt anticommunism. He began to embrace a tougher, more traditional Cold War diplomacy while at the same time deemphasizing the human rights rhetoric that had characterized his first two years in office.<sup>189</sup> This response was partially strategic, but domestic factors also played a part. Double-digit inflation rates and a powerful election year challenge from within Carter's own party made it doubly clear that "human rights" would not serve Carter as well in the 1980 election as it had in 1976. True, he could still utilize human rights rhetoric as a means of differentiating himself from his most likely challenger in the election, Ronald Reagan. But the American electorate was drifting to the right, and Carter had become convinced that the only appropriate strategy for his foreign policy – and for victory in the election – was the Cold War reorientation advocated by Brzezinski. In the words of the British scholar John Dumbrell, "By the latter part of 1979, the administration had essentially reverted to containment as its guiding principle."<sup>190</sup> Not everyone in the administration appreciated this shift. Secretary of State Vance resigned

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<sup>189</sup> After the Afghanistan invasion, the Soviets took advantage of Western indignance and sent Sakharov into internal exile deep in Soviet territory.

<sup>190</sup> Dumbrell, *American Foreign Policy: Carter to Clinton*, 32. For a practical example of the Western Hemisphere implications of this turn, compare the administration's two directives on Cuba, the first dated March 1977 and the second dated October 1979. In the former, Carter wrote that the U.S. "should attempt to achieve normalization of our relations with Cuba," while the latter states unequivocally, "The President has directed the United States government to continue to seek to contain Cuba as a source of violent revolutionary change." Presidential Directive/NSC-6, Cuba, 15 March 1977, <http://www.jimmycarterlibrary.org/documents/pddirectives/pd06.pdf>; Presidential Directive/NSC-52, U.S. Policy to Cuba, 4 October 1979, <http://www.jimmycarterlibrary.org/documents/pddirectives/pd52.pdf>.

following the failed hostage rescue attempt, while Patricia Derian later wrote that Brzezinski “tried to cut the throat of everyone who stood in the path of his power and strategic principle.”<sup>191</sup>

Carter never gave up on his principles altogether, but he certainly muted moral rhetoric during his final year in office (much as President Ford had done with respect to the term “détente” during *his* final year). One study has shown a measurable shift in the Carter administration’s language and executive actions between 1977 and 1981. During Carter’s first year, most of his rhetoric and actions were directed at “liberal internationalist” issues (human rights, arms control, normalization of relations with previously unfriendly regimes, and the like), with security and defense issues ranking near the bottom of the list. But by 1980 these priorities had been reversed.<sup>192</sup> The change in priorities led some observers to perceive human rights as a failed policy. William F. Buckley, for example, wrote in 1980, “Everyone knows that Mr. Carter’s human rights policy is now in a shambles.” The blame, wrote Buckley, was hardly Carter’s alone.<sup>193</sup>

In searching for the reasons for Carter’s change in priorities, we must look beyond a simplistic emphasis on the Brzezinski-inspired return to the Cold War. If we look more closely, we can see other factors at work. First, the inexperienced Carter overpromised during the 1976 election campaign and early in his term, which led to later public

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<sup>191</sup> Derian also called Brzezinski’s memoir “ludicrous garbage.” Patt Derian, “Brzezinski’s Tale,” *Washington Post*, 31 March 1983. As a reflection of the reversion to Cold War priorities, by Carter’s final year in office 75% of America’s total African aid was going to the Horn of Africa, where Somalians were fighting a proxy war against the Soviet-backed Mengistu regime of Ethiopia. Katherine A. Sibley, “Foreign Aid,” in Alexander DeConde, Richard Dean Burns, and Fredrik Logevall, eds., *Encyclopedia of American Foreign Policy*, vol. 2, 2<sup>nd</sup> ed. (New York: Scribner’s, 2001): 93-110.

<sup>192</sup> Skidmore, *Reversing Course*, 51. (Orig. in Jerel Rosati, “The Impact of Beliefs on Behavior: The Foreign Policy of the Carter Administration,” in Donald Sylvan and Steve Chan, eds., *Foreign Policy Decision-Making: Perception, Cognition, and Artificial Intelligence* (New York: Praeger, 1984).)

<sup>193</sup> Buckley, “Human Rights and Foreign Policy,” 171.

perceptions of failure. After he left the presidency, he acknowledged in hindsight, “I did not fully grasp all the ramifications of our new policy.”<sup>194</sup> Put another way, he faced long-term difficulties as a result of his ecumenical desire to please everyone early in his term. As one scholar has written, “Carter first overloaded the agenda with nearly every issue that he believed needed attention and then insisted that they were all top priorities.”<sup>195</sup> When Carter’s aides gave him lists of issues and suggested that he prioritize the top two or three, he returned the lists with every issue marked as a priority. This prompted one aide to muse, “That was a failing. A president cannot be the desk officer for everything.”<sup>196</sup> Once Carter gained a more accurate appreciation of his abilities, his priorities changed.

A second reason behind Carter’s change in priorities was the lack of political dividends for his work on behalf of dissidents and prisoners of conscience. This was as true of those behind the Iron Curtain as it was of those in South America or South Africa. Ethnicity in America had certainly influenced the evolution of Carter’s human rights policy. Yet as we have seen with respect to the Moroz case, Carter could never please all of these constituents. He had only a limited ability to influence the politics of the Eastern Bloc, and he had even fewer direct political motives to stand up for dissidents in places like Iran and Uruguay.

Third, and perhaps most important, the human rights policy did not unite the American public. According to an extensive 1978 Council on Foreign Relations opinion poll, the appeal of human rights actions was limited. Although the numbers showed an

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<sup>194</sup> Carter, *Keeping Faith*, 144-145.

<sup>195</sup> Stephanie A. Slocum-Schaffer, *America in the Seventies* (Syracuse, N.Y.: Syracuse University Press, 2003), 64.

<sup>196</sup> William B. Quandt, quoted in Herbert D. Rosenbaum and Alexej Ugrinsky, eds., *Jimmy Carter: Foreign Policy and Post-Presidential Years* (Westport: Greenwood Press, 1994), 61-62.

interest in human rights in the abstract, a specific public interest was not so strong. When respondents were given a list of 13 foreign policy goals, promoting and defending human rights was ranked tenth most important. And when respondents were asked to name important foreign policy problems, only 1% of the public and 7% of leaders mentioned human rights. Only 40% of the public agreed that the U.S. “should take an active role in opposing the policy of apartheid” in South Africa, and 59% stated that it was “frequently” or “sometimes” justifiable for governments to restrict civil liberties while combating terrorism. Because the general interest in human rights predated Carter, the report’s authors concluded that “President Carter’s emphasis on human rights has not had a major impact on public attitudes in the United States.”<sup>197</sup> Even the apparent political consensus behind human rights in 1976 had been short-lived. Much of the apparent consensus of the 1976 presidential election was anti-Kissinger in nature. Once Kissinger was out of the picture, it was much harder to unite the left and the right.

Human rights, so it seemed, could not build consensus in the way that anticommunism had in the 1950s and 60s. Cold War anticommunism had united Americans behind a series of domestic and international crusades, from the massive expansion of the military industry to the construction of the interstate highway system. This kind of national unity was based, in general, on the fear of communist incursions into North America and other regions of vital interest. Because human rights policies were aimed at foreign governments’ treatment of faraway people, the rights dilemma did not have the same immediacy for Americans. As one scholar has argued,

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<sup>197</sup> John E. Rielly, ed., *American Public Opinion and U.S. Foreign Policy 1979* (Chicago: Chicago Council on Foreign Relations, 1979), 14, *passim*.

Unlike anticommunism, the concept of human rights was often ambiguous, sometimes proved divisive, lacked high salience and held only a tenuous relationship to many of Carter's more pragmatic policies. . . . Moreover, anticommunism evoked the image of a direct threat to the U.S. and served as justification for the much broader and concrete policies of containment and intervention. Human rights, on the other hand, called for an altruistic response. No direct threat was implied by a failure to deal with the problem.<sup>198</sup>

The shortcomings of a foreign policy based on morality were paralleled by the apparent disconnection between morality and leadership. Although polls showed that over 70% of the public considered Carter moral and admirable throughout his presidency, a minority of respondents was satisfied with his leadership abilities.<sup>199</sup>

Carter's human rights policy was also incapable of healing ethnic divisions in America. For example, African Americans and Jews often clashed over approaches to dictatorships, apartheid, and the Middle East. This had less to do with attitudes toward civil rights in the U.S. than with differing views toward the developing world and Israel. Tensions between these two communities reached a peak when Andrew Young was dismissed as U.N. ambassador in 1979 after meeting with a representative of the Palestinian Liberation Organization.<sup>200</sup> Human rights policies also spurred a degree of one-upmanship among ethnics, many of whom viewed the quest for public attention as a zero-sum game. Debates over affirmative action, for example, showed ethnics' contempt

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<sup>198</sup> Skidmore, *Reversing Course*, 90, 93.

<sup>199</sup> Richard A. Melanson, *American Foreign Policy since the Vietnam War: The Search for Consensus from Nixon to Clinton, Third Edition* (Armonk, NY: M.E. Sharpe, 2000), 119.

<sup>200</sup> Morris Abram wrote about the schism that opened between blacks and Jews during the Carter years. Abram, *The Day is Short*, 264, 254-257.

for racial preferences. As an ethnic representative said at a meeting with President Ford in 1976, “We strongly request that the President, by Executive order, include Eastern and Southern Europeans in the affirmative action program if this is possible.” This same representative asked that “all ethnics” be included in the 1980 census. “Only the first and second generation is included,” he stated. “You forget about the third, while the blacks and the Latins are always counted.”<sup>201</sup> Valentyn Moroz, too, seemed to believe that different standards were applied to different groups, as when he stated, “The tragedy of Ukraine lies in the fact that the world’s attention is focused on the struggle of Blacks for the decolonization of Africa. If Ukraine were a part of Black Africa, it would be by this time independent.”<sup>202</sup>

What did Carter’s policy accomplish? He certainly continued the congressional and NGO-inspired institutionalization of human rights within the nation’s foreign policy framework. His presidency also lent tremendous visibility to the problem of human rights violations worldwide, and it gave hope to those who had been toiling on the margins. As one scholar wrote, Carter’s presidency “brought a much needed boost in morale to many human rights groups, both in the United States and around the world.”<sup>203</sup> Despite Carter’s failure to win Senate ratification of the Genocide Convention and the other international covenants, he at least won respect for signing these agreements. Prior presidential administrations’ lack of approval had hurt America’s image in the world, and Carter’s signature alleviated this image problem somewhat.

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<sup>201</sup> Remarks and a Question-and-Answer Session With Representatives of Greater Milwaukee Ethnic Organizations, 2 April 1976, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=5781>.

<sup>202</sup> Statement at the William Penn Hotel, Pittsburgh, PA, 26 May 1979, “Ukrainians – Meetings [Valentyn Moroz] 10/78-8/79” folder, box 47, Staff Offices, Ethnic Affairs, Aiello collection, JCL.

<sup>203</sup> Vavrina, “The Carter Human Rights Policy,” 110-111.

With respect to Latin America, Kathryn Sikkink has shown that Carter's policy had some effects in the Southern Cone (Argentina, Uruguay, Paraguay, Chile), but little effect in Guatemala and El Salvador.<sup>204</sup> "Carter administration human rights policies," concludes Sikkink, "had a positive effect on human rights in Argentina and Uruguay, and to a lesser extent in Chile. Perhaps nowhere in the world was Carter's human rights policy more forcefully implemented than toward the countries of Latin America's Southern Cone."<sup>205</sup> He faced too many deeply ingrained attitudes toward Latin America, especially anticommunism and institutional difficulties, such as the foreign-service aversion to conflict with host governments. Still, as a result of his policies and the State Department country reports, various forms of economic and military assistance were cut to Chile, Argentina, Brazil, and Paraguay. The Carter administration also succeeded in publicizing, and thus perhaps saving the lives of, individuals who had been targeted by these governments. In a few cases, his administration acted in Latin America much as it had acted in Eastern Europe by winning the freedom of specific individuals (though fewer than in Eastern Europe, perhaps because there were few ethnic lobbies pushing the dissident issue in South America). The Argentine news editor and onetime political prisoner Jacobo Timerman claimed that Assistant Secretary of State Derian's visit to Argentina won his release. "I know positively how many lives were saved," said Timerman in 1981, "because Patt Derian was making a great scandal. She was always outspoken. There is no other way."<sup>206</sup>

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<sup>204</sup> Sikkink, *Mixed Signals*, 142-147

<sup>205</sup> *Ibid.*, 144.

