

Challenging US Foreign Policy

America and the World in the Long
Twentieth Century

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The Defeat of Ernest Lefever's Nomination: Keeping Human Rights on the United States Foreign Policy Agenda

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To those committed to human rights, Ronald Reagan's election on 4 November 1980 raised widespread apprehension. Their basic concern was that Reagan would abandon Jimmy Carter's human rights policies. Joshua Rubenstein of Amnesty International spoke for many human rights activists when he said, 'We are concerned that the Reagan administration will not have a positive emphasis on human rights and in some parts of the world his election has been taken as a green light, an encouragement for repressive forces.'¹ The role of human rights in US foreign policy had slowly emerged in the 1960s and gained considerable ground in the years that followed, culminating with Carter's declaration in his 1977 inaugural address that the US commitment to human rights must be 'absolute.'² To those focused on the issue, Reagan's electoral victory threatened that progress. The persistence of human rights as an element of US foreign policy under Reagan is thus a testament to the power of the issue against communist regimes, but also to the efforts of the human rights community to keep the issue on the American foreign policy agenda and to its resonance with the broader American public.

Reagan, and many within his administration, had criticized elements of Carter's human rights policy before entering the White House, charging that Carter's policy had not improved human rights meaningfully and had neglected the US national interests.³ For example, Reagan's appointee to serve as US Ambassador to the United Nations, Jeane Kirkpatrick, had reproached Carter for not prioritizing East-West issues above human rights.⁴ Condemnation of this type was interpreted by many to mean the Reagan administration would decrease the prominence of human rights in its foreign policy once in office, and furthermore, at the outset of his presidency, Reagan's aides suggested he wanted to emphasize spreading

democracy and defeating terrorism rather than championing human rights. Furthermore, Reagan's nomination of Ernest W. Lefever, a vocal critic of Carter's human rights policy, to head the State Department's Bureau of Human Rights and Humanitarian Affairs raised serious questions about the administration's dedication to human rights and strengthened early concerns about Reagan's commitment. The nomination failed in the face of opposition to his record on human rights, leaving the administration without a senior official focused on the issue for some time.⁵

Four months passed without a new nominee, leading to consternation from human rights activists and their supporters. The administration, however, learned from the opposition to the Lefever nomination, appointed a new candidate who garnered bipartisan support, and leaked parts of a State Department memorandum entitled 'Reinvigoration of Human Rights Policy,' which stated, 'human rights is at the core of our foreign policy.'⁶ The administration's efforts in the wake of the nomination's defeat reflected recognition of the salience of human rights, and the White House worked to convey its concern for the issue to Congress, the American public, and an international audience. This chapter argues the defeat of Lefever's nomination should be seen as a significant victory for those determined to maintain a commitment to human rights as an element of US foreign policy, representing a key test for America's human rights policy and ensuring that it would remain an essential component of US policy in the years to come.⁷

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Lefever's nomination was seen as threatening to the human rights community not only because he was viewed as personally opposed to the cause but also because it fit into a broader pattern of administration actions. After criticizing Carter's policy on human rights during the 1980 campaign, Reagan and his aides indicated that they wanted to transform US policy when they took office.⁸ The White House charged that Carter's policy had not improved human rights and had neglected United States national interests; the administration instead announced it would shift its focus to combating international terrorism. In his first press conference as Secretary of State, Alexander Haig said, 'International terrorism will take the place of human rights in our concern because it is the ultimate of abuse of human rights. And it's time that it be addressed with better clarity and greater effectiveness by Western nations and the United States as well.'⁹ Furthermore, naming

Kirkpatrick, a harsh critic of Carter's human rights policy, to serve as ambassador to the United Nations indicated a divergence in policy.

The Reagan administration was cognizant of external concerns about its commitment to human rights. One National Security Council (NSC) staffer wrote soon after Reagan's inauguration, 'The impression of Administration policy created thus far has been that human rights are being jettisoned or severely downgraded in favor of countering terrorism or supporting authoritarian allies.' The author suggested the administration needed to articulate how a commitment to human rights complemented its other policy priorities and outlined the proposed role of human rights in Reagan's foreign policy: that fighting terrorism advanced human rights, that the administration would balance strategic relationships with authoritarian regimes with concerns about human rights, and that it was opposed to 'public lecturing' of other states.¹⁰

Whatever efforts the NSC and White House made to convince skeptical observers of their dedication to human rights, they were weakened by Reagan's nomination of Lefever to head the State Department's Bureau of Human Rights and Humanitarian Affairs.¹¹ The nomination, announced in early February 1981, provoked considerable controversy. Many observers questioned the appropriateness of his appointment, setting the stage for extensive, and ultimately contentious, congressional hearings that undermined Lefever's candidacy.

Opposition to Lefever was driven by policy differences, doubts about his qualifications for the role, and his personal disposition. The most significant obstacle was a concern that Lefever would not be an effective champion of human rights, as he had a record of questioning the issue's relevance to US policy. Shortly after Carter's inauguration, Lefever had written in the *New York Times* that 'a consistent and single-minded invocation of the "human rights" standard in making United States foreign policy decisions would serve neither our interests nor the cause of freedom.'¹² In other writings, Lefever argued Carter's approach neglected the fundamental differences between totalitarian and authoritarian governments and diminished the more far-reaching human rights abuses under totalitarian regimes.¹³ As an editorial in *The Nation* pointed out, 'Even in the long procession of Reagan appointees professing their antagonism to the objectives of the agencies they have been chosen to lead, Lefever stands out. He is an outspoken apologist for the barbarous practices of right-wing dictatorships.'¹⁴

Before Lefever's confirmation hearings began, Haig gave a speech to the Trilateral Commission seemingly designed to assure domestic and international audiences that the US was not completely abandoning its

commitment to human rights. In it, Haig asserted, 'Human rights are therefore not only compatible with our national interest, they are an integral element of the American approach - at home and abroad.' He went on to promise 'the United States opposes the violation of human rights by ally or adversary, friend or foe. We are not going to pursue a policy of "selective" indignation.' Haig declared, 'Concern for human rights is compatible, indeed even integral to our national interest. We have great principles to defend and a great example to give the world.'¹⁵ Nevertheless, in the context of other administration initiatives, Haig's speech was viewed by many as empty rhetoric and did not assuage those opposed to Lefever.

A range of groups and individuals mobilized against Lefever's nomination. Many sought to influence his confirmation hearings, and a significant number testified or submitted written materials outlining their opposition. Representative Tom Harkin (D-IA), who was active on human rights issues in the House, testified against Lefever's nomination, expressing frustration at Lefever's stated intention to move away from linking US assistance with the human rights practices of aid recipients: '[B]ecause Mr. Lefever has no concept of the strategic or political importance of linkage in the human rights efforts of American foreign policy, I find his nomination to the position of Assistant Secretary of State for Human Rights and Humanitarian Affairs to be particularly inappropriate.'¹⁶ Similarly, Donald Fraser, who had led Congressional efforts on human rights in the late 1960s and early 1970s, testified that 'instead of an advocate we are getting a denigrator of human rights.'¹⁷

Lefever's nomination reshaped debates over Carter's human rights policy, including claims that it represented a double standard, criticized only the human rights policies of Washington's Cold War allies, and remained silent on Soviet and other communist repression.¹⁸ A second principal point of criticism by the Reagan administration and its allies was that the Carter administration had relied too heavily on public shaming of human rights abuses. Lefever disparaged the Carter administration for 'excessive scolding in public' and 'selective morality.' In his view, such actions by the Carter administration had actually worsened the human rights situation in some countries.¹⁹ The Reagan administration promised a more discreet approach. Lefever argued the US should lead through its actions, rather than its criticisms of other regimes: 'We become a beacon of hope primarily by responsible and just behavior at home, our deeds are well known.'²⁰ His stance, however, led some to fear the administration would remain silent on human rights abuses; Senator Alan Cranston (D-CA) asked, 'If we do not indicate

our disapproval of gross violations of human rights that go on in country after country after country in any way that can become public knowledge, how do we become a beacon of hope?'²¹ Cranston pushed Lefever for evidence that quiet diplomacy was an effective means to protect human rights; Lefever refused, arguing that to do so could 'hamper future successes.'²² A memorandum drafted in Cranston's office before the hearings began indicates the degree to which Lefever was viewed as disputing the central tenets of US human rights policy:

