

THE WHITE HOUSE

WASHINGTON

June 19, 1978

MEMORANDUM TO ROBERT LIPSHUTZ

FROM: JOYCE STARR



Please find attached priority, confidential memoranda on:

- 1) Our Human Rights Policy and Coordination
- 2) CSCE: Failure of U.S. Diplomacy
- 3) The Impending Resignation of Ambassador Arthur Goldberg

HUMAN RIGHTS
CONFIDENTIAL

CSCE

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THE WHITE HOUSE
WASHINGTON

June 18, 1978

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MEMORANDUM

TO: ROBERT LIPSHUTZ ✓
STUART EIZENSTAT

FROM: JOYCE STARR *J*

RE: HUMAN RIGHTS POLICY AND COORDINATION

The problem as I have outlined it to you on several occasions and through a series of memoranda has now been validated by conversations with Ed Mezvinsky (meeting of 6/16: EM, SE, RJL, JS) and with Justice Arthur Goldberg (meeting of 6/12: AG, RJL, JS). This problem is operational at two levels. On a more general level, we have failed to consolidate control and coordination for our over-all human rights policy within the White House. At a secondary level, and a consequence of the above, we have failed to assume political authority for those human rights commitments contained within Baskets I and III of the Helsinki Accords, an international agreement of far-reaching consequence.

The guiding rationale for our approach to-date has been based on a dual premise: first, that as a foreign policy matter, human rights issues are best left to the foreign policy professionals; secondly, the particular foreign policy professionals charged with this responsibility have the commitment and clout to ensure that our human rights initiatives will be conducted consistent with the President's wishes.

This judgement has proven erroneous for the following reasons:

- 1) The Division of Humanitarian Affairs/DOS -- Patt Derian is not perceived within the Department as a spokesperson for the President. Her wins and losses are essentially dependent on the consensus and support of Secretary Vance and Warren Christopher. This varies, depending on the region of the world. However, when it comes to policy vis-a-vis the Soviet Union and Eastern Europe, (insofar as human rights are concerned, this is synonymous with the Helsinki Accords), Patt finds herself consistently overruled by Marshall Shulman and by the European Bureau. Dr. Shulman chairs the Inter-Agency Task Force on Soviet Affairs; he and the Assistant Secretary for European Affairs, George Vest, are compatible in their views on our approach towards the Soviets -- a perspective Derian generally does not share. The institutional infighting in this arena has been extremely frustrating for Derian, as it was for Justice

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Goldberg. Patt is increasingly unwilling to enter the fray; were it not for the untiring efforts of her assistant, Cliff Brody, CSCE would now be under the total domination of the European Bureau and our human rights policy in that area of the world a mere shell of pretense.

I have documented for you in a second memorandum the extent of those efforts over the last 16 months, as conducted by the European Bureau. The evidence suggests that the President has received minimal back-up from the bureaucracy on public stands he has taken; while Secretary Vance has indeed raised human rights issues and cases during his trips to Moscow and in the course of various Washington talks, the facts demonstrate almost no follow-through at the bilateral (embassy) level. (Please see the attached for clarification.)

- 2) The National Security Council -- The National Security Council was specifically structured under the Carter Administration as a parallel foreign policy arm, "more or less equal" to the Department of State, and not its controlling voice. The human rights concerns of its superiors, Dr. Brzezinski and David Aaron, should not be disputed; the fact remains, however, regardless of the reasons, this philosophy has not been given weight at the staff level. Jessica Tuchman is expected to oversee our global human rights policy along with all arms-transfer matters. She has a capable assistant in Les Dennen, but his expertise is limited to refugee issues. Bob Hunter, formally responsible for CSCE and a person of exception judgement and commitment, has effectively been excluded from Soviet policy determinations. (He had no input, for example, to the Gromyko visit--despite the direct relationship between Orlov's conviction, Scharansky's impending trial, and the Helsinki Accords; nor for that matter did Jessica Tuchman--she did a briefing paper on her own initiative, but it apparently arrived too late to be included in the briefing book.)

