



*BFF Working Group on Human  
Rights Reports: Reclaiming the  
Human Rights Tradition*

State Department must rediscover America's  
Natural Rights roots and make DRL part of a U.S.  
national interest foreign policy.

## **The American Human Rights Tradition**

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. --That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed...*

The Government of the United States was founded on the premise that the very purpose of governments is to secure the unalienable rights of human beings. While governments change, evolve, rise and fall, unalienable rights, and the duty of governments to protect those rights, have remained constant through the centuries.

Closely tracking John Locke, who in turn channeled the Roman Stoics, our founding documents identify life, liberty and the pursuit of happiness as the three foundational unalienable rights from which most human rights proceed. The right to life speaks to the government's duty to protect the physical person, so no extrajudicial killings, torture, or arbitrary arrests or detentions. The right of liberty speaks to the duty of the government to protect the ability of the individual to engage in the life of the polis including the freedoms of speech, assembly, press and in all public forums.

The right of the individual to the freedom of the pursuit of happiness, or εὐδαιμονία, that Jefferson added to our Declaration in some ways sums up all these rights and even shows the purpose of rights. It is critical to understand that what makes us "happy" both follows along the contours of nature and calls us to be our best selves. So, freedom is defined both in terms of what will allow us to reach our full potential and in terms of what enables us to flourish as human beings. This accounts for the emphasis the Founders placed on instilling virtue into the populace and also the strong sense of family values among conservatives, as mankind is no different from any other species in the natural imperative to renew life through offspring.

The understanding of the pursuit of happiness is actually the fault line over which we are now fighting the progressive left. Put simply, when Thomas Jefferson stated that governments have a duty to protect the right of individuals to pursue happiness, he meant that the government should protect our ability to come to our full potential as human beings. The left often conflates the pursuit of happiness with a voluntarist sensibility that any restriction on the human will necessarily inhibits happiness, even if a given decision demolishes human freedom, or the ability of an individual to flourish in any sense. Thus, we have to make a distinction early on between natural rights, which are universal and come with an imperative on the part of governments to protect and foster, and positive rights,

which are not anchored in any unalienable right but which governments may nevertheless decide to protect for the public good. What is important is that while some unalienable rights may only be temporarily abridged for a limited time and with the highest amount of scrutiny and due process, there is no similar legal duty to protect positive rights, so the government may allow them or not at its discretion.

### **The Natural Rights Tradition**

Jefferson's and our other Founders' extensive legal tradition of protecting natural rights were key sources used in drafting the Universal Declaration of Human Rights (UDHR) and its companion the International Covenant on Civil and Political Rights (ICCPR). We note that the drafters of the UDHR had to make many compromises with countries such as the USSR to get the necessary consensus for it to pass. Nevertheless, the UDHR along with the ICCPR are excellent sources for what we call universal rights. They are universal because nearly every country in the world has formally adopted these documents. Both track closely with our own human rights tradition, and follow the familiar, albeit expanded format of elucidating the freedoms of life, liberty, property, and the pursuit of happiness. While not identical, the natural rights identified in the UDHR and ICCPR track very closely with our own American tradition of rights. Because most of the world has either affirmed the UDHR or ratified the ICCPR, they form a common body of rights around which we can frame a discussion. Since the rights are fundamental, when a country falls short of its obligation to protect and foster these rights, it is all the easier to call that country to account.

### **Natural Rights as a National Security Imperative**

Countries that respect and foster human rights are more stable and stronger partners. Also, since a key goal of protecting human rights is to enable human flourishing, countries that respect human rights tend to do much better economically. Conversely, countries that do not respect human rights, tend to be worse partners, and since they do not enable the flourishing of their citizens, they tend to be much poorer economically. For these reasons and more, the United States has traditionally regarded the promotion of democracy and human rights as a national security imperative. In the modern competition of nations, Washington policymakers must wisely integrate that imperative into an enlightened national interest foreign policy. As proclaimed from John Quincy Adams to Ronald Reagan, the American example of liberty is our most powerful, long-term, human rights tool. U.S. multilateral engagement on human rights must resist the ideology of

victimization, weaponized by the left to undermine the rule of law and even to justify unauthorized migration across national borders. Wise human rights policy supports authentic victims in their homelands and geographic regions; it does not relocate victims to the United States, but forces human rights violators, be they state or non-state actors, to end their abuses. Authentic human rights can neither be invented nor eliminated; they arise from our nature as human beings. When countries invent rights out of whole cloth – as the Obama and Biden Administrations did, the concept of “human rights” becomes politicized and is (correctly) seen as a form of cultural imperialism that diminishes respect for the human person, for national sovereignty, and the cause of freedom.