[Lefever] – opposes any human rights legislation
 – opposes public US support for human rights
 – opposes Human Rights Bureau
 – views human rights in Communist countries as Red-baiting opportunities; opposes Jackson-Vanik.²³

Other members of the Senate Foreign Relations Committee, including its chair, Senator Charles Percy (R-IL), at times seemed offended by Lefever's positions; Percy said, 'You seem in doubt about whether your job should exist, and then you want quiet diplomacy. It takes an advocate fighting, not just quiet diplomacy. These battles are not won by kid gloves.'²⁴

A significant obstacle to Lefever's confirmation was testimony he gave before the House Foreign Affairs Subcommittee on International Organizations on 12 July 1979. Lefever's comments, which condemned US human rights policy, were repeatedly cited during his confirmation hearings as evidence that he was unfit for the Assistant Secretary position. At the outset of his 1979 testimony, Lefever had asserted, 'a consistent and single-minded invocation of the human rights standard, in making it U.S. foreign policy, would serve neither our interest nor the cause of freedom.' He went on to say, 'giving human rights a central place tends to subordinate, blur, or distort all other relevant policy consideration.' Lefever also criticized legislation mandating the consideration of human rights in formulating US policy, saying:

In my view the United States should remove from the statute books all clauses that establish a human rights standard or condition that must be met by another sovereign government before our Government transacts normal business with it, unless specifically waived by the President... It shouldn't be necessary for any friendly state to pass a human rights test before we extend normal trade relations, before we sell arms or before we provide economic or security assistance... We have no moral mandate to remake the world in our

own image. It is arrogant of us to attempt to reform the domestic behaviors of our allies and even of our adversaries.

In Lefever's view, the US could best advance the global cause of human rights by its own example, or 'serving as an example of decency,' and preventing the fall of American allies to communism.²⁵

When addressing his earlier opposition to human rights statutes in his confirmation hearings before the Senate Foreign Relations Committee, Lefever said he had 'goofed.' He repeatedly tried to disavow what he said had been 'too flat a statement.'²⁶ Neither this concession, nor others he made during the four days of hearings held by the Committee, won him sufficient supporters, as a number of senators questioned if he had changed his position only as a result of his nomination.

Moreover, although Lefever rescinded or qualified some of his earlier positions, he maintained that there should not be a human rights 'test.'²⁷ In his confirmation hearings, Lefever resisted requirements that recipients of US military and financial assistance adhere to certain human rights practices; in his view, preventing a country's slip into communism was a more important goal: 'In some cases, Mr. Chairman, we must provide economic or military aid to a besieged ally whose human rights record is not blameless.'²⁸ Critics argued he would adopt an imbalanced and selective approach and ignore human rights abuses in authoritarian regimes.²⁹ He similarly angered a number of senators with his refusal to name non-Communist countries he regarded as human rights abusers, saying, 'I don't normally name countries. That's not my style.'³⁰ Eschewing suggestions that the US should vocally criticize international human rights abuses, Lefever's view of the role of the US in the world echoed Reagan's formula that the country should be a 'city on a hill' and shine as an example to the broader international community. Lefever also emphasized the limits to American influence in the world, noting, 'We must recognize there are moral and political limits to what the U.S. Government can and should do to modify the internal behavior of other sovereign states.'³¹

More specifically, Lefever's opponents criticized his foreign policy positions. Some witnesses questioned his commitment to ending apartheid in South Africa given his view that 'it would be impossible for sophisticated, industrialized South Africa to integrate culturally and politically 19 million largely illiterate Bantu without catastrophic consequences.'³² Such comments provoked Senator Paul Tsongas (D-MA) to suggest Lefever expressed 'a basic contempt for Africa.'³³ In addition, critics charged that the Ethics and Public Policy Center, which Lefever headed, had received money from the South African government.

Furthermore, detractors alleged that Lefever exhibited cultural arrogance. They pointed specifically to his 1978 article, 'The Trivialization of Human Rights,' in which Lefever argued, 'Many of these Western democratic rights are unknown and unattainable in large parts of the world where both history and culture preclude the development of full-fledged democratic institutions.'³⁴ His opponents similarly questioned his attitude toward Latin America given that Lefever had attributed abuses by police officers there to 'the residual practices of the Iberian tradition.'³⁵ In addition, Lefever came under fire for his dismissal of human rights activists in South Korea as 'a mixture of naïve utopians and power-hungry ideologues.'³⁶ His critics suggested such beliefs would inhibit effective human rights advocacy. Lefever also faced repeated questions about his ethics and personal judgment. A significant obstacle was the relationship between a report on the infant formula boycott commissioned by the Center and subsequent financial contributions by the Nestlé Corporation.

Finally, Lefever's demeanor in meetings with Senators and during his confirmation hearings imperiled his nomination. Senator Rudy Boschwitz (R-MN) suggested Lefever's personal style made him unfit for the position, saying he 'lacks the diplomatic skills needed for the post.'³⁷ In addition, Percy repeatedly expressed irritation over Lefever's assertion that his opponents were part of a 'communist-inspired' conspiracy.³⁸ Lefever engaged in extensive debate with members of the Committee on a range of issues and frustrated some with his refusal to offer his opinions on existing human rights legislation, the political situation in certain African countries, human rights treaties including the Genocide Convention, whether or not the Pol Pot regime should be seated at the United Nations, and the degree of repression in China. Senator Claiborne Pell (D-RI) declared Lefever was the first nominee that he could remember in his sixteen years of service on the Foreign Relations Committee who had declined to give his or her personal views on issues. Pell went on to say, 'I will just note that the Genocide Convention was written in the late 1940s. You have had a lifetime to form an opinion on it, and I am not impressed with your reply.'³⁹ Lefever said he was unwilling to share his views in principle, as they were not yet 'mature and disciplined,' but would say that the 'signing of treaties does not necessarily change the behavior of the states that violate rights the most.'⁴⁰

Given the leading role played by Congress in US human rights policy in the 1970s – with the statutes Lefever had in 1979 suggested be erased, including a key amendment to the 1974 Foreign Assistance Act, predating Carter's term in office – many members of Congress interpreted Lefever's criticisms of Carter's policy as opposition to their own

efforts.⁴¹ Thus, there was a considerable degree of executive-legislative branch rivalry evident in Lefever's confirmation hearings.

Not surprisingly, many in the human rights community actively opposed Lefever. Human rights groups in Washington, DC and New York City reached out to one another and worked to defeat the nomination.⁴² Helsinki Watch, a prominent human rights organization, opposed Lefever's nomination because, as its chair Robert Bernstein testified, 'he himself opposes the purposes for which Congress created the post he seeks.'⁴³ Helsinki Watch officials such as Bernstein, Jeri Laber, Aryeh Neier, and Orville Schell had met with Lefever in advance of his confirmation hearings, but their meetings did not mitigate their position. They continued to oppose his nomination, making repeated trips to Washington to campaign against his confirmation, including attending and testifying at his confirmation hearings and hosting a dinner in Washington honoring former Argentine political prisoner Jacobo Timerman that coincided with the hearings. The group, and Neier in particular, was firmly committed to defeating Lefever's nomination: 'We thought it vital for the future of the human rights cause to defeat him.'⁴⁴

Jacobo Timerman's presence at Lefever's confirmation hearings heightened the drama of the proceedings. Timerman was acknowledged at the hearing, his memoir cited, and his presence greeted with applause. Although he did not testify, Timerman represented a stark counterpoint to Lefever's testimony on behalf of quiet diplomacy as he attributed his release in part to the efforts of Carter's Assistant Secretary of State for Human Rights and Humanitarian Affairs, Pat Derian, and he asserted that Carter's human rights policy saved 'thousands of lives all over the world.' Through interviews with journalists and members of Congress, Timerman made his position clear: 'Silent diplomacy is silence. Quiet diplomacy is surrender.'⁴⁵ In Helsinki Watch Executive Director Jeri Laber's view, Timerman's appearance at Lefever's hearings helped seal the nomination's fate:

