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EMBASSY OF THE  
UNITED STATES OF AMERICA

Tel Aviv

January 3, 1979

Rabbi Alexander M. Schindler  
President  
Union of American Hebrew  
Congregations  
838 Fifth Avenue  
New York, New York 10021

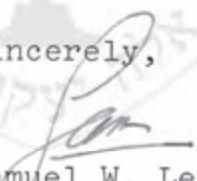
Dear Alex:

Your letter of November 28 was graciousness itself. I am deeply grateful for your words about my role in Camp David and its antecedents; I believe that was an historic achievement and to have had even a small part in it will always be a very high pinnacle in my professional life.

It was good to talk to you last week. I am sorry indeed that Sallie and I were not able to see you and Rhea on this trip but we look forward to having another chance on your next one. Please accept from both of us our very best wishes for a peaceful 1979.

Best personal regards,

Sincerely,



Samuel W. Lewis  
Ambasssador



November 28, 1978

H.E. The Ambassador of the United States  
Samuel Lewis  
Embassy of the United States of America  
Jerusalem, Israel

Dear Sam:

The easing of my Presidents' Conference responsibilities really never brought the anticipated relief. In truth, I am still scurrying about like a madman, albeit I am not going to Israel quite as often as I did before. But there is plenty of ground to cover in the States.

Although the Camp David Agreement is somewhat shaky at the moment, I maintain my faith that it will hold and I write now primarily to thank you for all your efforts in making this notable achievement come to be. I sense, perhaps more than most others, how much of your energy and talent went into the making of this agreement. You are on a hot seat, not an enviable position from most perspectives, excepting only the fact that it challenges your diplomatic skills to the utmost and satisfies in that you are meeting these challenges so admirably.

To put the matter differently, the American people generally and the American Jewish community and all of Israel has reason to be grateful to you. I want you to know that your great work is not going unappreciated -- at least in this quarter.

I know that we will have a chance to see each other again. In the meantime, I send you and Sally and all your loved ones my very best wishes -- in which Rhea joins me, of course.

Cordial Greetings,

Alexander M. Schindler



THE SECRETARY OF STATE  
WASHINGTON

*No answer*

February 24, 1978

Dear Alex:

The President has asked me to answer your letter of January 25 to him commending our senior State Department personnel in the countries you visited in your capacity as Chairman of the Conference of Presidents of Major American Jewish Organizations. I not only appreciate your taking the time to write, but am especially pleased that you feel the Foreign Service officers you met are serving not only the interests of our country but also our ideals.

Sincerely,



Cyrus Vance

Rabbi Alexander M. Schindler, President,  
Union of American Hebrew Congregations,  
838 Fifth Avenue,  
New York, New York.



February 24, 1978

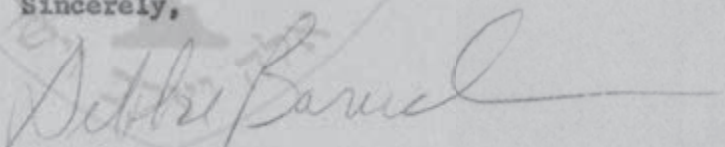
Mr. Cyrus Vance  
The Secretary of State  
Washington, D. C. 20520

Dear Mr. Vance:

Thank you for your kind note to Rabbi Schindler. It reached our offices today, while the rabbi is in the midst of stay in Israel. On his return in early March, I will be sure to bring it to his attention.

Thanking you once again, I am

Sincerely,

A handwritten signature in cursive script, reading "Debbie Baruch". The signature is fluid and extends to the right.

Debbie Baruch  
Secretary to the President

THE SECRETARY OF STATE  
WASHINGTON

February 18, 1978

Dear Alex:

Thank you so very much for your letter. I appreciate  
more than I can say your kind words.

With warmest best wishes,

Sincerely,

Rabbi Alexander M. Schindler,  
President,  
Union of American Hebrew Congregations,  
838 Fifth Avenue,  
New York, New York.



February 2, 1978

The Honorable Cyrus Vance  
Secretary of State  
Washington, D.C.

Dear Cy:

Thank you for your warm reception and especially for the integrity which your verbal response - and on occasion even your blush - reflects. You're a grand human being and I for one am delighted that you are leading the State Department in these difficult times.

I enclose herewith a copy of my letter to President Carter and am sorry that it did not reach you. My words were sincerely meant.

I enclose also a copy of the UAHC Resolution on the Panama Canal Treaty. As per your suggestion, I am sending a copy to all of the members of the Senate Foreign Relations Committee and the House International Relations Committee, indicating that it was overwhelmingly adopted at our Biennial by 4,000 delegates representing some 740 congregations and 1.5 million Reform Jews.

Again, my thanks for your hospitality and your helpfulness.

Sincerely,

Alexander M. Schindler

Encl.

bccL Gene Gold



January 25, 1978

His Excellency, The American Ambassador  
Herman Eilts  
Embassy of the United States of America  
Cairo, Egypt

Dear Ambassador Eilts:

My travel schedule in the United States has been exceedingly heavy since my return from the Middle East, thus this is my first opportunity to express my appreciation to you for your many courtesies during my visit to Egypt. Your hospitality went beyond the requirements of your office and your guidance reflected your professional excellence. I am beholden to you for this as I am for your earnest and manifest efforts to bring peace to the Middle East.

As I told you, I am an admirer of the State Department. Over the years I have come to respect the competence and integrity of our foreign service. Your name deserves to be high on the roster of those who recognize and respect the fine qualities of those who serve our nation.

With repeated thanks and warmest personal regards, I am

Sincerely,

Alexander M. Schindler

cc: Secretary of State, Cyrus Vance





DEPARTMENT OF STATE

Washington, D.C. 20520

December 5, 1977

*9/14  
70*

Rabbi Alexander Schindler  
Chairman  
Conference of Presidents of Major  
American Jewish Organizations  
515 Park Avenue  
New York, New York 10022

Dear Rabbi Schindler:

Since I last wrote to you, events at the CSCE meeting in Belgrade have focused on discussions in working groups set up to consider individual sections of the Final Act. This phase of the conference has provided the meat of the "thorough exchange of views... on the implementation of the provisions of the Final Act." The United States delegation has taken advantage of the opportunity for detailed examination of individual sections of the Final Act to pursue a thorough review of implementation during the past two years.

As you may be aware, individual working groups were established for each of the five major subject areas covered by the Final Act: Basket I -- Principles and Military Security Measures; Basket II -- Cooperation in the Fields of Economics, Science and Technology and the Environment; Basket III -- Cooperation in Humanitarian and other Fields; Questions Relating to the Mediterranean; and Follow-up to the Conference.

In addition to overall direction provided by Ambassador Arthur J. Goldberg and his deputy, Ambassador Albert W. Sherer, Jr., the United States is represented in each working group by a professional staff drawn from appropriate government Departments and the staff of the Commission on Security and Cooperation in Europe. This basic expertise has been supplemented by that of several public members drawn from various walks of life; Congressional members of the Commission on Security and Cooperation in Europe and, where necessary, experts in specific fields.

The varied membership of our delegation has made it possible to bring a wide range of expertise and points of view to the detailed discussions in working group sessions. I have enclosed with this letter a collection of speeches delivered by Ambassador Goldberg and other members of the delegation which demonstrate the broad coverage given CSCE issues by the American delegation during working group sessions.

Among the important issues raised by our delegation during the working group sessions have been:

--The persistence of divided family cases and obstacles to freer movement of peoples between Eastern and Western countries. As Ambassador Goldberg noted to the Conference in a speech delivered on October 13: "I simply cannot understand why a wife and husband should be separated because of capricious government policies..."

--The repressive measures taken in some countries against human rights activists, and particularly against those individuals and groups whose activities relate solely to promoting the Final Act's goals and promises. The cases of several dissidents have been raised in Conference sessions as demonstration of our strong concern.

--The difficulties encountered by national minorities and ethnic groups in seeking the rights confirmed in the Final Act.

--The continued jamming by a few CSCE countries of international radio broadcasters, despite provisions of the Final Act which call for continued expansion of radio broadcasting.

--The continued violation of the rights of self-determination of peoples. As noted by the US representative on November 14, "We cannot allow our desire for friendly relations and lasting peace to mute our concern that the self-determination of peoples must be fully respected."

Given the wide differences of view among CSCE participants, discussion of the matters mentioned above did not proceed without objection. Several Eastern countries objected to the mere raising of matters related to human rights on the grounds that such discussion was interference in their internal affairs and thus was in violation of Principle VI of the Helsinki Final Act.



This contention was widely rejected by most non-communist participants. Acting on the basis of close and continuing consultations among themselves, the NATO allies, including the United States, pursued a thorough and careful review of all issues and rejected Eastern arguments of interference in internal affairs.

In an address delivered on October 20, Ambassador Goldberg noted that some countries had "gone so far as to claim that they should be the sole judge of how well they are fulfilling their Final Act commitments and that therefore they may refuse to engage in a substantive dialogue in response to expressions by delegations of concern and criticism." Ambassador Goldberg noted that "the adoption of such an attitude would completely frustrate the constructive work of this conference."

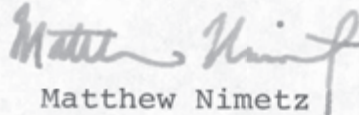
By mid-November, delegations had finished reviewing implementation of the specific provisions of the Final Act. Looking back over this review phase, we can be satisfied that Western countries provided a unified demand that a CSCE review conference must have as its main task a thorough discussion of both positive and negative aspects of implementation. This has meant blunt exchanges on issues which are among the most controversial of those dividing East and West. As noted above, the East has at times attempted to avoid this discussion, but it has not succeeded. Whatever the rest of the Conference may bring, establishing this basic precedent -- that human rights and other humanitarian issues are a matter for a serious exchange between States -- will be one of the major Western accomplishments.

Delegates in Belgrade will now turn to the task of sorting through the more than eighty proposals for broadening implementation of the Final Act which have been submitted so far. Given the short time available, this will be a difficult process. The United States and its allies have submitted a limited number of ideas, distributed among all three Baskets. It is our belief that the Final Act stands by itself and that consideration of "new" ideas is secondary to the basic purpose of the Conference -- the review of implementation. Nonetheless, there are certain practical understandings that would be useful if reached, especially on important Basket III issues such as reunification of families, access by scholars to archives and treatment of journalists, as well as other areas of concern to us and other CSCE states.



In my next letter, I will be able to give you a better idea of how work on the new proposal has progressed. In the meantime, I hope that this letter and the texts of speeches which I have enclosed will give you a clear picture of how the Conference has progressed during this important working group phase.

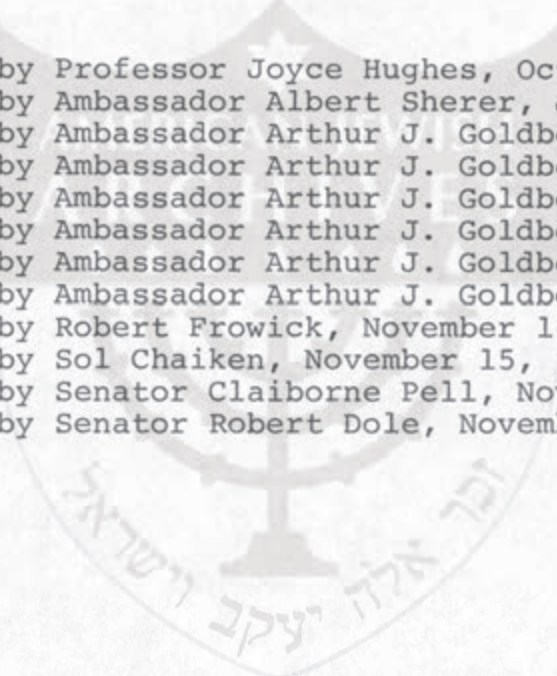
Sincerely,



Matthew Nimetz  
Counselor

Enclosures:

Statement by Professor Joyce Hughes, October 11, 1977  
Statement by Ambassador Albert Sherer, Jr., October 12, 1977  
Statement by Ambassador Arthur J. Goldberg, October 13, 1977  
Statement by Ambassador Arthur J. Goldberg, October 20, 1977  
Statement by Ambassador Arthur J. Goldberg, November 1, 1977  
Statement by Ambassador Arthur J. Goldberg, November 3, 1977  
Statement by Ambassador Arthur J. Goldberg, November 9, 1977  
Statement by Ambassador Arthur J. Goldberg, November 11, 1977  
Statement by Robert Frowick, November 14, 1977  
Statement by Sol Chaiken, November 15, 1977  
Statement by Senator Claiborne Pell, November 23, 1977  
Statement by Senator Robert Dole, November 25, 1977



ADDRESS BY PROFESSOR JOYCE A. HUGHES  
PUBLIC MEMBER, UNITED STATES  
DELEGATION TO THE CSCE CONFERENCE  
Belgrade, Yugoslavia,  
October 11, 1977

Mr. Chairman:

In presenting the views of the United States, I speak as an accredited permanent member of the delegation. However, it should be noted that I am a private citizen, and not a professional diplomat. Thus, I also represent the broad spectrum of American public opinion on the important questions that will be discussed in this meeting. The people of the United States desire progress under the provisions of the Final Act relating to security in Europe, but we are also keenly interested in implementation of all ten principles enunciated in the initial section, especially in the area of human rights. It is clear, of course, that the principles represent solemn moral and political undertakings drawn from the body of established international law.

