

April 3, 2020

Re: State Department Commission on Unalienable Rights (CUR)

To Whom it May Concern:

This letter draws on my experience as a U.S. diplomat and training as an ethicist. I am a former deputy assistant secretary for Democracy, Human Rights, and Labor. I have also served as U.S. Ambassador to the OSCE. My academic training is as an ethicist in the context of international politics and I have been a tenure-track professor of ethics at Georgetown University.

The Commission on Unalienable Rights (CUR) was chartered by Secretary Pompeo under the Federal Advisory Committee Act. There are several reasons for serious concern which I raise briefly here but would be pleased to discuss with you at your convenience. My concerns include but are not limited to:

- 1) **The creation of the commission is an unnecessary and counterproductive addition to the federal bureaucracy.** The Secretary of State did not need to create a new body to advise him on human rights. There is an entire bureau at the State Department whose purpose is, in part, to advise the Secretary on such matters. Despite the Trump Administration's failure to fill the position of Assistant Secretary for Democracy, Human Rights, and Labor for a period of years (which is arguably a reflection of the seriousness with which the Administration takes these matters), there are dozens of other experienced professionals and subject matter experts in the Bureau who could have advised the Secretary if he had genuine good faith questions. The creation of the CUR was unnecessary and unwarranted and any State Department resources expended on it constitute government waste.
- 2) **The CUR was chartered in bad faith as a cynical political ploy rather than as a serious effort to advance human rights.** Given the fact that the CUR was bureaucratically redundant, and seen in the context of the Secretary's personal record of animus toward vulnerable groups and the Trump Administration's commitment to the politics and policy of white Christian nationalism, it is reasonable to assume that the Secretary's main motives in chartering the CUR was to advance white Christian nationalism and to satisfy those elements of the Trump administration's political base that are similarly motivated.
- 3) **The CUR and its members evidence either intellectual deficiencies or moral ones.** The premise of the CUR—that it should separate truly unalienable human rights from ad hoc ones, or that serious human rights work allows, much less requires, a ranking of rights—is moral nonsense. While it is true that there are some rights that are legal rather than human rights (say, the right to operate a vehicle after obtaining a drivers' license and insurance), human rights as such are indivisible. To the extent that human rights have been "expanded" in the last seven decades, it is not the fundamental commitment to the idea of "human beings free and equal in dignity and rights" that has changed but rather our progress in understanding and making real the commitment to the equal

dignity and rights of women, religious minorities, LGBTQ people and others. To the extent that CUR members accepted Mr. Pompeo's charge and the CUR's founding premise, they revealed themselves to be either as ignorant as he is, or as morally deficient.

- 4) **The CUR's work damages U.S. influence and power and gives comfort to dictators.** The United States has, over seventy years, carved out a role as an imperfect but earnest champion for universal human rights in the world. The CUR's work and premise undermines U.S. influence by calling this source of our influence into question. Dictatorships and authoritarian regimes have often cynically attempted to carve up human rights, and Mr. Pompeo's effort to do likewise can only give them comfort and weaken the United States.
- 5) **The CUR's work is antithetical to U.S. interests and national security.** The United States's permanent comparative advantage in geopolitics is rooted in our commitment to universal values. This is what will always make us different from the Chinese Communist Party or Vladimir Putin's kleptocratic regime. The CUR's creation and work undermines that comparative advantage. And in so doing, it undermines our ability to work toward a world that is more democratic and free, and a United States that can be more secure and more prosperous in such a world.
- 6) **The CUR's creation and work has been inconsistent with federal law and with reasonable expectations of transparency.** The FACA legislation requires that entities created under it be reasonably balanced in terms of views represented. Standard practice – especially with something on which public input may be reasonably expected—is to facilitate rather than hamper public engagement with such an entity. The CUR is made up of members selected to deliver on the cynical and unserious purpose for which it was created and has made public engagement difficult.

Sincerely,

Daniel Baer