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Paradoxical Policies: The emergence of human rights legislation in the United States vs. the support for the occupation of East Timor during the Ford presidency

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Introduction

It was on the 7th of December 1975 when Indonesian troops under command of president Suharto initiated the invasion of the territory of East Timor. East Timor, a small island state located not far from the Indonesian archipelago, had previously been a colony of Portugal for more than 400 years. In 1974 Portugal had started to decolonize the state and debate upon the future of East Timor arose. Various parties favoring different options developed, the most important ones being the Timorese Popular Democratic Association (Apodeti), the Timorese Democratic Union (UDT) and the Social Democratic Association of Timor (ASDT) which was later renamed Fretilin. Whereas the smallest one, Apodeti, favored annexation by Indonesia, the latter two supported gradual decolonization; UDT preferring a federation with Portugal and Fretilin favoring complete independence. As a result, the UDT and Fretilin formed a coalition, which due to a coup d'etat by UDT and a subsequent civil war swiftly disintegrated again. Fretilin won the war and declared Timorese independence on 28 November 1975. Fearing the development of a radical neighboring state, Indonesia started raising the pressure on East Timor and eventually launched a full-scale invasion in December 1975 (Scott and Stankovitch 7). In July 1976 East Timor was officially annexed by Indonesia and remained occupied until 1999 (Crawford and Lowe 204; "East Timor Revisited"). Only decades later it was revealed that the United States (US) government had played a major role in the invasion and subsequent occupation by Suharto's army ("East Timor Revisited").

One might wonder why the latter is a significant fact to mention, yet the story gets increasingly relevant and interesting when one compares this role of the United States in East Timor to the developments unfolding domestically in the US. Throughout the 1970s, namely, the human rights movement in the United States had been experiencing a revolutionary surge.

Interest for international human rights grew immensely, a large network of human rights activists was starting to evolve and as a result a remarkably high amount of human rights legislation was passed (Neier 165). Gerald Ford, who was president at the time, had for instance just traveled to Helsinki to sign one of the most ground-breaking pieces of human rights legislation of the Cold War (Best et al. 287). Meanwhile, the invasion of East Timor which enjoyed support from the US government has instigated a "brutal" and massive series of gruesome human rights violations, with a third of the East Timorese population dying as a result of "war, relocation and famine, massacres and human rights abuses" (Scott and Stankovitch 7).

The contrast between the American foreign policy conducted in East Timor and the policies emerging in the United States domestically is enormous. Thus, an interesting question arises: how could it have been that these contradicting developments occurred simultaneously? Surprisingly, however, although there is a great bulk of literature on this paradox between American ideals and values and American government, most of the literature has its focus on developments in Latin America or Vietnam. The relation to East Timor often remains to be discussed merely superficially and is often not directly connected to the domestically emerging human rights legislation. For instance, in the famous book *Reclaiming American Virtue: The Human Rights Revolution of the 1970s* by Barbara Keys, only a small segment is attributed to the occupation of East Timor whilst Chile and Vietnam are elaborately discussed (Keys). Since the National Security Archive (NSA) published a series of declassified government documents on the occupation of East Timor in 2001, which revealed the large role of the United States in the matter, there has been a slight increase in literature on the subject, however the involvement of the United States in East Timor is generally still touched upon merely descriptively ("East Timor Revisited"). For instance, even in the Electronic Briefing Book in which the NSA published the declassified documents, the involvement of the United States in East Timor is discussed, yet the