### **What Should the Focus of a Downsized Bureau of Democracy, Human Rights, and Labor (DRL) Be?**

Recognizing that all Americans share a common human rights heritage, we look forward to the shift in the promotion of democracy and human rights to the regional bureaus, where it can be better integrated into the efforts of those bureaus to make America safer, stronger, and more prosperous.

### **Bad Human Rights Policy Hurts Human Freedom**

While every country has the right to promote whatever positive rights it may choose, in general, when these are conflated with natural rights, it almost always has the effect of damaging human freedom, which is predicated on the ability of individuals and the communities in which they live to work together to reach their full potential as individuals and communities. The progressive left conflates the concept of “freedom” with the unfettered ability of individuals to accomplish any act of the will, including things that clearly demolish freedom, like legalized recreational drugs, abortion, the mutilation of the genitals of children who express any form of gender confusion, and more. While governments may empower such lifestyle choices as matters of public policy (positive rights), there is nevertheless no underlying duty to support or protect choices that destroy freedom. DRL/ONR will be on the forefront of defending human freedom.

### **Office of Natural Rights (DRL/ONR)**

DRL/ONR will play a key coordinating role in the Department in defining human rights, and importantly, not letting actors further damage respect for human rights by conflating positive rights, which are unmoored in any historical tradition, with natural

rights, which have been recognized for at least two millennia. At present, there is a strong and ongoing attempt to redefine human rights in terms of positive rights created by special interests and laundered into public policy through the usual political nexus.

### **Office of Reports and Sanctions (DRL/REP)**

The role of DRL/REP will be key in maintaining the integrity of the definition of natural rights. Since DRL/REP will undoubtedly play a coordinating role in all DRL family reports, it will be well-positioned to maintain consistency on human rights reporting across all the reports. This is an opportunity for DRL to build on its previous reputation as maintaining the “gold standard” of human rights reporting with and even higher standard of excellence and to unify the way natural rights are presented across all of the State Department’s congressionally mandated human rights reporting.

We support the use of national interest waivers in implementing the Leahy Law when doing so would further human rights. Many countries are afraid to use their security forces where doing so would be a legitimate use of force and would prevent killings and humanitarian disaster caused by armed groups because of fear of losing U.S. assistance due to the Leahy Vetting process. The Administration needs to take a more nuanced and balanced approach to this so that such governments feel empowered to use their security forces in the interests of preventing human rights abuses and humanitarian disasters.

### **Office of Free Markets & Fair Labor (DRL/MNL)**

By standing up for American workers—raising wages, enforcing safety standards, and demanding real, corporate accountability—DRL/MNL not only strengthens family-supporting jobs at home, but we also raise the bar for workers abroad. When foreign countries exploit labor or ignore their own safety laws, they undercut American workers and risk losing access to the U.S. market. Fair labor in trade is the only moral option: It levels the playing field and lifts standards for workers everywhere. We are done with symbolic gestures. Our goal is clear: jobs, dignity, and security for every American worker, and respect for all those who labor in the worldwide supply chain.

### **Foreign Assistance**

We are excited that President Trump has made a serious attempt to realign our foreign assistance with U.S. interests. Correctly oriented human rights funding fosters

countries that are better international partners, and are more focused on promoting the ability of their citizens to come to their full potential, so such funding is an investment in a more prosperous America as well. Previously, in the human rights sphere, it was used to promote leftist ideology, in particular in developing countries where our assistance had an outsized impact on their economies, and was all the more difficult to refuse. In addition, it became a form of NGO welfare to prop up fellow progressive travelers in civil society. We urge the president to continue his bold and needed work of reforming our foreign assistance, using it only where it will make America safer, stronger, and more prosperous.