

July 23, 2019

The Honorable Michael Pompeo
Secretary of State
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Pompeo:

We, the undersigned U.S. foreign policy, human rights, civil liberties, social justice, and faith leaders, experts, scholars, and organizations, write to express our deep concern with the Department of State's recently announced Commission on Unalienable Rights. We object to the Commission's stated purpose, which we find harmful to the global effort to protect the rights of all people and a waste of resources; the Commission's make-up, which lacks ideological diversity and appears to reflect a clear interest in limiting human rights, including the rights of women and LGBTQI individuals; and the process by which the Commission came into being and is being administered, which has sidelined human rights experts in the State Department's own Bureau of Democracy, Human Rights, and Labor (DRL).

We urge you to immediately disband this body, and to focus your personal attention on the significant challenges currently facing the protection of human rights globally.

As you said when you launched the Commission and affirmed the importance of the 1948 Universal Declaration of Human Rights (UDHR), "the language of human rights has become the common vernacular for discussions of human freedom and dignity all around the world, and these are truly great achievements." The UDHR begins by declaring that the recognition of the equal and inalienable rights "of all members of the human family is the foundation of freedom, justice and peace."

In the United States, the story of the past two and a half centuries is in many ways one of the as-of-yet unfinished recognition of these rights for African Americans and other minorities, women, LGBTQI people, people with disabilities, children, and other marginalized populations, often via immense struggle against those who would limit rights to a privileged few. Likewise, the story of the international human rights movement is one of the deepened recognition and protective reach of rights based on the painstaking work of social movements, scholars, and diplomats, through international agreements and law.

Given this history, we view with great misgiving a body established by the U.S. government aimed expressly at circumscribing rights through an artificial sorting of those that are "unalienable" and those to be now deemed "ad hoc." These terms simply have no place in human rights discourse. It is a fundamental tenet of human rights that all rights are universal and equal.¹ Governments cannot take or discard them as they choose. Like other governments, the U.S. government is bound to certain obligations codified in widely ratified international treaties. At

¹ Vienna Declaration, Article 5: "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis." <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

best, an exercise seemingly geared toward objecting to this well-established fact presents a waste of time and energy better spent on actual human rights issues. More ominously, the reference to “ad hoc” rights resembles language used by autocratic and dictatorial governments, which frequently speak in terms of a hierarchy of rights.

We are likewise dismayed by the well-documented views of a significant majority of the Commission’s 10 members. Taken as a whole, the Commission clearly fails to achieve the legal requirement that a federal advisory committee “be fairly balanced in its membership in terms of the points of view represented and the functions to be performed.” Almost all of the Commission’s members have focused their professional lives and scholarship on questions of religious freedom, and some have sought to elevate it above other fundamental rights. The right to freedom of thought, conscience, and religion is a fundamental right, but one of among 30 such rights enshrined in the UDHR. No Commissioner focuses nearly as exclusively on any other issue of pressing concern contained within the UDHR, including the right to asylum, the right to be free from torture, the right to equal protection against any discrimination, or any of the UDHR’s enumerated economic, social, and cultural rights, among other topics.

Moreover, the Commission’s chair and members are overwhelmingly clergy or scholars known for extreme positions opposing LGBTQI and reproductive rights, and some have taken public stances in support of indefensible human rights violations. The Commission’s chair has stated that marriage equality undercuts the welfare of children.² A Commission member has similarly stated that “the unavoidable message” of same-sex marriage “is a profoundly false and damaging one.”³ A third Commission member has argued against the use of contraception even when that use is meant to limit the spread of disease.⁴ A fourth has described questions of gender identity as “a matter of mental illness or some other pathology” and “a mark of a heartless culture.”⁵ A fifth has suggested that widespread outrage at the Saudi Arabian government’s premeditated murder and dismemberment of journalist and dissident Jamal Khashoggi is grounded in U.S. domestic political considerations.⁶ A sixth has described the government of the United Arab Emirates as one “committed to tolerance...committed to civil society,” despite that government’s egregious and well-documented human rights record at home and abroad.⁷

These are deeply troubling positions, and it is our firm belief that individuals who hold such views have no place on a commission tasked with the promotion and protection of universal rights.