<sup>206</sup> John M. Goshko, "Argentinian Visits Lefever Hearing, Criticizes 'Quiet Diplomacy' Policy," *Washington Post*, 20 May 1981. See also Christian Williams, "The Torture of Jacobo Timerman," *Washington Post*, 22 May 1981.

The policy had its positive effects in Eastern Europe as well. The Soviet Union generally increased its emigration allowance during the Carter years. Romania, too, altered its emigration policies as a result of behind-the-scenes efforts. As one scholar noted, “While ‘quiet diplomacy’ won few votes on election day, it was certainly an effective approach to dealing with Romania. Through Carter’s efforts, tens of thousands of people were able to emigrate to lands where they could freely exercise their human rights.”<sup>207</sup> Perhaps most important, the Carter administration’s efforts helped keep the Eastern Bloc dissidents in the international eye. These dissidents welcomed the support of the American government, even if this support was often only rhetorical.<sup>208</sup> And as we have seen, Carter was able to win the freedom of some individual dissidents.

In a broader sense, Carter’s policy may have shown the world – especially the governments of Latin America – that mere anticommunism would not be enough to ensure American support. In the long run, this led some governments to alter their practices. To the extent that American policies influenced the democratization push of the 1980s and early 1990s (which saw democratically elected governments replace undemocratic ones in nations around the world), the American position was arguably most strongly influenced by Carter’s policies.<sup>209</sup>

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<sup>207</sup> The government of West Germany was a key force behind Romania’s changes in policy. Harrington, “American-Romanian Relations, 1977-1981,” 98.

<sup>208</sup> Andrei Sakharov, for one, denied that the Carter administration’s human rights policy made things worse for the dissidents. See John Dumbrell, *The Carter Presidency: A Re-evaluation* (Manchester: Manchester University Press, 1993), 123.

<sup>209</sup> For a brief summary of Carter’s attitude toward democratization, see Henry F. Carey, “Free Elections Based on Human Rights Protection: The Carter Contribution,” in Rosenbaum and Ugrinsky, *Jimmy Carter*, 77-87.

## **Chapter 8 – Human Rights and Transatlantic Relations**

In this chapter I take a close look at the Western European reaction to President Carter’s human rights policy, and I consider the role that human rights rhetoric and policies played in transatlantic relations as a whole between 1976 and 1981. Transatlantic relations were important to the wider human rights narrative in a few major ways. First, the Alliance itself was an indirect source of Carter’s original policy. Not only did much of the working framework for handling East/West human rights issues originate in Western Europe, but Carter also hoped his policy would improve America’s image among its European allies, with whom he presumed something of a “values consensus.” Second, European opinion mattered to the Americans. As Robert Kagan has argued, during the Cold War Europeans retained international influence and respect beyond what might have been expected considering European military capabilities. Since Americans had a vested interest in the unity of a “Western” bloc, European influence on international affairs and in matters of “Western identity” was consistently elevated.<sup>1</sup> Third, despite Carter’s good intentions, his policy was generally damaging to the Alliance, and the less-than-enthusiastic reaction of the European leadership was a major source of his change in priorities over the course of his term in office.

Even a cursory glance at the literature reveals a dearth of studies on human rights within the context of transatlantic relations. Scholars have indirectly touched on some such issues – especially the Helsinki process,<sup>2</sup> Soviet-Jewish emigration,<sup>3</sup> and détente<sup>4</sup> –

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<sup>1</sup> Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003), 19-20.

<sup>2</sup> See for example William Korey, *Human Rights, the Helsinki Process, and American Foreign Policy* (New York: St. Martin’s Press, 1993); Daniel C. Thomas, *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism* (Princeton: Princeton University Press, 2001); and Robert Kennedy Eichhorn, *The Helsinki Accords and their Effect on the Cold War*, Ph.D. dissertation (California State University – Fullerton, 1995).

but much remains to be said about the impact of human rights policies on the NATO Alliance.<sup>5</sup> Generally speaking, European leaders challenged the Americans in direct proportion to their respective nations' investment in détente. German and French hostility to the human rights policy was offset by the generally cordial British attitude, which stemmed in part from the similarities between British and American domestic political conditions. As one practical example, I will briefly demonstrate how "human rights" rhetoric was utilized as part of an oppositional political strategy in both the U.S. and the U.K. during these years. I argue that a close inspection of transatlantic human rights debates can enhance our understanding of how different nations defined "rights" and the proper implementation of power in the 1970s. Debates over Carter's policy demonstrate the complex nature of national interests, while the erratic course of transatlantic relations in these years reveals a great deal about the possibilities and limitations of a "moral" foreign policy.<sup>6</sup>

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<sup>3</sup> In previous chapters, I cited Leonard Schroeter, *The Last Exodus*; Petrus Buwalda, *They Did Not Dwell Alone*; and Murray Friedman and Albert D. Chernin, eds., *A Second Exodus*.

<sup>4</sup> Studies of détente tend to mention human rights only in passing. See Jeremi Suri, *Power and Protest: Global Revolution and the Rise of Détente* (Cambridge: Harvard University Press, 2003); Raymond L. Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan* (Washington: Brookings Institution, 1994); and Dan Caldwell, "The Demise of Détente and U.S. Domestic Politics," in Odd Arne Westad, ed., *The Fall of Détente: Soviet-American Relations during the Carter Years* (Oslo, Norway: Scandinavian University Press, 1997), 95-117.

<sup>5</sup> I am using the terms "Alliance," "transatlantic Alliance," and "Western Alliance" interchangeably to represent the entire North Atlantic Treaty Organization (NATO) bloc, though I am focusing on the U.S., West Germany, the U.K., and France. The Soviet Union also plays an important role here as the *raison d'être* for the entire Alliance and thus as a constant impediment to Alliance unity.

<sup>6</sup> Although it is difficult to disaggregate human rights issues from other areas of transatlantic consultation, for the sake of brevity I will omit many other issues that were central to Alliance politics in this period. Such issues include economic problems like the weak dollar, inflation, and unemployment; multilateral frameworks like the fledgling European Monetary System (EMS) and the G7 consultation system; defense and security issues like SALT II, the neutron bomb, and Trident; revolutions in Nicaragua and Iran; and the Soviet invasion of Afghanistan. I am also largely bypassing joint and multilateral diplomatic efforts, such as the Anglo-American attempt to solve crises in Rhodesia/Zimbabwe (where the British welcomed U.S. participation) and Northern Ireland (where the Americans were rather unwelcome partners).

### **Transatlantic Relations, Human Rights, and Détente**

Transatlantic relations in the late 1970s were generally characterized by the kind of goodwill that had prevailed among the allies since 1945. Despite Western Europe's steady drift away from American hegemony and toward European integration, European foreign policy elites retained a considerable Atlanticist bearing. These leaders still tended to see their nations' interests as inextricably bound up with the interests of the U.S., which was still the world's preeminent economic power. True, European leaders could not ignore European public opinion, which had been growing steadily skeptical of American policies since the early 1960s. But although European citizens were becoming increasingly anxious about their nations' ties to Washington, European political leaders continued to share with their American counterparts a common faith in the Alliance and a strong suspicion of Soviet motives. Indeed, after Jimmy Carter left the White House he often said that the relationship between the U.S. and the leaders of Europe was as good as it could possibly have been.<sup>7</sup>

Despite this general amity, transatlantic relations were fraught with disagreement. Because the relative power of each nation had shifted dramatically since World War II, Americans could no longer rely on the governments of Western Europe to accept American policies. Europe had become stronger, and European nations' interests had in many cases diverged from those of the U.S. (For example, since most of Western Europe relied on imported oil, these nations' leaders tended to view American policies in the Middle East as needlessly provocative and dangerous.) The Europeans therefore wanted to assert their unique interests while also insisting upon a degree of independence in the

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<sup>7</sup> Carter himself made this point in a speech at Emory University, 13 October 2004 (recording in author's possession).

NATO Alliance. The French could do so based on their nuclear status and the remnants of Gaullism, while the West Germans could do so as a result of their growing economic might. European leaders also moved closer to integration through the expanding consultative framework of the European Community (E.C.). This community, many in Europe hoped, would serve as a counterweight to American and Soviet power, and it would countermand European military weakness and dependence on the Alliance.

The Europeans also continued to fear the potential dangers inherent in U.S.-Soviet relations. Western European leaders were especially wary of the American right wing, which seemed ever interested in reviving the Cold War. Owing to geography and history, the Europeans constantly worried that the Americans would use Western Europe as a pawn in an East/West power struggle. For example, the U.S.-Soviet SALT II talks were looked at with some trepidation by European leaders because these talks excluded the Europeans from a process that directly affected them.<sup>8</sup> At the same time, although the Europeans did not fundamentally disagree with arms reductions, they worried about the potentially damaging effects of America's weakening economy and its perceived loss of will in defense matters.<sup>9</sup>

Given this mélange of European interests, Jimmy Carter placed a high priority on improved relations with Europe from the very start of his administration. This is not

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<sup>8</sup> Schmidt and Callaghan asked Carter to continue détente, while Giscard told Roy Jenkins that France also wanted détente to continue. Margaret Thatcher, meanwhile, criticized the Carter administration's "overconfidence in the goodwill of the Soviet Union." Writing some years later, she argued that "under the guise of détente the Soviets and their communist surrogates had pursued for some years a policy of covert aggression, while the West had let slip its defenses." Roy Jenkins, *European Diary, 1977-1981* (London: Collins, 1989), 123; Zbigniew Brzezinski, *Power and Principle: Memoirs of the National Security Adviser, 1977-1981* (New York: Farrar, Straus, Giroux, 1983), 165; Thatcher, *Downing Street Years*, 65.

<sup>9</sup> For example, British Ambassador Peter Jay privately asked Brzezinski if Carter "had the guts to use U.S. muscle." Brzezinski, *Power and Principle*, 517. Carter's early defense decisions were hard to gauge, for although he claimed he wanted to improve Western defense capabilities, he also cut production of the B-1 bomber five months after taking office.

surprising, as virtually all modern American presidents have claimed as much upon entering the White House. (As we have seen, Richard Nixon made the same claim upon his accession to the White House in 1969.<sup>10</sup>) But Carter arguably went further than his predecessors. Owing to the post-Vietnam political climate, he had many incentives to seek improved transatlantic relations. He would need European leaders' assistance to combat economic stagnation and monetary stresses, and he would seek European expertise to resolve new international conflicts, especially in the Middle East. Zbigniew Brzezinski – himself a European native – reflected the high priority of improved relations with Europe when he stated that “wider cooperation with our key allies” was the administration's first foreign policy goal.<sup>11</sup>

As for human rights, although Carter took up this cause largely for domestic political reasons – as well as a degree of genuine moral concern – he and his inner circle also hoped that the policy would be a key ingredient in improved transatlantic relations. Just as American legislators earlier in the 1970s had believed that a “moral” foreign policy could improve the international image of the U.S., the Carter administration sought to use a human rights policy to help solidify the Western Alliance. The Carter administration hoped that the world would see the United States as a bastion of liberty in an increasingly authoritarian world. The Ford Administration's “lack of attention to [human rights],” wrote Brzezinski, “had undermined international support for the United States. . . . [A] major emphasis on human rights as a component of U.S. foreign policy would advance America's global interests.”<sup>12</sup>

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<sup>10</sup> Nixon's first presidential trip abroad was to Europe.

<sup>11</sup> Brzezinski, *Power and Principle*, 292; Scott Sullivan, “The Shaky Alliance,” *Newsweek*, 12 May 1980, 48.

<sup>12</sup> Brzezinski, *Power and Principle*, 49, 124.

