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Boomerangs and Superpowers:
The "Helsinki Network" and
Human Rights in U.S. Foreign Policy

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Human Rights in U.S. Foreign Policy**

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Introduction*

Transnational networks of non-state actors advocate for change in every major issue-area of world politics, including arms control, environmental protection, human rights and economic policy. But does this activity really matter? And if so, how? When?

This paper argues that pressure from transnational networks of non-state actors can have a significant impact on state policy, but that such networks are more likely to gain access to and influence over states when they identify with international norms which the states themselves have already endorsed - even if that formal endorsement did not initially reflect any serious intention to implement or monitor the norm in question.

The concept of the "boomerang effect" suggests that traditional inter-state diplomacy, particularly the creation of formal international norms, may increase the ability of non-state actors to create transnational networks which re-shape the conceptions of self-interest driving state behavior.¹ In particular, when state actors create formal international norms, they facilitate (often inadvertently) the formation of transnational networks by non-state actors sympathetic to the purposes of the norm; these network actors then use the political justification provided by the international norm to gain access to state decision-makers and influence over policy. In some cases, this feedback will be directed at states which are themselves in violation of the relevant norms; in other cases, it will be directed at states which are themselves in compliance, but nonetheless failing to exert their influence on non-compliant states.

Most scholarship in this area has focused, though, on relatively easy tests of the "boomerang effect" hypothesis: how it impacts dependent or otherwise weak states in the developing world.² The hypothesis would be greatly strengthened by

* This paper is drawn from the *The Helsinki Effect: International Norms, Human Rights and the Demise of Communism* (Princeton University Press, forthcoming), which was completed with the support of a 1998-99 Jean Monnet Fellowship from the Robert Schuman Centre of the European University Institute. Research was also supported by the Peace Studies Program at Cornell University, the Center for International Security and Arms Control at Stanford University, the Center for International Affairs at Harvard University, the Institute for the Study of World Politics, and the U.S. Institute of Peace. Darren Hawkins, Gary Jacobsohn, Fiona Ross, Cheryl Shanks, Sidney Tarrow and an anonymous reviewer provided useful comments on earlier drafts of this paper.

¹ Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Transnational Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998).

² Kathryn Sikkink, "Human rights, principled issue-networks, and sovereignty in Latin

evidence of the boomerang effect on a superpower like the United States, which enjoys the world's largest economy and military force, as well as a dominant role in every international organization to which it belongs. It would be strengthened even more by evidence that non-state actors manage to change U.S. policy in a critical strategic area, such as relations with its primary adversary.

This paper re-evaluates the rise of human rights as a key interest in U.S. policy toward Eastern Europe in the mid-late 1970s, despite institutionally embedded conceptions of the national interest incompatible with this change. In the process, it demonstrates that this transformation in the conception of self-interest driving U.S. foreign policy began before Jimmy Carter's election, and then was institutionalized incrementally over the objections of senior diplomats and administration officials. The shortcomings of alternative explanations are discussed before the Conclusions.

While no single case-study can prove a theoretical proposition, the heuristic value of detailed process-tracing in small-N studies is widely recognized. Detailed tracing of historical processes enables us to re-evaluate empirical areas, such as U.S. foreign policy in the 1970s, about which much is already known or taken for granted. Beyond the empirical outcome in question, the method improves our understanding of the general processes involved and helps us identify relationships which deserve greater theoretical and empirical attention in future studies.

Historical Background

The Conference on Security and Cooperation in Europe (CSCE) was launched in 1972 as a multilateral forum to bridge the East-West divide in Europe and improve relations in a broad range of issue-areas. Delegations from all the European states participated, except Albania, plus the United States and Canada. On August 1, 1975, the heads of the thirty-five participating states came to Helsinki to sign a "Final Act" establishing basic norms for relations among European states and identifying opportunities for continued cooperation. Among the ten basic norms established by the Helsinki Final Act, the CSCE states committed themselves to ensure "respect for human rights and fundamental freedoms" within their borders; other portions of the Final Act committed the states to expand cooperation in "humanitarian" fields, including the freer flow of people, ideas and information across borders. Though explicitly not a treaty, this agreement gave political

America", *International Organization* 47 (Summer 1993): 411-41.; Thomas Risse, Stephen Ropp, and Kathryn Sikkink, eds., *The Power of Human Rights* (Cambridge University Press, 1999).

legitimacy to reviews of human rights implementation in any East-West negotiations, including subsequent CSCE meetings.

Almost immediately, long-time dissidents and newly-inspired activists in Eastern Europe and the Soviet Union showered their governments with appeals for political reform and protection of human rights. Interpreting their government's relatively lenient response to these protests as evidence of a desire to be seen as compliant with Helsinki norms, opposition activists across the region began in mid-1976 to move toward the creation of truly independent groups, or social movement organizations. This mobilization of opposition is especially significant in light of the near-absence of dissent in the early 1970s.

Given the entrenched nature of Communist regimes, though, the influence of Western governments was required to produce any substantial change in East-bloc practice. This essay thus focuses on how the transnational Helsinki network influenced the policy of Western governments, especially the United States. It argues, in short, that the view of the CSCE as an instrument to promote human rights in the Communist bloc, rather than as a concession necessary for the maintenance of *détente*, entered U.S. policy through normative appeals to the Congress made by East European activists allied with sympathetic groups in the United States.

Creating the "Helsinki Network"

At the same time that they were testing the limits of dissent within the Communist bloc, East European activists also established new, transnational ties to public and private forces in the West. As word about Helsinki violations and Helsinki-oriented movements reached the West, private and transnational actors began to pressure East bloc regimes for compliance. In June 1976, for example, the Italian and Spanish Communist parties lobbied successfully for a re-commitment to Helsinki's human rights norms at the Conference of Communist and Workers' Parties in East Berlin. Later that summer, Catholic bishops in the West called on the Czechoslovak government to adhere to Helsinki principles by releasing political prisoners and protecting the freedom of religion.³ Meanwhile, within Protestant circles, the World Council of Churches and its affiliate, the Conference of European Churches, continued to focus on the meaning of Helsinki norms for "the service of human beings in Europe".⁴ This private pressure afforded some measure of protection for Helsinki activists within the Communist bloc. What these activists really wanted,

³ UPI/Reuter newswire item, Bonn, Linz, August 19, 1976.

⁴ Conference of European Churches, 1976: 15.

though, was the protection to be gained by engaging the attention of foreign governments.

Following the Helsinki summit, the U.S. State Department continued with its implicit policy, in place since the beginning of negotiations, that the CSCE should be tolerated, but not emphasized in East-West relations. Henry Kissinger had become somewhat more active on human rights in the latter stages of the negotiations, and President Ford spoke about human rights while in Helsinki, but U.S. policy to downplay the CSCE and the human rights issue remained in place. In fact, when one of the U.S. negotiators at Geneva returned to the State Department after the summit, and initiated measures to monitor compliance with the Helsinki Final Act, he was instructed by senior officials that the CSCE was now completed and no longer required attention.⁵

At the time, there was little reason to expect that the U.S. Congress would take a substantially different position. Most members of Congress viewed the CSCE negotiations in Geneva, at best, as a necessary evil for the maintenance of detente, and at worst, as a concession to continued Soviet hegemony. When the Congress' Committee on Foreign Affairs held hearings during the CSCE negotiations, not a single member asked executive branch officials about the CSCE's human rights content, or its likely effects in that area.⁶ Moreover, except for the politically-charged issue of emigration and refuseniks, which catalyzed the Jackson-Vanik amendment of 1973, the U.S. Congress was not especially engaged with human rights issues in the East bloc during the early-mid 1970s.⁷ It was only when dissidents from the East focused on Helsinki compliance that US officials began to take the issue seriously.

Transnational Appeals to the US Government

The first prominent appeal for a change in US policy came from famous Russian dissident Alexander Solzhenitsyn, who had been expelled from the Soviet Union in February 1974. Invited to address an AFL-CIO meeting in Washington on June 30, 1975 (just one month before the Helsinki summit), Solzhenitsyn sharply criticized both the Soviet regime and the non-intervention principle in the forthcoming Helsinki Final Act, which he feared would be "the funeral of Eastern Europe." As part of this attempt to shame the Ford Administration into action, he called on his influential audience (which also included Secretary of Defense James

⁵ Guy Coriden, interview with author, Washington D.C., March 31, 1994.

