

# Regrounding U.S. Diplomacy in America's Founding Principles

COMMENTARY

By [Peter Berkowitz](#) - RCP Contributor  
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The yearlong controversy over the State Department's Commission on Unalienable Rights illustrates the potency of the intolerant and uncivil passions afflicting the nation. It also underscores the urgency of the commission's [report](#), which Secretary of State Mike Pompeo presented to the public last Thursday in a speech in Philadelphia at the National Constitution Center and in a Washington Post [op-ed](#).

In a Wall Street Journal [op-ed](#) last July, Secretary Pompeo announced the commission's establishment. He explained that he was prompted to take action because of the controversies swirling around the great post-World War II human rights project.

The secretary also emphasized that the commission's purpose was not to make concrete policy. Its mandate, rather, was to reground America's formal and informal commitments to human rights in the nation's founding principles and constitutional traditions, and in the [Universal Declaration of Human Rights](#), which the U.N. General Assembly approved, with U.S. support, in 1948.

This is what the commission, chaired by Harvard law professor Mary Ann Glendon, has done in a 60-page report that begins by recognizing that human rights and the sources of the United States' dedication to them are poorly understood and the object of skepticism from many angles. The commission neither pretends that all is well and good in the human rights world, as do many proponents, nor does it dismiss the promotion of human rights as a form of counterproductive meddling, as do many opponents. Instead, the report acknowledges the legitimate questions about the nature and scope of human rights, the politicization of human rights organizations, the proliferation of rights claims, and the systematic abuses of rights by the world's autocracies.

It then examines America's founding principles set forth in the [Declaration of Independence](#); explores the institutional arrangements by which American constitutional government seeks to secure the unalienable rights proclaimed in the Declaration; and recounts the nation's long, painful, and unfinished struggle to ensure that all Americans enjoy the rights that are theirs as human beings and as free and equal citizens.

The report sketches the complex structure of the Universal Declaration of Human Rights to show how the UDHR serves as "a common standard of achievement for all peoples and all nations," and considers a number of perplexities that free and sovereign nation-states face in translating the UDHR's obligations into practice. The report also surveys new challenges to human rights, foremost among them China's ambition to remake the international order to serve its autocratic

ambitions. In several concluding observations, the commission lays out a variety of considerations -- starting with the need to secure freedom and equality at home -- that the United States must weigh in vigorously championing human rights abroad.

The report, still subject to final adjustments, bears no resemblance to the one-dimensional and hyper-partisan work that its critics have been certain that the commission would produce.

Within days of Secretary Pompeo's announcement last summer, the [New York Times](#), [Washington Post](#), and the [New Yorker](#) published highly critical articles. A coalition of some 250 "U.S. foreign policy, human rights, civil liberties, social justice, and faith leaders, experts, scholars, and organizations" decried the commission in an [open letter](#) to the secretary. Members of the House of Representatives and Senate weighed in with letters to the secretary expressing dismay at the commission's very existence.

Before the commission held its first meeting -- in some cases, before the members of the commission had been named -- these critics decided that the commission's true purposes were very different from Secretary Pompeo's plain mandate. The true purposes, according to the critics, were, as a recent [article](#) in Politico put it, "to create a hierarchy of rights that undermines LGBTQ people, women and others while elevating religious freedom above other liberties."

This insistence on an invidious distinction between religious liberty and other forms of freedom has been a hallmark of the attacks on the commission. It also exposes a blind spot among the experts concerning the conditions favorable to human rights. They seem strangely unaware of the strong correlation between countries that protect religious freedom and those that secure the other basic rights and fundamental freedoms to which the United States is committed.

The common charges also overlook the meaning of the unalienable rights at the center of the commission's attention. The Declaration of Independence takes as self-evident truths that human beings are equally endowed with certain rights that are inherent in all persons and that government's first purpose is to secure those rights. Yes, at its founding the new nation fell gravely short of fully respecting those magnificent principles. Yet the country's failings, beginning with the legal protection that the Constitution gave to slavery, do not negate the founders' surpassing achievement, which was to build a country around a universal standard in light of which the nation could be judged and reformed. Under the regime established by the Constitution, slavery was abolished, women won the vote, equality has been enshrined in the law of the land, and the United States became the foremost champion of human rights around the world.