Consistent with these designs, the opening months of the Carter presidency saw the administration attempt to link America's human rights policies to the interests of the Alliance. Speaking before the U.N. General Assembly, Carter stressed his desire "to work with . . . our close friends to advance the cause of human rights." The United States, he went on to declare, "will support the efforts of our friends to strengthen the democratic institutions in Europe, and particularly in Portugal and Spain." He also gave his endorsement of the human rights portion of the Helsinki Accords.<sup>13</sup> A few months later, he expressed his desire to work with the governments of Europe and Africa to help solve the political and humanitarian problems of Southern Africa.<sup>14</sup> On many other occasions he weighed in on the Eastern European emigration issue, and in a major departure from the policies of his predecessors, he publicly criticized human rights abuses in the Soviet Union. These were all clearly matters for transatlantic consultation.

To much of the European public, Carter's policy appeared promising.<sup>15</sup> Indeed, Europeans and Americans alike were willing to give him the benefit of the doubt on virtually all of his proposals during the customary early-term "honeymoon." The editors of the London *Times* wrote somewhat hyperbolically about Carter at this time, "For the first time since President Kennedy died, the Western world can feel that it has a leader – and one who can both arouse the enthusiasm of peoples and inspire the confidence of statesmen."<sup>16</sup> A poll conducted in Britain in the summer of 1977 showed that over half

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<sup>13</sup> "Address Before the General Assembly," 17 March 1977, PPP, <http://www.presidency.ucsb.edu/ws/?pid=7183>.

<sup>14</sup> "University of Notre Dame: Address at Commencement Exercises at the University," 22 May 1977, PPP, <http://www.presidency.ucsb.edu/ws/?pid=7552>.

<sup>15</sup> An April 1977 U.S.I.A. study showed that majorities in Britain, France, West Germany, Canada, and Japan believed that U.S. pronouncements on human rights were "a good idea." "Foreign Public Opinion on U.S. Advocacy of Human Rights," Office of Research, U.S. Information Agency, 29 April 1977, "Human Rights, 5/77-11/78" folder, box 28, NSA Brzezinski Collection 7, Human Rights Subject File, JCL.

<sup>16</sup> Quoted in C.L. Sulzberger, "How Jimmy Made it at the Top," *New York Times*, 14 May 1977.

of the respondents expressed very great or considerable confidence in the U.S., a major reversal of trends in the 70s.<sup>17</sup> Nevertheless, European leaders were somewhat bewildered by Carter's elevation of human rights to the level of a central policy tool, for it had the potential to cause trouble in areas these leaders considered vital. The chief critic was the German chancellor Helmut Schmidt, whose opinion aptly represented the European realist position. Schmidt was not averse to human rights *per se*, but when East/West issues were concerned he thought it best not to broach the subject in a public forum. Schmidt preferred private negotiations to Carter's public human rights accusations, and this disagreement persisted throughout the Carter presidency.<sup>18</sup> As for the other major leaders, British Prime Minister James Callaghan saw no compelling reason to create a public row over Carter's policy. He believed Carter was sincere, and he concluded that the policy did not contradict any of the Labour government's efforts.<sup>19</sup> French President Valéry Giscard d'Estaing, meanwhile, was willing to applaud American benevolence when it seemed genuine, but much like Schmidt he also worried that Carter was endangering East/West relations.<sup>20</sup>

Carter wasted no time in inadvertently aggravating his European counterparts. As we saw in the previous chapter, several of his early actions provoked the Soviets, and this in turn vexed the Europeans. During Carter's first week in office, he stood up for the

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<sup>17</sup> John Dumbrell, *A Special Relationship: Anglo-American Relations in the Cold War and After* (New York: St. Martin's Press, 2001), 35.

<sup>18</sup> Helmut Schmidt, *Men and Powers: A Political Retrospective* (New York: Random House, 1989), 181-82.

<sup>19</sup> See, for example, Mohsin Ali, "Owen," *Reuters*, 3 March 1977.

<sup>20</sup> Jonathan Kandell, "Some Allies in Europe Now Worry Over Détente," *New York Times*, 17 July 1977. Even Callaghan had some slight misgivings, in part because as a former foreign secretary he knew the difficulties of implementing such policies in the real world. He later wrote of Carter, "Coming new, as he did, to the international scene, his misplaced belief that the Soviets would accept his gestures and policies at their face value led to illusion." James Callaghan, *Time and Chance* (London: Collins, 1987), 482-83. For a brief description of Schmidt's attitude, see Helmut Schmidt, *Men and Powers*, 181-82.

Charter 77 group, Andrei Sakharov, and Vladimir Bukovsky. He also raised the dissident issue in his opening correspondence with Soviet Premier Leonid Brezhnev. “We cannot be indifferent to the fate of freedom and individual human rights,” Carter wrote in this introductory letter, though he also acknowledged that “we represent different social systems and our nations are different in background and experience.”<sup>21</sup> Brezhnev replied by stressing “the necessity to strictly observe the fundamental principles of . . . non-interference in the internal affairs of the other side.”<sup>22</sup> Unsurprisingly, both Carter and Brezhnev would go on to use the “non-interference” argument with some regularity in their correspondence. Specifically, each cautioned the other not to get involved in the internal affairs of countries throughout the developing world.<sup>23</sup> Carter’s February 1977 reply to Brezhnev included a clear statement of this principle:

In Southern Africa we believe Africans should resolve their problems without outside interference. It is to this end that we have been urging peaceful solutions responsive to majority desires and have restricted taking actions that add to the potential for violence.<sup>24</sup>

In the same letter, Carter also attempted to bridge the gap between human rights concerns and détente. Writing in support of the Helsinki agreement, he assured Brezhnev that “it is not our intention to interfere in the internal affairs of other nations.” However, he was equally clear that his public criticisms would continue and he was remarkably candid

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<sup>21</sup> See letter, Carter to Brezhnev, 26 January 1977, “U.S.S.R. – Carter/Brezhnev Correspondence [1/77 – 5/77]” folder, box 18, Brzezinski Donated, JCL.

<sup>22</sup> Letter, Brezhnev to Carter, 4 February 1977, same folder as previous.

<sup>23</sup> *Pravda*, 3 August 1977.

<sup>24</sup> Letter, Carter to Brezhnev, 14 February 1977, “U.S.S.R. – Carter/Brezhnev Correspondence [1/77 – 5/77]” folder, box 18, Brzezinski Donated, JCL.

about the extent to which he was driven by domestic political motives. In his words, “We do not wish to create problems with the Soviet Union but it will be necessary for our government to express publicly on occasion the sincere and deep feelings of myself and our people.” Carter also left the door open to different approaches by saying, “Our commitment to the furthering of human rights will not be pursued stridently or in a manner inconsistent with the achievement of reasonable results. We would also, of course, welcome private, confidential exchanges on these delicate areas.”<sup>25</sup> Over time Carter dropped the human rights rhetoric from his letters to Brezhnev, and correspondences between the two leaders were almost entirely taken up with arms negotiations and other such bilateral matters.<sup>26</sup>

The West German and French leadership considered Carter’s language needlessly provocative. A few months after Carter’s inaugural, Schmidt brought to Washington a message from the leaders of the European Community countries asking Carter to moderate his campaign. That same year Schmidt and Giscard discussed increasing Franco-German cooperation, and Giscard went so far as to say that Carter “[had] compromised the process of détente.”<sup>27</sup> When Giscard met with Brezhnev in Paris in 1977, he was careful to stress that his own position was different from Carter’s and that French defense policy remained independent from that of the transatlantic Alliance.<sup>28</sup>

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<sup>25</sup> Letter, Carter to Brezhnev, 14 February 1977, same folder as previous.

<sup>26</sup> Human rights were still part of the agenda, though. Carter apparently told the Russians, in private, that he would seek a congressional waiver of Jackson-Vanik if the Soviets increased emigration. White House Background Briefing, 12 June 1979, “USSR – [Vienna Summit Briefing Book, 6/79][2]” folder, box 19, Brzezinski Donated, JCL.

<sup>27</sup> “Carter Spins the World,” *Time*, 8 August 1977.

<sup>28</sup> Perhaps we should not read too much into the differences between the U.S. and the French positions. Giscard and Brezhnev clashed over interpretations of détente, with Giscard emphasizing “ideological moderation” and Brezhnev criticizing “certain manifestations of the policy of Western powers,” by which he clearly meant Carter’s policy. Flora Lewis, “Giscard Counters Brezhnev Criticism,” *New York Times*, 22 June 1977.

Indeed, France was an active member of the Western political Alliance, but it continued to hold out against participation in the military structure of NATO. This thorny state of affairs led former U.S. diplomat George Ball to say that human rights had become “a stuck needle, getting in the way of a lot of things which might be more important in the long term.” The Carter administration, averred Ball, was “pursuing the human rights business without fully taking all implications into account.”<sup>29</sup> When Carter clarified his policy midway through his first year, he assured America’s close allies that he did not seek immediate, radical changes to the nation’s international relationships. In his words, “an atmosphere of peaceful cooperation is more conducive to an increased respect for human rights than an atmosphere of belligerence or warlike confrontation.”<sup>30</sup> Nevertheless, European apprehension continued.

What explains this animosity on the part of the European allies? Not only were these issues remarkably complex, but transatlantic human rights disagreements stemmed from more than just differing national interests. They also grew out of differing interpretations of means and ends. At the very least the leaders of these nations all agreed in principle with the most basic individual rights: freedom from arbitrary arrest, freedom from torture, freedom from political persecution, and so on. But political approaches differed radically, and Alliance-wide agreements were a rarity. Considerable differences in tradition and public opinion separated European nations from the U.S. Most significantly, many Western Europeans were more comfortable with an expanded notion of economic and social rights than were Americans (as evident in European nations’ longer welfare traditions, as well as in the European Social Charter of 1961).

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<sup>29</sup> Quoted in “Carter Spins the World.”

<sup>30</sup> “Charleston, South Carolina Remarks at the 31st Annual Meeting of the Southern Legislative Conference,” 21 July 1977, *PPP*, <http://www.presidency.ucsb.edu/ws/?pid=7852>.

European political trends also influenced the international human rights movement and the European reaction to Carter's policies. As European Marxism went into retreat, and as "rights talk" increased in Europe, "Eurocommunism" developed as a more democratic alternative to traditional Marxism. The term represented European communists' shift away from Soviet influence. Santiago Carrillo, one of the key figures of the Eurocommunist movement, defined the movement in these terms: "Socialism, in order to extend and transform itself into a world economic system . . . must recover for itself democratic and liberal values, the defense of human rights, together with respect for dissenting minorities."<sup>31</sup> Before the 1970s, the European left wing tended to criticize such attention to "rights," but the Eurocommunists of the 70s embraced this rhetoric. Despite the altered state of European communism, strong communist parties found broad appeal in Italy and France, a situation that the Carter administration considered "a problem for the governments and peoples concerned." (Carter had long claimed that he would not interfere in other nations' domestic affairs.) At the same time, though, the administration assured Americans that Carter "was not 'neutral' or 'indifferent' regarding political developments among our NATO allies" because America's "ability to work with Western European countries could be impaired if communists came to dominate their governments."<sup>32</sup>

As for the specifics of Carter's approach, the Europeans found much to dislike. The most problematic aspect, they tended to argue, arose out of Carter's determination to maintain détente while pursuing his human rights goals. This controversy was rooted, first, in sharp disagreements over the purposes of détente. American administrations

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<sup>31</sup> Santiago Carrillo, *Eurocommunism and the State* (Westport, Conn.: L. Hill, 1978).

<sup>32</sup> Letter, Jerrold L. Schechter to Mauro Lucentini, 21 May 1977, "1/20/77 - 1/20/81" folder, box HU-18, WHCF, Subject File, JCL.

generally touted détente as an informal means of ensuring peace through arms limitation agreements and a more cooperative international environment. The Soviets, meanwhile, sought Western technology and trade, as well as the material and psychological benefits of a thaw in the arms race. In the Soviet view, détente's relaxation of tensions was to be realized between governments, not individuals. This view was routinely spread in the Soviet press. A typical Soviet editorial of the period asserted that the ideological struggle was supposed to take the form of "a comparison of ideas and facts and a dispute over the intrinsic values of a particular system and must not be turned into a conscious incitement of mistrust and hostility, the falsification of reality or, least of all, subversive activity."<sup>33</sup>

Western European leaders appreciated the peace dividend that grew out of superpower cooperation, but many were more concerned with those aspects of détente that facilitated trade and the free movement of peoples. These differences of interpretation exacerbated European hostility toward Carter's human rights efforts. Even beyond these disagreements over the substance of détente, there was an inherent contradiction in pursuing détente and "human rights" in tandem: pushing the human rights issue clearly undermined the pledge that neither of the superpowers would meddle in the internal affairs of the other. Although the Soviets were accustomed to attacks on their human rights record from ambitious American legislators, now they had to deal with the unprecedented public criticisms of a sitting president. Western Europeans, it should be noted, were far less interested in North/South human rights issues. When the U.S. government targeted a regime like Augusto Pinochet's in Chile, the Europeans had much

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<sup>33</sup> *Pravda*, 3 August 1977.

less at stake than when Americans picked fights with the Soviets.<sup>34</sup> Accordingly, Schmidt and Giscard publicly chastised Carter for singling out the Soviet Union.