⁶ U.S. House of Representatives, 1972.

⁷ Franck and Weisband, 1979: 83-97.

Schlesinger and UN Ambassador Daniel Patrick Moynihan) to press for implementation of the Final Act's human rights principles by the East: "Interfere more and more... Interfere as much as you can. We beg you to come and 'interfere'."⁸ To emphasize the point, the *New York Times* placed its report on Solzhenitsyn's speech right next to a story on the CSCE talks in Geneva which described West European frustrations with Henry Kissinger's willingness to compromise the human rights agenda, and declared in large type, "Security Accord Will Be More Symbolic Than Concrete."⁹

A similar message was articulated by other Soviet activists several weeks after the Helsinki summit, when a Congressional delegation went to the Soviet Union on a routine, multi-issue visit. One member of the delegation, Representative Millicent Fenwick of New Jersey, was particularly struck by the lengths to which Soviet refusniks (those refused emigration visas by the authorities) would go to meet the delegation. "We would meet them at night in hotels in Moscow and Leningrad," she later recalled, "and I would ask, 'How do you dare to come see us here?'" under the eyes of the KGB. "Don't you understand," they replied. "That's our only hope. We've seen you. Now they know you've seen us."¹⁰ This expression of the power of international oversight on behalf of human rights deeply moved the first-term Representative.

An American newspaper correspondent then arranged for Fenwick to meet refusnik Vaniamin Levich and long-time dissident Yuri Orlov at the home of Valentin Turchin, head of the Moscow chapter of Amnesty International. During the discussion, Orlov argued that the recently-signed Helsinki Final Act could provide leverage against the Soviet regime, and urged the Congresswoman to take advantage of this opportunity.¹¹ Although Representative Fenwick had no prior experience in foreign policy, and did not represent a district with many East European émigrés, these encounters in Russia had a powerful effect on her. Brezhnev described Fenwick as "obsessive" after she pressed him on several humanitarian cases during a meeting before the delegation's departure.¹² She returned to Washington committed to using the Helsinki Accords and American

⁸ The speech is reprinted in Alexander Solzhenitsyn, *Détente* (New Brunswick: Transaction Books, 1980), 19-50; see also Kissinger, *Years of Renewal*, 649-53.

⁹ *The New York Times*, July 1, 1975.

¹⁰ Madeleine K. Albright and Alfred Friendly, Jr., "Helsinki and Human Rights," in Edmund Muskie, et al., eds., *The President, the Congress and Foreign Policy* (Lanham, MD: University Press of America, 1986), 291.

¹¹ Interviews with Yuri Orlov, Ithaca, NY, 1990-92; confirmed by the meeting organizer, *New York Times* correspondent Christopher Wren, in telephone interview, August 22, 1995.

¹² William Korey, *The Promises We Keep: Human Rights, The Helsinki Process, and American Foreign Policy* (New York: St. Martin's Press, 1993), 23.

influence on behalf of those whom she had met.

Creation of the US Helsinki Commission

Within days of her return, Fenwick introduced a bill proposing that the US Congress establish a Commission on Security and Cooperation in Europe, which would monitor compliance with the Helsinki Final Act, particularly in the human rights field. (Despite the timing of the Congressional visit to the Soviet Union, and the speed with which Fenwick introduced the bill after her return, there is no evidence that she or any other member of the delegation contemplated in advance the creation of such a commission.) As proposed, it would consist of members of both houses of Congress, from both parties, plus representatives from the departments of State, Defense, and Commerce. Twelve days later, Senator Clifford Case, a fellow Republican from New Jersey, introduced a parallel bill in the other chamber.

The executive branch immediately opposed Fenwick's CSCE monitoring initiative. President Ford had been heavily criticized from all sides for his participation in "another Yalta," and with the summit past, his political advisors hoped to let the CSCE issue fade away. Within the State Department, the Final Act was considered "yesterday's news."¹³ Senior officials continued to view Eastern Europe as part of the Soviet Union's natural sphere of influence.¹⁴ Henry Kissinger, who was never a CSCE enthusiast nor a proponent of human rights in foreign policy, viewed the proposed commission as an intrusion into the prerogative of the executive branch and as an obstacle to the highly-personalized method of "shuttle diplomacy" which he preferred.

In fact, the proposed commission did represent a significant congressional foray into foreign affairs, reaching well beyond the Jackson-Vanik Amendment, which had linked MFN status to the emigration policies of Communist states, but did not involve Congressional oversight into conditions abroad. The Department of State also argued that the proposed commission would violate the Constitution by subordinating members of the executive branch to legislators in the making of foreign policy. Assistant Secretary of State for Congressional Relations Robert J. McCloskey testified that the commission's "extraordinary composition would not seem to provide an appropriate or effective means for coordinating or guiding our

¹³ Guy Coriden, interview by author, Washington, D.C., March 31, 1994.

¹⁴ State Department counselor Helmut Sonnenfeldt expressed this view in a private meeting with US ambassadors in Europe in December 1975. See the *New York Times*, April 6, 1976.

efforts."¹⁵ The White House nonetheless instructed Kissinger to mute his criticisms for fear of further alienating conservatives during an election year.¹⁶

As the months went by, more and more news reached the West about this new, Helsinki-focused wave of human rights activity in the East. In addition to Western journalists in the region, human rights and émigré organizations in Washington, New York and Chicago (as well as Paris, London, Rome and elsewhere in Western Europe) were flooded with Helsinki-oriented petitions and appeals from Eastern Europe and the Soviet Union. On the Op-Ed page of the *New York Times*, Soviet dissident Andrei Amalrik criticized the US government's tendency to favor good relations with the Kremlin over frank discussion of human rights conditions and compliance with Helsinki norms:

"If the US sets itself the objective of establishing friendly relations with the USSR and wants to be assured of their desirability, then it must strive for the transformation of the closed Soviet system into an open one. The awakening of the Soviet people to human rights is a force working in this direction."¹⁷

Many of the ethnic lobbies in the US which had once opposed or been skeptical about the Helsinki Final Act began to reconsider their position in light of the positive response which it had evoked in the "home country." Influential Polish, Hungarian, and Czechoslovak emigre organizations endorsed the Case-Fenwick bills, as did the Baltic-American Committee, which had only recently criticized the Final Act for legitimating Soviet rule in Latvia, Lithuania and Estonia.¹⁸ The National Conference on Soviet Jewry (NCSJ) also supported the bills in the hope that concerted attention to compliance with Helsinki principles would cause Moscow to expand Jewish emigration. The NCSJ was encouraged in this hope by a behind-the-scenes deal at the Helsinki summit, in which Polish and West German officials agreed to "trade" the emigration of ethnic Germans living in Poland for an increase in loans to Warsaw. If the CSCE could facilitate the emigration of ethnic Germans, the NCSJ reasoned, then maybe it could do the same for Soviet Jews.¹⁹ At a February 1976 meeting in Brussels on the problem of Jewish emigration from the Soviet Union, several members of Congress heard delegates from around the world call on the United States to monitor implementation of the Helsinki Final Act.²⁰

¹⁵ US Congress, Senate, Committee on Foreign Relations, *Establishing a Commission on Security and Cooperation in Europe*, Report 94-756 (Washington, D.C., April 23, 1976).

¹⁶ Albright and Friendly, "Helsinki and Human Rights", 297.

¹⁷ *New York Times*, October 22, 1975.

¹⁸ Korey, *Promises*, 27.

¹⁹ *Ibid.*, 25.

²⁰ *Congressional Record*, May 17, 1976, pp.14051-2.

At first, Congressman Dante Fascell, chair of the Foreign Affairs Committee, explained that he was "skeptical about the wisdom of setting up yet another governmental entity for such a specific purpose." In the end, though, he and a majority of the Congress were persuaded by the argument that the US government should expect and monitor compliance with a major international agreement, and by the political might of ethnic lobbies working in favor of the commission: "After our hearings, conversations with many of the 100 cosponsors in the House, and numerous discussions and other contacts with representatives of such diverse groups as the Veterans of Foreign Wars, the National Conference on Soviet Jewry, the Federation of American Scientists, the Polish- American Congress and the Joint Baltic-American Committee, I am now convinced that such an entity would... play a vital role in the promotion of human rights and in making certain that détente will be a two-way street..."²¹ After Fascell re-worked the Fenwick-Case legislation to favor the majority party in the House and Senate, bills to create the US Commission on Security and Cooperation in Europe passed both houses of Congress in late May, and became law on June 3, 1976.