A factor in [Lefever's] defeat was a well-timed appearance by the Argentinean newspaper publisher Jacobo Timerman, who had described his experiences as a former political prisoner and torture victim to a select group of senators at a dinner we hosted in Washington the night before. Lefever was finished once Timerman stood before the Senate committee.⁴⁶

A number of expert witnesses also testified against Lefever's nomination. Prominent human rights scholar Louis Henkin testified that Lefever was 'wholly disqualified for this job.' Henkin disagreed with

Lefever's characterization of human rights criticism as unwarranted interference in the internal affairs of sovereign states, arguing that quiet diplomacy had become no diplomacy under earlier administrations. Similarly, Marvin Frankel, a prominent lawyer and human rights activist, testified that Lefever's concerns about interfering in the internal affairs of a sovereign state were in line with the views of Soviet leaders, who also disavowed public condemnation of human rights abuses. Henkin and other witnesses also questioned Lefever's contention that he had 'goofered' in earlier congressional testimony, noting, 'The "goofer" may suggest a minor slip; in fact his opposition has been clearly part of a coherent position, firmly expressed over several years, and so far as I know, held at least until he was nominated.' Henkin said, 'I do not believe that this law can be faithfully executed by someone who thinks there should be no such law, who has been firmly opposed to it in its spirit and in every detail.'⁴⁷ Emphasizing the importance of governmental support for human rights, the Western representative of the Moscow Helsinki Watch Group, a human rights monitoring group in the Soviet Union, Ludmilla Alekseeva said, 'The United States has achieved respectability and credibility in speaking out publicly and forcefully against human rights violations around the world. A continuation of this universal policy is essential to the human rights movement in the Soviet Union.'⁴⁸

In contrast to the opposition his nomination engendered from Helsinki Watch and other human rights groups, Lefever's nomination garnered support from a range of Eastern European ethnic interest groups, no doubt drawn to his sharp condemnations of the communist regimes there.⁴⁹ Fifty individuals representing predominantly Eastern European and Vietnamese interest groups endorsed Lefever's nomination under the umbrella group, Committee for a Balanced Human Rights Policy, citing their conviction that Lefever 'has dedicated his life towards those self-same principles of freedom, democracy and independence on which this country is based.'⁵⁰ The group argued that Lefever was 'fully qualified to restore balance in the nation's human rights policy, and [would] implement policies and programs designed to strengthen human rights around the world consistent with the freedom and independence of the United States and its allies.'⁵¹ Quite often, Lefever's supporters explicitly cited what they viewed as Carter's weak stance against human rights abuses in communist countries; many repeatedly accused the Carter administration of having maintained a 'double standard' in assessing countries' human rights records.⁵² A number of other academics and former government officials wrote to

the Senate Foreign Relations Committee to defend Lefever's approach to human rights and personal record.⁵³ For example, philosopher Sidney Hook wrote to the committee, 'I have been appalled by the evidence of a veritable campaign of misrepresentation of his position by those who are more hostile to current American foreign policy than dedicated to the even handed defense of human rights.'⁵⁴

Some administration supporters argued that criticism of Lefever reflected opposition to Reagan's human rights approach, which in columnist William Safire's words 'has just won an election.'⁵⁵ Testifying before the Senate Committee, Representative Charles Wilson (R-TX) said:

I would point out to my friends with a differing viewpoint from mine, that Mr. Lefever is not the only man in the United States that believes that human rights can best be achieved by using less pyrotechnics and more diplomacy. The President can certainly find others to represent his policy, but I can assure you he is not going to appoint Pat [sic] Derian as Assistant Secretary for Human Rights, no matter what my friends say.⁵⁶

Indeed, in questions to former Representative Donald Fraser, members of the Committee suggested no Reagan nominee would meet with his approval.⁵⁷ Briefing materials for Tsongas, however, pointed out many instances in which Haig and Lefever diverged in their stated approaches to human rights treaties and assistance to governments that abuse human rights. On the latter question, Haig had stated, 'I do not believe we should, other than in the most exceptional circumstances, provide aid to any country which consistently and in the harshest manner violate the human rights of its citizens.'⁵⁸ These differences raised questions about whose pronouncements on human rights most closely reflected Reagan's policy and if criticism of Lefever could be easily reduced to opposition to Reagan's approach.

Lefever's performance at the hearings did not mitigate congressional concerns about the appropriateness of his nomination. After the first two days of hearings, Cranston, Tsongas, and Senator Christopher Dodd (D-CT) called upon Lefever to withdraw his name from nomination: 'We believe Lefever's misleading and evasive testimony should disqualify him from further consideration for a post which requires a forthright advocate and champion of human rights.' In their view, his nomination 'imperils the credibility and reputation of the Bureau of Human Rights and Humanitarian Affairs itself.'⁵⁹ According to reports, Percy privately asked the White House to withdraw Lefever's nomination,

although the State Department asserted, 'The President is determined to stand by his nominee.'⁶⁰

Other members of Congress increasingly spoke out against Lefever's nomination, while Cranston raised the specter of a filibuster to prevent a vote on Lefever's confirmation: 'there are many others who feel that the Lefever nomination is so inconsistent with high American ideals that we would oppose sending his nomination to the floor and would feel it our duty to try to prevent the Senate from voting on this nomination by resorting to extended debate.'⁶¹ Given congressional opposition, former Nixon aide Patrick Buchanan argued 'the White House will have to intervene to save him.'⁶² By early June, however, Tsongas alleged administration support for Lefever was waning, saying on NBC's 'Meet the Press': 'The Secretary of State is not beating down the halls and the doors of members of the Senate to support Dr. Lefever.' He further asserted, 'I have spoken to no one in this Administration who is strongly supporting this nominee.'⁶³ The lack of administration lobbying on Lefever's behalf might be explained by reports in *Newsweek* suggesting that Lefever was selected to 'placate' conservatives such as Senator Jesse Helms (R-NC) rather than due to Haig or Reagan's initiative.⁶⁴ Furthermore, as Reagan indicated through his comments in his March 1981 interview with Cronkite, the President did not have a close personal relationship with the nominee, making Reagan's prestige less connected with Lefever's confirmation.

Lefever's nomination also stimulated wider concern. The American public had supported the United States' attention to human rights and resisted efforts to downgrade its importance.⁶⁵ For example, Senator Nancy Kassebaum (R-KS) received thirty-three letters regarding Lefever's nomination, and all but one opposed him.⁶⁶ One correspondent wrote to Kassebaum to express her concerns that Lefever 'is not capable of functioning as a protector of human rights.'⁶⁷ Percy received 554 letters supporting Lefever's nomination and 1,046 opposed to it.⁶⁸ Congressional and popular apprehension was echoed in the media; one critical columnist likened Lefever's nomination to putting 'the fox in charge of the chicken coop.'⁶⁹ On May 24, the *New York Times* came out strongly against Lefever's nomination, labeling him 'unworthy' and suggesting it sent 'the worst possible signal.'⁷⁰ The administration recognized the resistance to Lefever's nomination with one official describing him as 'the most controversial guy we've got.'⁷¹

In a recess in Lefever's hearings, Reagan administration officials attempted to address concerns about the nomination.⁷² First, the State Department worked to counter claims about South African funding of

the Ethics and Public Policy Center as well as to diminish the controversy surrounding the Center's work on infant formula.⁷³ Administration officials also compiled a package of information on 'false charges' against Lefever.⁷⁴ Briefing materials for Lefever urged him to avoid using 'over-broad generalizations that you may be forced to retract later' and warned him to 'never be defensive.'⁷⁵ Lefever also embarked upon a series of television and radio appearances to rebut his critics. In one interview, Lefever asserted a close correlation between his views and the President's: 'There is no difference between my view and that of the president's, so opposition to me is opposition to the president of the United States, and his mandate to carry out foreign policy in a different way.'⁷⁶ His interviews, however, were curtailed after two days when administration officials became concerned Lefever was worsening his position.⁷⁷

The hearings resumed on 4 June, in an executive session to enable Lefever to respond to the objections that had been raised against him. Lefever tried to refute allegations that he was insensitive to human rights abuses in authoritarian regimes arguing, 'I care about human rights everywhere, in democracies, in our own country, and in friendly countries and in enemy countries. I make no distinction. There is one moral yardstick.'⁷⁸ For the executive session, Senator Samuel Hayakawa (R-CA), who was charged with shepherding Lefever's nomination, prepared a packet for the Committee outlining broad support for Lefever among academics, human rights leaders, theologians, former government officials, and other leaders. Furthermore, forty-two House members wrote to Percy to express their support for Lefever's nomination. Questions in the executive session dealt extensively with the timeline of Nestlé's contributions to the Ethics and Public Policy Center, and a number of Senators indicated their belief that Lefever had a conflict of interest by accepting funds from Nestlé at the same time as he was commissioning an investigative piece on the infant formula boycott. Furthermore, some Senators suggested Lefever had been misleading in his earlier testimony on the subject.