motivations behind this remain largely untouched by the author ("East Timor Revisited"). Most of the literature on the role of the United States in East Timor instead seems to have its focus on the final years of the Indonesian occupation, as can be seen inter alia in *Out of the Ashes*, a work edited by Fox and Babo Soares in which they elaborately discuss the invasion and subsequent occupation of East Timor yet in which the United States solely enters the scene in the 1990s, when the struggle for East Timorese independence is almost to an end (Fox and Babo Soares). A clear gap is therefore left in the existing literature. Hence, this research will elaborate on how the stark contrast between US involvement in the invasion and occupation of East Timor and the emergence of human rights legislation during the Ford presidency can be understood and explained. The contradiction between American values and American actions during the Nixon and Ford presidencies is often explained to be created by the superiority of Cold War interests, inter alia by political scientists Clair Apodaca and Michael Goodhart (Apodaca "U.S. Human Rights" 68; Goodhart 112). This research does not serve to prove these authors completely wrong. However, it will elaborate on the matter in a more inclusive manner by showing that the complexity behind the contradiction in policy reaches further than mere Cold War interest.

It will do so by first discussing the emerging human rights movement and its influence on legislation during the presidency of Ford. Secondly, it will elaborate on the human rights violations committed during the occupation of East Timor and the involvement of the United States in the Indonesian invasion and subsequent occupation. Thereafter, the research will provide and analyze possible explanations for the existence of these two strongly paradoxical policies supported by the Ford government, elaborating on how the two agendas relate to each other. As this research will attempt to provide a fresh approach to the existing literature, it will provide new perspectives on the period of the Ford presidency and on the use as well as the

inferiority of human rights in US foreign policy. In order to analyze the relation between the emergence of human rights legislation during Ford's presidency and the support for the occupation of East Timor by the United States at the time, this research will be based on qualitative research mainly reflecting on existing academic secondary sources. However, it will make use of primary sources as well, such as the series of declassified documents of the NSA concerning East Timor, which contain documentation on conversations of various officials within the Ford administration on the issue, and the final report of the Commission for Reception, Truth, and Reconciliation in Timor-Leste (CAVR), which was established in 2002 during the U.N. transitional government in East Timor to investigate human rights violations committed in East Timor between 1974 and 1999 ("A Quarter Century of U.S. Support for Occupation").

1. The emergence of human rights legislation during the Ford presidency

The 1970s marked an era of great change that is often referred to, for instance by historian Samuel Moyn, as the "era of human rights" (214). Although many devote this emergence of human rights legislation to Jimmy Carter, the president who most famously promoted a strong agenda for human rights, much of the influential human rights legislation of the 1970s was actually passed during the presidency of Carter's predecessor, Republican president Gerald Ford (Neier 165). Although Ford served as president for a relatively short period of time, from the resignation of Nixon in 1974 until electoral defeat in 1977, his presidency marked a time in which human rights legislation was brought to the forefront of American politics, long before Carter would enter the scene (Neier 165). Multiple laws meant to globally secure human rights were signed of which some famous examples are the Helsinki Accords of 1975 and the Jackson-Vanik Amendment of 1975 (Stuckey 15; Best et al. 287). However, while president Ford indeed publicly promoted a human rights agenda, many scholars devote the emergence of human rights legislation to more factors than solely him. Rather, the reality behind the emergence of human rights legislation in the 1970s proves more complex and involves three key agents behind the growing body of human rights legislation: non-governmental actors, Congress and president Ford.

1.1 The non-governmental origins of the human rights movement

Many claim the source of the emergence of human rights legislation in the 1970s can be found

amongst the public, in the non-governmental domain. Neier, for instance, claims that the development of the press greatly influenced the awareness of human rights violations and as a result instigated doubts about American foreign policy. He explains how, while journalists previously had reported from their own national point of view, as a result of the Pentagon Papers and the Watergate Scandal a more "investigative" type of journalism had developed that focused on exposing the role of the United States in various controversial conflicts, such as its involvement in human rights abuses in Latin America (5). Neier argues that these reports led to the first manifestations of a human rights movement: the divestment campaign on college campuses, in which students promoted divestment from South Africa by universities because of concerns about human rights violations under the South African apartheid regime (Neier 5; Giugni and Passy 164). This, in its turn, increased the debate on human rights and placed it on the national agenda, after which congressional interest and the body of human rights legislature strongly grew (Neier 6). Furthermore, increasingly investigative journalists turned to human rights activists as sources for information, hereby also contributing to the development of a larger network of human rights activists (Neier 6). Hence, it is argued that the emergence of the human rights movement and the subsequent human rights legislation were greatly fueled by the American press and public.