The Europeans had many other qualms with Carter's policy. The European leaders agreed with American critics who found it too "moralistic" (much as Europeans had said of Woodrow Wilson, to whom many compared Carter), selective, confusing, and provocative. Furthermore, Europeans had long been wary of American "crusades." As R.J. Vincent has written, "it is part of the pattern of Alliance politics that each member should be skeptical about the initiatives of others, and that each should present as an Alliance interest its special preoccupation."<sup>35</sup> On this last point, some Europeans were also hesitant because, in their eyes, the Americans were embracing "human rights" rather late in the game. Although an entire generation of Americans had grappled with the issue of domestic civil rights in the 1950s and 60s, this same generation had little experience with extending such rights overseas. During this same period Western Europeans had been far more active in handling human rights concerns through the mechanisms of the European Convention.<sup>36</sup> For example, Europeans had consistently marginalized the Franco regime in Spain and the European Commission of Human Rights had ruled against the Greek military junta, which eventually led the Council of Europe to suspend Greece.<sup>37</sup> American officials were particularly interested in the latter action, not because

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<sup>34</sup> West German policymakers generally avoided crises in the developing world, preferring instead to focus on intra-European relationships and East/West issues. Helmut Hubel, "Cooperation and Conflict in German and American Policies toward Regions outside Europe," in Detlef Junker, ed., *The United States and Germany in the Era of the Cold War, 1945-1990: A Handbook, Volume 2: 1968-1990* (Cambridge: Cambridge University Press, 2004), 71.

<sup>35</sup> R.J. Vincent, "The Response of Europe and the Third World to United States Human Rights Diplomacy," in Newsom, *The Diplomacy of Human Rights*, 33.

<sup>36</sup> The Convention for the Protection of Human Rights and Fundamental Freedoms, AKA the European Convention on Human Rights (adopted in 1950).

<sup>37</sup> Sandy Vogelgesang, *American Dream, Global Nightmare: The Dilemma of U.S. Human Rights Policy* (New York: W.W. Norton, 1980), 63-64.

Greece was violating human rights, but because it was a NATO member. Furthermore, the Europeans were the major force behind the Helsinki Final Act, which became the chief mechanism by which East/West human rights disputes were handled after 1975. European willingness to adopt multilateral policies contrasted sharply with the American fear of multilateralism (though as we have already seen, the U.S. government took the lead in devising effective bilateral human rights policies through the Foreign Assistance Act and other legislation). Europeans also had more direct, immediate memories of World War II – the cataclysm that had given rise to all this rights awareness in the first place – and they were the most likely to be directly affected if superpower tensions reached the boiling point. Finally, we should also keep in mind that much of the push for human rights in East/West relations came from within the nations of the Eastern Bloc.<sup>38</sup>

West German leader Helmut Schmidt believed that Europeans shared a common understanding of the tenuous nature of European relations. European unity, Schmidt argued, grew out of common experience and an intimate awareness of Soviet history and politics; other members of the Council of Europe feared East/West friction for much the same reasons as did West Germans. “Europeans,” Schmidt later wrote, “had seen from the outset that the human rights section of the Helsinki Accord could be realized only after favorable political and economic developments in Eastern Europe, and even then

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<sup>38</sup> *Samizdat* indirectly loosened censorship. “Without the free expression by Solzhenitsyn, Zinoviev, [et al],” wrote one Soviet dissident journalist, “without the threat that many more writers would follow their example and independently publish their work abroad . . . would the authorities have allowed our publishing houses to bring out the writings” of so many other non-conformists? “Would they have let Karyakin publish a book on Dostoevsky which does not fit into the framework of the ruling ideology?” Boris Kagarlitsky, *The Thinking Reed: Intellectuals and the Soviet State, 1917-Present* (London: Verso, 1988), 213. (Orig. in P. Tamarin, *Poiski*, vol. 1, 1978, Moscow (*samizdat*), 43.) A pair of Hungarian observers similarly wrote, “Since the late sixties, official culture has ceased to retain its monopoly in Eastern Europe. In some of these countries the non-official forms of communication have become customary, and in others, efforts have been made towards the same end. . . . Political ideologies, practical programmes and tactical conceptions are formulated and sometimes even political movements – though embryonic – are born.” Kagarlitsky, *The Thinking Reed*, 212. (Orig. in G. Bence and J. Kis, “On Being a Marxist: A Hungarian View,” *Socialist Register*, 1980, 281.)

only very slowly and in small steps.” The peoples of Europe were “more familiar with Russian history and the Soviet present,” and thus knew that Carter’s attempts “would not succeed.” Central Europeans’ recent memories – Budapest in 1956, Prague in 1968, “and the powerlessness of the West in such situations” – were “only too vivid.”<sup>39</sup>

The Carter administration believed that these attitudes toward human rights masked European self-interest. American policymakers saw their European counterparts as particularly unprincipled in the developing world, where each nation’s particular economic interests made multilateral agreements nearly impossible. For their part, the Europeans occasionally muted their public criticisms of human rights abuses in the developing world because it was in their economic interests to do so. For example, after private lobbying by some developing nations, the European Community limited references to human rights in the Lomé II renewal agreement of 1979-80.<sup>40</sup> To the Carter administration, European self interest was even more reprehensible when the Europeans took advantage of American boycotts. As just one example, when the U.S. government halted American arms sales to Argentina in 1978 as a result of Jorge Videla’s authoritarian rule, Argentine leaders went straight to the European market, where arms dealers were only too happy to fill a new set of orders. Contractors from France, West Germany, Italy and Israel filled the vacuum and American contractors subsequently lost upwards of one billion dollars in Argentina in 1978 alone.<sup>41</sup>

The Soviets – well aware of Western European discontent with Carter’s foreign policy – routinely employed *divide et impera* tactics as a means of further weakening the

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<sup>39</sup> Schmidt, *Men and Powers*, 182-183, 57-58.

<sup>40</sup> This was a trade and aid agreement with the African, Caribbean, and Pacific (ACP) countries. The first Lomé agreement was signed in February 1975. Vogelgesang, *American Dream, Global Nightmare*, 76-77.

<sup>41</sup> *Ibid.*, 220.

Alliance. During Carter's first year in office, Brezhnev tried to convince Giscard and Schmidt that Carter's human rights policy would imperil détente and that the French and Germans should therefore try to convince the American president to change his approach.<sup>42</sup> Thereafter the Soviet leadership consistently attempted to exploit latent German and French feelings of resentment toward the U.S. In 1979-80, when the U.S.-Soviet relationship was deteriorating rapidly, Brezhnev gave a series of speeches aimed at goading (or even taunting) the Germans and French into accepting their role in keeping détente intact.<sup>43</sup> The Soviet press also kept up the chatter, chastising the West Germans and the French for acquiescing to American dominance.<sup>44</sup> The Soviets got further mileage out of Carter's policy by suggesting that it had triggered other East/West agreements. When Zbigniew Brzezinski warned Soviet Ambassador Anatoly Dobrynin that the Soviets should not "[exploit] turbulence in the Third World" (by which he meant the presence of Soviet or Cuban troops in Africa), the latter replied by saying that the Soviets might have been more sensitive to American concerns if the Carter administration had not "artificially inflamed the human rights issue." Dobrynin further suggested that "Soviet irritation over the human rights issue" closed the door to breakthroughs on escalating Soviet and Cuban involvement in Africa.<sup>45</sup>

### **The West German Perspective**

The West German perspective can teach us a great deal about transatlantic relations in this period, for West Germany was the linchpin when it came to East/West security and

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<sup>42</sup> Kandell, "Some Allies in Europe."

<sup>43</sup> See *Pravda*, 13 January 1980; 23 February 1980; and, 30 August 1980.

<sup>44</sup> *Yearbook on International Communist Affairs 1981* (Stanford, CA: Hoover Institution Press, 1981), 317-319.

<sup>45</sup> Memcon, Dobrynin and Brzezinski, 20 September 1978, "U.S.S.R. – U.S.-Soviet Relations 7/78 – 3/80" folder, box 19, Brzezinski Donated, JCL.

rights issues. In the words of Helmut Schmidt, NATO was “an essentially American-German alliance.”<sup>46</sup> However, a rift between the U.S. and West Germany – or between Carter and Schmidt – developed almost immediately upon Carter’s accession to office. When the newly inaugurated President Carter proposed that both the U.S. and the Soviets lower their joint upper limit for strategic weapons, Schmidt lambasted him for his ignorance of U.S.-Soviet relations. The West Germans agreed with the Soviets that Carter’s goals were inconsistent with earlier understandings signed by Richard Nixon, Gerald Ford, and Brezhnev, especially the Basic Principles (1972) and the Vladivostok agreement (1974).

Soon Carter’s human rights policy became the source of German consternation. Much as Nixon’s détente policy had upset the balance of Willy Brandt’s *Ostpolitik* a few years earlier, Carter’s human rights policy did not go over well with the West German leadership. When Carter raised the issue of human rights at the 1977 London G7 Summit (his first summit with European heads of state), European Commission President Roy Jenkins noted that it “caused some pursing of lips among German officials” who thought the American was setting himself up for disappointment.<sup>47</sup> Schmidt advised Carter that the Alliance members should not get “neurotic” about human rights and he lobbied against the creation of a common fund that, in his opinion, would do the developing world little good in the long run.<sup>48</sup> Schmidt later wrote of this period,

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<sup>46</sup> Quoted in Gottfried Niedhart, “The Federal Republic of Germany between the American and Russian Superpowers: ‘Old Friend’ and ‘New Partner,’” in Junker, ed., *The United States and Germany*, 30. (Orig. in Note, Schmidt to unnamed recipient, December 1976, “Erwägungen für 1977” folder, Archiv der sozialen Demokratie der Friedrich-Ebert-Stiftung, Bonn, Schmidt Dep., 6567.)

<sup>47</sup> Callaghan, *Time and Chance*, 482-83.

<sup>48</sup> Sulzberger, “How Jimmy Made it at the Top.”

From my European point of view of the situation, Carter's first response to Soviet policies in 1977 contained serious flaws. The accusation he publicly leveled over and over, that Soviet citizens were deprived of all human rights, could not, of course, alter their lives in any way, but it would inevitably embitter the Soviet leadership.<sup>49</sup>

Schmidt's political philosophy explains much about his reaction to Carter's policy. "Europeans in the field of foreign policy," he told an American audience in 1983, "tend to be realists, pragmatists, skeptics. Somebody has articulated that by saying, 'It is not the crook in politics whom we fear, but the honest man who does not know what he is doing.'"<sup>50</sup> Schmidt understood that the American public demanded something other than "politics as usual" in the post-Watergate environment, but he also often pointed out Germany's precarious geographical position in Central Europe, to say nothing of the number of strategic missiles on West German soil. "We are much nearer the problem than you are," he reminded the same American audience. "Your freedom is not at stake in the United States. There are some nations in the world that live much closer to the Soviet Union and their freedom really might be at stake." "Nobody in the United States," he added, "should expect that we Germans would easily give up the double concept of being able to defend ourselves and on the other hand seeking cooperation and détente with that very closeby, very powerful neighbor." On this point, Schmidt quoted the British author John Galsworthy: "Idealism increases in direct proportion to one's distance

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<sup>49</sup> Schmidt, *Men and Powers*, 182.