The United States delegation is also clear in its purpose in both these plenary sessions and the organized, sequential and structured talks in the subsidiary working groups. Simply stated, that purpose is to further the goals set forth in the Preamble to the Final Act. Those are "to make detente a continuing...increasingly viable and comprehensive process"; to contribute "to the strengthening of world peace and security"; and to promote fundamental human rights.

While these high goals and the solemn promises we have all made affect the relations among participating states,



they also affect relations between citizens and states and exchanges between individual citizens. If the basic human rights of every citizen of every nation are not observed, there can be no lasting peace; there can be no permanent security; there can be no real cooperation among nations.

While the United States emphasizes the area of human rights, we view the principles, and the Final Act, as an integral whole. The Preamble states that all of the Principles are of "primary significance" and that each is to be "respected and put into practice." This delegation will discuss each Principle in great detail in the working bodies. In order to respect our pledge to observe a time limitation, in this statement we must be brief and paint with broad strokes.

We view detente as an important goal, but believe that progress in that area is intertwined with our concern for human rights. We believe that a human face should be placed on the body of detente. As Ambassador Goldberg emphasized in his opening address "a deepening of detente, a healing of the divisions in Europe, cannot be divorced from progress in humanitarian matters and human rights. The pursuit of human rights does not put detente in jeopardy. Rather, it can strengthen detente, and provide a firmer basis for both security and cooperation".

The Final Act shows that our concept of security is an evolving one. In the confidence-building measures, the



Act has provided us with imaginative and practical steps toward a reduction in the tensions caused by military maneuvers. Our talks in Belgrade can contribute to the evolution of the process.

It is a dynamic process, evidenced by the interaction among separate CSCE pledges. The undertakings to respect sovereign equality, the territorial integrity of states and the inviolability of frontiers do not stand alone. They are intimately linked to the equally significant obligation not to accept border changes except those agreed to under international law and those to promote the self-determination of people, and settle disputes peacefully.

The question of peace through disarmament is an important topic, but it cannot be discussed thoroughly in this meeting. We hope that discussions in other forums such as the MBFR talks in Vienna can begin to show real progress after long delays. The President of the United States, in his address to the United Nations last week, declared our willingness to go further than ever before to eliminate the dangers of nuclear war. In addition, President Carter is pursuing bilateral and multilateral talks to reduce the growth of nuclear armaments.

On the other hand,  
/our talks in this forum can contribute to peace,  
security and cooperation if we continue to be candid.  
Since the Helsinki summit we have seen this new candor  
in the animated international discussion of the applica-  
tion of Principle VII to the conduct of many participating  
states. Through it our nations are proceeding not only  
to better understanding of one another, but also to better  
performance in the protection of the fundamental freedoms  
of all our citizens.

In the United States we are accustomed to open,  
friendly debate between individuals with conflicting views  
and from diverse origins, as well as frank exchanges between  
the public and the government. We believe a similar exchange  
of constructive comment among nations is also possible.

In that context, however, the United States delegation  
is concerned about repressive measures contrary to Principle  
VII, which have been taken in certain signatory nations.  
Such actions are not conducive to the good atmosphere which  
has evolved during the plenary session of this conference.  
However, we shall have more to say on these matters as our  
discussions continue.

In the American view, the discussion here and elsewhere  
is essential to the healthy advancement of the CSCE process.  
An international agreement such as the Final Act can only  
live and grow as its signatories question one another,

freely commenting on matters of interpretation and practice which are related to the implementation of our undertakings. Such comment and inquiry in no way breaches the promise we also gave -- and firmly uphold -- not to intervene in matters "falling within the domestic jurisdiction" of other states. The issue of human rights is a matter of principle in the Final Act. Governed now by our international agreement -- and others which preceded it -- human rights are, by definition, not a matter of domestic jurisdiction alone. And, as all of the participating states have declared in the Final Act, we are determined to respect and put into practice all of the ten principles "irrespective of our political, economic or social systems."

In Principle X, we have agreed that all participating states "will fulfill in good faith their obligations under international law." That commitment is closely bound to the preceding Principle on cooperation among states. The rules we live by at home and abroad -- codes of conduct we have voluntarily accepted -- order our daily existence and secure our prospects of improving it.

In one area the United States sees with deep regret a continuing pattern of disrespect for the pledges we have all made. Let me be specific. In some signatory states, ordinary and registered mail is improperly handled.



When letters do not pass freely between members of the same family - some living in one country and some in another -- the process of family reunification is obstructed, not facilitated. When a publisher in New York cannot correspond directly with a literary adviser or author in Moscow, "contacts and cooperation among persons active in the field of culture" are frustrated, not increased. And, when an American friend is unable to obtain delivery of a subscription to the National Geographic Magazine for a Soviet schoolboy or a copy of the World Almanac for a teacher in Czechoslovakia, the flow of information is choked, not widened. These are not hypothetical incidents. These are actual cases. These are facts and we intend to address them forthrightly and with candor because we believe that a thorough review demands such candor and straight talk.

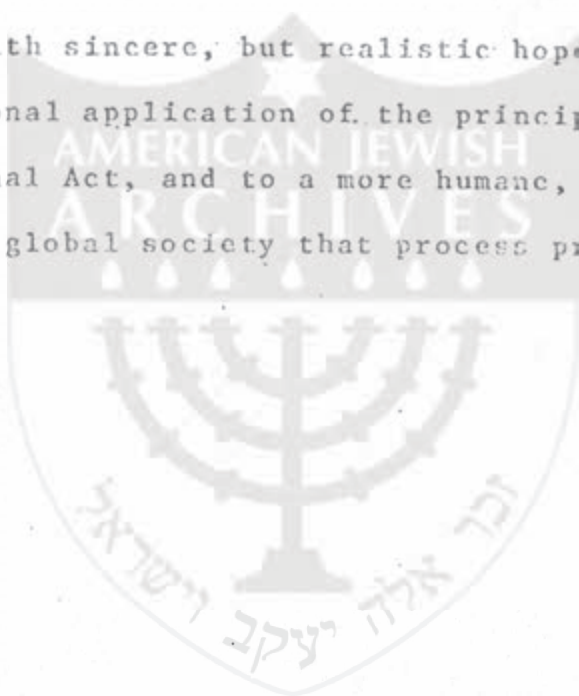
The conduct just described runs contrary to Principle IX and also to the "Freedom of Transit" guaranteed in the Universal Postal Convention. Such actions conflict with the broad pledge of Principle X to fulfill obligations under international covenants, as well as provisions elsewhere in the Final Act.

The United States recognizes, as I said at the beginning of my remarks, that the Final Act as a unity, all of whose provisions and principles relate to one another. It is also a document of intent, a guide to a gradual process of

development and implementation; an evolutionary proceeding.

Based on experience in the United States, I have come to believe in the capacity of individuals and governments to transform words on paper into actual progress and in their potential to make human rights move from the realm of rhetoric to the world of reality.

Thus, I join with the United States delegation in looking forward with sincere, but realistic hope, to the continued international application of the principles contained in the Final Act, and to a more humane, more secure, more confident global society that process promises for us all.



Address by Ambassador Sherer

To Closed Plenary on Basket Two Issues

October 12, 1977

Mr. Chairman:

Although political and security questions were at the origin of the discussions which led to the Final Act of the Conference on Security and Cooperation in Europe, the areas of commercial and scientific exchange have become a key element in the Final Act. The second section reflects the increasing tempo of these exchanges over the last decade. Furthermore, implementation of its provisions, we believe, can provide an impetus for the fruitful progress we seek in other areas.

Chapter Two of the Final Act provides a vehicle for promoting fruitful economic activities among all CSCE participating states and particularly between those with different social, political and market systems. Mutually beneficial and reciprocal economic relations can provide material benefits to both sides and, as those benefits grow, can smooth contacts and understanding in other spheres. This section sets down a concrete charter of responsibilities for both Eastern and Western nations based on the understanding that it is in their mutual interest to increase trade, industrial cooperation and scientific exchange.



To be sure, as with other sections of the Final Act, progress is often slow. Its pace should not be discouraging. The United States is sincerely anxious to see improvements in business contacts and facilities, and we have noted important strides in that direction made by some Eastern countries. The provision of adequate economic and commercial information is vital to the success of trade and industrial cooperation. In that sphere, there has been progress, but simply not enough of it.

It must be remembered that Western business interests, in their negotiations regarding trade, joint ventures and cooperative agreements with the East, must get answers to their questions and have other requisite information. If they are frustrated in their endeavors, they will lose interest -- to the detriment of the Principles and possibilities enunciated in the Final Act. Successful implementation of Section II requires that old habits and traditions should be changed. Improvements in this area will pay substantial dividends to both sides.

Another matter of concern is the insufficiently rapid progress the United States has noted in the promotion of eased, informal contact and collaboration among scientists. The world community of scholars is among our most valuable resources and the language of science is universal. Within that community freedom to converse is essential to progress. Scientific research

cannot bring mankind its potential benefits if researchers are kept apart and their conversations muffled.

All the aspects of the second section contain particular questions of the kind outlined above, which the United States delegation intends to discuss in detail. The dialogue in the subsidiary working groups offers all participants an opportunity to remove misunderstandings and replace them with new, mutual comprehension. The American delegates are confident that the process of talking out our problems is a constructive one, prerequisite to the concrete advances in cooperation the Belgrade Conference can stimulate.

Mr. Chairman, I wish to express my country's deep appreciation for the excellent work of the United Nations Economic Commission for Europe in facilitating implementation of the provisions of the Final Act. The United States looks forward to its further involvement in this process and in particular to the report of the Executive Secretary on Environmental Topics which will be given at the thirty-third session.

While we have agreed to these goals, we must at the same time recognize the distance that still separates us. Uncertainty, for example, is the enemy of both centrally planned and market economies. In order to lay a firm

base for increased trade, availability of their products and services, as well as of the prices at which they will be offered. Western suppliers, moreover, require reliable bases from which to forecast end-user needs, developments in the use of imported products and processes, and ability to pay. The progressive and reciprocal reduction of such uncertainties should also be matched by mutual efforts to promote to expand exchanges -- quantitatively and qualitatively.

The United States is dedicated to a principle of trade and exchange free from all barriers not inherent in the comparative costs of production and transport. Free trade based on comparative advantage or international division of labor requires that each side benefit more from imports than it loses from exports. The theory of international trade thus ensures that each nation may gain while not imposing sacrifices or unfair costs on others. There is substance to this theory. Our East-West relationships may be nourished by pursuing its fulfillment as prescribed in the Final Act.

And finally, let me note that we have consulted with representatives of our business community and I can report that their interest in expanding trade with the East has not flagged. The Final Act has increased their expectations. They are following our work with interest.



It is for all these reasons that the United States calls for a sequential and documented review of the Provisions of Section Two. It will be through this process, and through the careful examination of new proposals aimed at improving and expanding implementation, that mutually desired progress will be achieved for the benefit of all participating states.



STATEMENT BY AMBASSADOR ARTHUR J. GOLDBERG,  
CHAIRMAN OF THE DELEGATION OF THE UNITED STATES OF AMERICA,  
Belgrade, October 13, 1977

Mr. Chairman:

During the open plenary session, one distinguished delegate from the East criticized the West's visa practices which, he stated, compared unfavorably to his own country's practices. As I reported in my opening statement, America's visa policies have been liberalized. They compare favorably with other countries. I welcome a discussion in the working groups, where we will be eager to discuss any problems, but I do not regard the distinguished delegate's criticism as an affront or as a signal of confrontation. This type of dialogue should be welcomed by all delegates at this Conference if we are to make progress. I trust that my remarks will be understood in a constructive spirit, so that we can move away from platitudes and proceed to specifics.

The United States recognizes that all three Baskets are of great importance. The U.S. considers Basket III as a keystone of the Final Act. Both President Carter, in whose name I speak, and the American public, place the same high value on human rights provisions of the Final Act.

Human contacts provisions of Basket III -- family reunification, family visits, and marriages between nationals of different states -- are in our view especially significant. They lend great political force to the most human of impulses -- the desire to be with and rejoin spouses, relatives and friends. Where one person alone may be powerless to fulfill that personal dream, our

collective commitment gives each individual authority and strength and hope.

The United States is encouraged by the increase since 1975 in the numbers of people permitted to leave their countries for the purposes of rejoining -- or just visiting -- relatives in the West and in Israel. But has movement truly been facilitated when thousands of ethnic groups have been refused permission to rejoin families in other lands and there is evidence that thousands of others have been discouraged from applying?