Adding to this, political scientist Mary Stuckey emphasizes the importance of NGOs in the matter, claiming that they were "instrumental in getting some attention given to human rights issues" (Stuckey 15). Discontent among the public with the foreign policy of the United States led to an increase in the formation of human rights organizations and in the membership of existing organizations in the United States during the 1970s. Furthermore, the tactics of human rights organizations changed from "grassroots mobilization to lobbying", thereby shifting to a

more direct political approach to influence Congress (Stuckey 16). Apart from the increase in NGOs, Stuckey also mentions not just the increase in public, yet also scholarly attention for the issue of human rights. Various symposia and colloquia increased awareness of human rights violations and stimulated the idea that the United States and especially its foreign policy should follow a "more moral direction" (16).

1.2 Emerging human rights activism in Congress

The increasing concern of the public had its effect on the US government as well. As Stuckey claims, the growing public awareness created congressional attention as it "sparked strong concern for human rights" (15). The growing human rights activism of the press, NGO's and the public greatly spurred the congressional activism that became apparent during the 1970s (Stuckey 15; Forsythe, "Human Rights and U.S." 101). Traditionally seen, the president sets the national agenda, while Congress transfers the president's agenda into tangible legislation (Haas 75). During the presidency of Ford, however, power relations changed. As Congress, "invigorated by Watergate and Vietnam, and empowered by a domestic electorate", became more involved in human rights issues, it took on a more active role in monitoring and legislating the behavior of the Ford administration, more specifically the State Department (Kaufman; Haas 75). Capitol Hill started formulating multiple acts and amendments that required the White House to take into account human rights in its foreign policy (Steinmetz 17).

One famous example of human rights legislation passed by Congress is the 1975 Jackson-Vanik amendment, which was an amendment to the Trade Act of 1974 (Stuckey 15). The amendment denied "most favored trading status to any government with a non-market economy

that denies its citizens the right to emigrate" (Neier 166). The use of human rights in this instance both limited the freedom of the president in foreign relations and enlarged the power of Congress to enforce human rights policy. More significant, however, was the addition of Section 502B to the Foreign Assistance Act of 1974 (Cassese 117). This section obstructed the United States from providing security assistance "to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights" (Neier 165). President Ford vetoed the amendment, yet later signed a compromise that declared human rights to be incorporated in the policy of the United States (Renouard 83). According to Renouard, the resistance of the Ford administration to the "spirit of this era's resolutions" resulted in Congress taking even more control (83). For instance, the 1975 Harkin Amendment to the International Development and Food Assistance Act similarly banned economic assistance to "any country that commits gross human rights violations unless it can be shown that the aid will directly benefit the poor and needy" (Apodaca "U.S. Human Rights" 67). As a result of these amendments, the State Department was required to provide annual reports on the human rights practices of each nation receiving US aid, setting a global precedent (Renouard 84). The Ford administration, and particularly Secretary of State Kissinger, was hostile towards this requirement as, they claimed, the United States should not "be in the business of judging its allies" (Renouard 85). This argumentation served as grounds for many objections of the Ford administration to human rights proposals of Congress, arguing that these proposals would jeopardize the relation with US allies and would therefore work counter national interest.

Congress however, clearly had a strong desire to return to American values, which only strengthened when it shifted position in the mid-1970s (Forsythe, "Human Rights in International" 55). When the Democrats in 1974 increased their congressional majority by

gaining forty-nine seats in the House of Representatives and five seats in the Senate, the promotion of human rights legislature was amplified (Sinclair 68; Renouard 80). Congressional Democrats generally had a clear aversion towards the foreign policy of Ford and his predecessor Nixon and felt strongly about human rights (Haas 75). However, discontent with US foreign policy and congressional activism for human rights was not restricted by party lines (Kaufman).