In addition, critics have ignored the commission's five public meetings -- one a month from October 2019 to February 2020. The minutes of these meetings, readily available at the commission's [website](#), demonstrate a consistent concern with the chief observations the commission's report elaborates -- about America's founding principles and the nation's constitutional tradition, the structure and practical implications of the Universal Declaration of Human Rights, and the new challenges to human rights.

Instead, over the course of the last year, the commission's critics have exemplified that rage to vilify that has come to typify American politics. Their allegations, so at odds with the report the commission actually produced, confirm the importance of the commission's task.

The need to recall the nation to its founding principles is one of the reasons that Secretary Pompeo directed special attention in his speech last Thursday in Philadelphia to Abraham Lincoln's [Lyceum Address](#). Delivered in 1838 when the future president was a 28-year-old lawyer in Springfield, Ill., Lincoln's remarks dealt with "the perpetuation of our political institutions." He spoke of the debt his generation owed to the founders, who, a little more than 60 years earlier, had established a "system of political institutions, conducting more essentially to the ends of civil and religious liberty, than any of which the history of former times tells us." It was the responsibility of the generations to follow to preserve that "political edifice of liberty and equal rights," Lincoln stated. That responsibility sprang from several sources. It was a "task of gratitude to our fathers" as well as a matter of "justice to ourselves, duty to posterity, and love for our species in general."

The danger to the American experiment in freedom and equality from beyond the country's borders, he maintained, posed the lesser threat: "All the armies of Europe, Asia and Africa combined, with all the treasure of the earth (our own excepted) in their military chest; with a Buonaparte for a commander, could not by force, take a drink from the Ohio, or make a track on the Blue Ridge, in a trial of a thousand years."

Rather, Lincoln warned of "the approach of danger" from within. "[I]f it ever reach us, it must spring up amongst us," he maintained. "It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of free men, we must live through all time, or die by suicide."

With the struggle over slavery intensifying, the danger from within to which Lincoln referred was the repudiation of the principles and practices of freedom: "I mean," he said, "the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of the sober judgment of Courts; and the worse than savage mobs, for the executive ministers of justice."

The report of the Commission on Unalienable Rights invites the State Department, fellow citizens, and lovers of liberty around the world to join in the conversation about the principles and practices of freedom and the perpetuation of the political institutions that secure it.

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Links:

[https://www.realclearpolitics.com/authors/peter\\_berkowitz/](https://www.realclearpolitics.com/authors/peter_berkowitz/)

<https://www.state.gov/commission-on-unalienable-rights>

<https://www.state.gov/draft-report-of-the-commission-on-unalienable-rights/>

<https://www.washingtonpost.com/opinions/2020/07/16/pompeo-oped-commission-unalienable-rights/>

<https://www.wsj.com/articles/unalienable-rights-and-u-s-foreign-policy-11562526448>

<https://www.un.org/en/universal-declaration-human-rights/>

[https://avalon.law.yale.edu/18th\\_century/declare.asp](https://avalon.law.yale.edu/18th_century/declare.asp)

<https://www.nytimes.com/2019/07/12/opinion/trump-pompeo-human-rights.html>

<https://www.washingtonpost.com/opinions/2019/07/11/beware-trump-administrations-plans-fresh-thinking-human-rights/>

<https://www.newyorker.com/news/our-columnists/mike-pompeos-faith-based-attempt-to-narrowly-redefine-human-rights>

<https://www.humanrightsfirst.org/resource/coalition-letter-secretary-state-mike-pompeo-commission-unalienable-rights>

<https://www.politico.com/news/2020/07/07/pompeo-human-rights-report-coronavirus-lgbtq-fears-350806>

<https://www.state.gov/commission-on-unalienable-rights>

<http://www.abrahamlincolnonline.org/lincoln/speeches/lyceum.htm>