<sup>50</sup> Helmut Schmidt, "West/East Relations: The European Perspective," lecture delivered at Tulane University, New Orleans, 19 October 1983 (New Orleans: Tulane University, 1984), 4.

from the problem.”<sup>51</sup> When reflecting on Carter’s initial foreign policy proposals, Schmidt would later write, “The European governments had no need of a new beginning in Washington; instead they had high hopes for a confirmation of America’s overall strategy and its consistency in pursuing it.”<sup>52</sup>

Schmidt’s attitude toward Carter contrasted sharply with his good feelings toward Presidents Nixon and Ford, whom he had considered consistent and trustworthy. Nixon had patterned détente after German initiatives, and neither he nor Ford inserted human rights concerns into U.S.-West German relations. In personal terms, Schmidt had gotten along extremely well with Ford, even though Ford was a Republican and Schmidt a Social Democrat. To Schmidt, the Ford presidency had been a time of minimal mutual suspicions or doubts, a time in which “there was confidence in a moderately imposed American leadership that forbore playing out its role in public. All this was not altogether lost after the change in the presidency [in 1976], but it did crumble.”<sup>53</sup> Schmidt had similarly appreciated the steady course of Henry Kissinger, who, although “his basic moral values were typically American,” was “much too rational to use America’s power as a policeman for moral uplift, as many Americans tend to do when it comes to international politics.”<sup>54</sup> Carter’s human rights policy, on the other hand, seemed to be just another in a long line of American attempts to capitalize on political trends. As Schmidt argued many times, this kind of sentiment rarely lasted very long in the United States.

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<sup>51</sup> Ibid.

<sup>52</sup> Schmidt, *Men and Powers*, 181.

<sup>53</sup> Ibid., 175.

<sup>54</sup> Ibid., 180.

It is impossible to say just how much of this rift stemmed from German national interests and how much was simply the result of personal antipathies between Schmidt and Carter. For although years later Carter would say that he considered Schmidt a friend, the evidence of ill feeling between the two is rather overwhelming.<sup>55</sup> As the journalist Klaus Wiegrefe has shown, German-American relations during the Carter years were fractious on nearly every level.<sup>56</sup> Things got off to a bad start between the two men when Schmidt publicly endorsed Gerald Ford in the 1976 election. Thereafter, Schmidt called Carter everything from an “idealistic preacher” to “fickle,” and probably much worse behind closed doors.<sup>57</sup> Shortly after Carter left office, Schmidt said that Carter “thought of bringing human rights back to the Russian nation, but the Russians never had it – not in 500 years.”<sup>58</sup> These comments are particularly telling because Schmidt was arguably one of the most “pro-American” European leaders of this era. Unsurprisingly, the personal antipathy went both ways. Carter was particularly turned off by Schmidt’s arrogance and lecturing, noting in his diary, “Helmut is strong, somewhat unstable . . . postures, and drones on, giving economic lessons when others are well aware of what he is saying.” However, ever the amiable Southern Baptist, Carter concluded this entry with the rather more diplomatic – and purposefully bland – statement that Schmidt was “very popular in his own country.”<sup>59</sup>

Personal issues aside, Schmidt’s attitude grew primarily from the belief that West Germany had gained the most from détente and thus had the most to lose should détente deteriorate. In Schmidt’s words, “Détente has brought success for the Germans in

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<sup>55</sup> Jimmy Carter, Speech at Emory University.

<sup>56</sup> Klaus Wiegrefe, *Das Zerwürfnis: Helmut Schmidt, Jimmy Carter und die Krise der deutsch-amerikanischen Beziehungen* (Berlin: Propyläen Verlag, 2005).

<sup>57</sup> Schmidt, *Men and Powers*, 57, 181.

<sup>58</sup> Helmut Schmidt, “West/East Relations,” 4, 9, 12-13.

<sup>59</sup> Schmidt, *Men and Powers*, 182; Jenkins, *European Diary*, 225; and, Carter, *Keeping Faith*, 113.

particular, in a manner and to an extent which could not have been expected at the beginning of the road,” and the “missionary zeal” of the Carter administration threatened these successes.<sup>60</sup> Contacts between East and West Germany expanded dramatically during his time as chancellor, and his government brought 424,000 people from the Eastern bloc (particularly Romania and the U.S.S.R.) into West Germany. In 1976-77 alone, 8 million West Germans visited family and friends in the East. Schmidt attributed his success in these endeavors to quiet diplomacy.<sup>61</sup> Emigration of Germans from the U.S.S.R. rose steadily in the first half of the 1970s, peaked in 1976, then decreased every year thereafter.<sup>62</sup> Several factors influenced this drop-off, though Schmidt tended to blame Carter’s meddling in the détente process.<sup>63</sup> In addition to ethnic German emigration and closer ties to East Germany, *Ostpolitik* had brought about a significant amount of trade with Eastern Europe. Indeed, the West German leadership saw East/West trade as one of *Ostpolitik*’s primary benefits. West Germany became the Soviet Union’s most favored Western trading partner, which was especially important because this was a time of economic uncertainty for all Western nations. Clearly, then, the Germans were the ones most likely to balk at challenges to the status quo. These numbers also demonstrate that Germans were most interested in a few specific rights in the East/West divide: family reunification, emigration, and visitation. Nevertheless,

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<sup>60</sup> Schmidt, *Men and Powers*, 58; Kandell, “Some Allies in Europe.”

<sup>61</sup> Kandell, “Some Allies in Europe.” The governments of West Germany and Romania struck a deal in which several thousand ethnic Germans were allowed to emigrate to West Germany annually in exchange for credits and per-person payments of thousands of Deutsch marks. See Vlad Georgescu, “Romania in the 1980s: The Legacy of Dynastic Socialism,” *Eastern European Politics and Society* 2, no. 1 (Winter 1988): 90, n57.

<sup>62</sup> Cited in Geoffrey Edwards, “Human Rights and Basket III Issues: Areas of Change and Continuity,” *International Affairs* 61, no. 4 (Autumn 1985): 634. In the early 1980s more Germans emigrated from East Germany and Romania than from the U.S.S.R.

<sup>63</sup> Schmidt, *Men and Powers*, 58.

despite the Germans' gains, they did not see a reduction in Soviet arms.<sup>64</sup> Thus the Germans still had considerable fears of Soviet military power. Just as Moscow was able to use emigration as a wedge issue in the U.S. (because of the congressional interest in Jewish emigration), the Soviets were able to do so with the West Germans after 1972.<sup>65</sup>

West German domestic politics also influenced Schmidt. From an electoral standpoint, increased trade with the East was clearly popular among labor unions and the business community. Furthermore, the most prominent members of Schmidt's Social Democratic Party – Willy Brandt, Herbert Wehner, and Egon Bahr – were also the chief architects of *Ostpolitik* and thus had an interest in continuing what they had started. As for the West German public, younger West Germans and adherents of the political left supported greater independence from the U.S. The former were influenced in part by coming of age in more prosperous times, when close contacts with the U.S. no longer seemed so beneficial to ordinary Germans. The latter, meanwhile, sought to challenge virtually all forms of American power, or at least “American-style” capitalism. The emergence of the Green Party was a clear illustration of this development.<sup>66</sup> (It is worth pointing out that many of Europe's left-wing parties worried that the American leadership would start a new Cold War by using human rights to confront the Soviets.<sup>67</sup>) Finally, West German leaders had been seeking better relations with their neighbors as a matter of national policy since World War II. Konrad Adenauer had done so with respect to France

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<sup>64</sup> Niedhart, “The Federal Republic of Germany,” 30.

<sup>65</sup> Cathal J. Nolan, *Principled Diplomacy: Security and Rights in U.S. Foreign Policy* (Westport, Conn.: Greenwood Press, 1993), 136. For an indication of what the American policymakers knew about the German point of view, see Memo, Günther Gillesen, “German-American Relations: A German View,” January-February 1980, “Brzezinski – General” file, FG-Organizations box, F6-1-1, JCL.

<sup>66</sup> See Stephen F. Szabo, “West Germany: Generations and Changing Security Perspectives,” in Stephen F. Szabo, ed., *The Successor Generation: International Perspectives of Postwar Europeans* (London: Butterworth, 1983), 43-75.

<sup>67</sup> Donald Fraser, “Human Rights and U.S. Foreign Policy,” *International Studies Quarterly* 23, no. 2 (June 1979): 178.

and the other Western European nations, while Brandt and Schmidt had created what Schmidt considered “at least some form of good neighborhood with Eastern neighbors: the Poles especially, the Czechs, the Hungarians and, of course, the Russians themselves.”<sup>68</sup> Because Soviet popular feeling was strongly anti-German, Brezhnev had to show some creativity in order to take the potentially dangerous step toward friendly relations with West Germany. All of these relationships were threatened by Carter’s human rights overtures.

In all fairness, Schmidt seems to have overestimated Carter’s naïveté on some of these points. The American president certainly did understand that the Soviets would bristle at the zeal with which he pursued the human rights cause. After all, Soviet anger over American attempts to improve the human rights situation in the Eastern bloc had been boiling for years. Furthermore, we must assume that Carter was far more interested in pleasing his countrymen than in pleasing the Soviet Politburo or the West German Bundestag. As to German interests, Carter was also well briefed (at least by his final year in office) on West Germany’s special needs regarding freedom of migration. In 1980 Carter wrote to Schmidt, “I fully understand the importance to the Federal Republic, as to the United States, of détente. We support your country’s desire, felt more acutely than any other European nation, to benefit from the freer movement of people in Europe.” At the same time, though, Carter asserted that German interests would have to take a backseat to Alliance unity in times of crisis. “The Soviet Union’s unprecedented

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<sup>68</sup> Schmidt continued, “We even have learned to live with the fact of our nation being divided – 17 million so to speak ‘hostages’ in the hands of the Soviets – although we are not going to give up the desire to ultimately be united again.” Schmidt, “West/East Relations: The European Perspective,” 12.

invasion of Afghanistan,” he wrote, “is simply not consistent with détente in Europe, and this must be made clear to the Soviet leadership.”<sup>69</sup>

The French perspective is also worth considering here, for common French and German aims led to the development of a strong Franco-German entente in this period. Much like the West Germans, France had benefited from increased trade with the Eastern Bloc in the 1970s. A closer Franco-Soviet relationship offered an alternative to American domination, which in turn gave France a stronger position within Europe. Continued close ties to Germany, meanwhile, served as a means of checking German power.<sup>70</sup> After the Soviet invasion of Afghanistan, the French leadership acted contrary to Washington’s wishes on several fronts, while French Foreign Minister Jean Francois-Poncet brusquely stated that France had “no intention of doing anything” that might revive the Cold War.<sup>71</sup> President Giscard d’Estaing even went so far as to say that Washington, not Moscow, was responsible for an increase in world tension. According to Roy Jenkins, Brezhnev told Giscard that he found Carter difficult to deal with, “alleging that his amateurish foreign policy was endangering détente; French sympathy, Giscard said, was much on the Russian side.”<sup>72</sup>

The international crises of 1979-80 – the Iran-Hostage crisis, the Soviet invasion of Afghanistan, and the Nicaraguan revolution – tested the strength of transatlantic

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<sup>69</sup> Letter, Carter to Schmidt, 7 March 1980, “Germany, Federal Republic of – Chancellor Schmidt” file, box 7, National Security Adviser, Brzezinski Material, JCL. Brzezinski, who was Carter’s closest “Europeanist,” tried to understand Schmidt’s petulance in terms of his domestic obligations, saying that Schmidt was “under pressure in Germany, in part because of what we have been doing.” Brzezinski, *Power and Principle*, 292.

<sup>70</sup> Minton F. Goldman, “President Carter, Western Europe, and Afghanistan in 1980: Inter-Allied Differences Over Policy toward the Soviet Invasion,” in Herbert D. Rosenbaum and Alexej Ugrinsky, eds., *Jimmy Carter: Foreign Policy and Post-Presidential Years* (Westport: Greenwood Press, 1994), 28-29; Frank Costigliola, *France and the United States: The Cold Alliance since World War II* (New York: Twayne Publishers, 1992), 184.

<sup>71</sup> Yet when Giscard met with Brezhnev he warned the Soviet leader not to interfere with the Persian Gulf region. *Le Monde*, 12 January 1980; 20 April 1980.

