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July 28, 2020

Commission on Unalienable Rights  
C/o Designated Federal Officer Duncan Walker  
U.S. Department of State  
2201 C Street NW  
Washington, D.C. 20520

To whom it may concern:

We write to express fundamental concerns about this Commission’s draft report, which was released on July 16<sup>th</sup> for just a two-week period of public comment.<sup>1</sup>

As a defender of vulnerable Jewish communities around the world, ADL is deeply committed to religious freedom as a bedrock principle of our mission. However, we also believe that the U.S. has a moral obligation to oppose abuses of religious freedom and to support the basic rights of LGBTQ individuals around the world.

Although the founding charter of the Commission on Unalienable Rights entrusts it with “the promotion of individual liberty, human equality, and democracy through foreign policy,”<sup>2</sup> I fear its report will have the opposite result, eroding U.S. support for the rights, equality, and dignity of certain vulnerable groups of people around the world.

This Commission’s draft report asserts that “more rights do not always yield more justice” and that “there is good reason to worry that the prodigious expansion of human rights has weakened rather than strengthened the claims of human rights and left the disadvantaged more vulnerable.”<sup>3</sup> In this regard, the draft report seems to argue that “abortion, affirmative action, [and] same-sex marriage” are not real rights but rather “divisive social and political controversies” whose advocates “cloak a contestable political preference in the mantle of human rights” to “seek a final and binding judgment from a court” and “choke off democratic debate.”<sup>4</sup>

This draft report also argues that “foremost among the unalienable rights that government is established to secure, from the founders’ point of view, are property rights and religious liberty.”<sup>5</sup> On this basis, Secretary of State Pompeo concluded on July 16<sup>th</sup> that “it’s important for every American, for every American diplomat, to recognize how our founders understood unalienable rights. As you’ll see when you get a chance to read this report, the report emphasizes foremost among these rights are property rights and religious liberty.”<sup>6</sup>

Yet such a vision of unalienable rights would be dangerously incomplete if applied in a way that conflicts with the Declaration of Independence's clarion call that "all men are created equal... endowed by their Creator with certain unalienable Rights."

A proper understanding of unalienable rights therefore would not permit the use of property rights or religious liberty to deprive vulnerable groups of their right to equal treatment under the law. Put another way, while rights such as religious freedom are certainly an essential shield for the protection of all, they are not a sword for me to deprive others of their civil rights on the basis of my theology.

In 2019 ADL joined with hundreds of nonprofit organizations, faith leaders, and rights advocates to voice our concern in a letter to Secretary of State Pompeo that this Commission "appears to reflect a clear interest in limiting human rights, including the rights of women and LGBTQI individuals."<sup>7</sup>

We are deeply disappointed to find this Commission's draft report sending exactly the sort of message we had feared. It is difficult to see how this Commission can achieve its stated aim of promoting human equality when its draft report appears to justify downgrading America's support for it in crucial ways around the world.

Sincerely,



Sharon Nazarian, Ph.D.  
Senior Vice President for International Affairs

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<sup>1</sup> U.S. Department of State, "Draft Report of the Commission on Unalienable Rights" landing page, (<https://www.state.gov/draft-report-of-the-commission-on-unalienable-rights/>)

<sup>2</sup> U.S. Department of State, "Charter for the Commission on Unalienable Rights," June 26, 2019. (<https://www.state.gov/charter-for-the-commission-on-unalienable-rights/>)

<sup>3</sup> U.S. Department of State, "Draft Report of the Commission on Unalienable Rights," pp. 38 & 39. (<https://www.state.gov/wp-content/uploads/2020/07/Draft-Report-of-the-Commission-on-Unalienable-Rights.pdf>)

<sup>4</sup> Ibid. pp 24-25.

<sup>5</sup> Ibid. p. 13.

<sup>6</sup> Secretary of State Mike Pompeo, "Speech: Unalienable Rights and the Securing of Freedom," July 16, 2020. (<https://www.state.gov/unalienable-rights-and-the-securing-of-freedom/>)

<sup>7</sup> Maya King, "Human Rights Advocates, Top Democrats Sign Letter Condemning Pompeo's Commission on Unalienable Rights," July 23, 2019. (<https://www.politico.com/story/2019/07/23/human-rights-advocates-mike-pompeo-commission-1427400>)