1.3 The Ford presidency and human rights legislation

However, the previous analysis has completely neglected any genuine human rights activism originating from the Ford administration. Although many authors indeed mainly report on the accomplishments of Congress and the obstructions by the White House, this approach on its own would be rather simplistic. One cannot disregard Ford's accomplishments in the field of human rights, as the administration did actively promote the signing of the Helsinki Accords and even introduced the world to a Human Rights Day (Mieczkowski 299; Woolley and Peters). The former is by many scholars regarded as one of the most influential human rights resolutions of the decade and has been referred to by Ford as one of his "greatest foreign policy achievements" (Mieczkowski 299). The Helsinki Accords were the conclusion of a series of negotiations at the Conference on Security and Co-operation in Europe, signed in 1975 by 35 nations amongst which the United States and the Soviet Union (Best et al. 287). At the height of the Cold War, the latter two countries were the most significant parties to sign the Act, as it was one of the first resolutions that brought rapprochement between the two world powers. It contained principles to govern interactions between Western Europe and Eastern Europe, which was ruled by the Soviet Union (Snyder 2). In total the Accords contained four baskets, of which the third, "'Humanitarian and Other Fields', supported human rights, travel privileges, access to media information, the free

movement of people and ideas, and improvement in family reunification", urging a greater respect for human rights in Europe (Mieczkowski 297). During the conference, president Ford, while looking straight at Soviet leader Brezhnev, emphasized his commitment to the Accords by stating: "to my country, [these agreements] are not clichés or empty phrases. We take this work and these words very seriously. It is important that you recognize the deep devotion of the American people and their government to human rights and fundamental freedoms" (Mieczkowski 297).

After the Final Act of the Helsinki Conference was signed, human rights became an accepted standard in international relations (Sheeran and Rodley 17). Therefore, the Accords are portrayed as groundbreaking for their time in their "calls for openness and respect for human rights" (Brinkley 106). Sarah Snyder, a historian specialized in US foreign relations, argues that Ford returned to the United States after signing the Act claiming that he had "reinforced American support for liberty and peace in Eastern Europe" (37). Snyder, as well as Mieczkowski, argues that the impact of the Helsinki Accords was greatly underestimated, claiming that the Accords strengthened the development of a global network of human rights activism (Snyder 8; Mieczkowkski 299). Various scholars agree with Snyder that the Helsinki Accords indeed resulted in the global emergence of human rights groups as they were now provided with international recognition and support. For instance, the Helsinki Accords resulted in the formation of the US Helsinki Commission by Congress, which "came to play a pivotal role in keeping human rights an important issue in Soviet-American relations" (Peterson 27). Moreover, the first human rights organization to work openly in the Communist World was founded shortly after the signing of the Helsinki Accords and many similar groupings followed (Sheeran and Rodley 18). As Sheeran and Rodley argue, "these developments gave new impetus to the

emerging international human rights movement" (18). Many authors claim that the influence of the Helsinki Accords stretched even further and eventually even resulted in the demise of the entire Soviet Union, as it provided dissidents within the Soviet Union with a legitimate voice (Thomas 310; Brinkley 112; Mieczkowski 299).

The Helsinki Accords are not the only accomplishments of the Ford administration in the field of human rights: as well, "president Gerald Ford made human rights an official goal of the United States foreign policy and appointed an Undersecretary of State for Human Rights" (Osiatynski 298). Moreover, Ford symbolically introduced a Human Rights Day, a Bill of Rights Day and a Human Rights Week. In the proclamation speech introducing these events, he emphasized the significance of human rights by asking all Americans to "reflect deeply on the values inherent in the Bill of Rights and the Universal Declaration of Human Rights and draw on those values to promote peace, justice, and civility at home and around the world" (Woolley and Peters).