The following day, the Committee voted thirteen to four against him.⁷⁹ Senate historians at the time said that it was the first instance since 1959 that a president's nominee had been rejected by a Senate committee.⁸⁰ In explaining his vote, Percy expressed apprehension about Lefever's commitment to human rights and personal integrity: 'Concern for human rights is not just a policy of the United States. It is an underlying principle of our political system and a fundamental factor in the appeal of democracy to people throughout the world.'⁸¹ Percy also questioned Lefever's knowledge of policy issues, saying Lefever

had 'very little familiarity with the [human rights] provisions themselves' and characterized his testimony as 'a series of broad generalizations without a willingness to discuss specific issues.'⁸²

Other members of Congress explained their votes against his nomination. Pell suggested Lefever could not be a credible voice supporting human rights internationally given his earlier writings on South Africa and South Korea as well as the absence of formulated positions on treaties such as the Genocide Convention. Tsongas criticized what he considered to be 'an intolerant view of his opponent and a tendency to divide the world in friends and enemies, left and right, Communist and non-Communist.' Cranston declared he was disturbed by what he saw as inconsistencies in Lefever's testimony: 'I believe he has demonstrated a highly disturbing disregard for adherence to the facts and a propensity for "loose" statements, to use his own word. This kind of cavalier approach would ill serve our national interests and should not be institutionalized by confirmation to a vital position of public trust.'⁸³ Dodd, in explaining his vote against Lefever, said he found him 'to be totally unreliable as an advocate of human rights, to be entirely inconsistent in his own testimony' before this committee, and to lack the necessary balance to assume a sensitive position of high public trust.⁸⁴ Lefever withdrew from consideration shortly thereafter, writing: 'I am blameless of all the charges and innuendos that have been made against my integrity and my compassion. I do not wish any longer to put up with the kind of suspicion and character-assassination that some of my opponents have used to besmirch my name.'⁸⁵

In the wake of Lefever's withdrawal, the administration did not move quickly to propose a second nominee. Instead, the Reagan administration contemplated disbanding the Bureau and eliminating the Assistant Secretary for Human Rights and Humanitarian Affairs position, leading to consternation from human rights groups and members of Congress. Four months passed without a new nominee.⁸⁶ The White House, however, argued that such changes, if undertaken, would not signal a lessening of concern for human rights by the administration, reiterating that Reagan was committed to a strategy more focused on quiet diplomacy.⁸⁷ Vice President George Bush declared the 'administration is pledged to human rights' but will not 'shout from the rooftops and beat our breasts.'⁸⁸

An ongoing element of this debate was the Congressional legislation that mandated the Assistant Secretary position.⁸⁹ To leave the position empty seemed an effort to avoid compliance with the law. Fifty-seven members of Congress wrote to Reagan in late June to express their

concern at the unfilled seat, asking him to make a nomination 'as soon as possible.'⁹⁰ Representative Don Bonker (D-WA) noted on the floor of the House the 282nd day of the Reagan administration in which there was no Assistant Secretary of State for Human Rights and Humanitarian Affairs.⁹¹

The concern and complaints from human rights advocates were not lost on the administration. Under Secretary of State Richard Kennedy wrote, 'Congressional belief that we have no consistent human rights policy threatens to disrupt important foreign-policy initiatives.... Human rights has become one of the main avenues for domestic attack on the administration's foreign policy.'⁹² Kennedy, working alongside State Department officials Charles Fairbanks, Jr. and Paul Wolfowitz, sought to shift the administration's approach.⁹³ Acting Assistant Secretary of State for Human Rights and Humanitarian Affairs Stephen Palmer sees Fairbanks as key to the transformation in attitudes toward human rights at the State Department: '[Fairbanks] became convinced that the new administration could usefully use human rights in a constructive way, could stay with the country reports, and emphasize more quiet diplomacy.'⁹⁴ To address persistent concerns and signal a new approach, Haig gave a speech saying that human rights was 'the major focus' of Reagan's foreign policy.

The administration also leaked parts of a State Department memorandum entitled 'Reinvigoration of Human Rights Policy' to the *New York Times*. It stated, 'Human rights is at the core of our foreign policy because it is central to what America is and stands for. "Human rights" is not something we tack on to our foreign policy, but is its very purpose.'⁹⁵ In the memorandum, State Department officials argued human rights 'gives us the best opportunity to convey what is ultimately at issue in our contest with the Soviet bloc' and 'must be central to our assault on them.' In addition to identifying support for human rights as useful in the Soviet-American struggle, the memorandum's authors also noted the issue was essential to garner public and Congressional support: 'We will never maintain wide public support for our foreign policy unless we can relate it to American ideals and the defense of freedom.'⁹⁶ By not articulating its commitment to human rights, the administration was subjecting itself to considerable domestic criticism according to the authors. The memorandum also attempted to clarify the meaning of 'quiet diplomacy' suggesting a softer voice would 'not neglect the goal' of enhancing freedom, particularly in the Soviet Union.⁹⁷ In addition, it outlined a greater commitment to a balanced approach to human rights abuses than Lefever had advocated in his

confirmation hearings. The memorandum's authors conceded, 'A human rights policy means trouble, for it means hard choices which may adversely affect certain bilateral relations. At the very least, we will have to speak honestly about our friends' human rights violations.'⁹⁸ The memorandum was greeted warmly when leaked to the *New York Times* and when a similar version was disseminated to human rights organizations such as Helsinki Watch.⁹⁹

In advance of the planned announcement of a new nominee to head the Human Rights Bureau, the State Department asserted the Bureau was to be 'strengthened and reinvigorated' as opposed to the reduction in influence many had feared.¹⁰⁰ The State Department also communicated with human rights organizations such as Helsinki Watch to reassure them of the administration's commitment to the issue. Writing to Helsinki Watch Chair Robert Bernstein, Palmer asserted the administration was not contemplating any decreased emphasis on human rights. In addition, he maintained a nomination to head the Human Rights Bureau would 'not be unduly delayed.'¹⁰¹

Faced with rising concerns among members of Congress and interested non-governmental organizations, the administration sought to articulate its human rights policy. Testifying before a House Foreign Affairs Subcommittee, Under Secretary of State for Political Affairs Walter Stoessel suggested the Reagan administration would express concern about violations of human rights irrespective of the friendliness of the government to the US, a shift from earlier articulations. He said it would oppose human rights violations 'whether by ally or adversary, friend or foe.'¹⁰² The Reagan administration further proclaimed what it argued was a consistent approach to human rights abusers, writing in the 1981 *Country Reports on Human Rights Practices*, 'U.S. human rights policy will not pursue a policy of selective indignation.'¹⁰³