Our human rights policy as it pertains to the Soviets and Eastern Europe falls in the domain of Reggie Bartholomew. Brought to the NSC from the Dept. of State, Reggie has little interest and less inclination for institutional battles on human rights matters. This was amply demonstrated by the role he played in the Gromyko visit; whether by intent or neglect, Bartholomew did in fact allow the State Dept. to forward talking points to the President with no mention of Orlov, Scharansky, Helsinki, etc.

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The Solution to the problem outlined above also necessitates a two-level response:

- 1) A high visibility person within the White House must assume over-all responsibility for our global human rights policy. This should not be construed as an attempt to duplicate the work of DHA (Derian), nor of the NSC. To the contrary, the objective should be one of enhancing Derian's political position within the Dept. and offering political directive to the NSC. This need not translate into a massive increase in work-load for that specific person. Rather, I suggest it be viewed as a responsibility for political guidance, when and if it is needed.

The most logical person to assume this authority is Hamilton Jordan, since this is very clearly a political matter. However, I have no illusions that Hamilton would be eager to widen the scope of his present activities. I do not believe this would be necessary. The fact is that Hamilton can in this instance designate someone to speak in his behalf, just as I have been doing for the past months with some success, considerable vulnerability, and no authority.

I recommend that Joe Aragon is the logical person to carry out such a role. Over the last several months Joe has shown quick grasp of the dimensions of the problem, has on more than one occasion put himself 'on the line' in support, and seems to care a great deal about the issues. Since my slot is formally with Joe's office, it suggests a ready and natural solution.

I think it would be a error to bring a fifth (and new) actor into this equation, (beyond the two of you, Joe, and myself). Both of you have been crucial to the continuity of our human rights policy, (without the so-called expertise); I would hope a situation could develop wherein this contribution could be strengthened, not diminished. The least attractive option, as I see it, is an organizational change that would preclude this role.

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- 2) A Special Liason for CSCE should be established under the authority and direction of the individual responsible for our over-all human rights policy. This person would not be limited to this duty, but would have the necessary title and credibility to liason between the Dept. of State, the Ambassador-at-Large for CSCE, the NSC, and the White House.
- 3) The Ambassador-at-Large position currently held by Justice Goldberg should be retained as the coordinating authority for CSCE.
- 4) A Presidential Directive should be issued clarifying these changes, and emphasizing the link between the White House and the person empowered to give force to our commitments under the Helsinki Accords.

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THE WHITE HOUSE

WASHINGTON

June 19, 1978

MEMORANDUM FOR ROBERT LIPSHUTZ ✓
STUART EIZENSTAT
JOE ARAGON

FROM: JOYCE STARR *JF*
CLIFF BRODY *CB*

RE: CSCE: FAILURE OF U.S. DIPLOMACY

This issue can be stated very simply: most of our embassies in Eastern Europe, and certainly the U.S. Embassy/Moscow, have not acted in an official capacity to convey CSCE priorities, including human rights, to their host governments.

As early as April of 1977, Patt Derian's office expressed concern within the Dept. of State to officials responsible for European matters that our embassies should be explaining the President's human rights concerns to Soviet Bloc governments. This dialogue was to reflect mutually negotiated and agreed commitments as set forth in the Helsinki Final Act.

Sentiment on the part of the European Bureau, supported by the majority of our Ambassadors in Europe, was to side-step this responsibility. The consensus view was to leave this task to our Delegation in Belgrade, despite the objections of the Human Rights Bureau.

The result was predictable and to the strong disadvantage of the United States; violating every rule of common sense and diplomatic courtesy, the United States entered the multilateral Belgrade talks without first presenting to each Soviet Bloc government Washington expectations for compliance to all Helsinki provisions. The Ford/Kissinger era had in fact witnessed just such a series of official U.S. demarches. Thus, while the Secretary of State and the President were both confirming publicly and privately our general commitment to human rights and the Helsinki Agreement, our diplomats were not providing official explanations (demarches) of precise expectations. To the extent that individual cases were discussed, prior to Belgrade and thereafter, they have either been left for the President or Secretary to raise or have been taken up on the fringes of non-related discussions.