All in all, the 1970s undeniably represent the era of the flourishing of human rights. Ground-breaking legislature was passed in the United States that meant to secure the human rights of people internationally. Taking a closer look at the drivers of the emergence of human rights during this era, one can clearly see that the growing public human rights movement exerted its influence on American politics. As public awareness and concerns about violations of human rights were on the rise, the US government started to establish the legal framework for the human rights movement to stand on. In passing much of the human rights legislation that was signed during the presidency of Ford, Congress played a key role while the administration was often rather reluctant. However, to therefore completely deny a human rights agenda by Ford would be too simplistic. In fact, Ford did at times publicly promote human rights, however obstructed

legislation when it would interfere with national interest. Hence, one should not only regard the actors involved in the emergence of human rights legislation yet also their motivations. All in all, the answer as to who the main driver behind the emergence of human rights was, is not unambiguous. However, it is undeniable that the human rights legislation passed during Ford's presidency was at the roots of the human rights network that exists today. This, however, stands in stark contrast with the events taking place in East Timor simultaneously.

2. The role of the US in the human rights violations in East Timor

2.1 Human rights violations in East Timor

It was 7 December 1975 when an operation that US officials had long anticipated was brought into practice: Operation Komodo. Operation Komodo referred to the Indonesian invasion of its neighboring state East Timor that followed Fretilin's declaration of independence and was based upon Indonesia's fear of the development of a radical neighboring state. The invasion set the stage for a "long, bloody and disastrous occupation" that lasted until 1999 and caused around 100,000 fatalities already in the first five years ("East Timor Revisited"). The scale of human rights violations during the invasion and subsequent occupation was massive and the National Review even referred to it as "one of the grislier stories of human-rights violations, mass starvation and wholesale slaughter", comparing it to the Pol Pot regime in Cambodia (Crain 240).

According to the final report of the CAVR, several civil and political as well as social and economic rights that are defined in the 1948 Universal Declaration of Human Rights (UDHR) were brutally violated during the occupation (Commission for Reception, Truth, and Reconciliation in Timor-Leste). For instance, article 3 of the UDHR, which provides everyone the right to life, was violated by the gross amount of unlawful killings by the Indonesian military and article 25, which provides the right to an adequate standard of living, was violated in the displacement of civilians (Commission for Reception, Truth, and Reconciliation in Timor-Leste). During the Ford presidency in particular, there was a clear peak in the amount of human rights violations as levels of "displacement, killings and disappearances and many non-fatal violations, including detention, torture and ill-treatment" reached their highest points (Commission for

Reception, Truth, and Reconciliation in Timor-Leste). Apart from these violations, Suharto's invasion itself is already labeled by many as illegal, as it was "in breach of the right of self-determination", which is considered a fundamental and inalienable human right (Commission for Reception, Truth, and Reconciliation in Timor-Leste; Kälin and Künzli 35).

2.2 US military and political aid to Indonesia

The question that arises from these accounts of gross human violations in East Timor during the Ford presidency is whether the United States was involved in the conflict and to what extent. Although the United States was not directly involved in the sense that they were not militarily operating in the area, they were deeply involved in the conflict because of the supply of military aid to Indonesia, the state committing the violations. From the invasion in 1975 until the 1990s, throughout the entire Indonesian occupation, the United States continued to aid Suharto's annexation of East Timor. The World Policy Institute mentions that the "most tangible expression of U.S. support for the Suharto regime has been a massive, steady supply of U.S. armaments to the Indonesian military" (Hartung).