The United States recognizes the favorable resolution of some family reunification and marriage cases by several of the signatory states. But are governments promoting the further development of contacts when over 2,700 individuals in one country and close to 2,000 in another cannot cross their borders to live with relatives in the United States?

The American delegation would further like to commend efforts that have been made to ease the procedural obstacles confronting those who wish to leave. But is it in the Final Act's "positive and humanitarian spirit" to continue to subject exit visa applicants to long and uncertain delays, to arbitrary and unjustified decisions, and to punitive and discriminatory measures?

I simply cannot understand why a wife and husband should be separated because of capricious government policies, or why



applicants in one country are being refused the right to apply. Similarly of also cannot understand why so many are kept in the dark about application procedures? Why is one man refused the right to leave on the grounds of possessing state secrets when someone who had worked at the same job is allowed to leave? Further why should some applicants still be thrown into an impossible Catch-22 situation where they lose their jobs upon applying for exit visas and are then arrested for not working? A man, a woman, or their family should not be repeatedly arrested and harassed because they have asked to leave.

These are the types of problems that continue to concern the government and people of the United States. And these are the types of problems we intend to pursue in specific detail in the working bodies. These practices which transcend basic attitudes opposed to the two-way flow of people have in some signatory states not been modified and that state-imposed barriers to greater human contacts have not been removed. People are still prevented from being with people.

It is each nation's obligation to such individuals to reexamine their situations and remedy them in the "positive and humanitarian spirit" which the Final Act sets as a standard. It

is our obligation at this Conference, moreover, to agree on new steps to liberalize travel, marriage, and family reunification practices. The rules and decisions must be fair; the financial and social costs minimal.

I regret that there is resistance, on the part of certain signatories, to ensuring a free flow of ideas and information guaranteed by the Final Act. It has been said that hard currency shortages in other states inhibit the purchase of information products from the United States. I recognize the problem these shortages impose, but surely they cannot be an insuperable obstacle to fulfilling the solemn undertakings of the Final Act.

It is hardly a lack of dollars that motivates the jamming of Western radio broadcasts. Nor can we believe that the same financial problems which limit purchases of Western publications also demand storage of many of them in library stacks closed to all but a privileged few.

In the United States we impose no artificial obstacles to access to information of all kinds, and certainly the Final Act contemplates that journalists should not be impeded from performing their duties to the public.

We have pledged to facilitate -- not regulate -- cultural and educational exchanges. Yet, practices contrary to both the spirit and letter of the Final Act still persist. For example,



we have surveyed Americans participating in one of our exchanges. It is disturbing to note that less than 20 percent are completely satisfied with their experience in gaining access to archival material. Formally accepted to conduct research, and granted official entry, many scholars continue to be sharply restricted in their ability to conduct what is recognized as solely academic pursuits.

I recognize that we are only at the beginning -- not the end -- of our task. We hope other delegations will join us in proceeding in a detailed discussion of mutual accomplishments and shortcomings when the "thorough review" of implementation begins in the subsidiary working bodies next week.

We cannot afford to give way to frustration. Nor can we be content with the stale repetition of the conventional wisdom of our respective societies. If ever there was an opportunity to break free of ideological cliches, it lies in the Final Act and the framework of interaction it provides us and our peoples.

Our review of implementation should reveal the situations which cry out for attention. Where we go in the future depends on our willingness to react to constructive criticism. The action we take in response to that criticism will be the measure of our sincerity.

The people of Europe and America expect much from us. I hope that we earn the trust they repose in us by the progress we make here.

Thank you Mr. Chairman.

STATEMENT BY AMBASSADOR GOLDBERG

ON PRINCIPLE 6: NON-INTERVENTION IN INTERNAL AFFAIRS

OCTOBER 20, 1977

-- Today I propose, in accordance with our agenda, to devote my time to a discussion of the Sixth Principle. Before doing so, however, I think it only appropriate, particularly Mr. President since you are in the chair, to comment concerning the constructive proposal submitted in Geneva by your delegation with regard to the "Draft Convention on a European System for the Peaceful Settlement of Disputes." This is a subject that is of great interest to me and my government. We look forward to working closely with your delegation, Mr. Chairman, and others, with regard to the forthcoming meeting of experts, and promise full cooperation to ensure a successful outcome.

-- We have heard in recent days and also today, from the distinguished representatives of the Soviet Union, Czechoslovakia, the German Democratic Republic, and Bulgaria that when my delegation and others express concern about repressive measures relating to the Final Act and lack of implementation, we are, in their view, trespassing over forbidden territories and we are, in fact, violating the Sixth of our Principles. My delegation disagrees and we shall state our reasons.

-- The distinguished representatives of the Soviet Union, Czechoslovakia, the GDR and Bulgaria have resorted to a completely unwarranted interpretation of Principle VI in this attempt to avoid discussion of certain matters unpalatable to them. They have asserted that violations of Principle VII guaranteed human rights and fundamental freedoms and the humanitarian aspects of Basket Three are beyond the competence of this



meaning and should not be the subject of dialogue with other participating states, including my own. This argument is without foundation, and represents a complete distortion of the letter and spirit of the Final Act.

-- The Final Act contains a solemn commitment by participating states to "refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating state, regardless of their mutual relations."

-- It is clear from the negotiating history of Principle VI, its text, and established principles of international law, that the provisions of the Sixth Principle apply to, and I quote:

- "armed intervention or threat of such intervention against another participating state";
  - "acts of military, political, economic, or other coercion";
  - "direct or indirect assistance to terrorist activities or to subversive activities directed towards the violent overthrow of the regime of another participating state."
- Now this is what Article VI is all about and
- this is not simply a legalistic interpretation. The

language of Principle VI is explicit, and the reasons underlying it are abundantly clear. Principle VI embodies a commitment by all participating states to abjure from military action, use of force, and coercion in order that peace, security and cooperation in Europe

may be assured. As is well-known, Europe has been subjected on a number of occasions since the end of the Second World War, and even within less than half a decade of the convening of the Conference on Security and Cooperation in Europe in 1972, to armed intervention across international borders. The Final Act has language designed to forestall such actions in the future so that we shall never again see a large country impose its will by force upon a small country. When the United States Delegation and other delegations raise questions about the performance of other states, with reference to all sections of the Final Act, as they did yesterday in referring to the Prague Trial and repression of individuals in the Soviet Union and Czechoslovakia seeking in a peaceful way to monitor their countries' <sup>implementation,</sup> they are doing so in full conformity with the Act, and are in no way violating Principle VI or any other principle. On the contrary, they are fulfilling their obligations under the Follow Up provisions of the Final Act and in all fidelity to the correct interpretation of Principle VI.

-- In our debate earlier this week, the signatory states I have mentioned have gone so far as to claim that they should be the sole judge of how well they are fulfilling their Final Act commitments and that therefore they may refuse to engage in a substantive dialogue in response to expressions by delegations of concern and criticism. The adoption of such an attitude would completely frustrate the constructive work of this conference.



and reduce it to a meeting in which we are engaged in mere platitudes. If progress is to be made, this attitude, this approach, cannot be accepted by this conference.

-- Moreover, no state, party to the Helsinki Accord, can choose a sentence out of context to distort the meaning of Principle VI or of any part of the Final Act. No state can quote a word or two from the Preamble and ignore the rest of the Preamble which, among other things, is designed to "promote fundamental rights, economic and social progress, and well-being for all peoples". No state can, in fidelity to the Final Act, Abjure its commitment to observe and honor the human rights provisions of the Act.

-- All states here are raising their voices at the United Nations against the application of infamous apartheid laws in South Africa, by means of arrest, official harassment and trials. I heartily approve of these protests at the U.N., based upon the U.N. Charter and I am confident that all delegates join with me in what I have just said. This example vividly illustrates that domestic laws must, under given circumstances and established principles of international law, give appropriate recognition to solemn international commitments.

-- The distinguished delegates of the Soviet Union, Czechoslovakia and other East European countries have argued that persons monitoring the Final Act in their countries have violated national laws by promoting the free flow of information,

a right guaranteed by the Final Act. However, the Final Act itself endorses the free flow of information and therefore such activities are a legitimate subject of international concern, and a matter for dialogue here. And arrests, harassment, trials and imprisonment for such activities are matters of our legitimate concern.

-- Furthermore, the Final Act states explicitly that participating states will act in conformity with the purposes and principles of the United Nations Charter, which in its Preamble "reaffirms faith in fundamental human rights and in the dignity and worth of the human person." Additionally, Article 55 of the Charter embodies "universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." I need expressly remind you that the United Nations Charter is a document to which all of us have subscribed. And the Universal Declaration of Human Rights is an integral and important part of recognized principles of international law.

-- Mr. Chairman, we must keep in mind that the Final Act is a balanced, indivisible whole. No state can legitimately use Principle VI to negate any of the other important provisions of the Final Act. This would be an outright repudiation of the solemn undertakings we all made at Helsinki. We must not allow this to happen.

-- Finally, Mr. Chairman, we believe that the Sixth



Principle cannot and must not be used to avoid a dialogue about matters that are of the deepest concern to all of us and that go to the very heart of our ability to keep the CSCE process alive and moving toward the ultimate implementation of all of the provisions of the Final Act.

The Final Act refers to people and the rights of people. This is one of the great features of the Final Act. If a fellow delegate expresses concern and criticism of the performance of my country under the terms of the Final Act, when I think that this criticism is unjustified I shall say so. When I think the matters are justified, I shall say so, and do all in my power to commit my country under our constitutional processes, to do better. I hope that this spirit will be generally shared so that we can conduct our deliberations with candor and frankness, and in the interests of dialogue.

To make general speeches about human rights and to avoid specific reference to the Prague trial would make our own deliberations here dealing with the human rights provisions of the Final Act a mockery.

We have entrusted to our care the question of discussing, debating and reviewing implementation of the Final Act and to consider new proposals to further the provisions of the Act. We must do this with candor and good will, and move forward to improving the prospects of peace, cooperation and security in Europe.

(Delivered by Amb. Goldberg at Basket I on October 20, 3:30 p.m.)

November 1, 1977

Amb. Goldberg's Basket I  
speech.

Mr. Chairman:

Almost 25 years ago, what we now call the CSCE process began as an idea. This concept was put forward by the Soviet Government and the head of its State, His Excellency President Brezhnev. In the negotiations that followed--at Helsinki, Geneva, Helsinki and Belgrade--the non-aligned, neutral countries and countries of both West and East Europe made significant contributions. The Final Act is the culmination of a common effort and its implementation is a shared responsibility. The peoples of Europe, the United States and Canada--indeed the peoples of the entire world--expect us to fulfill this responsibility. There can be no escape from this responsibility and--at times in light of controversial issues which inevitably arise from our differing ideologies--this most onerous task.

Our solemn commitment to each other is to continue this process. In the months since the Final Act was signed at Helsinki, few of its provisions have been as widely discussed as Principle VII. This Principle has come to be recognized as the joint undertaking of all 35 participating states to respect human rights and fundamental freedoms.

My country claims neither a monopoly of wisdom on the meaning of the commitments undertaken by Governments



in Principle VII, nor a perfect record of implementation. The American standard of respect for human rights has been reached, despite our constitutional commitments, only as a result of a complex and difficult evolution, after painful and sometimes incomplete corrections of abuses, and as a consequence of seeking a progressive enlargement of individual freedoms.

In the 1950's--in my own country--an American Senator named Margaret Chase Smith reminded her colleagues in the U.S. Senate--in what has been called a declaration of conscience--of some fundamental American ideals. She defined them as "the right to criticize; the right to hold unpopular beliefs; the right to protest; the right of independent thought. The exercise of these rights, she added, "should not cost one single American citizen his reputation or his right to a livelihood."

Her statement still stands as a concise representation of many important goals Americans believe Principle VII exists to foster. In its reference to the universal declaration of human rights and the international covenants on human rights, Principle VII also binds the participating states to respect many other specific commitments: respect for the rights "to life, liberty and the security of person," for equality before the law and due process in the workings of the law, for the advancement of economic and social rights, and for "freedom of movement" and

"freedom of association." Reinforcing these rights are the protections against "torture or ... cruel, inhuman or degrading treatment or punishment" as well as against "arbitrary arrest, detention or exile." But central to the confirmation of those rights, which CSCE governments are obliged to respect, is the link Principle VII recognizes between the "inherent dignity of the human person" and "the effective exercise" of fundamental freedoms.

Principle VII likewise established an interrelationship between the "universal significance of human rights" and the prospects for international "peace, justice and well-being." Principle VII thus mirrors the view which we support that government respect for human rights is an "essential factor" of detente. Having made the question of a government's treatment of its own citizens a matter of international concern in the Final Act, the participating states in particular agreed to the proposition that government action to assure individual freedoms is not exclusively an internal matter for each state to consider by itself.

From our own experience of gradual progress towards higher human rights standards we understand that such actions can be difficult to set in motion quickly or to be attained. Still, if we are to meet the expectations aroused in our respective peoples, there must be discernible progress to correct systematic abuses of human rights if the Final Act is to have credibility.



