

"TAB A"



DEPARTMENT OF STATE

Washington, D. C. 20520

June 27, 1974

Dear Mr. Chairman:

On June 13, in testifying before your Committee on the President's Foreign Assistance Message, I replied to a number of questions relating to Section 32 of the Foreign Assistance Act of 1973 and I said I would amplify my remarks. Several insertions have been made in the record of the June 13 hearings. Additionally, I would like in this letter to address some of the broader policy questions which are involved and would be grateful if this letter could be made available to other members of the Committee.

I think it is important at the outset to set forth a few basic considerations which underlie our general foreign policy toward human rights questions. Firstly, we take seriously our obligation under the United Nations Charter to promote respect for and observance of human rights and fundamental freedoms for all. No matter where in the world violations of human rights occur, they trouble and concern us and we make our best efforts to ascertain the facts and promote respect for human rights and fundamental freedoms. At the same time, it must be recognized that the United Nations Charter does not prescribe how to fulfill that obligation in respect to particular violations by others. Thus there are usually complex questions of policy and tactics to be considered in deciding whether and how the United States can best seek to discharge its obligations in a particular case consistent with its commitment to other goals, including that of maintaining international peace and security. Such questions include the seriousness of the violation, the various options for United States action, and the consequences of inaction.

Honorable Thomas E. Morgan
Chairman, Foreign Affairs Committee
House of Representatives
Washington, D.C.

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With particular reference to Section 32, the sanction of cutting off assistance does not seem to me necessarily to be the most effective or appropriate response to violations of human rights in other countries, whether or not the violation involves the holding of political prisoners. A cut-off is a one-time thing, the implementation of which removes the restraint its possible invocation may have induced. I believe the Congress recognized the difficulty of formulating such a general rule as well as the difficulty of defining who is a political prisoner by expressing the sense of the Congress in Section 32. It is thus open to the President, as it should be, to cut off aid, if in all respects this is the best course, or to cut down aid or particular elements of it, or to indicate that such options must be considered or, and most importantly, to move in any of a considerable number of other ways having as good or better prospect of actually promoting human rights in the particular situation.

Following considerable discussion and study of Section 32, AID and the Department prepared and, on April 4, 1974, sent out an instruction to various posts including all those in countries receiving military or economic assistance. The text of this cable has now been incorporated in the transcript of the hearing. Replies have been received from about sixty posts. For the most part the replies have been helpfully informative, although in some cases amplification will be needed. We have followed this initial cable with a second cable requesting our Embassies in East Asian aid-recipient countries to transmit the text of Section 32 to the governments of those countries with our explanation of the seriousness with which we regard this section. We expect to receive reports of the reactions of those governments which may be helpful to us in our further review of problems presented. Consideration is also pending on a similar message to aid-recipient countries in other areas.

Suppose a consistent pattern of human rights violations appears to emerge in a particular country? There are, as I have indicated above, a whole range of options which may be available in a given case ranging from quiet diplomacy to public condemnation, termination of assistance, and, in extremis, international sanctions. Very



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important are the United Nations Commission on Human Rights with the procedures established under it for consideration, fact finding, and recommendations in particular cases, and, in the American Republics, the Inter-American Human Rights Commission with roughly comparable features. Generally, where it has some promise of effectiveness, the preference is naturally for quiet diplomacy combined in varying ways with appropriate utilization of international fora for fact gathering and debate as well as cooperation with private organizations and groups active in the promotion of human rights and fundamental freedoms.

An important aspect, of course, is keeping the Congress informed of the facts concerning the observance or non-observance of human rights, and we will attempt to do so on an unclassified basis where this will not prejudice our objectives. In this regard, we have just supplied for the record of the June 13 hearing a statement on the state of human rights in Korea. It is our intention to keep the Committee advised as matters develop further, both generally with respect to Section 32 and specifically in regard to Korea.

I should also add that the Department is now considering several organizational proposals designed to improve its capability to discharge its human rights and humanitarian responsibilities, and keeps under continual review these issues and our policies to deal with them.

I trust that this letter helps to clarify some of the matters relating to human rights and foreign policy brought up in the course of my recent testimony. If I can be of further assistance, please do not hesitate to call on me.

Sincerely yours,

/s/

Robert S. Ingersoll
Assistant Secretary
for East Asian and
Pacific Affairs

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