Most significantly, the White House announced its nomination of Elliott Abrams, who was serving as Assistant Secretary of State for International Organization Affairs, to head the State Department's Human Rights Bureau on 30 October 1981. After consulting with Wolfowitz and Fairbanks on the Department's new approach to human rights, Abrams had decided that he wanted to move over to be Assistant Secretary for Human Rights and Humanitarian Affairs.¹⁰⁴ According to Teresa Tull, who served in the human rights bureau at the time, Abrams' decision was due in part to his frustration with his relationship with Kirkpatrick who was said to resist direction from Washington.¹⁰⁵ Abrams' nomination had bipartisan support in Congress, having previously worked for Senators Daniel Patrick Moynihan (D-NY) and Henry Jackson (D-WA). Moynihan

declared Abrams had a 'great commitment to the issue of human rights' and Jackson proclaimed him 'an excellent choice.'¹⁰⁶ According to State Department official George Lister, although Don Bonker believed the Reagan administration had 'reversed most of the major human rights positions we had taken earlier,' he regarded Abrams' nomination as a positive step.¹⁰⁷ Similarly, Lister reported that Tom Harkin expressed a positive response to Abrams' nomination, regarding him as 'light years ahead' of Lefever in his 'understanding of human rights.'¹⁰⁸ Skeptics, however, expressed less than overwhelming enthusiasm for Abrams' appointment, with one saying, 'Everyone's saying Elliott Abrams is so great just because he's not Darth Vader.'¹⁰⁹

At Abrams' confirmation hearings, Percy asserted the nomination 'signals a real commitment by the administration to take the high road when it comes to human rights.'¹¹⁰ Abrams faced few difficult questions in his confirmation hearings, and Republicans and Democrats alike expressed pleasure at his nomination. For example, Senator Pell told him,

I think an example of the President's and the Secretary's belief in human rights is shown by the fact that they are going to appoint an activist secretary in the job...

I am delighted both that the job is being filled and that you are the man who is filling it.¹¹¹

The Senate Foreign Relations Committee unanimously approved Abrams' nomination on 17 November 1981. The Senate unanimously confirmed him several days later.

In the aftermath of Abrams' confirmation, the administration adopted a new approach publicly, working to convey a concern for human rights to the American public and an international audience. For example, the White House organized a meeting between Reagan and Soviet émigrés at which the president particularly stressed his commitment to religious freedom in Eastern Europe.¹¹² Similarly, National Security Adviser William P. Clark scheduled a meeting with Helsinki Watch members, and the NSC arranged a call between Reagan and a relative of internally exiled Soviet human rights activist Andrei Sakharov.¹¹³ These largely superficial events illustrate the political importance human rights had developed for the American public.

The new approach, however, went beyond superficiality. After Abrams' confirmation, Haig distributed a memorandum directing all regional bureaus to work with the human rights bureau to ensure that

'the promotion of political freedom... not be considered only as an afterthought.'¹¹⁴ Haig also urged State Department officials, in their contacts with foreign governments, to 'be sure to convey... the continuing interest of Congress, the American people, and the Administration in the expansion of personal and political freedom.'¹¹⁵ Furthermore, Abrams articulated an intention to pursue a more active approach than had been predicted of Lefever: 'There has been and will be less public criticism of friendly country governments... [but] you cannot make a clear distinction between East and West on the basis of freedom if the United States is supporting dictators around the world.'¹¹⁶ Such steps suggested the administration hoped to put the controversy raised by Lefever's nomination behind it.

At the outset of his presidency, Reagan and his aides made clear their intention to shift away from the emphasis that had been placed on human rights by the previous administration, in particular by lowering the volume and limiting the number of American pronouncements. Reagan may have been able to accomplish such a change through an evolutionary process, but his selection of Ernest Lefever to head the State Department's Bureau of Human Rights and Humanitarian Affairs was viewed as extremist. Lefever's nomination elicited a groundswell of opposition among members of Congress, human rights activists, and the broader public that prevented a complete abandonment of Carter's emphasis on human rights. Although human rights never regained the prominence they had enjoyed under Carter, the issue remained a rhetorical and substantive element of US foreign policy in the years that followed. The shift was due largely to the campaign to defeat Lefever's nomination. In his memoirs, Helsinki Watch Vice Chair Aryeh Neier emphasizes the lasting significance of Lefever's withdrawal to the US human rights movement: 'It was, I now believe, the turning point in establishing the human rights cause as a factor in U.S. foreign policy and not the passing fad or even folly of the Carter administration, as it was considered in 1981 by the man who nominated Lefever and by his foreign policy team.'¹¹⁷

The evolution of the Reagan administration's attitude toward human rights over the course of 1981 offers important evidence of the critical role played by members of Congress and concerned citizens in shaping US policy and keeping human rights on the foreign policy agenda. Lefever's disavowal of years of human rights legislation and struggle to articulate his support for international human rights undermined many Americans' sense of the positive role the US could play in the world. Similarly, it raised important questions about what values and

ideals should shape American diplomacy. The outcome of Lefever's nomination suggested concern for human rights had gained greater salience than the administration had realized.

The administration's overall human rights record, however, remains controversial. After George Shultz became Secretary of State in July 1982, he devoted considerable attention to the question of protection of human rights in the Soviet Union and Eastern Europe, heightening the administration's commitment to the issue.¹¹⁸ Yet, concern for human rights was highly compartmentalized as well as dependent on geopolitics and strategic interests. Despite its claims that it was pursuing an 'evenhanded' human rights policy, the Reagan administration was less willing than Carter to criticize states and leaders it considered America's friends. Such an approach led the administration to overlook human rights abuses in Argentina, Chile, the Philippines, South Korea, and Turkey as well as ignore congressional legislation related to human rights.¹¹⁹ Furthermore, Abrams and others in the administration prioritized the prevention of communist takeovers as they believed democratic governments were more likely to respect human rights. This worldview, which stressed anti-communism over concerns about violations of human rights, shaped the administration's approach to widespread abuses in Nicaragua and El Salvador.¹²⁰ Abrams' nomination and the Reagan administration's rhetoric in subsequent years demonstrated recognition that it could not publicly eschew human rights as a priority in US foreign policy. Yet, the content of US human rights policy during the Reagan years and under the administrations that have followed has remained far from assured.

Notes

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1 Associated Press (AP), 'Soviet Dissident Calls Reagan Human Rights Policy Dangerous,' 10 February 1981, Human Rights, 1982-1983, Box 691, Old Code Subject Files, 1953-1994, Soviet Red Archives, Records of Radio Free Europe/Radio Liberty Research Institute, Open Society Archives, Budapest, Hungary.

2 Jimmy Carter, Inaugural Address, 20 January 1977 in *Public Papers of the Presidents: Jimmy Carter 1977: 1* (Washington: Government Printing Office, 1977), 2.