The United States Government has from time to time fallen short of the human rights targets we have set for ourselves and our people. We do not object to an examination of our record, and find it difficult to understand why other governments take exception when we examine theirs.

President Carter, the other day at the White House, said explicitly that we have to do better at home. In spite of blemishes on our record, however, the point to be made is that the governmental institutions of the United States are working to eliminate injustices rather than to deny them.

There are positive attitudes and developments to be noted in many CSCE states. The United States delegation accepts as an indication of progress, for instance, the action to which the representative of Poland referred in his address to the opening plenary, the amnesty of July 22 for imprisoned members of the Workers Defense Committee. My delegation also welcomes similar measures by other governments, proclaiming amnesty for non-violent political prisoners, and securing the freedom of individuals who have petitioned this Conference for redress of abuses of the freedom of thought, conscience, religion or belief. Similar gestures in other signatory states--exonerating those imprisoned for their beliefs, for acts of conscience such as

religiously motivated refusal to serve in the military or civil protest against arbitrary government behavior-- would be welcome indications of growing adherence to Principle VII.

We understand the Final Act to mean that any delegation is free and indeed obligated to discuss shortcomings of any signatory in any area covered by the Final Act and to call attention of this Conference to action taken against individuals who dedicate themselves to a peaceful struggle for human rights. In the Soviet Union and Czechoslovakia, for example, authorities this year have brought criminal charges against men and women whose principal offense, in the view of the United States, has been their public effort to promote the aims of the Final Act. I assure these delegations that it is not in a confrontational spirit but in the spirit of full review, from which my country is not exempt, that we allude to these facts.

Such actions against public groups to promote observance of the Helsinki Agreement are not consistent with "the effective exercise of civil, political ... and other rights," to cite the language of Principle VII. The activities of these people and their groups are taken as evidence of the involvement of citizens in the realization of Final Act goals. We have discussed these specific cases in the appropriate working body and they are the subject of vigorous discussion which is the meaningful way this Conference, in our view, should be conducted.



If we refer as we have done to the motivation behind Charter '77, it is because as we read this document it manifests a desire to initiate a "constructive dialogue" on human rights matters. This appears to us to be particularly the sort of citizen endeavor to exercise civil and political liberties within the legal framework of a participating state which Principle VII envisions and endorses. We believe, therefore, that international obligations are not honored when criminal charges are brought against men and women who seek to clarify the application of the Final Act and such other international documents as the UN covenants. It is particularly difficult to agree that there is justification for the arrests and conviction of peaceful advocates whose trials appear related in large part to the question of how the Final Act is being implemented. Equally disturbing is the harassment of others who subscribe to the Final Act by governments putting people under house arrest, expelling one from his apartment, depriving others of drivers' licenses or jobs. Denial of job opportunities is particularly striking in countries that place great emphasis on the "right to work." These actions do not fit with the promise conveyed by Principle VII that participating states would respect freedom of thought and conscience.

In the field of religious faith, Principle VII expresses the promise of each state "to recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." Such actions should not be punished either by fines, job dismissals, threats against parents seeking to assure their children a religious education or by prison terms for the open, active profession of religious faith. Rather, the United States Delegation believes that Principle VII calls for governments, at a minimum, to facilitate the access of believers to religious teaching, literature and materials. There have been some welcome steps made in this direction in the Soviet Union and other participating states. As the representative of the Holy See pointed out, it is not enough. Implementation of Principle VII mandates the expansion of such practices.

The broad Principle VII commitment to "promote universal and effective respect" for human rights as well as the very specific renunciation in Article 5 of the Universal Declaration of "Inhuman or Degrading Treatment or Punishment" strongly suggests that psychiatric treatment of individuals confined for political views should be of specific concern to us.



I do not mention specific categories or countries to score debating points. A debator does not point out, as I have done, shortcomings on the part of his own side -- in my case my own country. Let me repeat that we do not raise these matters lightly or for propaganda purposes. We raise them because they are directly related to the health of the CSCE process and of detente in general. We recognize our own difficulties, and we are working openly to correct them. We call upon other governments likewise to take the first step to real cooperation in this sensitive area by recognizing that they, too, are not without blemish, and that these blemishes are legitimate subjects for consideration between us. I repeat today my earlier pledge: We are ready also to discuss calmly and rationally the flaws which others may perceive in American implementation and, where we believe criticism is justified, to recommend remedial action to our authorities.

It is in this spirit that our comments on implementation -- both our own and others -- are offered, and we urge that they be so accepted. I know that some have suggested -- most recently the Distinguished Representative of Poland in his learned exposition yesterday -- that the exchange of criticism among ourselves on the basis of Principle VII in fact contravenes the Principles themselves: specifically,

the protection of each state's "right freely to choose and develop its political, social, economic and cultural systems" without intervention in that process by another state.

May I say, with respect, that this seems to me a fundamental misconstruction of the relations among these principles. These protections of sovereignty enjoyed by a state in no sense limit its obligations with respect to human rights, even as he has defined them, or the right of other states to speak up on the basis of them. Quite the contrary: We are dealing here with complementary, interlocking parts of great agreements of the post-War era, reflected in the UN Charter, the Helsinki Final Act, and a large and growing number of other international instruments. Sovereignty and non-intervention proscribe any effort by one state to coerce another into changing its system or -- equally important -- refraining from doing so, as it may wish. And none of us here has any proper business trying to change anyone else's system. Diversity reigns. But the other side of the coin is that, in exercising our right to choose and develop our own systems, each of us can be held accountable by other members of the international community for conforming that development to certain minimum international standards of individual justice in the field of human rights as well as social and economic problems.

to that extent, the treatment of individual people by any of us is the concern of all of us.

I hope we will strive toward common goals that go beyond the minimum, and that is the strong thrust of the Final Act. But these minimum standards are our common point of agreement in the Final Act.

Finally, Mr. Chairman, after our debate is completed, we will face the question of what conclusions we should draw from it. Certainly we shall continue to deal with sensitive matters in our continuing bilateral contacts after Belgrade. The Belgrade meeting, however, it seems to us, would make a major contribution to understanding and further cooperation if it were to include language in its concluding document reflecting not only our debate but also a specific recommendation by the 35 participating states on how to improve implementation of all aspects of the Final Act, including the human rights ideals incorporated in it. We, and others, will offer a proposal to that end. This recommitment should, in the view of the United States Delegation, focus directly on the positive role that can be played by individuals and non-governmental groups in the process of securing implementation of the provisions of the Final Act. It should reconfirm that such individuals and non-governmental groups are to be given the protection of their government when they seek to assist in the implementation process, even



when, as must inevitably happen from time to time, they point out instances of non-implementation by their own government.

Mr. Chairman: My delegation will work for such a recommitment at Belgrade. We think that this is a realistic, even mandatory task because it goes to the fundamental question of the practicality of the Final Act. The manner in which our conference deals with this task will, I assure you, have a major effect upon the judgment that the American people and the people of the world are forming on the CSCE process. We must, therefore, find here together a way to combat cynicism and to encourage optimism about the Final Act. We believe that this is an objective shared by all the participating states. The United States Delegation considers that, with goodwill, we can make good progress toward achieving it in this body.

Thank you, Mr. Chairman.

November 1, 1977

ADDENDUM

November 1, 1977  
Amb. Goldberg's  
Basket I speech.

During his discussion of the US effort to guarantee human rights at home, Ambassador Goldberg quoted extensively from the Constitution, in particular the First Amendment and other relevant portions of the Bill of Rights. He also cited the slavery crisis which led to the Civil War and the ultimate adoption of the 13-15th Amendments. The Ambassador provided substantial statistical material to illustrate the manner in which economic and social rights are safeguarded in the United States, including information on unemployment compensation, social security, the minimum wage, welfare payments, and medical care. The following material was included:

1. Average US weekly unemployment compensation is \$75 and in many cases supplemented under collective bargaining agreements total 95% of the weekly wage.
2. Under our Social Security Act a worker in a basic industry such as steel receives a pension of about \$325-350 a month, with survivorship benefits for his widow, supplemented by industrial pensions of substantial amounts now exceeding \$300 a month.
3. Our national minimum wage is presently \$2.65 an hour, and under pending legislation will be increased initially to \$2.85 an hour, and ultimately \$3.30 an hour.
4. Welfare payments in our major industrial states average \$250 per month from Federal Government contributions.



plus whatever the individual states contribute over and above the Federal sum, and these contributions often exceed the Federal contribution.

5. Our senior citizens are covered by comprehensive medical care. The same is true of welfare recipients. Ninety-five percent of other workers are covered by health insurance programs provided, in the case of Government workers by Government, and in the case of industrial workers by collective bargaining agreements. Further, at the next session of Congress, it would appear clear that an even more comprehensive health program will be enacted. But worldwide medical associations and public health authorities have acclaimed US health care as the most outstanding.

6. Unemployment compensation, together with collectively bargained supplements in our major industries, provide for payments approximating 80 to 95% of weekly wages for as long as two years.

November 1, 1977



provisions of the Final Act, is this in some sense an illicit interference in the latter's domestic affairs? Our answer is "no". Such criticism is neither unlawful nor otherwise improper, and should not in my view in any way affect the smooth flow of bilateral relations. May I point out that, in raising this issue, no delegation is seeking, as some delegations have stated, to instruct any country as a teacher might do. It is a rare teacher to acknowledge, as I have done here, that his or her method is not perfect! Further, students are not prone to challenge their teacher. I have not detected any hesitation on the part of any delegate to express his or her views and this is the way it should be. But let us proceed here in the same spirit exhibited by President Carter in an interview with American correspondents, October 28, at the White House. In a statement before he accepted their questions, Mr. Carter announced the United States "will make proposals to the Soviets before long on the constraint of conventional arms sales around the world."

He said: "we are the worst violator at this time; the Soviets perhaps next; and the French, British, Belgians, to some degree participate in this excessive arms sale."

"We all feel that it should be cut back," he said, adding that the question of how to do it is "very difficult to address."

Ambassador Goldberg's  
Basket I speech  
11/3/77

PRINCIPLE VII: THE "INTERVENTION"  
OBJECTION AND THE "NATIONAL LAWS  
AND REGULATION" DEFENSE

Mr. Chairman:

At the outset of my remarks this morning, I would like formally to associate the Delegation of the United States with the remarks made by the distinguished representative of the Netherlands yesterday and today and the similar statements made by other delegations.

Several distinguished representatives have again objected in our discussion of Principle VII to discussion aimed at specific violations of the human rights guaranteed by the Final Act by naming particular states, categories or specific cases. They have alleged that such criticism is "intervention" in contravention of Principle VI, and that in any event the events in question are no more than the normal application of their own national law and thus no proper concern of anyone else.

In so saying they raise two questions of fundamental importance, and I would like to set forth my own Delegation's views on one of them in somewhat greater detail than we have done thus far.

The first question is this: When one government makes critical comments about the performance of another in the implementation of Principle VII or other human rights



In any event we are not here to preach at one another but to review the implementation of the Final Act after more than two years since its execution. This we are mandated to do.

I might note, Mr. Chairman, that I have heard some Representatives complaining about the tone in which some of those views have been expressed. This is somewhat surprising. We are not a debating society or public speaking class, and what is important in our discussions is not tone but content, not the way speeches are delivered but what they say.

So let me explain our views on the first of the two issues I mentioned earlier. In doing so, may I first address the strict question of lawfulness, i.e., whether this kind of conduct amounts to an "intervention" and is therefore contrary to international law as provided in the UN Charter. The Final Act itself, in Principle VI, prohibits intervention in the general terms of the first paragraph of that Principle, but goes on to cite specifically three kinds of activities which make clear the intent and purpose of the general language. Thus, "intervention" is used in the Final Act in its ordinary international law meaning, and it would be fruitful to spend a moment examining what that meaning is.

The most explicit and authoritative source on this point is the Declaration of Principles of International Law concerning Friendly Relations. The long negotiating history of the relevant section of that Declaration indicates that no form of activity constitutes an unlawful intervention unless it involves a use or threat of force,



is to say, an "intervention" is an action aimed not at persuasion but at compulsion. At some points the text of the Friendly Relations Declaration makes this clear by mentioning "coercion" explicitly, or "force," which is by definition coercive. At other points it does so by indicating the great magnitude or severity of the interference and its intended objective (as where it rules out "interference or attempted threats against the personality of the state" or interference designed to deprive a state of the "right to choose its political system").

In other words, Mr. Chairman, this brief text reflects the commonsense conclusion that it would be fruitless to try to make unlawful the efforts of states to influence the conduct of others by means that fall short of an effort to coerce or compel. Such a legal rule, if taken seriously, would cause virtually the whole of diplomatic intercourse to grind to a halt.