Still unresigned to the existence of the Commission, President Ford then threatened to "pocket veto" the necessary financing legislation. By this point, though, the network of Helsinki activists in the West was functioning quite well. On the first anniversary of the Helsinki Final Act, the network delivered to Capitol Hill a translation of the Moscow Helsinki Group's recent evaluation of the influence of the Final Act. This first-hand account of Soviet violations reinforced the Congressional argument that strict monitoring was absolutely necessary.²² Faced with such arguments, and a second round of lobbying from the ethnic organizations, Ford conceded. The US Helsinki Commission (as it was coming to be known) began full-scale operation in the Fall, 1976.

During a trip to Europe in November organized by the Commission, several members of Congress heard East bloc dissidents and sympathetic human rights activists speak of "the need to base detente between East and West on the progress on internal change inside the Soviet Union..." and repeat the importance of Helsinki monitoring and issue-linkage in US policy.²³ Congressman Donald Fraser later

²¹ Ibid., 14049.

²² "An Evaluation of the Influence of the Helsinki Agreements as they Relate to Human Rights in the USSR, 1 August 1975 - 1 August 1976," unpublished paper, in the Belgrade conference files of the US Commission on Security and Cooperation in Europe (hereafter, "US Helsinki Commission").

²³ "Working Meeting of the Commission on Security and Cooperation in Europe, Washington, DC, January 6, 1977", unpublished transcript, in US Helsinki Commission files.

recalled how the West's view of the Helsinki Accords had been influenced by the arguments and example of Soviet and East European activists:

"[F]ew suspected that the Helsinki Accords would become a subject of lively political interest. Most thought the agreements were no more than footnotes to the complex, often contradictory history of détente... Now the verdict has been reversed... The changed perception is not of our making. For the first to recognize - indeed, to exalt - the innovative content of the accords were men and women in the Soviet Union and the other Warsaw Pact states."²⁴

Reversing US Policy

As indicated above, the initial US policy after the Helsinki summit was to de-emphasize the CSCE. Though more positively inclined than the Ford administration in Washington, the West European governments intended to pursue a non-confrontational approach to implementation of the human rights norms which they had insisted on including in the Final Act. This combination of policies within the NATO alliance produced a December 1975 North Atlantic Council communique whose tone was remarkably similar to East bloc commentaries on the Final Act: "In the political sphere, détente requires tolerance and mutual understanding, and accordingly demands that the natural contest of political and social ideas should not be conducted in a manner incompatible with the letter and spirit of the Final Act of Helsinki."²⁵ As for implementation, the communique stated only that the allies expected progress in relations between states, in confidence-building measures, in economic co-operation and in "lowering barriers between peoples" - an early NATO formula which fell far short of the more determinate norms already established by the Final Act.

By mid-1976, though, US and West European foreign ministries were flooded with massive documentation of human rights violations submitted by non-governmental organizations in the new "Helsinki network."²⁶ As a result of this pressure, American and NATO policy on the CSCE began to reflect the priority on human rights favored by dissidents in the East and their supporters in the West. Pressured from all sides, the White House and State Department began to take Helsinki implementation seriously. The North Atlantic Council's May 1976

²⁴ Council of Europe, Parliamentary Assembly, *Implementation of the Final Act of the Conference on Security and Cooperation in Europe*, "Debate on the General Policy of the Council of Europe, 27, 28 and 29 April 1977," AS/Inf (77) 9, (Strasbourg, 1977), 168.

²⁵ North Atlantic Council, *Texts of Final Communiques*, Volume II (Brussels: NATO Information Service, 1980), 38-39.

²⁶ Interviews with former American and West European diplomats, 1993-95.

communicue struck an entirely new tone: "Ministers... emphasised the importance they attach to full implementation of all parts of the Helsinki Final Act by all signatories, so that its benefits may be felt not only in relations between states but also in the lives of individuals."²⁷ The communique continued, acknowledging some progress in the area of human contacts and working conditions for journalists, but pointing out "the importance of what still remains to be done," and expressing the hope for rapid progress on implementation of the basic principles, including human rights.

By the end of 1976, reports from East European activists and from sympathetic organizations in the West had convinced Western governments that Helsinki norms were not being respected. Though still diplomatic in style, the North Atlantic Council's December communique expressed continued frustration: "[M]uch remains to be done before the benefits of the Final Act become significantly apparent in tangible improvements, not only in relations between states, but also in the lives of peoples and individuals. Ministers recalled that the Final Act acknowledges that wider human contacts and dissemination of information would contribute to the strengthening of peace and expressed the hope that the Warsaw pact countries would take measures leading to significant progress in the pace of implementation of the Final Act in the months to come."²⁸

Reactions from the Kremlin

This shift in Western policy did not go unnoticed in the Kremlin. On February 24, 1976, Brezhnev's report to the 25th Congress of the CPSU acknowledged "certain difficulties in our relations with a number of capitalist European states" during the seven months since the Helsinki summit. In fact, Brezhnev responded to the unexpected salience of human rights (Principle 7) by focusing on non-intervention in internal affairs (Principle 6), as he had done in his speech at the Helsinki summit: "Certain quarters are trying to emasculate and distort the very substance of the Final Act adopted in Helsinki, and to use this document as a screen for interfering in the internal affairs of the socialist countries, for anti-Communist and anti-Soviet demagoguery in cold-war style."²⁹ Yet despite these frustrations, he remained committed to the Helsinki Final Act as the instrument by which the Soviet Union and its allies could achieve greater economic ties with the West: "The main thing

²⁷ North Atlantic Council, *Texts of Final Communiques*, Volume II (Brussels: NATO Information Service, 1980), 45.

²⁸ *Ibid.*, 61.

²⁹ Leonid Brezhnev, *Peace, Détente and Soviet-American Relations: A Collection of Public Statements* (New York: Harcourt, Brace, Jovanovich, 1979), 106.

now is to translate all the principles and understandings reached in Helsinki into practical deeds. This is exactly what the Soviet Union is doing and will continue to do."³⁰ Communist authorities nonetheless became less and less patient as East European dissidents became more active, the US Congress more assertive, and US policy slowly more confrontational.

Throughout the summer of 1976, the official Soviet media criticized the formation of the US Helsinki Commission as a violation of Soviet internal affairs and as an act aimed not at the promotion of detente but at "fouling up the process."³¹ In September, Polish Ministry of Foreign Affairs' counselor Jerzy Nowak warned that "For the good of all-European cooperation the capitalist states should cease trying to force the socialist side to accept a different interpretation of some concepts."³² By the mid-autumn, the post-summit luster had disappeared from Brezhnev's rhetoric on the CSCE.³³ All of this occurred, of course, before the election of Jimmy Carter, who is often credited with introducing human rights as a US foreign policy priority.

The 1976 Presidential Election

Transnational feedback from the Helsinki process also shaped US policy by contributing to Jimmy Carter's election as President in 1976. It did so by influencing politics within the Republican party, and thus weakening President Ford's political base, as well as by shaping the terms of debate between Ford and Carter. To start, public debate over the 1975 Helsinki Accords and then the creation of the Helsinki Commission, plus reports of non-compliance by the East bloc, fed directly into the Republican Party's internal debate over the merits of détente. Conservatives led by Ronald Reagan argued that Gerald Ford had violated America's commitment to freedom in Eastern Europe and the Soviet Union, both by his initial participation in the Helsinki process and then by his resistance to a commission which would monitor compliance with its provisions. As step toward healing this division within the party, Ford agreed to a party platform which stated that "Agreements which are negotiated, such as the one signed in Helsinki, must not take from those who do not have freedom the hope of one day gaining it," and

³⁰ Ibid.

³¹ *Izvestia* (Moscow), June 17, August 7 and 29, 1976.

³² Jerzy M. Nowak, "Cooperation Between East and West on Humanitarian Issues," *Sprawy Międzynarodowe* no.9, September 1976, from JPRS, *Translations* 68273 (November 26, 1976), 12.

³³ See Brezhnev's October 25, 1976 address to a plenary meeting of the CPSU Central Committee, in his *Peace, Détente and Soviet-American Relations*, 131-136.

praised Soviet dissident Alexander Solzhenitsyn for "his compelling message that we must face the world with no illusions about the nature of tyranny."³⁴ This dispute nonetheless forced Ford to run for re-election without the strong support of anti-Communists within his party.

