Extent

46 folders, approximately 1,916 pages

Summary

This collection consists of records related to Executive Order 13107 – Implementation of Human Rights Treaties. It includes memos related to the presentation of the executive order and the drafting of same. The majority of memos and e-mail concern the Universal Declaration on Human Rights (UDHR) 50th anniversary event. The collection also contains memos, e-mail, correspondence, agenda, and summary of conclusions related to the Interagency Working Group on the Implementation of Human Rights Treaties.

Scope and Content Note

The materials in FOIA 2011-0168-F are a selective body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials.

This collection includes the staff and office files of the National Security Council (NSC) and responsive records from the Automated Records Management System [Email], and the Cable, Email and Records Management System of the NSC. This collection includes memos, correspondence, and e-mails. The memos are related to the presentation of the executive order and the drafting of same. The majority of memos and e-mail are related to the Universal Declaration on Human Rights (UDHR) 50th anniversary event. Also included are speech drafts for the UDHR event. The collection also includes memo, e-mail, correspondence, agenda, and summary of conclusion related to the Interagency Working Group on the Implementation of Human Rights Treaties. Related to this are records associated with the amicus brief filed in the case of Michael Domingues v. State of Nevada.

Biographical Note

In his Sixth Annual Message to the Senate and the House of Representatives George Washington stated that he anticipated that the United States would be a safeguard of human rights. Thomas Jefferson lauded the signing of the Slave Trade Act of 1807 noting that its acceptance withdrew, “the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa.” These sentiments of protection of human rights were echoed in the words of Franklin D. Roosevelt when he said, the United States was “a new world where freedom and tolerance and respect for human rights and dignity provided an asylum for the oppressed of the Old World.” Herbert Hoover, in celebration of George Washington, noted that, “our Nation has builded up during this century and a half a new system of life…[which] is assured by a glorious charter of human rights.”

Eleanor Roosevelt became Chairman of the United Nation’s Commission on Human Rights in 1946. The commission’s eighteen members sought to define basic human rights and freedoms. In 1948 the United Nations adopted the Universal Declaration on Human Rights and from this came a number of treaties based roughly on Franklin Roosevelt’s Four Freedoms. Though American diplomats played an important part in drafting the UDHR and its related treaties there have been several human rights treaties that the United States refused to ratify or even sign.

The United States has been widely criticized for its inaction, or hypocrisy as some have described it, on human rights issues. When President William J. Clinton came to office, the United States was signatory to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Elimination of All Forms of Discrimination Against Women. The United States Senate had not however, consented to ratification for either. The U.S. had not even signed the Convention on the Rights of the Child.

Protecting or advancing of human rights was central to much of the foreign policy action taken by the United States during the Clinton administration. In 1994, the United States ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention Against Torture and Other Cruel,

Inhuman, or Degrading Treatment or Punishment (Torture Convention). Clinton signed the Convention on the Rights of the Child on February 16, 1995. Even with these ratifications and signatures the United States was roundly criticized. The United States is one of only three nations not a full party to the Convention on the Rights of the Child. The ICERD and the Torture Convention were consented to ratification with reservations by the U.S. Senate.

It is standard practice for the Senate to consent to ratification of treaties with reservations. The reservations state that the treaty is not self-executing. In other words for a treaty to be binding in the United States the parts of the treaty would have to be made U.S. law. The result, either intended or unintended, is that treaties often get ratified without any real change in the United States. In the 1990s that, increasingly, led to a call in the international community for the United States to examine its own human rights history. What ultimately became Executive Order 13107 was proposed by the Department of State in 1997 to help further the process of becoming full party to these international treaties and improving the place of the United States.

Executive Order 13107 reminded Executive branch Departments and Agencies that we were parties to these treaties. It ordered agencies to create a designated point of contact for human rights issues. Each agency was to address human rights complaints that fell within their mode of operation. It created an Interagency Working Group on Human Rights Treaties. Lastly it stated that nothing in the EO would override existing U.S. law.

There was tremendous concern among many members of the Congress and the public that it allowed the President to automatically and unilaterally ratify treaties which was not true. There was also great concern that it gave control of United States law to the United Nations or some other party. Which again was not true and the administration had to explain to members of Congress.

The Interagency Working Group on Human Rights Treaties met for the first time in January 1999. They met each month through 1999 and 2000. The committee was headed by the National Security Council with representation of the Department of State, and the departments of Justice, Labor, Interior, and others.

Record Type

Textual

System of Arrangement

Records that were responsive to this request were found in these collection areas—Clinton Presidential Records: White House Office of Records Management (WHORM) Subject Files, White House Staff and Office Files, Clinton Presidential Records: Automated Records Management System [Email], Clinton Presidential Records: NSC Cable, Email, and Records Management System.

The White House Office of Records Management (WHORM) contains a variety of series created to organize and track documents and correspondence. The WHORM Subject File is a series of categories designated by a letter/number combination.

WHORM files are processed at the document level; whereas, Staff and Office files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area.

The Automated Records Management System (ARMS) is a database that contains email records of the Executive Office of the President. This system maintained unclassified Presidential email. The ARMS database is comprised of six sub-series of email records called "buckets." The buckets generally represent a specific White House office. The buckets are titled: NPR for National Performance Review, OPD for Office of Policy Development, POTUS for President of the United States, WHO for White House Office, CEA for Council of Economic Advisers, and Default for emails not associated with an office.