This analysis, incidentally, is even more strongly supported by the language of the relevant provision of the Helsinki Final Act itself -- Principle VI, which is of the same form as the Friendly Relations text on intervention (i.e., a general prohibition of "intervention" followed by specific prohibitions defining the general prohibition). All of the examples in Principle VI refer

explicitly to the threat or use of force or other coercion. Even though the Final Act is not a treaty, it is an important international document making extensive use of established legal concepts and concluded by Governments at their highest level, and can certainly be taken into account as evidence of what those concepts mean in international law.

So the first point, Mr. Chairman, is that mere criticism by one government of the conduct of another, specifically in the context of the Final Act, is not the sort of activity which can constitute unlawful intervention, and as a practical matter it could not be.

Even if this were not so, however -- and this is the second point -- the particular kind of criticism we are talking about here could not properly be considered an intervention. For an intervention must be directed at a matter solely within the domestic jurisdiction of another state, and the fulfillment by a state of international human rights standards is not such a matter.

Why is this so? The most fundamental reason, often overlooked, is that a state's fulfillment of its obligations under international law cannot, by definition, be a matter purely within its own domestic jurisdiction, and all members of the United Nations and signatories of the Final Act have such obligations relating to the protection of human rights. First, there are the general



obligations of Articles 55 and 56 of the UN Charter, which any important and continuing human rights violation would contravene. And, of course, the Final Act is explicit on this point. Additionally, most states have other important human rights obligations under treaties to which they are party. Indeed, so widespread is this network of treaty obligations, and so vast and pervasive the practice of the UN and other international bodies in asserting the existence of certain fundamental international human rights principles, that some of these basic principles now can be said to have become a part of general international law, either as a part of the law of the UN Charter or otherwise. As high an authority as the International Court of Justice has so indicated.

The point is: we are all subject to broad international legal obligations concerning human rights, and, in plain language, a state's fulfillment of its international legal obligations is not exclusively its own business.

Mr. Chairman, may I remind us that another source of international law is the overt practice of states. And here, both the vast practice of the UN that I have already mentioned, as well as the practice of individual states in their bilateral relations or as members of international organizations, overwhelmingly confirms the proposition that commentary on the extent of a

state's fulfillment of international human rights standards is not an intervention in domestic affairs. Were this not the case, there would be, for example, vast sections of blank pages in the records of every UN General Assembly, which in fact are filled with expressions of concern or even condemnation by many, many governments about the condition of individual human rights at various places around the world.

In sum, Mr. Chairman, reference to "intervention" in the manner asserted by some delegations here is without foundation in the Final Act, in international law, or I daresay even in the practice of the governments that now raise it here in Belgrade. But perhaps it will be said that the real point has to do not so much with inconsistency with the language of the Final Act or with international law, but with the purpose and spirit of this conference. Here I can only repeat: we simply cannot comprehend how it can be claimed, at a conference called by all signatory states to review the commitments embodied in the Final Act, that no specific discussion of concern with fulfillment of those commitments can properly be heard.



Now let me turn to the second question I mentioned at the outset: the issue that arises when what is perceived by one state as a default by another state on a commitment contained in the Final Act, is explained by the latter as simply the normal application of its own laws or regulations. What does the Final Act have to say about how to resolve such a difference of view?

Consider, for example, two rights about which the problem has arisen in discussions at this Belgrade conference: the "right of the individual to know and act upon his rights and duties," or the right to "seek, receive and impart information and ideas through any media and regardless of frontiers". (The former is stated in Principle VII. The latter, being stated in Article 19 of the Universal Declaration of Human Rights, is incorporated by the final paragraph of Principle VII and underlies some of the specific provisions of Basket Three.)

Now, there is no explicit provision in the Final Act which would justify a state's limitation of these or other human rights by means of the adoption or application of its own laws. Principle VII does, however, incorporate the Universal Declaration of Human Rights in toto, and that Declaration contains (in its Article 29) a general limiting clause as follows:

"In the exercise of his rights and freedoms,

everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."

This states the basis of permissible limitation of the right of freedom of information, and presumably also of the right to know and act upon rights and duties, which can be said to embrace the whole gamut of rights covered by the Final Act and Universal Declaration. Moreover, I believe it has been argued by some that the right of freedom of information as expressed in the Final Act is, for parties to the UN Covenant on Civil and Political Rights, subject to limitation on the terms stated in Article 19 of the Covenant, which contains a clause broadly similar to that in the Universal Declaration. I should note now only that clearly no provision of the Covenants or other human rights treaties can properly be invoked by a Participating State to produce narrower human rights obligations for itself under the Final Act than those of other Participating States.



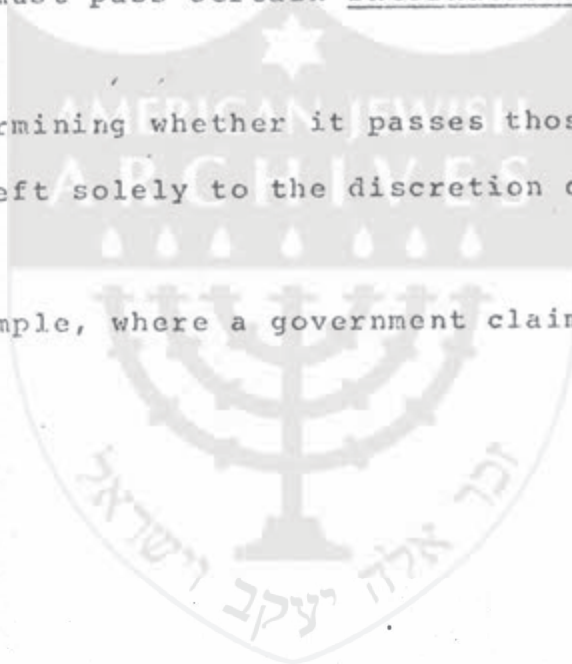
This provision indicates that the bases on which a state might legitimately place limits on internationally established human rights boil down to three simple points:

First, any such limits must be embodied in national law;

Second, the application of such national law in the particular case must pass certain international tests; and

Third, determining whether it passes those tests is not a judgment left solely to the discretion of the state whose law it is.

So, for example, where a government claims the right



to prevent its citizens from receiving a certain kind of information, notwithstanding its international commitments to respect their right to do so, at the very minimum it must ground its claim on some local law or regulation uniformly and not arbitrarily applied. But mere inconsistency with national law is not enough. The law in question, when applied in the particular case, must meet international standards.

Those standards refer, for example, to the "protection of national security" or "public order". These are broad and somewhat elastic concepts. But they are by no means infinitely elastic, and indeed have a core of hard meaning which would enable us to reject claims based on certain kinds of laws on their face. I would suggest that this is true, for example, of a law the effect of which is to prohibit dissemination or receipt of information which is critical of or opposed to the current government or regime, or its policies. Leaving aside the fact that such a law would simply negate the right of freedom of information as a political right, the overwhelming weight of the experience of the Participating States suggests that the free flow of such opinion poses no clear and present danger to the security or public order of a state: a number of our governments are constantly faced with it from both within and without. Indeed a good deal of our experience suggests



that genuine threats are in the end more likely to arise from the repression of this kind of opinion, rather than its free exchange.

A more complicated problem arises when it appears that a government may have impeded the exercise of a right -- say, the right to know and act upon one's rights -- by the unwarranted use of a law which on its fact seemed unexceptionable. For example, a person active in the promotion of human rights may be charged with theft, embezzlement, espionage, or some other breach of the ordinary criminal law. Certainly the mere fact that the individual is charged with a common crime does not settle the issue, if the circumstances otherwise suggest that the arrest and prosecution is a pretext for evading international human rights commitments and deterring the exercise of those rights at home. In such a case other Participating States are entitled to evaluate those circumstances for themselves -- including such factors as the justifiability of choking off the supply of information through conducting a closed trial. They are entitled to draw their own conclusions and express them.

Both of these examples illustrate the most fundamental of the three points I mentioned earlier: that no state is free to make the determination all by itself whether the

limitations it imposes on human rights meet the established international criteria. That is the very object and purpose of embodying human rights standards in a regime of reciprocally accepted rules and principles, rather than in a collection of unilateral statements of high resolve and good intentions. Were this not the case, the concepts I have mentioned could soon be stretched by any government beyond the reasonable limits of their ordinary meaning, under the immediate felt pressure to justify this or that overly repressive policy or action. In the long run, Mr. Chairman, no government is infallible in this respect, no government is immune from this temptation, no government is any longer entitled to the right to make these determinations unilaterally. This is perhaps the strongest of the admittedly fragile guarantees, to the ultimate beneficiaries of international human rights standards -- the people, that these standards will not be permitted to shrivel into insignificance through a series of spurious interpretations.

May I add one point, for the sake of clarity, in closing. I have been discussing what the Final Act provides in reference to the legitimate basis for a state's limiting human rights through adoption of national laws and regulations. This question is not to be confused with that addressed by principle I, in its reference to a state's right to determine



its laws and regulations. Principle I states, in its second sentence, that the participating States will "also respect each other's right freely to choose and develop its political, social, economic and cultural systems as well as to determine its laws and regulations." The effect of this language is, among other things, to make it explicit that the right to determine one's laws and regulations is one of the rights inherent in sovereignty. It says nothing, of course, about the circumstances, if any, in which those laws might properly place limits on human rights -- a question addressed elsewhere, as I have already indicated. Indeed, Principle X, in order to make this fact quite clear, states:

"In exercising their sovereign rights, including the right to determine their laws and regulations, they will conform with their legal obligations under international law; they will furthermore pay due regard to and implement the provisions in the Final Act of the Conference on Security and Co-operation in Europe."

PLENARY STATEMENT BY AMBASSADOR GOLDBERG

SUMMARY OF REVIEW OF IMPLEMENTATION

NOVEMBER 9, 1977

Mr. Chairman: At the outset of my remarks I would like to express by delegation's full support for the nine new proposals sponsored by Belgium and others to strengthen several of the Final Act's Basket Three provisions. We will also study with great interest the proposals made by the Polish and Italian delegations.

As we have seen in more than six weeks of work in the Plenary and the subsidiary working bodies, while steps have been taken to realize several of the Final Act's provisions, a great deal more needs to be done. The new proposals sponsored by Belgium and others essentially aim at clarifying and enriching several different Basket Three provisions, and seek to clarify the Final Act. I wish to emphasize that, as we understand the proposals, the sponsors do not intend to change the Final Act in any way. Each of the proposals deals with an important area which would benefit -- based on the past two years' experience -- from a more precise definition, as the Final Act contemplates.

I would particularly like to draw attention to the three proposals we are co-sponsoring, together with several other countries, concerning visa application procedures and access to archival material. These two problems, as we have mentioned several times in plenary and in the working bodies, are of particular concern to our government and people.

As the conference concludes its discussion of the first part of the Agenda, Mr. President, the United States Delegation wishes to make some general observations about the status of our work.



It is the conception of my delegation that, in conformity with the Final Act, this meeting of the participating states has two central objectives. The first is to join as sovereign nations in a thorough examination of the provisions of the Final Act and of the manner and degree to which they have implemented unilaterally, bilaterally and multilaterally. The second concern is to draw from that mutual inquiry appropriate conclusions about the future conduct of our nations -- acting alone and acting together -- to realize the broad goals of the Final Act.

The phase of the conference's work known as the review of implementation is now approximately six weeks old. The discussions in this initial period, in our view, have been forthcoming in some respects and lacking in specifics in others. It is a fact that in a few of the subsidiary working bodies the debate has approached a dialogue. Delegations have been able in limited areas to describe the actions of their countries in pursuit of Final Act goals, voice their concerns about actions -- or lack of action -- by other states and hear explanations of conduct which required both questioning and justification. I refer to the Basket II discussions and that phase of Basket III dealing with cultural and some educational exchanges.

In these rather limited areas, then, the conference has shown itself capable of making a joint accounting of progress within the framework of the Final Act. That is no mean feat.

In light of the undertakings given at Helsinki, our delegations have been able on these subjects to examine not just

themselves, but each other -- not just the smooth and narrow path of traditional cooperation, but also the varied and difficult issues of innovation.

In the field of economics, we have been able to probe the very dissimilar, even dissonant priorities of market and non-market systems. In the area of human contacts, we have been able to explore the continuation of restrictive visa practices that do not accord with the spirit of the Final Act or the exigencies of a shrinking planet, but often without receiving adequate explanations. In matters of information, we have not found a common understanding of the value of sharing news and ideas, and I am impelled to add we have found substantial inadequacies.

It is a matter of great concern to my country that Murray Seeger of the Los Angeles Times, a very prestigious newspaper, has been repeatedly refused a visa to work in Czechoslovakia, and Eric Bourne of the Christian Science Monitor, also a highly respected newspaper, has been offered conditions limiting the scope of his proposed work in Czechoslovakia which in all good conscience he could not accept. And I must also mention that it is a matter of concern to my country that Paul Hofmann of the New York Times, which is world renown, and Leslie Collitt of NBC have been expelled from Czechoslovakia during working visits. All of these reporters are distinguished, respected, and responsible there. I hope we will get an explanation of why this is so and hope to discuss it in the next phase of our work.