- 3 David Carleton and Michael Stohl, 'The Foreign Policy of Human Rights: Rhetoric and Reality from Jimmy Carter to Ronald Reagan,' *Human Rights Quarterly*, Vol. 7, No. 2 (May 1985), 208-9; and David P. Forsythe, 'Human Rights in U.S. Foreign Policy: Retrospect and Prospect,' *Political Science Quarterly*, Vol. 105, No. 3 (Autumn 1990), 444-5.
- 4 Tamar Jacoby, 'The Reagan Turnaround on Human Rights,' *Foreign Affairs*, Vol. 64, No. 5 (1986), 1068-9.
- 5 Forsythe, 'Human Rights in U.S. Foreign Policy,' 442; John Dumbrell, *American Foreign Policy: Carter to Clinton* (New York: St. Martin's Press, 1997), 57; Hauke Hartmann, 'US Human Rights Policy Under Carter and Reagan, 1977-1981,' *Human Rights Quarterly*, 23 (2001), 403, 424; Carleton and Stohl, 'The Foreign Policy of Human Rights,' 208-9; Charles Mohr, 'Haig Aide Insists U.S. Rights Policy is Evenhanded,' *New York Times*, 15 July 1981, A10; and Sandy Vogelgesang, 'Diplomacy of Human Rights,' *International Studies Quarterly*, Vol. 23, No. 2 (June 1979), 230-1.
- 6 Kennedy to Haig, 26 October 1981, released to the author under the Freedom of Information Act.
- 7 Lefever's failed nomination has not previously received significant scholarly attention.
- 8 Carleton and Stohl, 'The Foreign Policy of Human Rights,' 205.
- 9 'Excerpts from Haig's Remarks at First News Conference as Secretary of State,' *New York Times*, 29 January 1981, A10. Richard Schiffer, who served as Assistant Secretary of State for Human Rights and Humanitarian Affairs in Reagan's second term, suggests the extent to which the Reagan administration intended to replace concern for human rights with attention to international terrorism was misinterpreted due to a verbal fumble by Haig-Richard Schiffer, 'Building Firm Foundations: The Institutionalization of United States Human Rights Policy in the Reagan Years,' *Harvard Human Rights Journal*, 2 (1989), 4.
- 10 Lord to Allen, 17 February 1981, Folder 1, Box 1, HU, White House Office of Records Management (WHORM) Subject File, Ronald Reagan Library, Sini Valley, California. (Hereafter RRL.)
- 11 Lefever was the director of the Ethics and Public Policy Center, a research organization originally affiliated with Georgetown University. He had attended divinity school and then earned a PhD in Christian Ethics from Yale University and had written widely on the approach of theologians and church organizations toward the wider world and United States foreign policy in particular. In addition to Lefever's friendship with Kirkpatrick, some reports indicate that Lefever came to the attention of National Security Adviser Richard Allen through an article he had written on human rights. Summary of News Stories and Commentaries, 31 May 1981 [Lefever Material from Richard Hauser] (4), CFOA 113, Counsel to the President, Office of Records, RRL. Other reports attributed Lefever's appointment to the increasing role of political adviser Lyn Nofziger in overseeing political appointments. 'Thunderers on the Rights,' *Time*, 16 March 1981, 32.
- 12 Vogelgesang, 'Diplomacy of Human Rights,' 230-1.
- 13 *Congressional Record*, 1 April 1981, 6084.
- 14 Editorial, 'The Worst Yet,' *The Nation*, 21 February 1981, 195.
- 15 The speech was on March 31. *Congressional Record*, 11 May 1981, 9217-9218; and Edwin S. Maynard, 'The Bureaucracy and Implementation of US Human Rights Policy,' *Human Rights Quarterly*, Vol. 11, No. 2 (May 1989), 182-3.
- 16 'Nomination of Ernest W. Lefever,' Hearings before the Committee on Foreign Relations, United States Senate, 97th Congress, 1st Session, 18, 19 May, and 4, 5 June 1981.
- 17 *Ibid.*
- 18 Such views neglected the intense frustration the Soviet Union, Czechoslovakia, and other Eastern European countries felt about Carter administration criticism.
- 19 'Nomination of Ernest W. Lefever.'
- 20 *Ibid.*
- 21 *Ibid.*
- 22 *Ibid.*
- 23 Memorandum, Warburg to File, 2 March 1981, Lefever Nomination, Carton 264, Alan MacGregor Cranston Papers, Bancroft Library, University of California, Berkeley, California. (Hereafter Cranston Papers.)
- 24 Anthony Lewis, 'Advice at Home; Advise and Consent,' *New York Times*, 21 May 1981, A27.
- 25 'Human Rights and U.S. Foreign Policy,' Hearings Before the Subcommittee on International Organizations of the Committee on Foreign Affairs, House of Representatives, 96th Congress, 1st Session, 12 July 1979. See also Dumbrell, *American Foreign Policy*, 57.
- 26 In a March 3, 1981 interview with Reagan, Walter Cronkite asked him about Lefever's previous 'statute books' statement and Reagan responded, 'Well, [I've never had a chance to discuss with him just how he views that or what he believes the course would take. I do, however, believe that contrary to some of the attacks against him, that he's as concerned about human rights as the rest of us. But I think what he means is that basic human rights and the violation of them are being ignored by us where they take place in the Communist bloc nations.' Excerpts from an Interview With Walter Cronkite of CBS News, 3 March 1981 in John T. Woolley and Gerhard Peters, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=43497> (accessed 12 May 2010).
- 27 'Nomination of Ernest W. Lefever.'
- 28 *Ibid.* A *Saint Paul Pioneer Press* editorial termed Lefever's sharp distinction between authoritarian and totalitarian regimes as 'shaky political science at best.' Extension of Remarks, *Congressional Record*, 24 February 1981, 2974.
- 29 Representative Barney Frank (D-MA), *Congressional Record*, 13 May 1981, 9704; and Charles Mohr, 'Human Rights Choice Abhors Scolding as U.S. Tool,' *New York Times*, 13 February 1981, A2.
- 30 Judith Miller, 'Rights Choice Says He's a "Do-Goooder," not "Galahaad,"' *New York Times*, 19 May 1981, A7; and 'Nomination of Ernest W. Lefever.'
- 31 'Nomination of Ernest W. Lefever.'
- 32 *Ibid.*
- 33 *Ibid.* Such views also prompted members of the Congressional Black Caucus to cable Reagan asking that he withdraw Lefever's nomination.

- Fauntroy and Gray to Reagan, 4 June 1981, FG 011 027355, WHORM Subject File, RRL.
- 34 Ernest W. Lefever, 'The Trivialization of Human Rights,' *Policy Review*, 3 (Winter 1978), 11; and *Congressional Record*, 1 April 1981, 6084.
- 35 'Nomination of Ernest W. Lefever,' Such a characterization led the Mexican American Legal Defense and Educational Fund to oppose Lefever's nomination on the grounds of racial and cultural bias.
- 36 Ernest W. Lefever, 'Carter's Peniling Seoul,' *New York Times*, 18 June 1980, A31; and 'Nomination of Ernest W. Lefever.'
- 37 Judith Miller, 'Reagan Firm on Rights Choice as Opposition Rises,' *New York Times*, 23 May 1981, 7.
- 38 Lewis, 'Advice at Home'; and 'Nomination of Ernest W. Lefever.' See also Cranston Statement, 4 June 1981, Lefever Nomination, Carton 264, Cranston Papers.
- 39 'Nomination of Ernest W. Lefever.'
- 40 *Ibid.*
- 41 Representative Don Bonker (D-WA) noted in *Christian Science Monitor* 'It was really Congress which laid the ground-work for our human rights policy.' Don Bonker, 'Human Rights: Will Reagan Learn From Congress?' *Christian Science Monitor*, 25 February 1981, 23. While awaiting confirmation, Lefever told Stephen Palmer, who was the Acting Assistant Secretary, that he wanted to end the Department's annual human rights reports. Palmer reports he said, 'Ernie, that's easier said than done. It's a law. I personally don't see that we're going to get Congress to withdraw that obligation from us.' Interview with Stephen E. Palmer, Jr., 31 June 1995, The Foreign Affairs Oral History Collection of the Association for Diplomatic Studies and Training, Library of Congress.
- 42 Charles Mohr, 'Coalition Assails Reagan's Choice for State Dept. Human Rights Job,' *New York Times*, 25 February 1981, A10; and New York Human Rights Organizations Coordinating Meeting Minutes, 28 October 1981, USSR: US: State Department: Human Rights Bureau: [General], 1979-1982, 1985-1987, Box 59, Country Files, Cathy Fitzpatrick Files, Human Rights Watch Records, Center for Human Rights Documentation and Research, Rare Book and Manuscript Library, Columbia University Library, New York, New York. (Hereafter HRWR.)
- 43 Testimony, Robert Bernstein, 19 May 1981, Folder 4, Box 151, Part I: Professional File, Conference on Security and Cooperation in Europe, Arthur J. Goldberg Papers, Manuscript Division, Library of Congress, Washington, District of Columbia; and 'Nomination of Ernest W. Lefever.' (Hereafter Goldberg Papers.)
- 44 Minutes of the Board of Directors Meeting US Helsinki Watch Committee, 4 June 1981, Folder 4, Box 151, Part I: Professional File, Conference on Security and Cooperation in Europe, Goldberg Papers; and Aryeh Neier, *Taking Liberties: Four Decades in the Struggle for Rights* (New York: Public Affairs, 2003), 177.
- 45 Judith Miller, 'Rights Victim is a Potent Presence as Senators Assess Reagan Choice,' *New York Times*, 20 May 1981, A14; Daniel Southerland, 'Ex-Argentine Torture Victim Declines Lefever Nomination,' *Christian Science Monitor*, 20 May 1981; Jeri Laber, *The Courage of Strangers: Coming of Age*
- with the *Human Rights Movement* (New York: PublicAffairs, 2002), 129; and 'Nomination of Ernest W. Lefever.'
- 46 Laber, *The Courage of Strangers*, 129.
- 47 'Nomination of Ernest W. Lefever.' Lefever's supporters countered that he was not unsympathetic to human rights abuses, but rather that he approached the issue with a realist outlook on the role of the United States in the world.
- 48 Ludmilla Alekseeva Statement, 19 May 1981, Folder 4, Box 151, Part I: Professional File, Conference on Security and Cooperation in Europe, Goldberg Papers; and *Congressional Record*, 14 May 1981, 9877. See also Anthony Lewis, 'Lefever: Why It Matters,' 31 May 1981, *New York Times*, 4: 19.
- 49 Lefever also gained the support of some human rights activists, such as Amnesty International USA's general consul, Mark Benenson.
- 50 Extension of Remarks, *Congressional Record*, 2 April 1981, 6393; and Open Letter, 7 March 1981 [Lefever Nomination - Clippings] (2), CFOA 114, Counsel to the President, Office of Records, RRL.
- 51 Furthermore, the Committee argued that 'One of the promises made by President Reagan in the course of his campaign was that the direction of U.S. foreign policy in the area of human rights would be changed. Polls had indicated widespread concern by the American people that human rights considerations had been allowed to influence and even determine policy towards Third World and allied countries—often in a manner inconsistent with U.S. and Free World security interests.' Statement of Purpose, 7 March 1981 [Lefever Nomination - Clippings] (2), CFOA 114, Counsel to the President, Office of Records, RRL.
- 52 'Nomination of Ernest W. Lefever.'
- 53 *Congressional Record*, 10 April 1981, 7287-90; and 'Nomination of Ernest W. Lefever.'
- 54 'Nomination of Ernest W. Lefever.'
- 55 William Safire, 'The New Haynsworth,' 28 May 1981, *New York Times*, A19.
- 56 'Nomination of Ernest W. Lefever.'
- 57 Fraser responded that a nominee who agreed with Reagan's April 30 statement on the Holocaust would garner his approval. *Ibid.*
- 58 'An Attack on Lefever is an Attack on Reagan,' Folder 2, Box 69B, Paul E. Tsongas Papers, Center for Lowell History, University of Massachusetts Lowell Libraries, Lowell, Massachusetts. (Hereafter Tsongas Papers.)
- 59 Press Release, 22 May 1981, Lefever Nomination, Carton 264, Cranston Papers. See also Caroline Rand Herron, 'Lefever, the Man; They Love to Bait,' *New York Times*, 31 May 1981, 4:3; and Cranston Statement, 4 June 1981, Lefever Nomination, Carton 264, Cranston Papers.
- 60 'Percy Said to Uge New Rights Choice,' *New York Times*, 22 May 1981, A1. The subsequent day, the Reagan administration reiterated it support for Lefever; its spokesman said, 'The President wants his nominee. He is entitled to a philosophically compatible appointment in his administration.' Judith Miller, 'Reagan Firm on Rights Choice as Opposition Rises,' *New York Times*, 23 May 1981.