Pressure from the Helsinki network and fallout from related debates affected the Democratic campaign as well, helping to move Jimmy Carter away from his initially skeptical attitude toward the Helsinki process and the larger role of human rights in foreign policy. In June 1976, for example, Carter had told the Foreign Policy Association, "Our people have learned the folly of trying to inject our power into the internal affairs of other nations." Moreover, according to Democratic Senator Daniel Patrick Moynihan, the human rights issue "was raised in the Democratic platform drafting committee, and at the Democratic Convention, but in each instance the Carter representatives were at best neutral, giving the impression of not having heard very much of the matter before and not having any particular views."³⁵

On some campaign stops, though, Carter did take advantage of the fact that President Ford had antagonized East European ethnic voters with his trip to Helsinki and then again with his resistance to the Helsinki Commission. Carter's speeches thus often portrayed the Helsinki Final Act as a "tremendous diplomatic victory for Leonid Brezhnev," while declaring, "We cannot look away when a government tortures people, or jails them for their beliefs or denies minorities fair treatment or the right to emigrate... [I]f any nation... deprives its people of basic human rights, that fact will help shape our own people's attitudes towards that nation's government."³⁶ Hearing of this rhetoric, the newly-appointed staff director of the US Helsinki Commission contacted the Carter campaign and urged that the governor adopt a more positive view of the Helsinki process.³⁷

Four days later, during a televised debate between the two candidates, Ford seemed to suggest that Eastern Europe was not subject to Soviet domination. Carter quickly rebutted that many Americans felt otherwise and, for the first time, criticized Ford's failure to pressure for compliance with the human rights components of the Helsinki Final Act. Pollster George Gallup called this the "most

³⁴ Judith F. Buncher, ed., *Human Rights and American Diplomacy, 1975-1977* (New York: Facts on File, 1977), 78.

³⁵ Jeanne J. Kirkpatrick, *Legitimacy and Force, Volume 1: Political and Moral Dimensions* (New Brunswick, NJ: Transition Books, 1988), 141.

³⁶ Buncher, *Human Rights*, 77-8.

³⁷ Albright and Friendly, "Helsinki and Human Rights", 303-4.

decisive moment in the campaign."³⁸ The ensuing controversy lasted for several days, further weakening Ford in the final weeks of the campaign. In the end, Carter's narrow margin of victory, especially in some traditionally-Republican areas, depended in part on the conservatives and ethnic East European voters whom Ford had alienated by his apparent commitment to détente over human rights or Helsinki compliance.

The Helsinki Network and the Carter Administration

After Carter's election, various parts of the burgeoning Helsinki network worked to shape the foreign policy priorities of the new administration. As Carter's staff prepared for the inauguration, Dante Fascell wrote to Secretary of State-elect Cyrus Vance urging a strong reference to human rights in the inaugural address.³⁹ Though surely not the only source, Fascell's message was closely reflected in the inaugural's declaration that "Because we are free, we can never be indifferent to the fate of freedom elsewhere." The same is true of a second inaugural statement, broadcast the same day by the US Information Agency, in which Carter promised listeners around the world, "You can depend on the United States to remain steadfast in its commitment to human freedom and liberty."⁴⁰ This rhetoric was noticed in Eastern Europe, by regime and opposition forces alike.

The real question though was whether the Carter administration would implement this verbal commitment when it appeared to conflict with other priorities. Before his appointment as National Security Advisor, Zbigniew Brzezinski had written that the human rights issue could help re-legitimate US foreign policy at home and abroad.⁴¹ He and other senior officials were nonetheless determined to avoid a human rights confrontation in the CSCE that would upset the administration's broader détente agenda, especially nuclear and conventional arms control with the Soviets. Marshall Shulman, the State Department's new chief Soviet specialist, had long argued that US policy should not become preoccupied with human rights.⁴² Reflecting this position, the President-elect's first communication with the Kremlin, relayed privately by Averell Harriman to Soviet

³⁸ William G. Hyland, *Mortal Rivals: Superpower Relations from Nixon to Reagan* (New York: Random House, 1987), 173.

³⁹ Correspondence from Dante Fascell to Cyrus Vance, January 11, 1977, in US Helsinki Commission files.

⁴⁰ Buncher, *Human Rights*, 80-1.

⁴¹ Zbigniew Brzezinski, "America in a Hostile World", *Foreign Policy*, no.23 (Summer 1976):65-96.

⁴² *New York Times*, October 31, 1975; Marshall Shulman, "On Learning to Live with Authoritarian Regimes", *Foreign Affairs* 55 (1977): 325-38.

Ambassador Dobrynin on December 1, 1976, focused on arms control without any mention of human rights.⁴³ This moderate approach was confirmed in President Carter's first official letter to Leonid Brezhnev, written just a week after the inauguration: "A competition in ideals and ideas is inevitable between our societies. Yet this must not interfere with common efforts towards formation of a more peaceful, just and human world."⁴⁴

Before long, though, East European and Soviet dissidents and their "Helsinki network" allies in the US Congress forced the administration to implement a far more confrontational approach to human rights than was initially intended. Almost immediately after the inauguration, reports began to reach the West through media and NGO channels about a crackdown in Czechoslovakia against signatories of the new human rights initiative, Charter 77. On January 26, the State Department harshly criticized the government of Czechoslovakia for violating its commitments in the Helsinki Accords.⁴⁵ Though the statement was apparently issued without prior authorization from the White House or the Secretary of State, it was seen publicly as a landmark action by the new administration. Editorial pages across the country praised Carter's break from Ford's failure to insist on Helsinki compliance.⁴⁶

Word also reached Washington through NGO channels that Soviet human rights activist Aleksandr Ginzburg had been arrested and charged with currency violations. One week later, on February 2, the State Department protested Ginzburg's arrest as a violation of Helsinki norms. At about the same time, Andrei Sakharov wrote to President Carter, praising his commitment to human rights and calling his attention to human rights violations in the Soviet Union. (Sakharov was closely affiliated with the Moscow Helsinki Group, but unlike Ginzburg, not officially a member.) Though Carter felt obligated to respond personally to this appeal from the Soviet Union's most famous scientist and dissident, National Security Advisor Zbigniew Brzezinski and Secretary of State Cyrus Vance did their best to draft the letter in a way which would avoid provoking the Kremlin.⁴⁷

⁴³ "Ambassador A.F. Dobrynin's Conversation with Averell Harriman, December 1, 1976". In "The Path to Disagreement", Cold War International History Project, Woodrow Wilson International Center for Scholars, Smithsonian Institution, <http://cwihip.si.edu>

⁴⁴ "President Carter's Letter to General Secretary Brezhnev, January 26, 1977. In "The Path to Disagreement", Cold War International History Project, Woodrow Wilson International Center for Scholars, Smithsonian Institution, <http://cwihip.si.edu>

⁴⁵ *New York Times*, January 27, 1977.

⁴⁶ On the question of authorization, see Hyland, *Mortal Rivals*, 204. For a broad sample of editorials, see Buncher, *Human Rights*, 111-15.

⁴⁷ Zbigniew Brzezinski, *Power and Principle: Memoirs of the National Security Advisor, 1977-1981* (New York: Farrar, Straus, Giroux, 1983), 156.

Notwithstanding the new administration's public criticisms of arrests in Czechoslovakia and the Soviet Union, and Carter's personal correspondence with Sakharov, senior officials sought to maintain the possibility of quiet diplomacy for human rights. For example, when the Soviets complained about Washington's contact with Sakharov, Vance responded "We do not intend to be strident or polemical," and predicted that the human rights dispute would not affect US-Soviet arms negotiations.⁴⁸ The mobilization of the Helsinki network on both sides of the "Iron Curtain" was nonetheless making it increasingly difficult for the Carter administration to avoid a confrontational policy on human rights.