My delegation supports the standard for dialogue the then Prime Minister of Sweden proposed in his address to the Helsinki Summit. "Respect for one another's social systems and the principle of non-intervention," Premier Palme said, "should not be given to mean that this exchange shall be restricted to assent and joint declarations. Frank criticism must also be allowed in the face of phenomena such as the oppression of dissidents, torture and racial discrimination."

It is in this spirit that we raise the cases of Orlov, Shcharansky and Ginsberg in the Soviet Union, and we raise them by way of illustration because they have been seeking to monitor the implementation of the Final Act in the Soviet Union. It is clear that the Final Act endorses such peaceful activities, and persons engaged in them should be free from harassment, arrest and imprisonment.

Some here say it is better not to mention such cases specifically, as I have done, in either the plenary or working groups of this Conference, but rather to raise these questions bilaterally. The United States has raised these cases and others <sup>substantial</sup> bilaterally at the highest level without success and, therefore, we raise them here, as illustrative examples of many others, because we consider it the joint business of our conference, and we hope that by doing so progress can be made.

Now I can understand that there may be interventions objecting to this approach. I don't like my country to be criticized, but I have said and now repeat that, if the criticism is unjustified, I shall reply, and if justified promise remedial action. It is not a pleasant task to criticize other countries and I take no relish in it. I have been charged by my President to represent my country here -- and I will do it to the best of my ability. In the spirit of dialogue, however, I simply don't understand why it is said that it is not appropriate to raise such matters here. A full, specific and candid review of the human rights and other provisions of the Final Act is the business of this conference. I continue in the hope that such a dialogue will take place.

Further, it is inevitable in light of new proposals bearing on these subjects that if progress is to be made, the new proposals will have to be discussed factually and not in platitudinous terms.

It is in our common interest to conduct our discussions with civility and tact, but we must be candid enough to cover all aspects and seek to arrive at a consensus on them. I repeat that I do not regard my own country to be immune from criticism during these discussions since we do not claim to be perfect.

Now, Mr. Chairman, my delegation has sought to make two basic points on human rights. First, the record, despite limited progress, has on the whole been disappointing. Secondly, we need to discuss this record frankly and to seek improvements



if we are to convince our people that detente means practical benefits in their daily lives and that they should, therefore, give it their support. I am pleased that many other delegations have been making the same point.

What we seek to discuss cannot be regarded as improper intrusion into the internal affairs of any country. Human rights is a matter of the Final Act and of international law as set forth in the UN Charter, the Universal Declaration of Human Rights and other international documents and agreements.

The distinguished representative of the Soviet Union has voiced his concern that an examination of details of implementation of human rights could somehow undermine the bridges of understanding so laboriously built over the last decade between the participating states. My belief, on the contrary, is that those bridges are only as strong as their foundations. It is the primary role of this conference to strengthen the foundations so that detente can have a strong, enduring and noble edifice.

It is, therefore, in all our interests and in the interest of the CSCE process to strengthen the foundations of the Final Act. The dialogue we are seeking to conduct is designed precisely to explore the understandings we have reached, our progress and shortcomings and to insure that there are no misconceptions about their meaning. Only if that examination proceeds candidly and studiously, can we be certain, as we move to the next phase of our work, the detente we all seek will be solid and contribute to security and cooperation in Europe.

PLENARY STATEMENT BY AMBASSADOR GOLDBERG

NOVEMBER 11, 1977

Mr. Chairman:

I would like in a preliminary remark to set the record straight because I want to protect the reputations of a member of our foreign service and of the president of one of our largest unions. In the distinguished Soviet Delegate's remarks he described the head of our Government workers union as George Vest. This might have been a problem of translation but George Vest is Assistant Secretary of State for European Affairs and the head of our Government Workers Union is Jerry Wurth. Each is rightly proud of his office and they jointly would not want confusion as to their respective roles.

I have listened with close attention to the remarks made by the delegates of the Soviet Union and Czechoslovakia. It seems that every time I or a member of my delegation speaks it is described to be a lecture. Every time they speak, although sometimes they are far more discursive than I am, their speeches are not so characterized. So perhaps I'll call their remarks something else -- a discursive dissertation.

I would like to call attention to the fact that I do not think that our dialogue is furthered by the use of pejorative adjectives. It is not conducive to international diplomacy. Just to give a few examples employed at repetitive length by the Soviet Ambassador:



political hypocrisy, propagandistic approach; crude, provocative, pseudo-juridical. These characterizations are red herrings designed to escape the truth of our statements.

We regard the statement by the representative of the Soviet Union as a diversionary response to our statement made on Wednesday. This is evident from the pejoratives used throughout, which are designed to avoid, rather than to render a genuine reply to our specific illustrations.

My remarks Wednesday were directed to the idea that the Final Act mandates frank discussion of human rights progress and shortcomings, and that it is not interference in the internal affairs of any signatory country.

We express great disappointment that the Soviet and Czechoslovak delegates did not respond to the violations of human rights which we specifically mentioned.

I have said repeatedly in various interventions that my country's record on human and economic rights isn't perfect. But our country's record of achievement in both areas is far better than the records of the Soviet and Czechoslovak speakers. I do not propose to deliver an elementary economic, sociological or legal analysis of our respective systems. It is well known throughout the world what our working conditions are, what our standards of living are, what our trade union rights are. They are among the highest, and of this we are justly proud. Of particular importance is that our trade unions are free and are not subject to government controls. Can the same be said of theirs? The ironic reference by the Soviet Delegate to George Meany's criticisms of

are not perfect. But the perfect is no enemy of the good.

Adelai Stevenson once said to a political opponent, "If you will stop telling lies about me, I'll stop telling the truth about you." I direct his relevant comment to the Soviet and Czechoslovak delegates.

It is interesting to note that the distinguished representatives of the Soviet Union and Czechoslovakia quoted American sources, our press, congressional reports, comments by labor leaders and others, in what they regarded to be criticisms of our policy. This illustrates a crucial point -- that everyone in our country is free to criticize our deficiencies without being subject to harassment, arrest, and imprisonment for doing so. We are very proud of our free press, though public officials sometimes resent their criticism. A great American, Benjamin Franklin, summed up our continuing policy in this regard. "We ought to prevent abuses of the press, but to whom do we entrust the power to do so?"

In my country the right of association is fully protected. Thus everyone in the United States is free to join groups to monitor compliance with the Final Act, without governmental interference or for that matter to express his or her individual opinion. There are over 100 groups in my country freely exercising their monitoring rights. I have met with them before and will meet with them next week in Washington. Some may praise -- some may criticize -- but it is basic to our constitutional conception that all public officials are servants of the people and not their masters. We are still awaiting acknowledgment from the Soviet and Czechoslovak press or the representatives of their governments that their countries are not perfect -- that they are not



truth. Just yesterday President Carter frankly stated that our system is not perfect, but that we are doing all within our power to correct it.

The Final Act calls for the free flow of information. That is a great characteristic of our imperfect society -- the freedom to associate and criticize as the individual sees fit. It would be a giant step toward the realization of the goals of the Final Act if similar criticisms appeared in the Soviet and Czechoslovak press and if monitoring groups could also freely criticize their country.

I want to assure the distinguished representative of Czechoslovakia, who has made reference to my past activities on behalf of human rights that I shall continue both privately and officially to raise my voice against violations of human and economic rights. It is both a personal moral obligation and an obligation called for in the Final Act. Reference has been made to our failure to ratify several ILO conventions. I personally favor their ratification but everyone knows they have long been a matter of reality in the United States.

I would like to state very directly that it does not add to the level of this Conference to use words like "warning" as the distinguished Ambassador of the Soviet Union has done on several occasions in seeking to dissuade my delegation and others from speaking about the human rights provisions of the Final Act. To what end is such an inflammatory word employed? Rhetoric like this does not help our striving to promote good neighborly relations.

And, finally, references were made to the fact that the United States is not sponsoring any resolutions. I am at a complete loss to understand these statements. We are cosponsoring a whole series of resolutions leading to the promotion of detente and to increased security and cooperation in Europe. This remains our objective and we shall continue at this conference to strive toward this goal.





Speech Delivered by US Delegate Robert Frowick

On Principle 8: Self-Determination

November 14, 1977

Mr. Chairman,

In our continuing review of implementation of the Declaration of Principles, my delegation would like to turn now to the Eighth Principle relating to respect for equal rights and self-determination of peoples.

For the American people, the term "self-determination" invariably brings forth memories of President Woodrow Wilson and his suggested Fourteen Points for structuring a viable new political order in Europe following World War I. In reality, of course, the United States was born from the idea of self-determination in our war for independence. It was with thoughts of "saving the world for democracy" and ensuring the "self-determination" of nations that the people of the United States, after protracted hesitation, broke their historic attachment to neutrality and isolationism in 1917 to throw American resources into the war that so fundamentally altered the political map of Europe in the second decade of this century.

After that conflict, President Wilson did his utmost, as we all know, to commit the United States to an active role in the inter-war League of Nations. But the fundamental predilection of the American public and the Congress to

adhere to advice in President George Washington's farewell address that the United States stand aside from the struggles of others and concentrate on the development of our own vast regions of the North American continent prevailed. In time, that predilection would be seen as an anachronistic nostalgia for a past never to be recovered.

At the outbreak of World War II, the United States again hesitated to enter the battle. Only after a major attack on its forces did the United States actively join in the struggle. Once more, the American people were motivated by a deep and abiding desire to enable victims of aggression to recover hope for self-determination and freedom.

Not only did Americans shed their blood for these values, in the latter global struggle; in its aftermath, they gave unstintingly of their treasure -- again, to bolster forces of democracy, self-determination, and freedom.

Mr. Chairman, forgive me if these thoughts have focused on a period of history preceding the August 1975 signature of the Final Act. But I believe it is essential to recall these past events, in particular, for they have profoundly shaped the American conception of self-determination. Any attempt to set forth the American view of self-determination must take these traumatic experiences at least briefly into account.



Now, in this forum our immediate task is to complete a forthright review of the record of implementation of the Declaration of Principles since its signature at the highest level in Helsinki 27 months ago.

My delegation would like to reaffirm its total commitment to the precepts of Principle 8, which conform fully with the political ideals of the American people. Americans strongly endorse the concept of equal rights and self-determination and are joined in this endorsement by the other members of the Atlantic Alliance -- an alliance which could not exist without permanent respect for the right of self-determination.

Americans deeply believe that, as Principle 8 puts it, "...all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development." We would emphasize our support that "all peoples" should "always" command these rights. For in our view, states should be the servants of peoples and not the other way around.

The American people also support the "universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves as among all states." But we cannot allow our desire for

friendly relations and lasting peace to mute our concern that the self-determination of peoples must be fully respected. This is a matter of principle, which is at the very epicenter of American political thought. We think a lasting peace must be a just peace.

In taking a close look at the post-Helsinki period, my delegation concludes that unfortunately not all of the "peoples" of the participating states appear to have enjoyed the "right, in full freedom, to determine, when and as they wish, their internal and external status, without external interference..."

Due to admittedly extraordinarily complex vagaries of history, some peoples appear to us to have had to live with either internal or external systems -- or both -- that have strikingly little in common with their national traditions or aspirations. In the American conception, some have courageously adopted policies reflecting considerable self-determination externally, while maintaining maximum rigidity in their internal systems. Other peoples have sought prudently to build greater internal political, economic, and social self-determination, while curtailing attempts to chart an independent course in world affairs -- that is to say, a course advancing unequivocally their national interests.



In a most unfortunate case, within the American understanding of self-determination, we see a small nation of unusually gifted people, historically victimized by the power politics of numerically much stronger neighbors, seemingly unable to achieve self-determination in either internal or external matters. One must sympathize with peoples whose inherited geopolitical situation places them in an almost permanent vice between powerful, conflicting political systems -- especially when those peoples have recurrently called for help in times of need and almost invariably been denied effective assistance.

Americans can also sympathize with peoples of large states who have suffered unbelievable losses in the wars of this century and are determined that this will not happen again.

But, Mr. Chairman, Americans cannot sympathize with or understand, the necessity apparently still felt by some to impose their internal and/or external systems on others. Such imposition demeans both the powerful neighbor state working its will and any peoples of the smaller states who may resignedly place their destiny in the hands of others. As a matter of principle,

Americans categorically reject any doctrine that purports to justify such a denial of self-determination.

At the Stage I meeting of the Conference on Security and Cooperation in Europe, the distinguished foreign minister of France made a memorable statement, which strikes at the heart of our discussion of self-determination, when he spoke of "the resolution never to consent to surrender oneself to a false security, never to consent to moral disarmament which softens the spirit of resistance, which betrays vigilance and which leads to serfdom." He went on to say: "Each nation should resolve to defend its peace, its security, for this is indispensable. He who abandons himself will be abandoned."