Focusing on the Ford presidency, one can see that already in 1974 the United States was Indonesia's lead supplier of military aid and that it even quadrupled from 1974 to 1975 (Simpson 283). Subsequently, on 6 December 1975, the day before the invasion of East Timor, Secretary of State Kissinger and president Ford met with Suharto in Jakarta and pledged a substantial increase in US military aid to Indonesia for the following year, despite having discussed the issue of East Timor and Indonesia's intentions as well (Hartung). However, after the invasion, the delivery of new US military aid to Indonesia was suspended for six months in order to clarify whether or not

the aid was a violation of the law (U.S. House 1977, 9). The United States-Indonesian Mutual Defense Agreement of 1958 namely forbade the use of US weapons for "anything but defensive situations", which the invasion of East Timor was clearly not (Nevins 53; "East Timor Revisited"). Despite the fact that "90% of Indonesia's weapons during the time of the 1975 invasion of East Timor came from the United States", US military aid was continued after the six months and even doubled in size compared to 1974 (Hartung).

As the World Policy Institute states, "the Indonesian military has been the instrument for Jakarta's illegal occupation of East Timor" and concluding from the size of the US aid to Indonesia during the occupation, one cannot deny that the US role therein has been enormous (Hartung). As a high-ranking Indonesian general claimed: "Of course there were US weapons used [during the attack on East Timor]. These are the only weapons that we have" (Hartung).

Significant in this case is to also draw an analysis of the various actors involved in the decisions around US aid to Indonesia during the time of the invasion and subsequent occupation of East Timor in order to be able to determine why this could take place at a time that human rights legislation was expanding as well. As stated during a congressional hearing on East Timor in March 1977, "a decision to provide equipment on any foreign military sales program is a joint decision between the recipient government and the United States- the State Department and the Congress under the applicable legislation" (U.S. House 1977, 13). The latter statement, emphasizing the two branches of government involved, therefore indicates the need for a more thorough investigation of the separate roles of Congress and the Ford administration in this matter.

2.3 Involvement of the Ford administration

Although both Kissinger and Ford have later claimed not to have been involved in the invasion of East Timor and not to have been informed about the human rights violations being committed there, multiple sources, such as confidential government documents released to the National Security Archive in 2001, prove otherwise ("East Timor Revisited", Hamber 166). Already in December 1974 a possible Indonesian invasion of then Portuguese Timor, “by force if necessary”, is mentioned in a memo the National Security Council sent to Kissinger ("A Quarter Century of U.S. Support for Occupation"). By March 1975, the State Department was closely monitoring the Indonesian military buildup and again, yet more elaborately, the National Security Council reported to Kissinger that “Indonesia may choose to incorporate Portuguese Timor by force” (The National Security Archive “National Security Council”). In this memo, the National Security Council states that “if we try to dissuade Indonesia from what Suharto may regard as a necessary use of force, major difficulties in our relations could result” and therefore recommends a “policy of silence” regarding the issue, which Kissinger approved (The National Security Archive “National Security Council”). Thereafter, during a visit to Washington in July 1975, Suharto indeed mentions Indonesia’s intentions regarding East Timor to president Ford, claiming that “the only way is to integrate [East Timor] into Indonesia” (The National Security Archive “Memorandum of Conversation”). The awareness of a possible Indonesian invasion of East Timor is yet again stressed by Kissinger in a staff meeting in August 1975, stating that “it is quite clear that the Indonesians are going to take over the island sooner or later” and again agreeing upon silence around the issue of the coup or related events (The National Security Archive “The Secretary's 8:00”; "East Timor Revisited"). Despite the knowledge they had of Indonesian intentions and the force that might be involved, the State Department in October 1975 still

recommended Congress to vote 42.5 million dollars in military aid to Indonesia in fiscal 1976 (Weinstein 228).