In his second letter to Brezhnev, Carter warned that Helsinki compliance could not be kept off the agenda, but again expressed a preference for quiet diplomacy:

"We expect cooperation in the realization of further steps toward the fulfillment of the agreements reached in Helsinki relating to human rights... It is not our intention to interfere in the internal affairs of other countries. We do not wish to create problems with the Soviet Union, but it will be necessary for our Administration from time to time to publicly express the sincere and deep feelings which our people and I feel. Our obligation to help promote human rights will not be expressed in an extreme form or by means not proportional to achieving reasonable results. We would also welcome, of course, personal, confidential exchanges of views on these delicate questions."⁴⁹

Brezhnev responded brusquely, indicating that he would not "allow interference in our internal affairs, whatever pseudo-humanitarian slogans are used to present it," and objecting strenuously to Carter's correspondence with Sakharov, whom he called a "renegade who has proclaimed himself an enemy of the Soviet state."⁵⁰

Setting the Belgrade Conference Agenda

By late winter 1977, the evolution of the US position was subsumed within preparations for a CSCE meeting in June, which would set the agenda for the first official CSCE conference since the Helsinki Final Act, scheduled to open three months later in Belgrade. Knowing that the Belgrade meetings would determine the future of the CSCE, including the salience of human rights, the "Helsinki network" increased its pressure on the US government. On the other hand, during Vance's

⁴⁸ Buncher, *Human Rights*, 116.

⁴⁹ "Carter's Letter to Brezhnev, February 14, 1977". In "The Path to Disagreement", Cold War International History Project, Woodrow Wilson International Center for Scholars, Smithsonian Institution, <http://cwihip.si.edu>

⁵⁰ Brzezinski, *Power and Principle*, 155.

trip to Moscow in March, the Soviets had again insisted on the principle of non-interference in internal affairs, and indicated the continued pursuit of the human rights issue could derail other aspects of the détente agenda, including arms control. The Carter administration's policy on human rights in the East was thus formulated amidst the political, ideological and strategic debates of this pre-Belgrade environment, and greatly influenced by pressure from outside the executive branch.

Human rights activists from across Eastern Europe and the Soviet Union submitted detailed reports of human rights violations by East-bloc regimes, and called on the West to press for greater compliance as a prerequisite to progress in the CSCE. According to Congressman Dante Fascell, "the preparations for Belgrade elicited surprising public attention. Western journalists in Moscow, Berlin, Warsaw, Bucharest and Prague began to write about the Helsinki-related demands of workers, writers, religious believers, Jews and Germans seeking to emigrate from the Soviet Union, and of human rights activists. The Communist regimes reacted critically and sometimes violently to these activities, but - by their repressive measures - only aggravated the concerns of private and official groups in the West."⁵¹ In fact, these human rights activists were quite clear about what should be on the CSCE agenda: "Although the Belgrade Conference should discuss all sections of the Helsinki Agreement, it is 'basket three' which is the most urgent and which therefore should form the central part."⁵² Well aware of the likely Soviet response, international lawyers in the US offered legal arguments that human rights violations are not protected by the shield of domestic jurisdiction, regardless of Principle 6.⁵³

Strengthened by NGO lobbying and documentation of developments in Eastern Europe, the US Helsinki Commission continued its political battle with the State Department and the White House to ensure that human rights become the focus of US policy on CSCE. In particular, the Commission argued that Belgrade conference should be used for a detailed review of compliance with the Final Act, especially on human rights. It issued numerous reports and held hearings on East-bloc violations related to human contacts, religious liberty and minority rights, information flow and other human rights issues.⁵⁴ During the Commission's first

⁵¹ Dante B. Fascell, "Did Human Rights Survive Belgrade?" *Foreign Policy* 31 (Summer 1978).

⁵² "Interview with Jiri Pelikan", *Labour Focus on Eastern Europe* 1:2 (May-June 1977), 2.

⁵³ Louis Henkin, "Human Rights and 'Domestic Jurisdiction'" in Thomas Buergenthal (ed.), *Human Rights, International Law and the Helsinki Accord* (Montclair, NJ: Allanheld, Osmun, 1977).

⁵⁴ For example, see "Soviet Helsinki Watch, Reports on Repression," June 3, 1977, "US Policy and the Belgrade Conference," June 6, 1977, in US Commission on Security and Cooperation in Europe, *Basket III: Implementation of the Helsinki Accords, Hearings*, (Washington, DC: GPO, 1977).

public hearings in February, former Ambassador Leonard Garment reminded the government: "The existence of a formal, written document, to which the Eastern regimes gave their public consent and their formal stamp of legitimacy, has made a difference. The words matter and are beginning to move human minds... Perhaps we in the West, who pay such frequent tribute to the worth of ideas, should be a little embarrassed that at the time of Helsinki we entertained such a low opinion of their power."⁵⁵

Though the State Department strongly resisted the inclusion of Commission members in pre-Belgrade planning meetings, the influence of the Helsinki network began to show.⁵⁶ As Cyrus Vance told a University of Georgia audience in April: "Our belief is strengthened by the way the Helsinki principles and the UN Declaration of Human Rights have found resonance in the hearts of people of many countries."⁵⁷ On June 6, just nine days before the preparatory negotiations for Belgrade were to begin, Brzezinski noted in his journal that Congressional pressure had forced the White House to issue a report on CSCE compliance which he considered imprudently critical of the East bloc.⁵⁸ Patricia Derian, the State Department's Coordinator for Humanitarian Affairs acknowledged privately that pressure from the Commission was responsible for the critical report.⁵⁹ As discussed earlier, the Commission had been created in response to appeals by East European and Soviet activists, and depended almost entirely upon them for its information.

The appointment of the US ambassador to the Belgrade conference was also influenced by these battles. Despite the critical White House report, the State Department remained uncomfortable with the many calls for emphasis on human rights as a diplomatic issue. In the early summer, Vance appointed veteran diplomat Albert Sherer as ambassador to the Belgrade conference, and sent him to Europe to consult with the NATO allies. As former head of the US delegation to the CSCE

⁵⁵ Cited in Rep. Dante B. Fascell's February 24, 1978 address to the Chicago Council of Foreign Relations, in US Commission on Security and Cooperation in Europe, *The Belgrade Follow-Up Meeting to the Conference on Security and Cooperation in Europe: A Report and Appraisal*, (Washington, DC: Government Printing Office, 1978), Appendix B.

⁵⁶ Correspondence from Dante Fascell to Cyrus Vance, February 4, 1977, in US Helsinki Commission files.

⁵⁷ For the full text of Vance's April 30, 1977 address, see Buncher, *Human Rights*, 181-2.

⁵⁸ Brzezinski, *Power and Principle*, 126. The report in question was the (US Department of State), *Second Semiannual Report by the President to the Commission on Security and Cooperation in Europe, December 1, 1976-June 1, 1977*, (Washington, D.C.: Government Printing Office, June 1977).

⁵⁹ Correspondence from Patricia Derian to Commission Deputy Staff Director Alfred Friendly, July 20, 1977, in US Helsinki Commission files.

from 1973-1975, Sherer could be expected to maintain at Belgrade the same low profile which the US had held in the Geneva talks. At about the same time, President Carter invited Arthur Goldberg, a former Supreme Court Justice, Secretary of Labor and UN Ambassador, to serve as the White House's special envoy to the Middle East. Brzezinski and Vance quickly objected that Goldberg was ill-suited to the position. Aware of the mounting pressure on the White House from NGOs and the Congress to emphasize human rights at Belgrade, a senior official then suggested that Goldberg, well-known for his career-long interest in civil rights and labor issues, be offered the CSCE ambassadorship in place of Sherer.⁶⁰ Carter agreed, and Goldberg replaced Sherer just as the Belgrade preparatory negotiations were ending in August. Once appointed, in part through pressure from the Helsinki network, Goldberg created new opportunities (shown below) for members of the network to shape US foreign policy.

In the meantime, the Soviets and their allies were following the gradual turnaround in US policy and prepared for a confrontation at Belgrade over human rights.⁶¹ In a September 1977 meeting in Washington, Gromyko reminded President Carter of the Soviet Union's position on human rights and non-interference, adding that Belgrade should be "a constructive forum instead of a place of mutual accusations, some kind of box of complaints."⁶² Meanwhile, back in Moscow, the ambassador who had faithfully executed Brezhnev's policy in two years of CSCE negotiations in Geneva was denied an expected promotion to the Party's Central Committee. His replacement, Yuli Vorontsov, was instructed to block any compromise on human rights at Belgrade.⁶³

⁶⁰ Zbigniew Brzezinski and Max Kampelman offer similar accounts of this process, though they differ on who recommended Goldberg for the CSCE. See Brzezinski, *Power and Principle*, 300; and Max M. Kampelman, *Entering New Worlds: The Memoirs of a Private Man in Public Life* (New York: Harper Collins, 1991), 221.