Mr. Chairman, my delegation realizes that the world we live in is a complex and dangerous one -- especially in the nuclear age. Every state participating in this conference is surely determined to contribute to the maintenance of peace and the strengthening of international detente and cooperation. But this is not to say that we can solemnly sign documents like the Final Act pledging to respect fundamental precepts of international comity like the Principle of Equal Rights and Self-Determination and then completely ignore pressures that may be exerted



to deny practical realization of this principle. Only if we express, diplomatically, but with candor, our honest appraisal of implementation of the declaration of principles are we doing our job as the representatives of the peoples who have sent us here and in whose name we speak.

Thank you, Mr. Chairman.



Address on Principles 9 and 10

by US Delegate Sol Chaikin

Before Subordinate Working Body of Basket I

November 15, 1977

Mr. Chairman:

As we approach the conclusion of our review of implementation of the Declaration of Principles of the Final Act, my delegation wished to comment further on Principles 9 and 10 -- concerning cooperation among states and fulfillment in good faith of international obligations under international law.

Ambassador Goldberg has already expressed United States views on some important aspects of the implementation of Principle 10, in particular, in his statement on language of the Final Act which asserts: "In exercising their sovereign rights, including the right to determine their laws and regulations ... (the participating states) will conform with their legal obligations under international law."

Earlier in our review, Professor Hughes also spoke of the implementation of these same principles and noted some difficulties that had arisen in the period since signature of the Final Act.

Like Professor Hughes, I am a private citizen and not a professional diplomat. I am president of a



large, well-known national union, and in addition I have the honor and responsibility to be a vice-president of the AFL-CIO. I represent many millions of the free trade union members of the United States, who together with their families, make up a tremendous body of public opinion in our country. Today I wish to discuss matters falling within the purview of the Final Act that are of direct interest to all of them and, thus, to our government.

But first let us recall some of the precise language of Principles 9 and 10. It was agreed at Helsinki, in the context of cooperation among states, that the CSCE participants "confirm that governments, institutions, organizations and persons have a relevant and positive role to play in contributing toward the achievement of these aims of their cooperation." In pledging to honor their obligations under international law, the participating states specifically defined their obligations as those "arising from the generally recognized principles and rules of international law and those obligations arising from treaties or other agreements, in conformity with international law, to which they are a party." Moreover, in their promises at Helsinki to fulfill in good faith their obligations under international law, all participants reaffirmed the primacy of their obligations to the charter of the United Nations.

Mr. Chairman, the American people are looking upon our discussions at Belgrade with the expectation that we can have a frank and full exchange of views on the implementation of the Final Act to date and with the hope that we can agree on further concrete measures to strengthen the CSCE process and its contribution to the overall construction of detente.

In the period since August 1975, my own country, which openly acknowledges its imperfections and seeks to correct them, has endeavored to bring its policies and practices fully into conformity with the Final Act. In this effort, the Congress of the United States has this year enacted legislation to facilitate the issuance of visas to members of Communist trade unions. This legislation, I think I do not need to emphasize, has not been universally popular among all of us in the United States. But it is now the law of the land, a solemn obligation of my government, and it is honored.

I regret to say, however, that on the other hand some of the obligations incurred by the Soviet Union in subscribing to above mentioned precepts of the Final Act do not appear to have been similarly honored.

Mr. Chairman, I have with me a copy of an invitation addressed on September 6 by President George Meany of the AFL-CIO to academician Andre Sakharov, winner of the Nobel



Prize and fearless champion of human rights, and five other Soviet citizens to attend a convention of the AFL-CIO in December. This invitation was sent from Washington to academician Sakharov and the other invitees in early September through the ordinary mail. But what has transpired since then is a mystery. We cannot confirm that the invitation ever reached Mr. Sakharov, and neither has Mr. Meany ever received a reply.

After sending these invitations, Mr. George Meany, President of the AFL-CIO, wrote to President Carter asking his help in encouraging the Soviet authorities to issue exit visas for our invited guests and of course to allow them to return home. It is our belief that since we have changed our own visa policies, it remains to be seen whether individuals and groups who are in the mainstream of American democratic thought can effectively invite Russians with whom they wish to meet.

I might add that the American Embassy in Moscow has sent a formal diplomatic note to the Soviet Ministry of Foreign Affairs officially supporting Mr. Meany's invitation to Mr. Sakharov. Yet, uncertainty continues to cloud the question of whether Mr. Sakharov is permitted to receive his mail from Mr. Meany and to dispatch a reply, and whether the visas will be issued.

Now, this appears to be a clear-cut violation of the "freedom of transit" guarantees of the Universal Postal Convention and thus a failure to honor the Final Act. If this is so, and it certainly appears to be, then the obvious result will be for many millions of Americans, to conclude that our unilateral change in visa policy has failed to persuade the Soviet authorities to ameliorate theirs. This could only, in many minds in our own country, cast doubt upon our own efforts to go to great lengths to perfect compliance with the Final Act.

Mr. Chairman, I cite this case not to damage the atmosphere of this important meeting at Belgrade but to attempt to ascertain what has happened to a piece of mail sent from my country to a distinguished citizen of the Soviet Union. If there is an explanation of what has transpired, my delegation would be most eager to hear it. In the meantime, we feel obliged to draw attention to what appears to be a violation of pledges undertaken by all of us in principles 9 and 10 of the Final Act.

May I conclude by reiterating what has often been stressed here at Belgrade by Ambassador Goldberg -- namely that the American people, and certainly this is true of the American workers, will only support the process of detente provided the process is humane and just and if solemn pledges, like those endorsed at Helsinki at the highest level, are truly respected.

Thank you, Mr. Chairman.



Plenary Statement

by

Senator Claiborne Pell

November 23, 1977

Mr. Chairman:

The Delegation of the United States is impressed by the large number of proposals which have already been put forward here, and we fully appreciate the desire on the part of all delegations to give each proposal their full and careful attention as we continue our considerations of new measures. These proposals certainly cover the full spectrum of our mandate here and include many very positive and useful elements, bearing witness to the seriousness of intent of all the delegations here.

My delegation is firmly convinced that the CSCE process is part of the warp and woof of the entire process which we call "detente" and as such it must continue. But detente refers to more than the development of relations between states. In the final analysis, the true measure of detente will be the degree to which it rebounds to the benefit of the individual. We must not lose sight of the individual as we consider the many proposals before us. If the individual does not benefit from our endeavors, by what yardstick will he measure our work here?

As we conducted our review of implementation of the Final Act, it must have become apparent to everyone here that we still have a long way to go before all the signatory states reach full compliance with the Final Act in the field of human rights. It was also clear that this was an area of considerable sensitivity. My delegation, for its part, did all it could to begin a serious discussion on what we all must acknowledge to be a genuine problem and a legitimate matter for our concern. However, the best efforts of my delegation, and of others, to discuss what we consider to be infringements of individual human rights, were repeatedly turned aside with the argument that to raise these matters here was "interference in the internal affairs of another signatory country".

Mr. Chairman, I realize that time is short, and so I do not propose to review the arguments raised here regarding this point. Suffice it to say that my delegation totally rejects, as without foundation, the argument that raising these matters is interference in any country's internal affairs. Thirty-five nations subscribed to the objectives of Principle VII and the humanitarian provisions of Basket III, and they are as much a subject for discussion



and proposals as any other aspect of the Helsinki Final Act. The fact that some Eastern delegations chose to respond to the points raised by several Western delegations, including my own, on the subject of human rights by attacking the human rights record of the United States was an indication that human rights is also in their view a proper subject for discussion in this forum. Although we would have preferred a more positive reaction to the specific points raised, my delegation is nevertheless pleased that it is not only the Western delegations that are concerned with human rights.

It is my delegation's view that it is appropriate and necessary that the review that has been conducted at this conference should result in proposals for further concrete and specific action in the field of human rights. The distinguished representative of Belgium, speaking for the Nine has already made a constructive proposal to this end, which deserves wide support. In my delegation's view, further proposals are called for so that it will be clear to the world that the discussion of and concern for human rights will not end when this conference ends.

Continuing the discussion of human rights, fundamental freedoms, and economic and social justice here and in other bilateral and multilateral fora, is a logical step in the process begun more than two years ago in Helsinki. Our concern and desire that the discussion continue mirrors the commitment of my country to the struggle for human rights around the world.





PLENARY STATEMENT BY

SENATOR ROBERT DOLE

NOVEMBER 25, 1977

Mr. Chairman:

I wish to extend my gratitude to the Government of Yugoslavia for the excellent job they have done in hosting this historic meeting. Although my duties in the Senate of the United States have prevented me from spending as much time here in Belgrade as I would have liked, I, along with my colleagues in the Congress, have followed these proceedings very closely and with great interest. The chairman of my delegation, Ambassador Goldberg, has articulated the views of our government and our people on many occasions during this meeting in a frank and forthright manner. He has expressed the particular concerns of our country that the human rights provisions of the Helsinki Final Act be implemented and observed. In doing so, he speaks for all Americans. My delegation, however, is not only concerned with the human rights provisions of the Final Act. We are dedicated to the fulfillment of all its provisions. Quite frankly, great doubts were expressed by many Americans about the Final Act at the time it was signed in August of 1975. It was not all some American wanted and more than others cared for. President Ford was criticized for his participation at Helsinki

and the Final Act was a matter of some contention in last year's Presidential election. To his credit, President Carter not only continued, but personally strengthened America's commitment to implement the Final Act. Just last week, Vice President Mondale reaffirmed this resolve. American commitment to the implementation of the Final Act is across the board, it is strong, it is bipartisan. Mr. Chairman, I am sure that whatever is accomplished here will be the result of compromise and cooperation. It is significant, however, to note that whatever the end results, there has been a review of the Final Act and there is a consensus for additional meetings. This, in itself, is progress -- painfully slow as it may be.

Without a doubt, it is fashionable, politically speaking, to pursue the quest for human rights. In most cases, it is also highly appropriate. Some, of course, would have you believe they discovered the dignity of man, while others are quick to condemn but slow to self-examine. Ambassador Goldberg and other United States delegates have been specific and to the point. They have properly stated our case. Therefore, it is not my purpose to confront, or posture, or pound anyone over the head. Specific "human rights" cases which have been called to my attention have been passed on to appropriate officials.



I shall hope for expeditious handling and favorable disposition. My delegation does not seek to confront but to cooperate and we do not seek to confuse but to clarify and not to weaken but to strengthen.

We are a nation of immigrants, people who have come from all over the world to participate in the promise of America. Most of our population come from European backgrounds. They have cultural and ethnic identity with most of the participating states in this meeting. They actively maintain their interest in their heritage and in their former homelands. They express their interest through associations and organizations such as the National Confederation of American Ethnic Groups, the Czechoslovak National Council of America, the Congress of Russian Americans, the Polish American Congress, the Hungarian Organization in North America, the Ukrainian National Association and the Joint Baltic American National Committee -- and many others. They have expressed their concern not only about the human rights provisions of Basket III and Principle VII, but also about the right of self-determination of all peoples. It is a fact that the US has never recognized the Soviet incorporation of Lithuania, Latvia and Estonia and US official policy of non-recognition was not affected by the results of the European Security Conference. This



long-standing principle is the policy of the United States and is supported by the Congress of the United States. I cite these groups and their concerns not to be provocative or confrontational. I merely wish to clarify and explain the reasons for the strong concerns of my delegation and my government in the field of human rights. There is -- in my opinion -- a direct connection between the public perceptions of the integrity of the Helsinki process and the ability of governments in the West to carry on the process of detente. Public trials of political dissidents, for example, could have a profound impact on pending or subsequent bilateral and multilateral agreements. Most members of the Congress of the United States believe, in my opinion, that human rights cannot be subordinated to development, cooperation, and security. Our basic goal is to promote genuine understanding and relaxation of tensions between the participating states, greater respect for human rights, freedom of religion and self-determination of all peoples. We view CSCE as an important step toward achieving these objectives. We also understand that ours is not a perfect system -- that we too have our own problems and failings -- but we are making efforts to do better, and we will continue our

work toward full implementation of all the provisions of the Final Act in our own country.

Finally, it is in this spirit that the American delegation, with the support of other delegations, will put forward a proposal which will, among other things, recognize the importance of the CSCE process and its continuation. The proposal will resolve to implement unilaterally the relevant provisions of the Final Act relating to human rights and fundamental freedoms and to ensure their implementation bilaterally and within the context of the CSCE and other multilateral fora.

December 10 is Human Rights Day, anniversary of the UN General Assembly's adoption of the Universal Declaration of Human Rights in 1948. May it serve to remind all nations of how far we have come and the distance yet to travel as we strive for future cooperation and security in Europe.

State Department, Washington, D.C. ....June 27, 1977

"We are deeply concerned by the statement on an American television network this evening which implied that the United States has laid down conditions for Prime Minister Begin's visit and that we might not be welcome if he cannot accept these conditions. We have not laid down any conditions for the Prime Minister's visit. He will be welcome and we hope that constructive discussion leading toward peace will take place. We look forward to hearing his views and presenting ours to him. National Security Advisor Brzezinski has called Israeli Ambassador Dinitz to categorically deny the TV report."