<sup>72</sup> Jenkins, *European Diary*, 123.

relations and Carter's human rights policy. As a result of these crises (and other factors), Carter embraced a hard-line approach to international affairs. This turnabout stemmed in part from flawed perceptions, as the Carter administration misread the goals of both the Iranian revolutionaries and the Soviet government. But domestic factors also contributed. Double-digit domestic inflation rates and a powerful election year challenge from within Carter's own party made it doubly clear that "human rights" would not serve Carter as well in the 1980 election as it had in 1976. True, he could use rights rhetoric as a means of differentiating himself from his most likely challenger, Ronald Reagan. But the electorate was drifting to the right, and Carter had become convinced that the only appropriate strategy for his foreign policy – and for victory in the election – was the Cold War reorientation advocated by Zbigniew Brzezinski.

Carter's turnabout touched off a new set of intra-Alliance quarrels, as once again the governments of Western Europe challenged Carter's interpretation of world events. As Carter began to downplay human rights rhetoric, the Europeans became more concerned with other manifestations of U.S. unilateralism. By spring of 1979, Schmidt had decided to chart a more independent course. When Carter opened diplomatic relations with China without consulting Schmidt, the chancellor expressed what his advisers considered "shock and anger." Schmidt feared that the Americans were reviving the Nixon/Kissinger plan of playing the Chinese against the Soviets, a situation in which, as one West German official put it, "Ultimately, we in Europe would be the losers."<sup>73</sup> More important to the breakdown of the Alliance was the combination of Carter's policy vacillation on the Iran and Afghanistan issues and the increasing influence of Brzezinski,

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<sup>73</sup> *Newsweek*, 12 March 1979, 44.

who largely ignored the Germans' interests.<sup>74</sup> Said one Schmidt adviser, "It's not a question of the tail wishing to wag the dog. But when the dog ignores the tail, then the tail has to wag itself."<sup>75</sup>

Electoral concerns were important on both sides of the Atlantic. Schmidt, like Carter, was facing a general election in 1980, and doubtless he realized that anti-American sentiment was growing in West Germany, especially on the left. In the wake of Carter's "revival" of the Cold War, many ordinary Germans quickly forgot just how idealistic the Carter administration had seemed only a few years earlier. Opinion polls in early 1980 showed that more than half of West Germans worried that the U.S. and U.S.S.R. were close to starting a third world war. A group of German authors, including Gunter Grass, publicly asked the West German government to "loose yourself from the American government, which since Vietnam at the latest has lost all right to a moral appeal."<sup>76</sup> In this environment, a tough public stand against Carter could only help Schmidt, and indeed Schmidt's rising poll numbers seemed to reflect the prudence of his decision.<sup>77</sup>

When this new rift developed over the Iranian and Afghanistan situations, the Carter administration countered French and German claims with some harsh criticisms of its own. As one Carter administration aide said of the American attitude toward Europe, "There's as much hostility among the people I talk to toward the allies as toward Iran."<sup>78</sup> As for the Soviet invasion of Afghanistan, the Americans felt that the Europeans' only consistent response was to oppose American proposals. Said one official in Washington,

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<sup>74</sup> Schmidt, *Men and Powers*, 186-87.

<sup>75</sup> *Newsweek*, 12 March 1979, 44.

<sup>76</sup> Elizabeth Pond, "U.S.-German Relations Ease as Europe Acts against Iran," *Christian Science Monitor*, 24 April 1980.

<sup>77</sup> *Christian Science Monitor*, 4 March 1980, 7.

<sup>78</sup> Quoted in Steven Strasser, "The Wavering Allies," *Newsweek*, 21 April 1980, 36.

“The Europeans all agree that something has to be done” to stand up to Soviet aggression in Afghanistan, “but every time the U.S. does something, they throw up their hands in horror. So I ask what should we do instead, and nobody has any ideas.”<sup>79</sup> A U.S. ambassador in Western Europe surely spoke for many Americans of this period when he said, “Ever since Vietnam, the Europeans have been urging us to show some backbone. Now we’re out there with all flags flying, and all they can do is whine.”<sup>80</sup> A White House aide similarly remarked, “It’s a classic pattern. Whenever West European leaders are under political pressure at home, they get vocally nationalistic, carping at the ever available Americans.”<sup>81</sup> Even Carter got into the act, saying that the allies “ask for understanding, yet they often decline to understand us in return. Some ask for protection, but are wary of the obligations of Alliance.”<sup>82</sup> The Americans also consistently complained that the Europeans were not living up to their defense obligations in the Western Alliance (a long-running American complaint, to say the least). When Secretary of State Edmund Muskie complained that the Europeans were not living up to the agreed defense budget increase, his defense secretary quipped, “The Allies . . . always rebuff us for putting too much pressure on them about defense contributions . . . only by chiding them do we get them to act.”<sup>83</sup> The Americans also resented Schmidt’s tendency to say

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<sup>79</sup> Elizabeth Pond, “U.S.-German Relations Ease as Europe Acts Against Iran,” *Christian Science Monitor*, 24 April 1980, 7.

<sup>80</sup> The ambassador spoke anonymously. Scott Sullivan, “The Shaky Alliance,” *Newsweek*, 12 May 1980, 48.

<sup>81</sup> Quoted in “Carter Spins the World.”

<sup>82</sup> Pond, “U.S.-German Relations Ease,” 7.

<sup>83</sup> Memo, Brzezinski to Carter, 25 November 1980, “Meetings – Miscellaneous Memos: 3/78-11/80” folder, box 23, Brzezinski Donated, JCL. Muskie had replaced Cyrus Vance earlier in the year following Vance’s resignation.

one thing to Carter administration officials before turning around and saying something else to the German public or the German press.<sup>84</sup>

The West Germans considered American anger over these issues to be misplaced, and they vigorously assured the Americans that Europe would be there when it really mattered. A Schmidt adviser insisted that U.S. officials “must realize we are not cowards. We are not thinking of making profits out of the Soviet Union, and we are not selfish.” Schmidt also told an American senator in a private meeting, “You can rest assured that you can depend on the bloody Germans.”<sup>85</sup> Moreover, when European leaders responded negatively or silently to American human rights action on trade and aid, they pointed out they were often giving in other ways. The nine EEC nations’ total exports to Iran dropped by two-thirds in little over a year after the Iranian Revolution began in early 1979. Imports were also affected. The Netherlands’ oil imports dropped from 55% to 6%, while Belgium’s dropped from 29% to 10%.<sup>86</sup> Given these numbers, it is perhaps unremarkable that, although European governments all assailed the Iranian revolutionaries for taking American hostages, they were far less unanimous in their endorsement of a Carter-proposed sanctions package against Iran. Even members of West Germany’s conservative opposition went along with Schmidt’s criticisms. Christian Democrat Alois Mertes, who was otherwise a committed atlanticist and a friend of many American politicians, assailed Carter’s policies of 1979-80, saying in the *Frankfurter Allgemeine Zeitung*, “The belief in the American security guarantee for Europe . . . stands especially on the trust of Europeans in the political leadership,

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<sup>84</sup> At the Guadaloupe summit of January 1979, Schmidt lectured Carter on the importance of American strength, and shortly thereafter it was reported that he had told a colleague, “at least Carter is a good pupil, and he’s gradually learning.” *Newsweek*, 12 March 1979, 44. See also Carter, *Keeping Faith*, 537-538.

<sup>85</sup> *New York Times*, 17 June 1980.

<sup>86</sup> “How to Be a Good Ally Without Putting Oneself Out,” *The Economist*, 19 April 1980, 47.

capability and calculability of the American president. The constant insecurities and uncertainties are, for that reason, endangering the life of NATO.”<sup>87</sup> By the end of the 1970s, nearly all parties agreed that transatlantic relations had reached a low point, as evidenced by one German newspaper’s assertion that alienation between the two sides of the Atlantic was worse than at any time since the Second World War, including the Vietnam era.<sup>88</sup>

### **The U.S. and Britain: Human Rights as an Oppositional Strategy**

Given the apparent unanimity of the West German and French leadership, one might naturally assume that the Alliance nations were united in their animosity toward Carter’s human rights policy and his subsequent “tough turn” to Cold War diplomacy in 1979-80. However, the leadership of Britain did not share these French and German attitudes. For a variety of reasons – some traditional, some temporary – the governments of James Callaghan and Margaret Thatcher cultivated quite close relations with the Carter administration. The British were more amenable to Carter’s human rights policy in part because the U.K. was not as deeply invested in détente as were West Germany and France.<sup>89</sup> Also significant, though difficult to measure, was a shared feeling of an Anglo-American “rights” tradition. This surely helps explain why some of the period’s most influential human rights NGOs were based in Britain. But perhaps the most important short-term factor was a common Anglo-American feeling of national decline that made

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<sup>87</sup> Quoted in Michael Getler, “West German Says Carter’s Moves Threaten NATO,” *Washington Post*, 27 July 1979.

<sup>88</sup> *Kölnner Stadt-Anzeiger*, 25 February 1980. See also Steven Strasser, “The Wavering Allies,” *Newsweek*, 21 April 1980, 36.

<sup>89</sup> As Brian White has argued, although British governments played a considerable role in laying the groundwork for détente in the 1950s and early 1960s, beginning in the mid-1960s British influence on détente gradually declined. *Britain, Détente, and Changing East-West Relations* (London: Routledge, 1992).

human rights activism a significant form of personal and national edification. Just as Americans were enduring stagflation, oil crises, and the humiliations of Vietnam and Watergate, Britons were putting up with power cuts, high unemployment, and the decade's capstone, the 1978-79 "Winter of Discontent."<sup>90</sup> In this atmosphere of cynicism, Britons and Americans alike hoped that traditional principles could triumph where flawed individuals had failed.

For personal and political reasons, James Callaghan's government believed that the U.K.'s interests lay closer to those of the U.S. than to those of France and Germany. At the same time, the Callaghan government undoubtedly saw itself as an intermediary between the Americans and Europeans. That is to say, the British positioned themselves as the ones who could best explain America's intentions to Europe, and vice-versa. Meanwhile, Carter seems to have looked to Callaghan as a wise elder statesman with expertise in European affairs. According to one participant at the 1977 London G7 summit, because Callaghan understood Carter's point of view, "he was good at easing things through and handling the prickly Schmidt."<sup>91</sup> We can say with some certainty that the Americans appreciated British input on a variety of issues and thus cultivated the latent British belief in a "special relationship." This relationship is evidenced in the fact that Callaghan enjoyed regular access to the Carter White House, while Helmut Schmidt did not. Neither the French nor the Germans were altogether pleased with this close Anglo-American friendship or the leaders it represented. Roy Jenkins noted that Giscard and Schmidt were "rather hostile to Callaghan, whom they saw as semi-detached towards

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<sup>90</sup> The "Winter of Discontent" was a term used to describe the wave of strikes and shortages that resulted from public-sector employees' anger over high inflation and limits to pay raises. The strikes caused major public disruptions and thus symbolized to many the Labour Party's loss of control over the unions. The events of the winter of 1978-79 were a key reason behind the Conservative Party's 1979 victory.

<sup>91</sup> Quoted in Sulzberger, "How Jimmy Made it at the Top."

Europe, too attached to the unesteemed President Carter, and running an ineffective economy to boot.”<sup>92</sup> This is not to confuse access with influence. As Beatrice Heuser has suggested, “Perhaps Washington manipulates the British to defend its policies in Europe by exploiting their fear of losing what they *believe* to be their special relationship.”<sup>93</sup> At any rate there was a recognizable asymmetry here: the influence of American wishes on British policies was much more pronounced than vice-versa.

As one demonstration of the similarities between the American and British political situations, human rights attacks became a routine part of oppositional political strategies in both nations. That is to say, just as the major American political figures of this period regularly criticized the human rights records of their opponents as a means of unseating an incumbent, so did British politicians. Jimmy Carter and Ronald Reagan did so during the 1976 and 1980 campaigns, respectively, and Margaret Thatcher did so while she was leader of the loyal opposition (1974-79).<sup>94</sup>

As leader of the opposition in Britain, Thatcher was more than willing to fly the human rights flag when it suited the cause of the Tories. She routinely spoke for the “liberty” party (represented in the U.S. at this time by such “neoconservatives” as Daniel Patrick Moynihan and Norman Podhoretz) by arguing that “we must always stand for liberty and we must ask other countries to tolerate it within their borders because we see it as part of the larger tolerance which is necessary if peace is to have a firm foundation.”<sup>95</sup> Although she did not go so far as to approve the Wilsonian corollary that

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<sup>92</sup> Jenkins, *European Diary*, 22.

