

Dear Sir/Madam,

I write to express my objection to the Commission, but more importantly, my sadness to learn that a project established in the name of human rights would, in fact, be detrimental to the very cause that it purports to champion. I don't doubt the sincerity and goodwill of the Commission's participants and supporters. I am convinced, however, from the perspective of 40 years of human rights work, that the Commission, as defined and designed, will set back, rather than advance, the cause of human rights in the US and abroad. This is true for all human rights, including those that the Commission would designate as "unalienable."

There are three realms in which the notion of distinguishing "unalienable" rights from other rights is misguided.

First, the proposition that some rights are alienable while others are disposable misconstrues the very essence of rights. They are interdependent. One cannot establish a hierarchy among rights to life, education, privacy, health, religion, due process and equality under the law, housing, environmental integrity, etc. without placing the very notion of rights at risk. Without social and economic rights, one lacks the wherewithal to advocate for civil and political rights. Without civil and political rights, there are no mechanisms for the vindication of social and economic rights.

Second, the very premise of the Commission dismisses out of hand the fact that there exists a consensus of an international community of nations among which a package of rights has been recognized. Although international treaties reflecting those rights do provide for derogation of certain rights in times of national emergency that threatens the life of the nation, there is no support for the notion that some rights are per se unalienable, while others are dispensable. It is a dangerous folly for the United States to promote a contrary notion. Dangerous because it threatens the fundamental purpose of human rights: to promote equality before the law and human dignity. Folly because it threatens to distance the United States from its friends, allies, and trading partners at a time that the global economy, movement of persons and climate change require coordination. American exceptionalism in this regard is little more than a recipe for assuming added burdens that come with added isolationism.

Third, U.S. human rights practice and policy cannot be established on the basis of domestic effects, alone. Should the United States veer away from its established international human rights obligations as reflected in the ICCPR and other instruments to which we are a party, the effect on other, less stable democracies would be a lurch toward further authoritarianism. This, in turn, would threaten international peace and security that is essential to American, as well as other peoples' well-being. This is not speculation, it is already a measurable trend.

Many others have written to you with detailed examples of how the Commission's ill-conceived mission harms the cause of human rights. I will not repeat those examples here, but I do hope that my three points will be considered in light of the many examples provided by other Commission skeptics.

Sincerely,

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