⁶¹ See L. Maximov, "Fulfillment of the Helsinki Understandings," *International Affairs* (Moscow), 1976, no.10.

⁶² "Record of Conversation between Soviet Foreign Minister Gromyko and President Carter, 23 September 1977". In "US-Soviet Relations and the Turn Toward Confrontation, 1977-1980", Cold War International History Project, Woodrow Wilson International Center for Scholars, Smithsonian Institution, <http://cwihip.si.edu>

⁶³ Arkady N. Shevchenko, *Breaking with Moscow* (New York: Alfred A. Knopf, 1985), 264-7.

The Helsinki Network and Western Europe

A similar process of transnational pressure and policy re-evaluation occurred in Western Europe as well between 1975 and 1977. Journalists in Paris and London reported on the same Helsinki-oriented mobilization as their colleagues in New York or Washington.⁶⁴ Non-governmental organizations, including a new Norwegian Helsinki Committee, appealed for an emphasis on human rights at Belgrade.⁶⁵ The British Helsinki Review Group, comprised of leading private citizens and diplomatic experts, observed, "Public opinion which for a considerable time in the West was largely indifferent to the Final Act has become increasingly focused on the abuses of human rights in Eastern Europe and such opinion must necessarily influence their delegates."⁶⁶ Somewhat later, the same group observed, "Recognition of human rights and fundamental freedoms has, by the activities of those attempting to act on their rights in the countries of Eastern Europe, become an important factor in Eastern European politics. It is also a major factor in East-West relations."⁶⁷ Senior diplomats and policy makers in Western Europe were surprised by the Final Act's impact among independent forces in the East, and many raised their estimate of the CSCE's practical importance in human rights.⁶⁸

This new information and pressure coming from the Helsinki network did not, however, have as large an impact as it had in the United States. First of all, the relative weakness of West European parliaments on foreign policy matters tends to insulate governments from swings in public opinion.⁶⁹ There was also less room for policy reversal in this case because EC foreign ministries had always placed more importance on the CSCE than the US State Department. And since it was the EC-Nine who had pushed for recognition of human rights during negotiations on the Final Act, pressure groups could less easily accuse them of placing *realpolitik* over real human beings. Moreover, private groups in Western Europe were less united behind a confrontational CSCE strategy than their American counterparts. For example, the British Helsinki Review Group suggested that "Western pressure

⁶⁴ "Helsinki Accord's Echo in East Europe," *Financial Times* (London), January 12, 1977.

⁶⁵ "Preparing for the Helsinki Assessment," *The New Leader* (London), April 11, 1977; "Forum on Belgrade," *Labour Focus on Eastern Europe* 1:2 (May-June 1977).

⁶⁶ Helsinki Review Group, *From Helsinki to Belgrade* (London: David Davies Memorial Institute of International Studies, September 1977), iv.

⁶⁷ Helsinki Review Group, *Belgrade and After* (London: David Davies Memorial Institute of International Studies, undated), 18.

⁶⁸ Interviews by author with Leif Mevik, Brussels, March 15, 1994; Max van der Stoep and Harm Hazelwinkel, the Hague, March 18, 1994; Jacques Laurent and Henri Segesser, Brussels, September 14, 1994.

⁶⁹ Thomas Risse-Kappen, "Public Opinion, Domestic Structure, and Foreign Policy in Liberal Democracies," *World Politics* 43 (July 1991): 479-512.

on human rights issues creates a complex reaction: on the one hand it can restrain Eastern European governments; on the other, by making those governments more sensitive, such pressure can drive them to act more harshly.⁷⁰

Above all, West European decision-makers tended to view the CSCE as part of a long-term strategy to overcome the division of the continent, and thus were less willing than the Americans to antagonize the Soviets over individual human rights abuses.⁷¹ "The Belgrade follow-up meeting must be seen essentially as part of a process and as the first checkpoint along a lengthy and weary road," said the head of the British delegation.⁷² This EC view of how to promote human rights in the East, first expressed in relation to the Yakir and Kasin trial during the Geneva talks in September 1973, was tested again at Belgrade, where it conflicted with appeals from the Helsinki network and US Ambassador Goldberg's growing interest in public diplomacy.

Shaping Diplomacy at the Belgrade Conference

Just as they had already re-framed the détente agenda in Washington, information and pressure from the Helsinki network had a significant impact on the agenda and outcome of the Belgrade conference. NATO was potentially less constrained now that Greece, Portugal and Spain were no longer under dictatorial regimes, but neither the US State Department nor the EC-Nine intended to place too much attention on human rights. In advance of the Belgrade conference, the EC had resolved "to conduct a frank and extensive review but to phrase our comments in non-polemical terms in the hope that, at the end of the review of implementation, the way would be clear to negotiate with the Soviet Union and their allies proposals for improving implementation in the future."⁷³ They also agreed, rather than discussing individual violations during official sessions, to introduce a proposal which would reinforce the right of individuals to assist in the implementation of Helsinki norms. When the conference opened on October 4, 1977, NATO's strategy was to address "those points in the record of other States which required criticism and called for improvement, but to avoid heightening the tension by concentrating

⁷⁰ Helsinki Review Group, *Belgrade and After*, 18-19.

⁷¹ Brian Fall, "The Helsinki Conference, Belgrade and European Security," *International Security* 2 (Summer 1977): 100-105; Karl E. Birnbaum, "Human Rights and East-West Relations," *Foreign Affairs* 55 (July 1977): 783-799.

⁷² Foreign and Commonwealth Office, *The Conference on Security and Cooperation in Europe, 1972-1975*, G. Bennett and K.A. Hamilton, eds., Documents on British Policy Overseas, Series III, Volume II (London: Her Majesty's Stationery Office, 1997), 488. (Hereafter, "FCO, *The Conference*.)

⁷³ FCO, *The Conference*, 486.

on individual cases where practical results were unlikely."⁷⁴

In keeping with this strategy, as well as traditional diplomatic taboos against "naming names," all references to East-bloc violations by Western delegations during the first two weeks of talks were indirect - even country's names were veiled. One French diplomat criticized the human rights record of an East-bloc country by saying "I won't name names because the person in question is sitting right in front of me, but in his country the practice is..." In turn, an East German diplomat criticized a "country whose language is English with a population of over two hundred million which only published seven thousand copies of the Final Act."⁷⁵ Before long, though, this well-established taboo was overturned by a combination of impassioned appeals from East European dissidents and political pressure from the US Congress, both framed in terms of Helsinki norms.

On the eve of the Belgrade conference, forty eight human rights activists in Moscow announced a one-day fast to protest repression against the Moscow Helsinki Group. The protest was covered in the Washington press.⁷⁶ At about the same time, Andrei Sakharov sent a personal appeal to the West emphasizing the importance of human rights in détente. On October 6, the day of Ambassador Goldberg's first speech to the Belgrade conference, Sakharov's letter appeared in the *International Herald Tribune*. It was pointed and powerful:

"The Soviet and East European representatives have always tried to neutralize the humanitarian principles of the Helsinki accords by emphasizing the principle of non-interference in the internal affairs of other countries. [...] Every person serving a term in the hell of present-day Gulag for his beliefs, or open profession of them - every victim of psychological repression for political reasons, every person refused permission to emigrate, to travel abroad - represents a direct violation of the Helsinki accord. [...] We are going through a period of history in which decisive support of the principles of freedom of conscience in an open society, and the rights of man, has become an absolute necessity... Is the West prepared to defend these noble and vitally important principles? Or, will it, little by little, accept the interpretation of the principles of Helsinki, and of détente as a whole, that the leaders of the Soviet Union and of Eastern Europe are trying to impose?"⁷⁷

⁷⁴ Secretary of State for Foreign and Commonwealth Affairs, *The Meeting held at Belgrade from 4 October 1977 to 9 March 1978 to follow up the Conference on Security and Cooperation in Europe*, Command Paper 7126 (London: Her Majesty's Stationery Office, March 1978), 7.

⁷⁵ Dorothy Goldberg, "Personal Journal of International Negotiations About Human Rights," unpublished and undated memoirs by the wife of US Ambassador Arthur Goldberg, 99 & 104.

⁷⁶ *Washington Star*, October 5, 1977.

⁷⁷ *International Herald Tribune*, October 6, 1977.

