



Commission on Unalienable Rights
U.S. State Department

August 18, 2020

Second memorandum on Draft Report and the need for further deliberations

Once [again](#), we thank commissioners for finishing the draft report and, as far as constitutional interpretation goes, having successfully separated the wheat from the chaff.

With this [report](#), leaders and public servants have another document that illustrates the principled foundation underpinning Western/World civilization. They have a document to remind them of state obligations, while the people have a document that helps them understand proper rights reasoning. Commissioners have not only noted the common philosophical tradition giving birth to the US Constitution, the Universal Declaration of Human Rights, and other international accords. You have stressed the danger of abiding by systems of arbitrary law, the corruption that subsists in high places, and the need to deal more confidently with allegations of human rights violations.

Thus, in narrow terms, you have successfully completed your [mandate](#). To the extent that judgments about certain policies are beyond the scope of this mandate, commissioners have done a good job in laying out the perimeters of rights-reasoning, and the US State Department has a revitalized foundation on which to build diplomacy and to ensure a better world.

Even so, a larger picture remains ignored. As [documented](#) in previous communication, U.S. citizens have been denied constitutional rights and a principled review of drug policy more than 100 times. No country has a poorer record of human rights in this area, and as the Commission is “to furnish advice to the Secretary for the promotion of individual liberty, human equality, and democracy through U.S. foreign policy”, we recommend the formation of a subcommittee to look into the alleged [incompatibility](#) between human rights principles and prohibitionist drug policies.

Crisis and Opportunity

This is the only way to deal effectively with the material in your possession. You already know that “the American model will serve as an inspiration to others only so long as we ourselves recognize the gap between our principles and the imperfections of our politics and can demonstrate, as we ask of others, tangible efforts at improvements.” Thus, closing the gap



between theory and practice is of utmost importance, and lest commissioners can find defects in the rights-reasoning, the matter should be dealt with swiftly both nationally and internationally. There are good reasons for this. As noted by the Secretary of state, we have not only arrived at a crisis in the human rights project, but at a crisis in our culture. Nationally, the social upheaval troubling America can be argued to be a result of deep-seated injustice, of a 50-year systemic incentive to ignore [legitimate](#) rights-claims, whereas internationally China and other countries have been attacking the foundations and premises of the modern human rights project.

In the spirit of collectivism, these countries use a right to development to trample individual rights. From a constitutional perspective, this makes no sense, but the moral standing of America's rights-tradition is in decline. As noted by the Commission, internally, it has been "attacked by the silent artillery of time", while other nations have been quick to charge that the US government's domestic failures destroy its standing to defend universal human rights.

This crisis, then, can only be remedied by further deliberation. Not only did hypocrisy and double standards among western nations ensure the rise of fascism and communism. It is the same double standards that ensure the proliferation of prohibitionist drug policies today, and now that commissioners have strengthened the principled foundation for the rule of law, the US State Department should delve into this [bit](#).

After all, what tyrants truly fear is the ideals, values and principles that gave birth to this great land. There is no greater threat to oppressive regimes than that of a good example, and to the extent that America deals with her own issues, other nations can be expected to follow.

We therefore ask the secretary to establish a subcommittee to carry out assigned responsibilities. In a time where international bodies are [failing](#) and [failing](#), millions are looking to the United States as a beacon of hope and encouragement, and a continued failure to deal with the [problem](#) of arbitrary persecution can only undermine the global human rights project. Hence, to complete its mandate, the Commission should prepare a report which also includes this important issue.

While commissioners avoid judgement on policy issues, several problematic areas are already cited. The migration of people, global pandemics, Beijing's social credit system, emerging technologies, as well as the rise of human rights violations by non-state organizations, is observed as daunting challenges to human rights. We agree, but object that drug policy is not mentioned.

This is anachronistic. The last ten years, the UN drug control conventions have gone from being interpreted in light of a drug free ideal (and prohibition as a sensible venture) to accepting realities on the ground and the intention to protect the health and welfare of mankind. Building upon this shift, the problematic relationship between drug policy and constitutional principles deserves due attention. Canada and other nations are increasingly relying on human rights conventions to justify a regulation of drug markets, and the United States has a wonderful opportunity to redeem itself.

Facing mistakes

We say "redeem", as the US government for more than a century has used its might to advocate prohibitionist policies. Without this pressure, the UN drug control conventions



would not have emerged to wreak such havoc upon the world. Nor would the INCB and other international bodies have evolved to propagate policies [incompatible](#) with human rights conventions. Reason, not prejudice, would have been allowed to influence drug policy, but this shift has been slow in coming. Rather than the light of first principles, moral panic and scapegoating has ruled the day. For 70 years American diplomats have committed to policies of prohibition at the expense of great suffering, and commissioners now have an opportunity to undo this injustice, making the world a new and better place.

If you do not, China and other nations can be expected to continue to undermine the rule of law with increasing efficiency. The principled foundation of Western civilization will become mere food for thought, until the people once again awaken to their founders' call and institute a new government—one more respectful of those tenets as to them shall seem most likely to effect their Safety and Happiness.

Such revolution, we have learned, involve much violence and suffering. Even so, streets are continually filling with protesters, and it would be a great shame if this opportunity is missed. Fortune has created a window for America to deal with the factionism and unconsciousness which has kept the spirit of freedom at bay, and commissioners can bring a vigor and commitment to the table that has not been seen in hundreds of years. We therefore expect to see the Commission expand its scope and look forward to seeing America reclaim her position as a top human rights defender.

Yours sincerely,

A handwritten signature in black ink that reads 'Roar Mikalsen'. The signature is fluid and cursive, with a prominent 'R' and 'M'.

Roar Mikalsen
President of AROD
The Alliance for Rightsoriented Drug Policies