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The very first paragraph of last week's cable from our Moscow Embassy sets forth this contradiction of terms. The Embassy has stated categorically that a CSCE demarche to the Soviets has not been made since the advent of the Carter Administration. (See attached Confidential Cable)

The President and the Secretary of State have discussed particular cases and presented lists to their Soviet counterparts. However, since the Embassy in Moscow has chosen to avoid an active diplomatic effort either to reconfirm our interest in these cases or to delineate exactly what the U.S. seeks from Helsinki, the Soviets are faced with a few high level public U.S. statements but no political message or interpretation by our senior representatives.

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The Moscow Embassy has permitted a few low-level inquiries by consular officers on the status of particular applications to emigrate; even these officers are not instructed to ask the Soviets for favorable decisions, but simply to reiterate interest in the application process. Notwithstanding the public impression that the Scharansky, Slepak, JRIOV, Ginsberg cases have been "raised," the Embassy has not once asked the Soviets on an official basis that these individuals be allowed to exercise their Helsinki Rights -- even though the Helsinki Final Act specifically provides the opportunity for such intervention. The Embassy has refused to take this opportunity, Ambassador Toon has told Pat Berian that he would object to any such instructions, and there is disinclination on the part of Dr. Shulman and the European Bureau to take issue with this approach.

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Had there been a CSCE Coordinator within the White House who supported the President's human rights priorities, he or she would have ensured that this opposition would have been overcome even before Belgrade. Goldberg was handed a fair accompli and carried forth as best he could during the Conference. Bilateral diplomatic silence still reigns, as evidenced by the attached capable.

To preclude the continuation of this silence and the undermining of our objectives at Madrid, it is imperative that we take immediate steps toward: 1) The political appointment of an Ambassador-at-Large for CSCE, with the appropriate support staff slots (also politically designated); 2) the naming of a White House Special Coordinator for CSCE Human Rights Issues; and 3) a Presidential Directive delineating this policy.

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MEMORANDUM FOR ROBERT LIPSHUTZ ✓
STUART EIZENSTAT

FROM: JOYCE STARR *J.S.*
RE: AMBASSADOR ARTHUR GOLDBERG

Ambassador Goldberg has asked that I communicate to you the following information and request:

- 1) He has now decided to accept the President's request that he be recommended to serve as a member of the World Court.
- 2) The Justice has discussed this decision with Secretary Vance and Warren Christopher; with the President's approval he is now prepared to tender his resignation from his position as Ambassador-at-Large for CSCE.
- 3) Timing is now of the essence as to a suitable replacement for the Ambassador. The National Committee responsible for making recommendations on the World Court appointees will be meeting on July 15th. The nomination must then be approved by the General Assembly and Security Council of the United Nations. This should be proforma, with final confirmation taking place by August 15th.
- 4) In light of the above, the Justice requests that a meeting with the President be arranged at the soonest possible date. He feels it is imperative that his resignation be interpreted in the most positive of terms; specifically, that any action taken be viewed as the result of a Presidential decision with a mutually agreed upon statement as the product.
- 5) The Justice discussed his plans with David Aaron in Dr. Brzezinski's absence. David concurred that the timing of Ambassador Goldberg's resignation and the appointment of his successor should coincide.
- 6) The Justice recommends that discussion with the President be approximately 15 minutes in length. Those present would include: Dr. Brzezinski; Secretary Vance (or Christopher); Robert Lipshutz; Stuart Eizenstat; and Joyce Starr

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7) The Agenda for this meeting would be as follows:

-- Discussion of Ambassador Goldberg's resignation from CSCE and his nomination to the World Court.

-- Discussion of the designation of a new Ambassador-at-Large for CSCE and the continuity of CSCE policy. This would include the Justice's recommendation that a Special Coordinator for CSCE be appointed within the White House to provide the necessary and vital political link between the Ambassador-at-Large and the President. The Justice intends to recommend to the President that I (Joyce Starr) fill this position.

-- Agreement upon the wording of a Presidential statement to be issued concurrent with Ambassador Goldberg's resignation.

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