- 61 Cranston Statement, 4 June 1981, Lefever Nomination, Carton 264, Cranston Papers.
- 62 Patrick Buchanan, 'Reagan's Haynsworth,' *Chicago Tribune*-N.Y. News *Syndicate, Inc.* 28 May 1981.
- 63 AP, 'Tsongas Says Lefever Prospects for Rights Post Are Deteriorating,' *New York Times*, 1 June 1981, A6. Lefever's nomination was further imperiled by allegations from his brothers that he held racist views. Judith Miller, 'Reagan Aide Defends Lefever and Policy on Rights,' *New York Times*, 4 June 1981. Tsongas' congressional papers also contain reports on State Department gossip that Haig had never supported Lefever's nomination. 'Ernest Lefever: State Department Gossip,' Folder A-3, Box 69A, Tsongas Papers.
- 64 Summary of News Stories and Commentaries, 31 May 1981 [Lefever Material from Richard Hauser] (4), CFOA 113, Counsel to the President, Office of: Records, RRL.
- 65 Observers characterized Lefever as 'a rallying point' for liberals, perhaps the most galvanizing since the end of the Vietnam War. Daniel Southerland, 'Reagan "Signaled" on Human Rights,' *Christian Science Monitor*, 19 May 1981, 1.
- 66 Tracking congressional correspondence is obviously only one, limited way to measure public opinion. See 1981 CMS Letters 46-49, Box 50, Nancy Kassebaum Papers, Kansas Historical Society, Topeka, Kansas. (Hereafter Kassebaum Papers.)
- 67 Weeks to Kassebaum, 10 February 1983, 1981 CMS Letters 46-49, Box 50, Kassebaum Papers.
- 68 'Nomination of Ernest W. Lefever.' The proportion of letters opposing Lefever as well as his claims to have 'analyzed' them became contentious issues in his confirmation hearings. A Hill staffer alleged that the letters supporting Lefever have been 'generated' by a conservative mailing operation. The Ken Alford Show, 'A Talk with Ernest Lefever,' 26 May 1981 [Lefever Nomination Material III] (1), CFOA 114, Counsel to the President, Office of: Records, RRL.
- 69 Tom Wicker, 'In the Nation: Mr. Lefever's Colors,' *New York Times*, 22 May 1981, A27.
- 70 Editorial, 'Semantic Antics Over Human Rights,' *New York Times*, 24 May 1981, 18.
- 71 He further said, 'We're spending a lot of time putting together his campaign. It will be a bloody battle, but we think we'll win in the end.' Roberta Homng, 'Administration, Senators Brace for Lefever Battle,' *Washington Star*, 13 March 1981.
- 72 *New York Times* columnist Anthony Lewis had described Lefever's performance at the hearings 'self-destructive.' He wrote, 'Mr. Lefever was an extraordinarily evasive witness, unresponsive, disingenuous,' Lewis, 'Advice at Home.'
- 73 Fairbanks to Percy, 27 March 1981, HPG Lefever, Ernest W. General (1), CFOA 114, Counsel to the President, Office of: Records, RRL.
- 74 Press Release, 17 March 1981, Briefing Book - Nomination of Ernest W. Lefever (1), CFOA 114, Counsel to the President, Office of: Records, RRL.
- 75 Pointers for Dr. Lefever. [Lefever Material from Richard Hauser] (2), CFOA 113, Counsel to the President, Office of: Records, RRL.
- 76 The Ken Alford Show, 'A Talk with Ernest Lefever.' Lefever reiterated this point in an interview with the 'Today' show on NBC. John M. Goshko, 'Lefever Says Reagan Is Critics' Target,' *Washington Post*, 27 May 1981.
- 77 State Department officials reported Lefever, not the administration, initiated the interviews. Scott Armstrong, 'Lefever Cancels TV Appearance,' *Washington Post*, 28 May 1981, A8; and Judith Miller, 'Senators Postpone Vote on Rights Nominee,' *New York Times*, 29 May 1981.
- 78 'Nomination of Ernest W. Lefever.'
- 79 The five Republicans who voted against Lefever were: Charles Mathias, Nancy Kassebaum, Rudolph Boschwitz, Larry Pressler, and Charles Percy. All of the Committees Democrats opposed his nomination: Claiborne Pell, Joseph Biden, John Glenn, Paul Sarbanes, Edward Zorinsky, Paul Tsongas, Alan Cranston, and Christopher Dodd. His sole supporters were: Howard Baker, Jesse Helms, Richard Lugar, and Samuel Hayakawa.
- 80 'Exit Lefever, With a Nudge,' *New York Times*, 7 June 1981, 4: 1.
- 81 'Nomination of Ernest W. Lefever'; and Extension of Remarks, *Congressional Record*, 9 June 1981, 11934-6.
- 82 'Nomination of Ernest W. Lefever.'
- 83 Cranston Statement, 5 June 1981, Lefever Nomination, Carton 264, Cranston Papers; and 'Nomination of Ernest W. Lefever.'
- 84 'Nomination of Ernest W. Lefever.'
- 85 Lefever to Reagan, 5 June 1981, FG 011 019543, WHORM Subject File, RRL. Reagan responded by thanking Lefever for his 'perseverance in the face of hostile and often willfully uncomprehending criticism, in explaining for our public and for the world the foundations of our new human rights policy.' Reagan to Lefever, 15 June 1981 [Lefever Nomination - Notes and Clippings] (4), CFOA 113, Counsel to the President, Office of: Records, RRL.
- 86 AP, 'Dissidents Suffer from Chill in U.S.-Soviet Relations,' 1 November 1981, USA: Diplomatic Relations, 1981-1981, Box 971, Old Code Subject Files, 1953-1994, Soviet Red Archives, Records of Radio Free Europe/Radio Liberty Research Institute, Open Society Archives; and Molinari et al. to Reagan, 1 October 1981, Folder 4, Box 1, HU, WHORM Subject File, RRL. (Hereafter OSA.) The State Department considered changing the name of the Human Rights Bureau to the Bureau of Individual and Personal Rights as well as shifting the tasks of the office. Barbara Crossette, 'U.S. Postpones Filling Rights Position,' *New York Times*, 29 September 1981, A3; and Minutes of the Board of Directors Meeting US Helsinki Watch Committee, 1 October 1981, Folder 4, Box 151, Part I: Professional File, Conference on Security and Cooperation in Europe, Goldberg Papers. Helsinki Watch expressed its concern about proposals to change the name of the Bureau or abolish the post in a letter to Reagan. Bernstein et al. to Reagan, 5 October 1981, Folder 4, Box 1, HU, WHORM Subject File, RRL; and Press Release, 13 October 1981, Folder 4, Box 151, Part I: Professional File, Conference on Security and Cooperation in Europe, Goldberg Papers.