Ambassador Goldberg was impressed by Sakharov's letter (and other appeals sent to the West over the preceding months), and conveyed this impression to allied delegations.⁷⁸ In fact, Sakharov's letter was crucial in persuading Goldberg to reject the one argument against emphasizing human rights that he had found plausible - that it might cause greater hardship to those living under Communist rule.⁷⁹ The State Department, however, including now-Deputy Head of the US delegation Albert Sherer, remained unconvinced.⁸⁰

This stand-off within the US delegation was broken by Congressional intervention on October 17, when Goldberg received a copy of a letter addressed to President Carter from a bipartisan group of 127 representatives and 16 senators calling for forceful criticism at Belgrade of all violations of Helsinki norms. Entitled "Make Human Rights a Central Issue," the letter highlighted the repression of the Moscow Helsinki Group and argued that "if the Soviets are allowed to blatantly violate the human rights provisions of the Helsinki Agreement, the credibility and effectiveness of the agreement, and any other bilateral negotiations could be undermined."⁸¹ It was almost certainly drafted and circulated by the Helsinki Commission, whose staff were fully aware of the situation in Belgrade.

The following day, Goldberg appeared in place of Sherer at the Basket III working group, and surprised the assembled diplomats by reading an article from the French Communist Party daily *L'Humanité* which reported on how the Czechoslovak authorities had denied Western reporters access to a trial of human rights activists. This move simultaneously broke the taboo against naming names, publicized the plight of Helsinki monitors and criticized Czechoslovakia's violation of its commitment to the free flow of information. Moreover, by his choice of newspaper, Goldberg demonstrated that not even the Moscow-friendly French Communist Party could overlook Helsinki violations in Eastern Europe.

Given their preference for a less-confrontational approach, the EC delegations at Belgrade were not altogether supportive of Goldberg's new tactics. A member of one EC delegation complained, "We seem to spend more time negotiating with Goldberg than negotiating with the Russians."⁸² American discussion of proposing a CSCE Committee on Human Rights was blocked within

⁷⁸ Korey, *Promises*, 79.

⁷⁹ Goldberg, "Personal Journal", 86.

⁸⁰ Michael Dobbs, "Goldberg and Aides Differ on Tactics at Belgrade Parley," *Washington Post*, October 17, 1977.

⁸¹ Goldberg, "Personal Journal," 174-5.

⁸² Cited in Don Cook, "Making America Look Foolish: The Case of the Bungling Diplomat," *Saturday Review*, May 13, 1978, 10.

the NATO caucus by EC delegations which considered it a diplomatic "non-starter." But they too were keenly aware of transnational appeals, reinforced by intense media coverage of the conference, for a strong position on human rights. Though they expected that it too would fail, they thus agreed to support another American proposal that any final document from Belgrade should specifically reaffirm the principle of respect for human rights and fundamental freedoms. As the British ambassador explained, "it would have been politically quite impossible for the Governments of the Nine... to refuse to support a human rights proposal of this kind."⁸³ As the talks wore on, though, the East bloc's refusal to engage in serious discussion about human rights produced a renewed unity of purpose among Western delegations.⁸⁴

When the conference resumed in January 1978 after a Christmas break, Soviet ambassador Vorontsov made it clear that the Kremlin would not accept any new commitments to human rights.⁸⁵ Meanwhile, the NATO states rejected various Soviet proposals on disarmament. Reflecting the deadlock in substantive negotiations, the final document agreed by the thirty-five states on March 9, 1978 simply reaffirmed their resolve to implement fully the provisions of the Helsinki Final Act, recorded the dates and formalities of the Belgrade meeting, and stipulated that they would meet again in Madrid in November 1980.

Sustaining the Human Rights Agenda After Belgrade

The Belgrade meeting's failure to achieve a frank discussion of human rights by all parties called into question the new salience of the Helsinki process and especially the focus on human rights. European members of NATO expressed their fear that another stalemated meeting would endanger the CSCE and even *détente* itself.⁸⁶ Other West European voices recognized that East European activists had changed the terms of debate within the CSCE and East-West relations, but doubted the efficacy of Goldberg's approach to promoting human rights: "outside the context of the Belgrade meeting there are dangers that stressing individual cases in public too frequently not only distracts attention from the plight of others, but induces confrontation."⁸⁷ First privately then publicly, US diplomat Albert Sherer criticized

⁸³ FCO, *The Conference*, 490.

⁸⁴ US State Department, "Weekly Summaries of Belgrade meetings," photocopies of unpublished memos, in the Harvard Law School's International Legal Studies Library.

⁸⁵ FCO, *The Conference*, 487.

⁸⁶ Frans A.M. Alting von Geusau, "The Nine and *Détente*," in Nils Andrén and Karl E. Birnbaum, *Belgrade and Beyond: The CSCE Process in Perspective* (Alphen a/d Rijn: Sijthoff & Noordhoff, 1980).

⁸⁷ Helsinki Review Group, *Belgrade and After*, 19.

Goldberg's approach as a threat to NATO unity and called for a less-confrontational policy at Madrid.⁸⁸ Influential American columnist William Safire urged the United States to renounce the entire Helsinki process and blasted the Helsinki Commission as "a group with a vested interest in meeting and junketing and tut-tutting at the way the Russians ignore the treaty."⁸⁹

This post-Belgrade threat to the salience of human rights in US policy was the occasion for a second crucial development in the Helsinki network: the creation of the US Helsinki Watch Committee. As discussed above, private human rights groups in the United States had begun to monitor compliance with Helsinki norms two years earlier, in response to appeals from activists in the East. Subsequent reports of repression against Helsinki monitors in the East only increased their commitment to raise the priority of human rights in US foreign policy toward Eastern Europe and the Soviet Union. One of these groups, the International Freedom to Publish Committee of the Association of American Publishers (AAP), had announced in December 1977 that it would not sign any trade protocol with the Soviet book-publishing industry until the Kremlin improved its human rights record.⁹⁰ During the Belgrade conference's Christmas break, representatives of the AAP and other groups met in New York with Ambassador Goldberg, and agreed that only concerted public pressure in the West would keep the CSCE focused on human rights.⁹¹

In testimony before the Helsinki Commission less than two weeks after the end of Belgrade meeting, Goldberg spoke about the need for pressure from the non-governmental sector to support human rights: "Private individuals have a lot to do, outside of government. It's a great anomaly to me that while in the Soviet Union, in Czechoslovakia, in Poland, under conditions of repression, private individuals have had the courage to organize private groups but that in our country individuals have not organized a monitoring group. I would hope they would, as an indication that individuals in our country, in addition to government, have a great interest in the implementation of the Final Act."⁹² After Goldberg's testimony, members of Congress affirmed his call for a private organization which could supplement the work of the Helsinki Commission.

⁸⁸ Albert W. Shirer, Jr., "Goldberg's Variations," *Foreign Policy* 39 (Summer 1980).

⁸⁹ *New York Times*, June 19, 1978.

⁹⁰ US Department of State, *Fourth Semiannual Report by the President to the Commission on Security and Cooperation in Europe, December 1, 1977-June 1, 1978* (Washington, D.C.: Government Printing Office, June 1978), 25.

⁹¹ Robert Bernstein, interview by author, New York, January 12, 1994.

⁹² US Commission on Security and Cooperation in Europe, *The Belgrade CSCE Follow-Up Meeting: A Report and Appraisal*, Hearings, March 21, 1978 (Washington, DC: GPO, 1978), Appendix F, 18-19.

Meanwhile private and public members of the Helsinki network worked to maintain the salience of human rights in the East. In late April, the Helsinki Commission convinced the Carter administration to convey to the Kremlin its interest in the trials of several members of the Moscow Helsinki Watch Group.⁹³ In June, the AAP and the International Publishers Association issued a statement reiterating concern for the fate of Yuri Orlov, who had recently been sentenced to seven years imprisonment.⁹⁴ When two leading members of the Moscow group, Aleksandr Ginzburg and Anatoly Scharansky, were nonetheless found guilty of treason several months later, the Carter administration responded by canceling the sale of an advanced computer to the Soviet news agency Tass and by requiring validated licenses for all exports of oil technology to the Soviet Union.⁹⁵ All members of the network nonetheless knew that consistent public pressure would be necessary to sustain the US focus on human rights and Helsinki compliance.