The NPR bucket contains email created or received by an individual with a National Performance Review (NPR) White House user account. The OPD bucket contains email created or received by an individual with an Office of Policy Development (OPD) White House user account. The POTUS bucket was designated for email

created and received by the President of the United States (POTUS). Please note that President Clinton never used his POTUS White House user account to send the few emails he wrote while in office. The WHO bucket contains email created or received by individual with an Executive Office of the President White House user account not identified as CEA, NPR, or OPD. The CEA bucket contains email created or received by an individual with a Council of Economic Advisors (CEA) White House user account. The Default bucket contains email created or received by unknown or un-recognized email accounts. Email found within the Default bucket often includes email created or received by offices or individuals outside the Executive Office of the President. ARMS email are arranged by topic, there-under by bucket, and there-under chronologically by creation date.

FOIA 2011-0168-F includes WHORM records from these subject codes:

[FE003]	[Executive Orders]
[FG005]	[Independent Agencies, Boards and Commissions]
[HU]	[Human Rights]

Access

Collection is open to all researchers. Access to Clinton Presidential Records is governed by the Presidential Records Act (PRA) (44 U.S.C. Chapter 22) and the Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (17 U.S.C. Chapter 1) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of William Jefferson Clinton’s presidency are housed at the Clinton Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Topical Subjects

Human Rights

Container List

View all digitized files in the National Archives Catalog (NAC)

The following is a list of documents and folders processed in response to 2011-0168-F:

Box 1

Clinton presidential Records: WHORM: Subject File

Category	Case Number
FE003	289350
FE003	295297
FE003	304367
FG065	304121
HU	287021SS [1]
HU	287021SS [2]
HU	298673SS

Clinton Presidential Records: White House Staff and Office Files
National Security Council
Legal Advisor
Allen, Charles

Human Rights [OA/ID 2672]

Krass, Caroline
Clinton Presidential Records: White House Staff and Office Files (continued)
Interagency Working Group: Human Rights Treaties [1] [OA/ID 3114]
Interagency Working Group: Human Rights Treaties [2] [OA/ID 3114]
Interagency Working Group: Human Rights Treaties [3] [OA/ID 3114]
Interagency Working Group: Human Rights Treaties [4] [OA/ID 3114]
Interagency Working Group: Human Rights Treaties [5] [OA/ID 3114]
Interagency Working Group: Human Rights Treaties [6] [OA/ID 3114]

Box 2

National Security Council
Legal Advisor
Krass, Caroline
Interagency Working Group: Human Rights Treaties [7] [OA/ID 3114]
Interagency Working Group: Human Rights Treaties [8] [OA/ID 3114]

Clinton Presidential Records: White House Staff and Office Files
National Security Council
Multilateral and Humanitarian Affairs
Metzl, James
Human Rights [OA/ID 1349]
Stromseth, Jane/Feldman, Daniel/Shea, Dorothy
Human Rights Treaty Implementation [1] [OA/ID 2975]
Human Rights Treaty Implementation [2] [OA/ID 2975]
Strategic Planning
Moffett, Julia
Human Rights [OA/ID 837]

Clinton Presidential Records: Automated Records Management System [Email]
Default [OA/ID 1100000]
[E.O. 13107 or Human Rights Treaties]
[12/6/2000 – 12/07/2000]
OPD [OA/ID 250000]

[E.O. 13107 or Human Rights Treaties]
[12/10/1998]
WHO [OA/ID 500000]
[E.O. 13107 or Human Rights Treaties]
[12/29/1998 – 12/28/1999]
NSC [OA/ID 1200000]
[Human Rights Treaties, Executive Order, 13107]
[12/09/1997-12/28/1999]

Clinton Presidential Records: NSC Cable, Email, and Records Management System
NSC Cables
Jan 1997-Dec 1998 [OA/ID 520000]
[Executive Order, Human Rights Treaties]
[12/11/1997-12/17/1998]

Clinton Presidential Records: NSC Cable, Email, and Records Management System (continued)
NSC Email
MSMail-Record (Sept 94-Sept 97) [OA/ID 590000]
[Executive Order, Human Rights Treaties]
[04/28/1997]
Exchange-Record (Sept 97-Jan 01) [OA/ID 620000]
[E.O. 13107]
[01/20/1999-03/26/1999]

[Executive Order, Human Rights Treaties]
[04/09/1998-11/03/1998]
[11/03/1998-11/18/1998]
[12/05/1998-12/09/1998]
[12/09/1998-12/10/1998]
[12/10/1998-11/09/1999]
[11/09/1998-01/10/2001]

Box 3

Clinton Presidential Records: NSC Cable, Email, and Records Management System
NSC Email

Exchange-Non-Record (Mar 97-Jan 01) [OA/ID 630000]
[E.O. 13107]
[01/05/1999-09/26/2000]
[Executive Order, Human Rights Treaties]
[12/17/1997-11/16/1998]
[12/07/1998-03/24/1999]
[05/18/1999-12/14/2000]
NSC Records Management System
[Executive Order, Human Rights Treaties, 13107]
9305259 [OA/ID 1376]
9708457 [OA/ID 1659]
9807337 [OA/ID 2066]
9808541 [OA/ID 2074]
9900488 [OA/ID 2708]
9900835 [OA/ID 2710]
9901091 [OA/ID 2712]
9902637 [OA/ID 2722]
9904342 [OA/ID 2733]

Content Available Online