Finally, we are alarmed by reports and statements reflecting the fact that the Commission was established without the input of DRL, which is tasked by law with advising the Secretary of State, through its Assistant Secretary, on matters pertaining to democracy and human rights. We

² <https://virtueonline.org/harvard-law-professor-says-same-sex-marriage-about-special-preference>

³ <https://insidethevatican.com/magazine/people/eugene-jacqueline-rivers-scholar-protestant-minister/>

⁴ <https://www.thepublicdiscourse.com/2016/02/16517/>

⁵ <https://www.thepublicdiscourse.com/2015/07/15308/>

⁶ <https://www.pbs.org/newshour/world/members-of-new-pompeo-task-force-have-previously-praised-human-rights-abusers>

⁷ *Ibid.*; https://www.washingtonpost.com/opinions/2019/07/09/how-united-arab-emirates-contribute-mess-after-mess-middle-east/?utm_term=.8fbc3e7ae676

find the notion that the Commission will focus on “principles” but not “policy” to be a distinction without a meaningful difference. In this regard, we note that the office charged by you with supporting the Commission’s work is aptly named “Policy Planning.”

Taxpayer resources should simply not be wasted on this Commission. A body created by this administration, with the mandate and members you have made public, lacks real credibility. Its findings will have no weight or ability to redefine human rights.

Rather than continue with this Commission, we urge you to use the resources of your office to take action on the great many grave human rights issues facing the world today, including those—like the treatment of asylum seekers and administration rhetoric and policy supportive of some of the world’s leading human rights violators— you have the power to improve directly.

Thank you for your time and attention to this important matter.

Sincerely,

Non-Governmental Organization (NGO) Signatories

1. Accountability Lab
2. Advocacy for Principled Action in Government
3. The Advocates for Human Rights
4. Advocates for Youth
5. Aemuni
6. Afrolatinos Historical Society
7. Agora International Human Rights Group (Russia)
8. Amazon Watch
9. American Atheists
10. American Civil Liberties Union (ACLU)
11. American Friends Service Committee
12. American Jewish World Service
13. American Psychological Association
14. Amnesty International USA
15. Anti-Defamation League (ADL)
16. As the Spirit Moves Us
17. Bayard Rustin Liberation Initiative
18. Better World Campaign
19. Beyond the Bomb

20. Bridges Faith Initiative
21. Build A Movement 2020
22. Cairo Institute for Human Rights Studies
23. Campaign for Youth Justice
24. Canadian Civil Liberties Association
25. Cardozo Law Institute in Holocaust and Human Rights (CLIHHR)
26. Catholics for Choice
27. Center for American Progress
28. Center for Constitutional Rights
29. Center for Disability Rights Inc.
30. Center for Gender and Refugee Studies
31. Center for Health and Gender Equity (CHANGE)
32. Center for Justice and Accountability
33. Center for Reproductive Rights
34. Center for Victims of Torture
35. Central American Resource Center (CARECEN) DC
36. Centro de Estudios Legales y Sociales (CELS)
37. Chinese Human Rights Defenders (CHRD)
38. Coalition for an Ethical Psychology
39. Coalition for Humane Immigrant Rights (CHIRLA)
40. Columbia Law School Human Rights Clinic
41. Columbia Law School Human Rights Institute
42. Columbia Law School Immigrants' Rights Clinic
43. Corporate Accountability Lab
44. Council for Global Equality
45. CREDO
46. Crude Accountability
47. Dejusticia
48. Detroit Jews for Justice
49. DignityUSA
50. The Egyptian Initiative for Personal Rights
51. Environment and Human Rights Advisory
52. Equality Arizona

53. Equality California
54. Equality Maine
55. Equality North Carolina
56. Equality Now
57. Equality Utah
58. Equity Forward
59. Fair Wisconsin
60. Family Violence Appellate Project
61. Feminist Majority Foundation
62. The Feminist Wire
63. Foreign Policy for America
64. Four Freedoms Forum
65. Freedom From Religion Foundation
66. Friends Committee on National Legislation
67. Georgia Peace & Justice Coalition
68. Global Faith & Justice Project
69. Global Fund for Women
70. The Global Interfaith Network for People of All Sexes, Sexual Orientations, Gender Identities and Expressions
71. Global Justice Center
72. Global Justice Clinic, NYU School of Law
73. Global Justice Institute, Metropolitan Community Churches
74. Global Witness
75. Government Accountability Project
76. Habonim Dror North America
77. Hawai'i Institute for Human Rights
78. Heartland Alliance International
79. Heartland Initiative
80. Hip Hop Caucus
81. Horizons Foundation
82. Human Rights Advocates
83. Human Rights Campaign
84. Human Rights Educators USA