- 87 Palmer to Bernstein, 28 October 1981; Bernstein et al. to Reagan, 5 October 1981, Folder 4, Box 1, HU, WHORM Subject File, RRL; and Mohr, 'Haig Aide Insists U.S. Rights Policy is Evenhanded.'
- 88 The speech was delivered on May 24, 1981. *CSCE Digest*, 29 May 1981, Helsinki/Madrid, Box 112, Millicent Fenwick Papers, Rutgers University, New Brunswick, New Jersey; and 'Mondale Assails Reagan on Rights,' *New York Times*, 25 May 1981, A3.
- 89 Congress established the position with an amendment (Section 624 (f)) to the Foreign Assistance Act of 1961.
- 90 Extension of Remarks, *Congressional Record*, 9 July 1981, 1530-1.
- 91 Extension of Remarks, *Congressional Record*, 29 October 1981, 26125.
- 92 Kennedy to Haig, 26 October 1981, released to the author under the Freedom of Information Act. See also Jacoby, 'The Reagan Turnaround on Human Rights,' 1069-70.
- 93 Jefferson Morley, 'Rights and Reagan: Does the Appointment of Elliott Abrams Signal a Reversal in Human Rights Policy?,' *Foreign Service Journal* (March 1982): 20; and Elliott Abrams: A Neoconservative for Human Rights.'
- 94 Interview with Stephen E. Palmer, Jr., 31 June 1995. The Foreign Affairs Oral History Collection of the Association for Diplomatic Studies and Training, Library of Congress. See also Jerome Shestack, 'Human Rights, the National Interest, and U.S. Foreign Policy,' *Annals of the American Academy of Political and Social Science*, 506 (November 1989), 17.
- 95 Kennedy to Haig, 26 October 1981, released to the author under the Freedom of Information Act. See also Maynard, 182-3; and Hartmann, 'US Human Rights Policy Under Carter and Reagan, 1977-1981,' 425-6.
- 96 Underlining in original. Kennedy to Haig, 26 October 1981, released to the author under the Freedom of Information Act.
- 97 Kennedy to Haig, 27 October 1981, USSR: US: State Department: Human Rights Bureau [General], 1979-1982, 1985, 1987, Box 59, Country Files, Files of Cathy Fitzpatrick, HRWR.
- 98 Kennedy to Haig, 26 October 1981, released to the author under the Freedom of Information Act.
- 99 See, for example William Safire, 'Human Rights Victory,' *New York Times*, 5 November 1981, A27; and Pell to Haig, 12 November 1981, Alexander Haig, Box 54, Claiborne Pell Papers, University of Rhode Island, Kingston, Rhode Island.
- 100 Barbara Crosse, 'U.S. To Name Human Rights Aide,' *New York Times*, 30 October 1981, A3.
- 101 Palmer to Bernstein, 28 October 1981, Folder 4, Box 1, HU, WHORM Subject File, RRL.
- 102 Mohr, 'Haig Aide Insists U.S. Rights Policy is Evenhanded.'
- 103 A. Glenn Mower, *Human Rights and American Foreign Policy: The Carter and Reagan Experiences* (New York: Greenwood Press, 1987), 46-7.
- 104 'Elliott Abrams: A Neoconservative for Human Rights,' *National Journal*, 1 May 1982.
- 105 Interview with Theresa A. Tull, 9 November 2004, The Foreign Affairs Oral History Collection of the Association for Diplomatic Studies and Training, Library of Congress.
- 106 Judith Miller, 'Man in the News: A Neoconservative for Human Rights Post,' *New York Times*, 31 October 1981, 1: 7; and George Lardner, Jr., 'Human Rights Spokesman Reported Chosen,' *Washington Post*, 30 October 1981, A12.
- 107 Lister to Abrams, 14 December 1981, Folder 6, Box 2, George Lister Papers, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin, Austin, Texas. (Hereafter Lister Papers.)
- 108 Lister to Abrams, 10 December 1981, Folder 6, Box 2, Lister Papers.
- 109 Morley, 'Rights and Reagan,' 25.
- 110 'Nomination of Elliott Abrams,' Hearing Before the Committee on Foreign Relations, United States Senate, 97th Congress, 1st Session, 17 November 1981. In contrast to the voluminous record of Lefever's hearings, Abrams' nomination was dispensed with quickly, and the record of his hearings only totals twenty-seven pages. The record of Lefever's hearings, on the other hand, runs 577 pages.
- 111 *Ibid.*
- 112 Pipes to Clark, 6 May 1982, Dissident Lunch - White House May 11, 1982 (2/2), Box 22, Jack Matlock Files, RRL; and 'Former Dissidents Reassured by Reagan on Human Rights,' 12 May 1982, Human Rights, 1980-1982, Box 691, Old Code Subject Files, 1953-1994, Soviet Red Archives, Records of Radio Free Europe/Radio Liberty Research Institute, USA.
- 113 Lord to Clark, 22 June 1982, Folder 12, Box 1, WHORM Subject File, RRL. Clark was named National Security Adviser after Allen resigned in January 1982. Dobriansky and Blair to Clark, 23 December 1982, 'Vatican,' Box 91186, NSC: Records, European and Soviet Affairs Directorate, RRL.
- 114 Schifter, 'Building Firm Foundations,' 19.
- 115 *Ibid.*
- 116 Abrams, State's Human Rights Chief, Tries to Tailor a Policy to Suit Reagan,' *National Journal*, 1 May 1982.
- 117 Neier, *Taking Liberties*, 189. See also Laber, *Courage of Strangers*, 128-9.
- 118 Shultz thought Haig's past experience working with Henry Kissinger may have led him to place insufficient emphasis on human rights. George Shultz Interview, Folder 2, Box 3, Don Oberdorfer Papers, Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library, Princeton, New Jersey.
- 119 Jacoby, 'The Reagan Turnaround on Human Rights,' 1068, 1078; and Jerome J. Shestack, 'An Unsteady Focus: The Vulnerabilities of the Reagan Administration's Human Rights Policy,' *Harvard Human Rights Journal*, 2 (1989), 33-4, 37-8.
- 120 Interview with Theresa A. Tull, 9 November 2004, The Foreign Affairs Oral History Collection of the Association for Diplomatic Studies and Training, Library of Congress.