<sup>93</sup> Dumbrell, *A Special Relationship*, 41.

<sup>94</sup> See, for example, “The Carter-Reagan Presidential Debate,” 28 October 1980, Commission on Presidential Debates, <http://www.debates.org/pages/trans80b.html>.

<sup>95</sup> Margaret Thatcher, “Conscience Can Make Free Men of Us All,” press release, 14 December 1978, Margaret Thatcher Foundation, <http://www.margaretthatcher.org/speeches/displaydocument.asp?docid=103802>.

British- or American-style constitutional democracies could be easily exported, her attitude wavered between calculated pragmatism and liberal idealism. This strategy required some rhetorical nuance. Consider these two speeches, which Thatcher gave the year before she became prime minister. In the first she positioned herself firmly within the realist camp, arguing that Western governments should try to work with authoritarian regimes rather than face the consequences of ill-conceived efforts to overthrow them:

Sometimes politics is a choice between evils, and those who take it upon themselves to promote the destruction of an existing order, however imperfect it may be, must consider what is likely to result from their action. The choice is often between an existing government moving painfully and slowly towards increasing liberty, and a violent revolution which may well result in the substitution of a regime which extinguishes liberty.<sup>96</sup>

Yet that same year, her words at a Catholic conference sounded as though they had been lifted directly from the Carter speechwriting team's bag of moral platitudes. "Our relationship with the Soviet Union," she argued, "cannot be separated from the issue of human rights. Respect for human rights is the foundation of our democratic way of life. So accustomed are we to this thought that we regard as normal in our countries a degree of respect for human rights which is unparalleled elsewhere in the world."<sup>97</sup> So although Thatcher was committed to stability and order in international affairs, she was also

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<sup>96</sup> Ibid.

<sup>97</sup> Margaret Thatcher, "The Sinews of Foreign Policy," Speech to Les Grandes Conférences Catholiques, 23 June 1978, Margaret Thatcher Foundation, <http://www.margaretthatcher.org/speeches/displaydocument.asp?docid=103720>.

willing to appeal to Britons' sense of idealism as a means of criticizing the Soviets and the Callaghan government.

It is significant that Thatcher agreed with Jeanne Kirkpatrick's notion that "authoritarian" regimes of the right were preferable to "totalitarian" regimes of the left. Thatcher echoed these sentiments in her ideological defense of the authoritarian nations she considered allies, such as South Korea, Brazil, and the Philippines. In her words,

Six years ago alongside the Marxist authoritarian regimes in Eastern Europe there were three other dictatorships, in Spain, Greece and Portugal. It is no coincidence that all the Marxist regimes remain, while the others have vanished and have given way to democracy. The former rely not only on military support from the Soviet Union but also on a much more pervasive system of controls.<sup>98</sup>

Yet Thatcher also paradoxically asserted that there should be no double-standard when dealing with different regimes. So when she wanted to attack the U.N. for its focus on right-wing human rights violators, she said, "We must be free from double standards. We must not blind ourselves to contempt for human rights (*sic*) wherever it occurs. . . . [W]hy is the United Nations not examining the atrocities in Cambodia and Ethiopia and the prison camps of Cuba, which no outsiders from the Red Cross or Amnesty International have ever seen?"<sup>99</sup>

Thatcher also traded barbs with Prime Minister Callaghan on the question of private diplomacy versus public human rights accusations. In fact, their arguments were

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<sup>98</sup> Thatcher, Speech to Les Grandes Conférences Catholiques.

<sup>99</sup> *Ibid.*

often intriguingly reminiscent of the Carter/Ford debates. One particular exchange between the two on the floor of the House of Commons in January 1977 (coincidentally, the month Carter was inaugurated) is remarkably illustrative, and more than a little entertaining. When Callaghan stated that he did not plan to meet with a recently-freed Soviet dissident, Thatcher lashed out, saying, “Is the Prime Minister aware how very disappointed we are with his peremptory reply? . . . One would have thought that it would help him very much to assess what has happened [since Helsinki] if he met a person who had had experience of living in Soviet Russia during the currency of those agreements.” To this Callaghan retorted, “I have no need to go on record about these matters. The Government’s position on the Helsinki Agreement and issues relating to the Soviet Government are well understood. I do not have to meet anybody to get my views clear about them.” When Thatcher fired back that this was “one of the most disgraceful and undignified replies ever given by a Prime Minister in this House,” Callaghan replied,

I have no intention of pursuing publicity by seeing people if there is no need to do so. . . . I have probably done a little more than has the right honorable Lady to obtain the release of people from the Soviet Union. These matters are not always achieved—the right honorable Lady may one day find this out, although I am beginning to doubt it—by public gestures. They are best achieved privately, and there have been a number of illustrations of that fact. . . . The Soviet Union knows where we stand on these matters. I do not need to meet any private individual to strengthen my own convictions.<sup>100</sup>

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<sup>100</sup> House of Commons PQs, 13 January 1977, *Hansard HC* 923, 1636-38.

While in opposition, Thatcher occasionally sided with Helmut Schmidt regarding Carter's human rights overtures. For starters, Thatcher was somewhat skeptical of Carter's pedigree because he had come to office as the "beneficiary of Watergate."<sup>101</sup> And as an ardent Cold Warrior, she was dismayed that "human rights issues [under Carter] were treated without reference to broader political and strategic considerations, and indeed with some moral naïveté."<sup>102</sup> To Thatcher, Carter had been too strongly influenced by those liberals in his party who believed the communist threat was diminishing.<sup>103</sup> She was also critical of Carter's ability to get results with his policy, especially in the Eastern bloc. As she put it, "How can we be reassured when since the signing of the pact the state (sic) of Helsinki has been ignored by the Russians? President Carter's taken a stand on human rights and I applaud that. But where are the human rights in Russia today?"<sup>104</sup>

Notwithstanding such rhetorical flourishes, the timing of Thatcher's rise to power led her to modify her attitude toward Carter. She acceded to the position of prime minister when Carter was in the midst of downplaying human rights altogether. When he re-embraced the Cold War, she became his most vocal supporter while her government stood strongly behind virtually all of his policies. In a speech to the House of Commons at the height of the American troubles in Iran, she asserted that "The United States is the final guarantor of European security. They are giving clear leadership, and we should back them." In a thinly-veiled jab at French President Giscard d'Estaing, she went on to recall Charles de Gaulle's support of President Kennedy during the 1962 Cuban missile

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<sup>101</sup> Margaret Thatcher, *The Downing Street Years* (New York: HarperCollins, 1993), 68-69.

<sup>102</sup> Margaret Thatcher, *The Path to Power* (New York: HarperCollins, 1995), 365.

<sup>103</sup> Margaret Thatcher, *The Downing Street Years*, 68-69.

<sup>104</sup> Margaret Thatcher, Speech to Conservative Rally in Birmingham, 19 April 1979, Margaret Thatcher Foundation, <http://www.margaretthatcher.org/speeches/displaydocument.asp?docid=104026>.

crisis. After quoting de Gaulle – “You may tell the president that France will support him” – she added, “Europe should send the same message today.”<sup>105</sup>

Thatcher’s support for the Carter administration led to friction between the U.K. and the governments of continental Europe. She was the first European leader to back Carter’s proposal of postponing the 1980 Moscow Summer Olympics and her government put forward a package of tough anti-Soviet measures. While visiting the U.S., Thatcher said of the American decision to sanction Iran, “At times like this you are entitled to look to your friends. We are your friends, we do support you and we shall support you. Let there be no doubt about this.” She went on to say that her government “admires and applauds the restraint President Carter has shown” in the crisis, and she added that the British “shall co-operate in every way with policies that will contribute to the release of the hostages.”<sup>106</sup> She lobbied other European governments to do the same, but many on the continent (to say nothing of the Labour opposition) thought these moves would revive the Cold War.<sup>107</sup> Despite these road blocks, many insiders suggested that the crises of 1979-80 had brought about the closest Anglo-American alliance since World War II.<sup>108</sup>

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<sup>105</sup> Nikki Finke, “Briton is Strongest European Supporter of Carter Policy,” *Associated Press*, PM Cycle, 30 January 1980.

<sup>106</sup> Margaret Thatcher, Speech to House of Commons, 28 January 1980, *Hansard HC 977*, 933-945.

<sup>107</sup> European leaders were also angry that the U.K., as the only oil producer in the Common Market, would not sell oil to EC countries at lower rates after the Iranian crisis began. They similarly disliked Thatcher’s attempts to reduce the U.K.’s share of the community budget, which the British had long considered exorbitant. R.W. Apple, Jr., “Go-Between Britain is Reaching Neither Side,” *New York Times*, 8 June 1980; *Washington Post*, 4 February 1980.

<sup>108</sup> Finke, “Briton is Strongest European Supporter.”

## Conclusion

We can say of this period, then, that the European response to Carter's human rights policy symbolized – and contributed to – a deteriorating transatlantic relationship over the course of the 1970s and 80s. When judged in the long term, Alliance relations were quite good during the Nixon/Ford years, but much less so during the Carter and early Reagan years. Although many Europeans joined the American people in their demand for an antidote to the underhanded tactics of Nixon and Kissinger, Carter overestimated domestic and international affection for his campaign promise to create a bold new foreign policy based on Wilsonian principles, multilateralism, and morality. He had a difficult time empathizing with his European counterparts and instead rather naïvely expected them to accept his vision for the direction of Alliance policies. His human rights policy had fewer negative effects on the Anglo-American relationship, due in part to a more flexible British attitude toward détente. A shared Anglo-American sense of “rights” likely played a role as well, as did the similarities between British and American domestic circumstances. Nevertheless, throughout Carter's presidency, his inability to win the support of America's European allies was emblematic of his inability to please his domestic constituents. Likewise, the human rights policy's cool reception in the European capitals contributed to American domestic perceptions of its limitations between 1977 and 1981. His crash course in the complexities of the world taught him that a human rights policy was, as they say in his native South Georgia, a tough row to hoe.

## Epilogue

The 1980 election season heralded yet another major shift in diplomacy. Once again, debates over morality in foreign policy were a part of the presidential campaign. Ronald Reagan attacked Carter's foreign policy for its "weakness," just as he had done to Gerald Ford in 1976. Reagan argued that the human rights policy had hurt America's international relationships and led to the overthrow of Anastasio Somoza in Nicaragua and the Shah in Iran. He blamed Carter for marginalizing the Shah merely because he "didn't meet exactly our standards of human rights," and he assailed Carter's "hypocrisy" in "maintaining a détente with the one nation in the world where there are no human rights at all – the Soviet Union."<sup>1</sup> Indeed, on the moral issues of the day, there seems to have been a fundamental difference between Carter and Reagan. Whereas Carter saw a crisis of spiritual values in an age of materialism, Reagan saw a crisis of leadership in an age of totalitarianism. Reagan also differed from Carter in arguing that the Soviet Union was the locus of world immorality.

Despite Reagan's rhetoric, the early years of his presidency proved that the human rights accomplishments of the 70s could not be disregarded. One final story – the fight over Ernest W. Lefever's nomination to the State Department's human rights post – illustrates the extent to which human rights had become thoroughly entrenched within the policymakers' toolkit. Interested members of Congress and NGOs worried that Reagan was uninterested in rights violations outside of the communist world. Once he was elected, he confirmed activists' suspicions by filling his major posts with some of Carter's sternest critics. For example, Jeanne Kirkpatrick and Alexander Haig, Reagan's

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<sup>1</sup> "The Carter-Reagan Presidential Debate," 28 October 1980, Commission on Presidential Debates, <http://www.debates.org/pages/trans80b.html>.

nominees for U.N. ambassador and secretary of state, had criticized liberal human rights policies in the 70s. Many observers therefore wondered if the authoritarian/totalitarian binary of the “Kirkpatrick Doctrine” would set the tone for the Reagan administration’s entire foreign policy. Advocates in Congress and NGOs grew even more apprehensive when Reagan nominated Ernest Lefever to replace Patricia Derian at the State Department.

