

COMMISSION on UNALIENABLE RIGHTS NEEDED

One of the best gifts to emerge from the Trump administration is the creation of the State Department's Commission on Unalienable Rights. It is a tribute to Secretary of State Mike Pompeo that he appointed his mentor at Harvard Law School, Mary Ann Glendon, to chair the commission.

Left-wing legal groups, which think they own the subject of human rights, are apoplectic at the very thought of such a commission. A coalition of 430 left-wing organizations have asked Pompeo to dismantle this human rights commission. Their arguments are so weak as to be embarrassing.

"We object to the Commission's stated purpose," the letter says, without ever stating what that purpose is. The stated purpose is two sentences long. "The Commission will provide the Secretary of State advice and recommendations concerning international human rights matters. The Commission will provide fresh thinking about human rights discourse where such discourse has departed from our nation's founding principles of natural law and natural rights."

It is the second sentence that clearly bothers the critics. "Fresh thinking" about human rights is surely a worry to those stuck in neutral. To be sure, change can be painful, but to those who do not regard intellectual maturation to be a problem, it can yield many benefits.

Natural law and natural rights are the bedrock of our freedoms. Enshrined in the Declaration of Independence, they give homage to the Creator, the proper author of unalienable rights.

Appeals to natural law are what allowed for the dismantling of slavery. Similarly, Nazis accused at Nuremburg could not have

been convicted by appealing to the positive, or government generated, law. The Nazis maintained, quite properly, that they were simply following orders. It took the invocation of natural law to convict them. The court held that the Nazis knew in their heart that the intentional killing of innocent persons was wrong.

Critics of the Commission say it “lacks ideological diversity.” This is risible: the coalition is comprised of the most ideologically pure organizations in the nation.

Here are just a few: American Atheists, the ACLU, Amnesty International, the ADL, Freedom From Religion Foundation, NARAL Pro-Choice, and the Open Society Foundations (run by George Soros). It also includes such stellar groups as the Sex Workers Project at the Urban Justice Center, a pro-prostitution entity funded by Soros.

Take the last one. No wonder the coalition is upset: no student of natural law and natural rights considers prostitution to be an unalienable right. Indeed, the right to trade one’s body on the street is one of those invented “ad hoc” rights.

The distinction between “unalienable rights” and “ad hoc” rights is what upsets the coalition. Pompeo drew the distinction when he announced the formation of the Commission. “The proliferation of rights not only causes tensions between rights claims,” he wrote in the *Wall Street Journal*, “it ‘blurs’ distinctions between universal, God-given rights and ad hoc state-based rights, threatening to erode the very basis of our liberal democracy.”

Pompeo learned a lot from Glendon. In her masterful book, *Rights Talk*, published in 1991, she said that the “rights-bearer as a lone autonomous individual” is closely tied to the tendency to see rights as absolute. That vision is exemplified by the ACLU (which Bill Donohue detailed in *The Politics of*

the American Civil Liberties Union and Twilight of Liberty: The Legacy of the ACLU). It entails such fanciful rights as dwarf tossing, mud wrestling, and the sale and distribution of child pornography.

Among the critics of the Commission are some Catholic figures. They are lead by Miguel Diaz, Marianne Duddy-Burke, Mary E. Hunt, and Father Bryan Massingale. That's quite a quartet.

Diaz was the U.S. Ambassador to the Holy See under Obama (a post held earlier by Glendon under George W. Bush). He was also a tireless champion of Kathleen Sebelius, the Secretary of Health and Human Services who tried to force Catholic non-profits to pay for abortions. Sebelius was most known for her work supporting Dr. George—"the Killer"—Tiller, the infamous partial-birth abortion operative.

Duddy-Burke is executive director of DignityUSA, a pro-homosexual "Catholic" group that rejects the Church's teachings on sexuality.

Hunt is most known for rejecting the Church's teachings on ordination and for accusing the Church of bigotry.

Massingale is a Milwaukee priest and Fordham professor who opposes religious liberty and rushes to the defense of gays who oppose Church teachings on homosexuality.

Ideological diversity, anyone?

What is driving the coalition of critics is their unanimous support for the rights of gay and transgender activists and their dismissive, if not contemptuous, posture towards religious liberty. Whenever there is a conflict between gay rights and the First Amendment right to religious liberty, they side with the former against the latter.

In short, their interpretation of human rights has nothing to do with the principles and tenets of the Founders. Their

vision is one of radical individualism and radical egalitarianism, two of the most pernicious ideological strands in American society.

Good luck to Mike Pompeo and Mary Ann Glendon. They are two of the most brilliant and dedicated Americans in public life today.