However, the involvement of the United States reached much further than non-interference and providing military aid. Although Kissinger has denied to have ever had "substantive discussions of East Timor with Suharto", Ford and Kissinger met with Suharto in Jakarta on the day before the invasion, 6 December 1975, and there assured Suharto that they would not oppose the invasion of East Timor ("East Timor Revisited"). This meeting is regarded as the crucial "green light" for Suharto to initiate the occupation of East Timor ("East Timor Revisited"). Hence, as historian Brad Simpson states, "the US decision to support Indonesia's invasion of East Timor was conscious and deliberate" (297). Thereafter, despite receiving reports on the atrocities and fighting in East Timor in March and April 1976, Kissinger decided to renew the certification of US weapons deliveries to Indonesia in May 1976, after the six months suspension ("A Quarter Century of U.S. Support for Occupation"). For the rest of the Ford presidency and long thereafter, aid to Indonesia continued in huge proportions (Hartung). These various documents show that the Ford administration was not merely aware of the Indonesian plans and subsequent invasion, yet also of the force and atrocities that accompanied the invasion and occupation.

Furthermore, the administration also realized the illegality of the situation. Already in late 1975, government officials commented on the possible use of US weapons during meetings concerning the possible Indonesian invasion of East Timor (The National Security Archive "Memorandum to President"). From the start of the invasion, the administration was aware that the invasion of East Timor was almost completely launched "with US equipment" and already six days after the invasion the administration received a report that "virtually all of the military

equipment used in the invasion was U.S. supplied" ("A Quarter Century of U.S. Support for Occupation"). As previously mentioned, the use of US weapons violated the United States-Indonesian Mutual Defense Agreement of 1958 as that forbade "Indonesia's use of military gear financed by U.S. aid for anything but defensive operations" and the case of East Timor clearly portrayed an offensive operation (Nevins 53; "East Timor Revisited"). During the meeting of Ford, Suharto and Kissinger on 6 December 1975, Ford mentioned the possible legal issues concerning this law and the invasion of East Timor. The eventual stance of the administration towards the issue is clearly portrayed in Kissinger's response: "It depends on how we construe it: whether it is in self-defense or is a foreign operation" (The National Security Archive "Embassy"). Hence, his concern was not the actual illegal use of US arms, yet whether it would be *interpreted* as illegal ("East Timor Revisited"). The use of US arms in East Timor therefore seemed to seamlessly fit into the policy of silence regarding the Indonesian invasion of East Timor and US involvement (The National Security Archive "National Security Council").

2.4 Involvement of Congress

The involvement of Congress in the issue of East Timor is generally discussed less than the former, predominantly because it did not undertake drastic action on the issue. On the contrary, Congress, as well as the administration, would not seriously "consider sanctions over East Timor until the 1990s" (Renouard). For the fiscal years of both 1976 and 1977, Congress even actively voted against the elimination of security assistance to Indonesia (U.S. House 1977, 11, 7). Eventually, on 22 March 1977, congressional hearings commenced with a hearing on "Human rights in East Timor and the question of the use of U.S. equipment by the Indonesian armed forces", however by then Ford was already out of office and one of the highest peaks of human

rights violations that would occur in East Timor had already passed (U.S. House 1977; Commission for Reception, Truth, and Reconciliation in Timor-Leste). Additionally, despite receiving reports on 100.000 fatalities and "really gross violations" of human rights during the congressional hearing, Congress did not undertake solid action to stop the Indonesian actions in East Timor and aid to Indonesia continued until the 1990s while East Timor was still occupied and human rights were still violated (U.S. House 1977, 8, 42; Hartung). Therefore, although certainly the State Department and the White House proved to be more actively involved in the matter of East Timor, Congress was in this sense passively involved as it refrained from undertaking action to stop Indonesian actions in East Timor and supported aid to Indonesia.

One explanation as to why Congress did not intervene in the issue of East Timor is the policy of silence conducted by the Ford administration. The White House deliberately kept certain information secret and misinformed Congress on several issues, creating an image of the situation of East Timor that was far from reality. First of all, even at the congressional hearing in March 1977, the Department of State claimed that information about and during the invasion of East Timor "was hard to come by" (U.S. House 1977, 10). However, as the various declassified documents mentioned in section 2.3 have shown, the State Department had rather a lot of information on Indonesian intentions in East Timor already since 1974. The unwillingness of the administration to share this information with Congress is reflected in several of these documents. For instance, when Kissinger is informed by his staff members about a possible Indonesian invasion in October 1975, he responds: "I'm assuming you're really going to keep your mouth shut on this subject?" (The National Security Archive "The Secretary's Staff"). Furthermore, the fact that the green light for the invasion was given by Ford and Kissinger was publicly denied by the two until the declassified documents released by the NSA proved otherwise in 2001 ("East

Timor Revisited"). Moreover, the policy of silence is also reflected in the order from Kissinger to the US Embassy in Jakarta to “cut down on their reporting to Washington” (Simpson 300).