OFFICE OF  
THE SECRETARY OF STATE  
WASHINGTON

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April 8, 1977

Dear Rabbi Schindler:

The enclosed note was delivered to you from the American Israel Public Affairs Committee for your meeting with the Secretary at 2:30 this afternoon. Unfortunately, it arrived after you had left the Department. I return it to you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Daniel Spiegel". The signature is fluid and cursive, with the first name "Daniel" and last name "Spiegel" clearly distinguishable.

Daniel Spiegel  
Special Assistant

Enclosure.

Rabbi Alexander Schindler,  
National Conference on Soviet Jewry,  
55 W. 42nd Street,  
New York, New York.

MEMORANDUM

TO: Rabbi Alexander Schindler

April 7, 1977

FROM: AIPAC

SUBJECT: Egypt's Role in Africa

The Situation Today

Egypt's President Sadat has claimed that Egypt requires American weapons in order to deter Soviet-backed aggression against Egypt and in Africa. In fact, Egypt faces no credible threat from its neighbors. Moreover, Egypt in the past has never moved openly to block Soviet penetration into Africa. Indeed, Egypt has at times cooperated with the Soviets in its efforts in Africa.

Although in the past two years, Libya has purchased more than \$2 billion worth of Soviet weapons, including tanks, aircraft and SAMs, there are few Libyan tank and missile crews capable of operating the new weapons. The Washington Post reported May 25, 1976 that the Libyans have been able to assimilate less than half the weapons purchased. Most of the weapons are stored in the desert as a pre-positioned arsenal for future use against Israel.

For both military and political reasons, it is highly unlikely that a Libyan attack on Egypt would ever materialize. As has been demonstrated repeatedly in Arab politics (including twice between Egypt and Libya), wars of words are very common in the Arab world, but actual fighting between Arab armies is rare. If there were a Libyan attack, Egypt's well-supplied and battle-tested forces could easily destroy the vastly outnumbered Libyan forces.

The suggestion that Egypt could serve as the conduit for anti-Soviet armaments into Africa is almost ludicrous. Egypt is separated from the rest of Africa by more than 1,000 miles of desert. Egypt lacks the heavy air transport system which would be required to move quantities of arms to African states. F-5E's alone -- if transferred to an African nation -- would be useless without the training and support infrastructure which such planes require -- and which nearly all African states lack, as well as modern airforces.

Egypt's Past Record in Africa

Egypt has never been an anti-Soviet element in Africa.

-- The Soviet Union first entered Africa via its arms sales to Egypt in 1955. From 1967 until 1972, Egypt was the USSR's primary base for Africa.

-- Until April, 1976, the USSR still had base rights at Egyptian seaports. Egyptian bases allowed the Soviet Union to expand its Mediterranean and Red Sea presence from 1967 through 1976.

-- During the 1973 Yom Kippur War, Egypt moved a flotilla of ships down to Bab el-Mandeb at the mouth of the Red Sea and instituted a blockade against Israeli shipping. This move was done in close coordination with Yemen A.R., PDR Yemen and Somalia and required close communication with Soviet naval facilities at Hodeida (YAR), Aden and Socotra (PDRY) and Berbera (Somalia).



-- In an interview with a Kuwaiti newspaper on April 12, 1976, Sadat asserted that by opening the Suez Canal, Egypt was proving both its independence of the United States and its friendliness towards the Soviet Union. Sadat said that the reopening of the canal would allow the Soviets to move their fleets to the Indian Ocean. (Quoted in the June 30, 1976 Philadelphia Inquirer).

-- The USSR's leading clients in Africa include Guinea, Somalia, Mozambique and Angola. Any Egyptian anti-Sovietism would certainly have been manifested in strained relations between Egypt and these countries. But Egypt has had particularly close relations with the Toure government of Guinea since the time of Nasser. Egypt voted for Somalia's inclusion in the Arab League in 1973. Egypt voiced political support for FRELIMO forces in Mozambique. And when Angola became independent in November, 1975, Egypt extended recognition and issues statements of support for the Soviet-backed MPLA faction.

#### Additional Considerations

-- Despite his recent statements, Sadat has done little to lessen Soviet influence where Egyptian leverage might have some effect. Egypt has said little about the considerable Soviet naval presence at Berbera in Somalia. Despite a recent rapprochement with Syria unveiled under a pledge of unity, Egypt has said nothing publicly about the continued use by the Soviet Navy of the Syrian bases of Tartus and Latakia.

-- Despite statements to the contrary by Sadat, Egypt has received extensive resupplies of weapons from the Soviet Union since 1973. According to the IISS and the February 2, 1977, New York Times, Egypt has received more than 1,000 tanks, including 600 advanced T-62s; at least 48 MiG-23 fighter bombers; and hundreds of armored personnel carriers; self-propelled guns and artillery pieces. 150 MiG-21s have been shipped to the USSR for refurbishing, and 50 have already been returned to Egypt. According to a MENA report of the same day, Egypt's War Minister, Gen. Mohammed Abdel Ghani Gamassy said on October 6, 1975; "I cannot reveal the arms we have, but I reassure you that what we have greatly exceeds what we had before October 6, [1973]."



March 10, 1977

Mr. Philip Habib  
Under Secretary of State  
for Political Affairs  
U. S. Department of State  
Washington, D.C.

Dear Mr. Habib:

It was a delight meeting you and I look forward to working with you in the future. It was especially refreshing to meet a real pro and one who has a frankness of approach and a good sense of humor to boot!

Rudi Scheidt was absolutely right, you are precisely what he described you to be and I shall tell him so.

With every good wish and kindest regards, I am

Sincerely,

Alexander M. Schindler



March 10, 1977

The Honorable Cyrus Vance  
Secretary of State  
Washington, D.C.

Dear Mr. Vance:

It was a privilege and a pleasure to meet you and I hope our paths will cross often in the future.

I do want to thank you for taking the time to meet with the delegation from the Presidents' Conference and for your many courtesies. We are grateful for your consideration.. It is always helpful to have an exchange of concerns and ideas and I am gratified that our organization had this opportunity to discuss matters of mutual interest with you.

With repeated thanks and warmest regards, I am

Sincerely,

Alexander M. Schindler



DEPARTMENT OF STATE

Washington, D.C. 20520

January 21, 1977

Dear Rabbi Schindler:

It was a pleasure meeting you in New York last week, and I write to express our appreciation for your many efforts in making the luncheon a success. I would like to join the Secretary in saying how much we enjoyed our visit.

We are all most grateful to you and look forward to opportunities to work with you in the near future.

Sincerely,

John E. Reinhardt  
Assistant Secretary  
for Public Affairs

Rabbi Alexander M. Schindler,  
President,  
Union of American Hebrew Congregations,  
838 Fifth Avenue,  
New York, New Ycrk.



THE SECRETARY OF STATE  
WASHINGTON

January 19, 1977

Dear Rabbi Schindler:

I want you to know that it was indeed a pleasure to have been honored by the Conference of Presidents this past Tuesday. The Encyclopedia Judaica will be a lifetime reminder of a memorable and moving occasion.

I am particularly grateful for having had the opportunity to share my views with such an impressive group of American Jewish leaders.

Nancy sends her regrets that she was unable to attend the luncheon.

Warm regards,



Henry A. Kissinger

Rabbi Alexander M. Schindler,  
President,  
Union of American Hebrew Congregations,  
838 Fifth Avenue,  
New York, New York.

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January 18, 1977

The Honorable Henry Kissinger  
Secretary of State of the U.S.  
Department of State  
Washington, D.C.

Dear Henry:

In accordance with your request, I am pleased to enclose herewith a copy of my remarks at the Presidents' Conference luncheon in your honor. Know that they are words which come from my heart.

I am still receiving beautiful comments about the luncheon, it was a warm and delightful event in every way. We are all gratified that you were able to be with us so that the American Jewish community had an opportunity to convey its appreciation to you.

It is my fond hope that our paths will cross often in the future. And I do want to take this opportunity to wish you well, may you be granted many years of happiness, fulfillment and creative endeavor, in good health and with your lovely Nancy at your side.

With warmest regards, I am

Sincerely,

Alexander M. Schindler

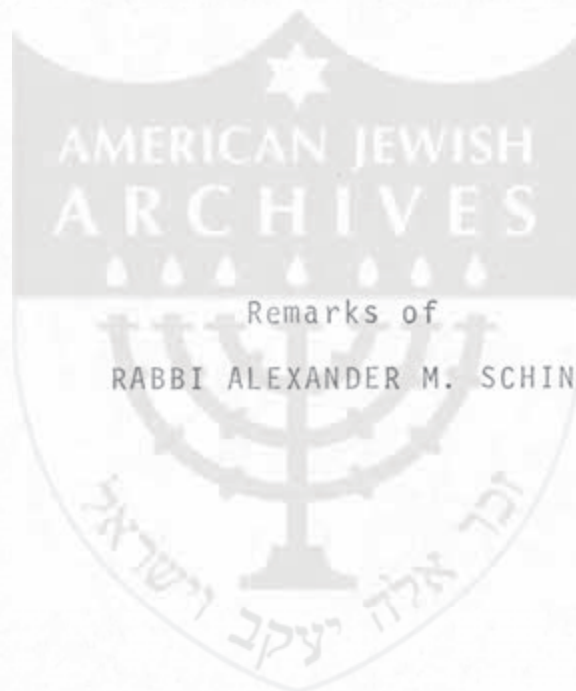
Encl.



TRIBUTE TO DR. HENRY KISSINGER

by

CONFERENCE OF PRESIDENTS OF MAJOR  
AMERICAN JEWISH ORGANIZATIONS



Pierre Hotel  
New York, N.Y.

January 11, 1977

And now if you will permit me to step out of my role as chairman, as it were, I would like to say some words of substance, giving voice to the sentiments of the American Jewish community, even as Ambassador Dinitz spoke for the State of Israel.

Why do we meet, as a Conference of Presidents, to honor Secretary of State Kissinger? We honor him because he honored this Conference with his confidence. He did not remain aloof from our community. He taught us. He shared his perception of the problem and the need. His door was open to us. He always listened and he oftentimes helped.

Together with all other Americans, we assuredly appreciate Dr. Kissinger for his attainments. The facts speak for themselves and they require no further adornment. He is one of the foremost political scientists of our time. He has been the mentor of a generation of leaders, men and women from many lands who sit in places of power. He has been the impelling force of America's foreign policy for the past eight years. He is already adjudged among the foremost to have held the high office of the Secretary of State in all of United States' history. And at a time of cataclysmic instability, he held effective power in this land, he was our most respected authority.

What a great land, America...what a bounteous land, a land of infinite endowment. As Dr. Kissinger himself has said so often: only here could it happen, only here could a Jewish immigrant, a refugee from Hitlerism, rise to such heights and carry the mantle once worn by Jefferson and Madison. The



tenure of a man with such a background as Kissinger is a testimony to the greatness and the vitality of the American idea.

And it is a credit, as well, to the Jewish people, a people which continues to bring forth men and women of brilliance, of genius, and of creativity in every field of endeavor.

We hold Dr. Kissinger in esteem, also, because of what he sought to achieve in the Middle East. Of course, his diplomacy there was most controversial and it continues to be so. Yet no one has demonstrated -- at least to my satisfaction -- that the endeavor to work out a comprehensive peace plan immediately after the Yom Kippur War would have ended in anything other than total disaster. Nor can anyone deny that the step-by-step approach did achieve considerable successes: Israel was given desperately needed time to reshore her strength; those resources required by her to do so were provided by America and in no small measure due to the efforts of the Secretary of State; and if today a glimmering of peace, however uncertain, gleams, it is due not to some quixotic scheme recklessly if righteously pursued but rather to that stability and balance which Kissinger so painstakingly sustained. Only the future can bring the final judgment. Until then, let the judgments of the present mellow!

Lastly, we render our regard to Henry Kissinger because we sense in his depths a commitment to Israel and to the Jewish people. No human being can probe the innermost

recesses of another man's heart, but we have the right to feel ...and this at any rate is what I feel: that while Kissinger always saw Israel objectively he never saw it as a "thing apart." He was objective but not detached.

"How can I as a Jew do anything to betray my people?" Many of us heard him say these words and they were not lightly spoken.

Be that as it may, nolens volens, certainly he did not choose this, for many years the destiny of the Jewish people worked its way through him; he was the vessel through which our fate perceptibly flowed. Such a vessel must be valued.

We thank Dr. Kissinger and acknowledge his aspirations and attainments.

May our appreciation ease that moment of parting which must be difficult for him. Even though, assuredly, there must also be a part of him which senses a release, a gladness to be rid of us as well. Let's admit it: we were, at times, exasperating, even as we will continue to be exasperating. For we can be no otherwise. Perhaps he will remember us with exasperation tinged with affection.

We wish you well, Dr. Kissinger. May you have many more years of life and health and creative endeavor...for your sake and for the sake of that cause which binds us in familial sacred union.