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SUMMARY

United States Senate

MEMO

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

EDWARD C. SANDERS, STAFF DIRECTOR
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April 1, 1981

MEMORANDUM

TO: Senator Tsongas
THRU: Chris Chamberlain
FROM: Peter Galbraith *PG*
SUBJECT: The Lefever Nomination

The following is a summary of the case made by opponents of the confirmation of Dr. Lefever as Assistant Secretary for Human Rights and Humanitarian Affairs. Those opposed to the nomination have raised two types of objections. First, they argue that Dr. Lefever's long record of opposition or indifference to many human rights concerns should disqualify him from the Human Rights post. Second, they point to several areas of real or alleged conflict of interest which they say reflect adversely on Dr. Lefever's judgment, character, and integrity.

Issue Concerns

(1) Opposition to the Human Rights Standard. In his voluminous writings and speeches on ethics and foreign policy, Dr. Lefever has repeatedly stated his opposition to the use of a human rights standard in the conduct of U.S. foreign policy. He has warned that, "Making human rights the chief, or even major, foreign policy determinant carries dangers....It is arrogant to attempt to reform the domestic behavior of our allies or adversaries." (New York Times, 1/24/77.)

In opposing the human rights standard, Lefever repeatedly invokes the principle of national sovereignty. For example, he denounced President Ford's support of majority rule in Rhodesia saying, "At the very least it is a violation of the U.N. Charter for any state to interfere in the voting arrangements or any other strictly internal matter of another state." (Wall Street Journal, 6/2/76.) (Lefever does not seem to have been concerned over the illegality of Rhodesia's white minority government.)

Lefever's categorical opposition to a human rights standard in U.S. foreign policy raises very serious questions about his qualifications for a post mandated by law to implement that stand.

(2) Opposition to Human Rights Legislation. Dr. Lefever is on record in his opposition to the laws he is being nominated to enforce. For example, he has said, "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." (Testimony before a Subcommittee on International Operations, HFAC, July 12, 1979.) In the same testimony, Lefever went on to explicitly oppose linking relations with the Soviet Union to that country's human rights record.

Lefever also specifically opposes legislation linking economic or military assistance to human rights. Lefever has said, "Economic and military aid should be given or withheld to encourage sound external policies, but not to reform domestic institutions or practices, however obnoxious they may seem to us." (Testimony cited above.)

In his confirmation hearings, General Haig explicitly endorsed the provisions of law linking assistance to human rights performance. Dr. Lefever now says he supports some human rights legislation, but the suspicion is that this is a conversion of convenience. In reviewing his writings and statements prior to nomination as Assistant Secretary, I have found no statement of support for human rights legislation, or indeed for the application of a human rights standard to U.S. foreign policy.

(3) Attacks on Martin Luther King and Church Groups. In a November, 1970, article in World View he described a Martin Luther King speech on the Vietnam War in the following way:

* { This remarkable speech...could have been drafted in Moscow, Peking, Hanoi, or Havana, except for one thing--no - seasoned Communist propagandist would have dared be so utterly one-sided in his condemnation of America....Whatever his motives, King's Riverside speech gave aid and comfort to the enemies of peaceful change in Southeast Asia as well as to their allies in Moscow and Peking.

Lefever has used similar language, which some consider reminiscent of the McCarthy era, to attack the National Council of Churches and other liberal religious groups.

(4) South Africa. Dr. Lefever has been a frequent traveler to South Africa and has made many remarks favorable to the South African Government. For example he said, "By all normal calculations of U.S. national interests South Africa should be a close ally

of the United States...(and) should be a de facto member of NATO."

Lefever has criticized the U.S.' unwillingness to sell arms to South Africa, the U.S. refusal to support the South African-sponsored plan for independence for South West Africa (Namibia), and the U.S.' refusal to recognize the independence of the black homeland of Transkei. In endorsing Transkei independence and in describing South Africa's non-white population as "internal colonies" Lefever is implicitly accepting the assumptions of white South Africa's "separate development" or apartheid policies. Lefever does oppose the "petty apartheid" or Jim Crow type discrimination in South Africa. (Speech to Stellenbosch University, reprinted in the South African Digest, April 14, 1978.)

(5) Rhodesia. Dr. Lefever was a long-time opponent of sanctions against Rhodesia's white minority government, and if not a promoter of that government, he has certainly been an apologist for it. As noted above, he condemned in 1976 the Ford-Kissinger push for majority rule. Lefever's argument on Rhodesia (and the one he makes even today on South Africa) is that the white government's base was no narrower than that of many black governments, and that therefore opposition to the white government is selective and racially biased. "Our moral schizophrenia is evident when we insist on 'majority rule' in Rhodesia while not insisting on it in 34 black states which are run, sometimes ruthlessly, by minorities." (Wall Street Journal, 6/2/76.)

Lefever defended the white government as "more democratic, representative and humane" than many black regimes. Indeed his views on black Africa contain strong elements of condescension, as the following quote suggests:

That rapid decolonization did not lead to emancipation, freedom, peace, or majority rule, is less the fault of the Africans than of the colonial powers who failed to train indigenous leaders, granted premature independence, and mistakenly assumed that Western democratic disciplines were applicable to largely tribal cultures. But illusions persist. We still talk glibly about "majority rule" as though it were an option in the real world.

(6) Insensitivity to Human Rights Violations by Right-Wing Regimes.

Dr. Lefever often appears indifferent to human rights abuses in right-wing regimes. He has, for example, dismissed torture in Chile and Argentina as, "a relic of Iberian tradition."

(New York Times, March 2, 1981.) Similar frivolous or glib references exist in his writings and speeches about other right-wing dictatorships.

Conflicts of Interest

(1) Nestle. In late 1979, Lefever on behalf of his Ethics and Public Policy Center (EPPC) commissioned a study of the boycott of Nestle products by those concerned over infant formula marketing practices. While the study never appeared, an article based on the study and highly favorable to Nestle appeared in the 6/16/80 issue of Fortune. Nestle gave the center \$5,000 at the time of the study and then, after the article was released an additional \$20,000. Following the second contribution, the EPPC made a mass mailing of a reprint of the Fortune article. While there is nothing illegal in this, it raises questions about his integrity.

(2) South Africa. Dr. Lefever has had a close relationship with South Africa over many years. He has made 12 trips in 19 years, at least one of which was paid for by South Africa's Department of Information (Muldergate) funds. Lefever claims he did not know that his sponsors were a GOSA front.

It is also alleged that Lefever's Ethics and Public Policy Center, while affiliated with Georgetown, received laundered funds from the government of South Africa. The funds allegedly went through an unregistered Dutch charity known as the "Catholic Family Fund" or the "Breninkmeyer" Foundation. Dr. Lefever has provided the Committee the name of a large European contributor who wishes to be anonymous. He has also submitted a statement from the EPPC treasurer denying the receipt of any funds from South African sources. Since Dr. Lefever has resisted providing the Committee with a complete list of his contributions, it is not clear if the name provided is the Foundation about which the allegations have been made.