During a series of discussions in 1978 between members of the AAP committee, other human rights activists, Ambassador Goldberg and McGeorge Bundy, president of the Ford Foundation, the decision was made to create an independent Helsinki watch group in the United States.⁹⁶ The US Helsinki Watch Committee was formally established in February 1979 with a \$400,000 Ford grant as "an independent, non-governmental organization composed of a representative group of private US opinion leaders" to monitor domestic and international compliance with the human rights provisions of the Helsinki Final Act and to provide "moral support for the activities of the beleaguered Helsinki monitors in the Soviet bloc."⁹⁷ This was, of course, just what Orlov and his fellow activists had called for two years earlier when they established the Moscow Helsinki Group.

The US Helsinki Watch Committee immediately became a major fixture in the transnational network, and gained a prominent voice in US policymaking on the CSCE, Eastern Europe and the Soviet Union. With its reputation for providing reliable information about human rights conditions in the East, and its ability to

⁹³ Correspondence between Commission chair Dante Fascell, Secretary of State Cyrus Vance and Assistant Secretary of State for Congressional Relations Douglas Bennet, in US Helsinki Commission files.

⁹⁴ US Department of State, *Fourth Semiannual Report*, 26.

⁹⁵ Lisa Martin, *Coercive Diplomacy* (Princeton, NJ: Princeton University Press, 1992), 199. The computers had already been "lobotomized" to prevent military applications, so there was no direct security motive for this policy change.

⁹⁶ Robert Bernstein, interview by author, New York, January 12, 1994; McGeorge Bundy, telephone interview by author, January 24, 1994.

⁹⁷ US Helsinki Watch Committee, "The First Fifteen Months, A Summary of the Activities of the US Helsinki Watch Committee from its founding in February 1979 through April, 1980", unpublished report, 3-4.

organize political pressure within the United States, Helsinki Watch played an especially important role in the early 1980s, when the Reagan Administration's initial skepticism about détente and multilateral institutions led to talk of withdrawing from the CSCE.

Alternative Explanations

While Helsinki norms and the transnational network which emerged around them were certainly not the only factors shaping the rise of the human rights agenda in US policy toward Eastern Europe and the Soviet Union in the mid-late 1970s, potential alternative explanations are all less persuasive. For example, one might argue that the salience of human rights in US policy toward the Communist bloc depended upon the status of East-West geopolitics. By this logic, as long as détente was healthy, Washington would downplay the sensitive issue of human rights, but when détente soured, Washington would use the rights issue as an additional stick to beat its adversary. The first problem with this hypothesis is that the change in US policy began in the fall of 1975, before détente had truly deteriorated; if anything, the new US focus on human rights was a cause, not a result of the decline of détente. Moreover, as documented above in great detail, the focus on human rights in Eastern Europe entered US policy not through the geostrategic calculations of the executive branch (as the hypothesis leads one to expect), but through political pressure from private groups and the Congress.

Suggestions that the declining influence of Henry Kissinger in this period permitted US foreign policy to return to its "normal" tendency to support freedom and human rights, based on assumptions about American political culture and institutions, are no better at explaining this case.⁹⁸ First of all, they offer no explanation for why Kissingerian realpolitik should have declined while he was still in office. And while the argument that US foreign policy reflects fundamental aspects of American political identity is certainly plausible, it is logically inconsistent with the ability of an individual to impose a contrary agenda on US policy for half a decade. Above all, numerous examples of US support for repressive and murderous regimes during this period, and the State Department's stubborn resistance to the agenda of the Helsinki network, are entirely inconsistent with the claim that human rights is a "normal" priority in US foreign policy.

⁹⁸ On Kissinger as an exception to "American exceptionalism", see Samuel Huntington, "American Ideals versus American Institutions". *Political Science Quarterly* 97 (1982) and Tony Smith, *America's Mission: The United States and the Worldwide Struggle for Democracy in the Twentieth Century*, (Princeton, NJ: Princeton University Press, 1994).

A more common explanation for the rise of human rights in US foreign policy during the period is the influence of Jimmy Carter and the "globalist" outlook prevalent in his early administration.⁹⁹ Yet notwithstanding Carter's personal commitment to human rights and the related innovations of his administration, the power of this explanation is seriously undermined by three facts described above. First, US policy toward the East began to change before Carter's election and inauguration. Second, the Helsinki-as-human-rights frame contributed to Carter's narrow victory by weakening the political base of Gerald Ford and delegitimizing his administration's approach to foreign policy. And third, once Carter was elected, the transnational Helsinki network was a constant source of pressure which undermined bureaucratic and political forces within the executive branch still committed to downplaying the human rights agenda.

Others have suggested that the Congress had its own reasons in the early-mid 1970s, unrelated to Helsinki norms or transnational networking, for asserting its voice in US foreign policy and raising the salience of human rights.¹⁰⁰ Vietnam and Watergate had weakened the executive branch and discredited the principles of realpolitik which long justified overlooking human rights. Moreover, the Voting Rights Act and other domestic civil rights accomplishments of the 1960s had reduced the internal political obstacles to emphasizing human rights in US foreign policy. Ever anxious to expand Congressional authority, and more sensitive to public opinion than the executive branch, some members of Congress viewed the human rights issue as a means to assert their independence from the White House while relegitimizing US foreign policy at home and abroad. This much is undeniable.

The first problem with this explanation is the uncertain public commitment to emphasizing human rights in foreign policy. On the one hand, according to a 1978 poll conducted by the Chicago Council on Foreign Relations, 67% of Americans agreed that the US should put pressure on countries that systematically violate human rights. When asked about particular cases, though, public opinion tended not to favor pressuring foreign governments for human rights violations. Moreover, only 1% listed human rights among the top two or three foreign policy

⁹⁹ Joshua Muravchik, *The Uncertain Crusade: Jimmy Carter and the Dilemmas of Human Rights Policy* (Washington, DC: American Enterprise Institute Press, 1991); Jerel A. Rosati, *The Carter Administration's Quest for Global Community: Beliefs and Their Impact on Behavior* (Columbia, SC: University of South Carolina Press, 1991).

¹⁰⁰ Thomas M. Franck and Edward Weisband, *Foreign Policy by Congress* (New York: Oxford University Press, 1979); Kathryn Sikkink, "The Power of Principled Ideas: Human Rights Policies in the United States and Western Europe", in Judith Goldstein and Robert O. Keohane, eds., *Ideas and Foreign Policy: Beliefs, Institutions and Political Change* (Ithaca, NY: Cornell University Press, 1993), 139-72.

problems for the US, and only 39% considered the promotion of human rights a "very important" foreign policy goal.¹⁰¹

The simple domestic politics explanation also cannot explain why Congress would press for human rights in US policy toward Latin America, but largely ignore Eastern Europe until 1975, despite US financial assistance to both regions. One might hypothesize that the Congress ceded East European policy to the White House because the stakes of East-West relations were higher, but that argument is undermined by the Congress' dramatic about-face after 1975. More persuasive is the argument that Congressional interest in human rights conditions in Eastern Europe and the Soviet Union was catalyzed by the Helsinki network after 1975, just as it had been several years earlier by a transnational network focused on the "dirty war" in Argentina, and would be a decade later by a transnational network focused on apartheid in South Africa.¹⁰²

The change in US policy documented in this chapter thus cannot be simply attributed to other factors, such as geopolitical trends, an enduring "national interest," a change of government or domestic political pressure unconnected to transnational networking. The fortunes of detente, American liberalism, the election of Jimmy Carter and the assertiveness of Congress all mattered, but none provides a satisfactory explanation for this historically-significant development in US foreign policy and East-West relations.

In sum, the evolution and effectiveness of transnational issue-networks are best understood as the product of a continuous exchange of ideas, information and resources among non-state and sub-state actors unified and politically-empowered by their identification with international norms. Without the political justifications offered by international norms, transnational networks would find it much more harder to overcome the superior power of states. At the same time, without the pressure applied by these transnational networks, many policy outcomes we take for granted would never have occurred. The interaction of transnational networks and international norms thus deserves greater attention in all areas of world politics, whether our goal is explanation or understanding, prediction or policy design.

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¹⁰¹ Cited in David Skidmore, *Reversing Course: Carter's Foreign Policy, Domestic Politics and the Failure of Reform* (Nashville: Vanderbilt University Press, 1996), 92-3.

¹⁰² Sikkink, "Human rights, principled issue-networks, and sovereignty in Latin America"; Audie Klotz, *Norms in International Relations: The Struggle Against Apartheid* (Ithaca, NY: Cornell University Press, 1995).



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