Lefever, a longtime senior foreign policy researcher at the Brookings Institution and the founder of the conservative Ethics and Public Policy Center, had been an outspoken critic of Carter’s human rights efforts. In 1978 he published an essay titled “The Trivialization of Human Rights,” in which he argued that the Carter administration was effectively isolating American allies and meddling in other nations’ domestic affairs.<sup>2</sup> He elaborated on these ideas the following year while testifying in front of a congressional subcommittee. “We cannot export human rights . . . in dealing with Third World countries,” he argued. “Their foreign policy behavior should be the determining factor, not their domestic practices.”<sup>3</sup> Lefever’s positions seemed consistent with those of Kirkpatrick and the neoconservatives, many of whom wanted to prioritize action against communist regimes while softpedaling human rights issues in America’s dealings with strategic allies.

Lefever had many deficits when he was brought before the Senate Foreign Relations Committee (SFRC) for his nomination hearings. He came across as somewhat combative, and he locked horns with several members of the committee, including fellow Republicans like committee chair Sen. Charles Percy of Illinois. Lefever was also hurt

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<sup>2</sup> Ernest W. Lefever, “The Trivialization of Human Rights,” *Policy Review* 7 (Winter 1978): 11-26.

<sup>3</sup> House Committee on Foreign Affairs, *Human Rights and U.S. Foreign Policy*, Hearings Before the Subcommittee on International Organizations, 96<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 1979), 230-231.

by the revelation that his think-tank had accepted donations that might have created a conflict of interest. His most severe shortcoming, though, was his cavalier attitude toward the congressional requirements that had been created during the Nixon, Ford, and Carter years. His thinly-veiled hostility disturbed even some moderate and conservative members of Congress, who feared that the Reagan administration would try to monopolize control over foreign policy. In a surprising move, the Republican-majority SFRC rejected Lefever by a vote of 13 to 4. Rather than face another fight in front of the entire Senate, Lefever withdrew his own name after this vote of no confidence. According to Joshua Muravchik, who was anything but a Carter partisan, the Lefever case demonstrated the extent to which Jimmy Carter “had wrought a lasting change in the prevailing view of the requisites of U.S. foreign policy.”<sup>4</sup> The case also showed that Congress was unwilling to cede territory when it came to the legislative accomplishments of the 70s. As David Forsythe has written, the SFRC used the Lefever nomination “to make clear to President Reagan, through the advise and consent process, that it disagreed with turning the human rights policy into one simply of anticommunism.”<sup>5</sup>

A full four months passed before the Reagan administration named its second choice, the 33-year-old Elliott Abrams, who had earlier served as an aide to Senators Henry Jackson and Daniel Patrick Moynihan. Abrams had few difficulties in winning Senate approval, in part because he was a more polished and polite figure, but also because his bona fides were less questionable. Besides, Abrams had already been confirmed for another State Department position, and members of the Senate may have

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<sup>4</sup> Joshua Muravchik, *The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy* (Lanham, Md.: Hamilton Press, 1986), xviii.

<sup>5</sup> David P. Forsythe, *Human Rights and U.S. Foreign Policy: Congress Reconsidered* (Gainesville: University of Florida Press, 1988), 139.

been looking to put the Lefever fight behind them. The Lefever debacle showed the Reagan administration that inaction on this front would hurt its initiatives in other areas of foreign policy while also inviting more congressional interference in executive policymaking. Having taken this lesson to heart, the administration paired the Abrams nomination with a purposely-leaked memo that described a stronger administration stand in favor of moral principles across the board. “A human rights policy,” it read, “means hard choices which may adversely affect certain bilateral relations.” Therefore “we will have to speak honestly” about the violations of America’s allies, for to do otherwise would destroy the administration’s “credibility” and make it appear that Reagan was simply “coddling friends and criticizing foes.” Significantly, the memo’s authors then wrote, “If a nation, friendly or not, abridges freedom, we should acknowledge it, stating that we regret and oppose it.”<sup>6</sup>

The remainder of the 1980s showed that there was still much disagreement on the aims and underlying principles behind America’s human rights policies. The first Reagan administration was criticized in many quarters for being too lax in its standards and for giving too much support to anticommunist governments in Latin America. Generally speaking, the State Department’s human rights bureau was active under Reagan, though it became less independent and more integrated into the administration’s emphasis on anticommunism.<sup>7</sup> As for foreign aid, the Reagan administration replaced the New Directions model of the 70s with an emphasis on liberal capitalist development. The U.S. also continued to channel funds to undemocratic regimes in the developing

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<sup>6</sup> “Excerpts from State Department Memo on Human Rights,” *New York Times*, 5 November 1981.

<sup>7</sup> Forsythe, *Congress Reconsidered*, 122-128.

world to keep these from switching to the Soviet camp.<sup>8</sup> Between 1981 and 1986, over 40 percent of U.S. bilateral aid was military in nature, and the governments of Central America were among the most consistent recipients. The administration also asked Congress to reinstate military aid to the governments of Argentina, Chile, Guatemala, and Uruguay.<sup>9</sup> Yet because of the congressional moves of the 70s, the administration was legally obliged to take human rights into account when requesting congressional approval for aid packages. Congress was also willing to set new conditions. When the administration requested a repeal of the ban on military aid to Chile, Congress repealed the ban, but added a condition to the granting of future aid: the executive branch would have to certify that the Chilean government was pursuing the murderers of Orlando Letelier, the Chilean diplomat who had been killed in a Washington carbomb explosion in 1976. The administration could not meet this requirement.<sup>10</sup>

Within a few years, congressional liberals and human rights activists were praising some of the Reagan administration's moves in the area of human rights. The State Department country reports, for example, had dramatically improved in quality and scope by 1984.<sup>11</sup> Furthermore, the administration was willing to go forward on issues that it had ignored during Reagan's first term. We have already seen that Reagan pushed for ratification of the Genocide Convention in 1985-86. The second Reagan administration also initiated a major policy shift away from authoritarian dictatorships

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<sup>8</sup> Katherine A. S. Sibley, "Foreign Aid," in Alexander DeConde, Richard Dean Burns, and Fredrik Logevall, eds., *Encyclopedia of American Foreign Policy*, vol. 2, 2<sup>nd</sup> ed. (New York: Scribner's, 2001), 93-110.

<sup>9</sup> Kathryn Sikkink, *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca: Cornell University Press, 2004), 154-155.

<sup>10</sup> James M. Lindsay, "Congress and Foreign Policy: Why the Hill Matters," *Political Science Quarterly* 107, no. 4 (Winter 1992/1993): 618.

<sup>11</sup> Forsythe, *Congress Reconsidered*, 126.

and toward democratization, especially in Latin America.<sup>12</sup> The administration publicly declared its desire for a return to democracy in Chile, with the U.S. even co-sponsoring a resolution in the U.N. Human Rights Commission that criticized Chile. Reagan gave grudging support for democratization in South Africa, and Congress overrode his veto of a tough sanctions package. These moves were consistent with the tremendous improvement in U.S.-Soviet relations and the remarkable personal relationship forged between Reagan and Mikhail Gorbachev.

In 1989, Aryeh Neier, one of the most prominent members of the NGO community, applauded the Reagan administration's turnabout. Although many members of the administration had been unenthusiastic in the early 1980s, wrote Neier, "by the time the Reagan administration left office, it accepted that promoting human rights was a major goal and that the United States should be evenhanded in condemning abuses."<sup>13</sup> Also, few could deny that the Reagan administration had long given support to dissidents in Eastern Europe, including *Solidarnosc* and the various Helsinki NGOs.

"Ethnicity" also evolved in interesting ways in the Reagan years and beyond. When Reagan ran for president in 1980, he chose as his slogan, "work, family, neighborhood, peace through strength." His chief pollster had borrowed this list from an essay by Michael Novak, who was the period's preeminent defender of the ethnic revival.<sup>14</sup> The term "Reagan Democrat" was commonly used to describe the huge number of onetime solidly Democratic-voting Americans who were now voting Republican, a process that finalized Richard Nixon's goal of bringing blue-collar

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<sup>12</sup> Kathryn Sikkink, *Mixed Signals*, 149.

<sup>13</sup> Aryeh Neier, "Human Rights in the Reagan Era: Acceptance in Principle," *Annals of the American Academy of Political and Social Science* 506, no. 1 (November 1989): 30.

<sup>14</sup> Michael Novak, "Novak: The Rise of the Unmeltable Ethnics, Part I," *First Things*, 30 August 2006, <http://www.firstthings.com/onthesquare/?p=450>.

Northern ethnics into the Republican fold.<sup>15</sup> Yet while some of the organized ethnic interest groups continued to expand their influence in foreign policy causes, the parameters of ethnicity changed. Demographic trends made the European ethnics less distinctive, while at the same time non-European minorities carved out a more prominent place for themselves in Washington. Debates over ethnicity evolved in the 1980s and 90s into discussions of “diversity,” “multiculturalism,” affirmative action, and the like.

Meanwhile, the democratization wave of the 1980s and early 90s proved that the human rights activism of the 70s had not been for naught. Samuel Huntington coined the term “third wave of democratization” to describe this period, during which over 60 countries experienced democratic transitions.<sup>16</sup> The geographical diversity of these nations (Eastern Europe, Central America, South America, Southern Africa, etc.) would seem to suggest that complex international factors influenced these transitions. Whatever the causes, democratization removed much of the necessity for American human rights policies.

The end of the Cold War also contributed to a weakening of the diplomatic human rights movement. With the end of the superpower conflict, American political actors could no longer benefit from attacks on the dissolving Eastern Bloc. As ideology diminished in significance, there were new possibilities in other arenas as well. The

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<sup>15</sup> Nixon wrote to Reagan in 1980, “For the sub-Cabinet, as well as the Cabinet, I would urge that in addition to the usual minority groups you consider for appointment representatives of groups who make up your New Majority – Italians, Eastern Europeans and Latins. It is time once and for all to erase the image of the Republican Party as white, Anglo Saxon and Protestant (WASP).” Letter, Nixon to Reagan, 17 November 1980, “Reagan, Ronald 1980-1981” folder, (no box #), Post-Presidential Correspondence, Richard Nixon Library, Yorba Linda, CA.

<sup>16</sup> Huntington referred to the period beginning in 1974, when the last remnants of the Portuguese empire fell. The trend accelerated in the late 1980s. Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991). See also Larry Jay Diamond, “Is the Third Wave Over?” *Journal of Democracy* 7, no. 3 (July 1996): 20-37; Francis Fukuyama, *The End of History and the Last Man* (New York: Avon, 1992); and Michael Mandelbaum, “Democracy Without America,” *Foreign Affairs* 86, no. 5 (September/October 2007).

developing world was no longer a place in which the superpowers could wage proxy wars while supporting undemocratic allies. As a result of these developments, democracy became the most common form of governmental organization worldwide, with liberal reforms often following close behind. American aid policies of the 80s evolved into U.S. support for neoliberal trade policies and globalization in the 90s. In recognition of these general trends, in 1994 the State Department's human rights bureau was renamed the Bureau of Democracy, Human Rights, and Labor. Human rights violations continued in places like China, North Korea, and Saudi Arabia, but the American movement to combat such abuses was never again as strong as it had been in the long 1970s.

The wider significance of this narrative lies in the deeply embedded cultural belief in an American moral "mission." For although the human rights movement of the 1970s grew out of the unique circumstances of the era, it also fell firmly within a much longer tradition of American moralism. This moral strain has arguably been a part of U.S. history since the time of John Winthrop and the Puritans. In the 20<sup>th</sup> century, the moral streak became "missionary" when it merged with the nation's diplomacy, most notably in the progressive internationalist tradition of Woodrow Wilson. American anticommunism – both before and during the Cold War – was also imbued with moral sentiment, as were the post-World War II efforts on behalf of decolonization and antipoverty measures in the developing world. Given this heritage, Americans' willingness to act on behalf of persecuted individuals overseas in the 1970s does not seem so anomalous. The human rights efforts of this period influenced later endeavors on behalf of "democratization" and "nation building." We can conclude, then, that although the human rights movement of the long 1970s was something of a historical aberration, it fell firmly within American

social and diplomatic traditions. Such moral concerns will undoubtedly continue to play an important role in the making of American foreign policy in the 21<sup>st</sup> century.

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