85. Human Rights First
86. Human Rights Law Centre
87. Human Rights Project at the Urban Justice Center
88. The Hunger Project
89. Institute for Asian Democracy
90. Institute for Policy Studies - New Internationalism Project
91. interACT: Advocates for Intersex Youth
92. International Action Network for Gender Equity & Law
93. International Center for Advocates Against Discrimination (ICAAD)
94. International Center for Not-for-Profit Law
95. International Center for Rights and Justice
96. International Service for Human Rights (ISHR)
97. International Women's Health Coalition
98. Irish Council for Civil Liberties (ICCL)
99. Jewish Council on Urban Affairs
100. Jewish World Watch
101. Just Foreign Policy
102. Justice in Motion
103. Kent State Truth Tribunal
104. Kenya Human Rights Commission
105. Lambda Legal
106. Latin America Working Group
107. LatinoJustice PRLDEF
108. Legal Resources Centre
109. Leitner Center for International Law and Justice, Fordham Law School
110. LGBT Bar Association of New York
111. Liberty
112. MADRE
113. Maryland Chapter of the National Lawyers Guild
114. Minnesota Peace Project
115. MPact Global Action for Gay Men's Health and Rights
116. Muslims for Progressive Values
117. NARAL Pro-Choice America

118. National Advocacy Center of the Sisters of the Good Shepherd
119. National Advocates for Pregnant Women
120. National Association of Social Workers
121. National Center for Lesbian Rights
122. National Center for Transgender Equality
123. National Council of Churches
124. National Council of Jewish Women
125. National Council on Independent Living
126. National Equality Action Team (NEAT)
127. National Law Center on Homelessness & Poverty
128. National Lawyers Guild International Committee
129. National Priorities Project at the Institute for Policy Studies
130. National Trans Bar Association
131. National Women's Political Caucus
132. #NatSecGirlsSquad
133. Never Again Coalition
134. Open Society Foundations
135. OutFront Minnesota
136. OutRight Action International
137. Oxfam America
138. PAI
139. PartnersGlobal
140. PEN America
141. People's Health Movement USA
142. PFLAG National
143. Physicians for Human Rights
144. Planned Parenthood Federation of America
145. Population Connection Action Fund
146. Population Institute
147. Presbyterian Church (USA)
148. Priority Africa Network
149. Project on Middle East Democracy (POMED)
150. Project South

151. Psychologists for Social Responsibility
152. Rachel Carson Council
153. Reconstructing Judaism
154. Rights and Emocracy of Vermont and New Hampshire
155. Robert F. Kennedy Human Rights
156. Safeguard Defenders
157. Sex Workers Project at the Urban Justice Center
158. Showing Up for Racial Justice - Montgomery County, Maryland
159. Silver State Equality-Nevada
160. SJSU Human Rights Institute
161. The Solidarity Center
162. Synergía - Initiatives for Human Rights
163. Torture Abolition and Survivors Support Coalition International
164. T'ruah: The Rabbinic Call for Human Rights
165. Unitarian Universalist Service Committee
166. United Nations Association of the USA
167. University of Miami School of Law, Human Rights Clinic
168. Urgent Action Fund for Women's Human Rights
169. US Human Rights Network
170. V-Day and One Billion Rising
171. Veterans for American Ideals
172. Washington Office on Latin America (WOLA)
173. Win Without War
174. Winnemem Wintu Tribe
175. Women for Afghan Women
176. Women's Alliance for Theology, Ethics, and Ritual (WATER)
177. Women's Environment and Development Organization (WEDO)
178. Woodhull Freedom Foundation
179. World Without Genocide at Mitchell Hamline School of Law

Individual Signatories

* Note: those listed below have signed in an individual capacity. Affiliations are listed for identification purposes only.

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3. Rob Berschinski
Senior Vice President for Policy, Human Rights First; Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor, 2015-2017
4. Eric R. Biel
Associate Deputy Undersecretary of Labor for International Labor Affairs, 2012-2017
5. Rebecca Brocato
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Senior Director, Penn Biden Center for Diplomacy and Global Engagement; Deputy Assistant Secretary of Defense for Eurasia, 2015-2017
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Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor, 1999-2001
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Deputy Assistant Secretary of State for East Asian and Pacific Affairs, 2013-2016
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U.S. Ambassador and Permanent Representative, United Nations Human Rights Council, 2014-2017
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37. Susan Rice
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41. Douglas Wilson
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