Apart from their secretive behavior, the Ford administration at times also deliberately misinformed Congress. For instance, in April 1976 the State Department was notified that fierce fighting in East Timor continued, yet they asserted members of the Senate that “Indonesian forces were in full control of the territory and that fighting had ended” ("A Quarter Century of U.S. Support for Occupation"). Furthermore, the previously mentioned aid suspension during the first six months of the invasion seems to reflect a strategy by Kissinger to keep Congress at ease as well. Kissinger namely ordered his staff to tell Congress about the suspension, yet in reality the US never suspended military assistance to Jakarta (Simpson 300).

All in all, although the United States was not directly involved in the violation of human rights in East Timor, the government indirectly interfered by supporting the invasion and providing both political and military aid to Suharto’s regime. The Ford government failed to protect human rights in East Timor, whilst their political and military relation to Indonesia could have enabled them to even prevent the atrocities from happening (Simpson 304). From the documents released by the NSA from 2001 onwards, one can conclude that it was predominantly the administration that was responsible for the support to Indonesia during the invasion and occupation of East Timor. However, one could argue that the legislative branch could have intervened in the matter. Instead of intervening, Congress decided to not eliminate military assistance to Indonesia. The reason for the support for Indonesia, however, can be found in the policy of silence conducted by the Ford administration, which created an environment in which Congress did not have complete information to make a well-considered decision on the issue.

3. The human rights paradox explained

3.1 The inferiority of human rights to Cold War interests

The involvement of the United States in East Timor, proving that the government knowingly continued aiding a regime that violated human rights, starkly contrasts the emergence of human rights legislation under the Ford government. Hence, the question that arises is: how could the government conduct two such contradictory policies simultaneously? This chapter will elaborate on the complexity of the governmental interests during the Ford presidency by providing multiple explanations for the contrast between on the one hand human rights promotion and on the other the support for a regime brutally violating human rights.

A common explanation for the contradiction is found in the theory that human rights were perceived as inferior to national interest. During the Kissinger years, referring to both the Nixon and the Ford presidency during which Kissinger was Secretary of State, the foreign policymaking process was namely dominated by realpolitik: politics "devoid of any moral or ideological component", purely based on national and geopolitical interests (Apodaca "U.S. Human Rights" 68). The link from this national interest to Cold War interests is, not entirely surprisingly or unjustly, easily made by many authors. As for instance professor of political science David Forsythe states, "for Kissinger national interest centered on a geo-political power struggle with the old Soviet Union" (Forsythe "Human Rights in International" 178). As a result, human rights were, as political scientist Michael Goodhart states, "a constituent part of the Cold War framework" and considered as subordinate to the geopolitical division of the Cold War (112).

The Cold War reasoning behind the inferiority of human rights in foreign policy also resonates in the case of East Timor. As Simpson for instance claims, the subordination of East Timor's fate to the support of Suharto by the US did at least partly result from US concern about the spread of Communism in Southeast Asia, certainly after Communist victories in both Laos and Cambodia (282). As Communist-influenced Fretilin posed a threat to containment of Communism by the United States, an invasion by anti-Communist Suharto would serve US Cold War interests (Selden and So 204). The NSA supports this argument, concluding from its declassified documents that "the fate of a post-colonial East Timor paled in comparison to the strategic relationship with the anti-communist Suharto regime, especially in the wake of the communist victory in Vietnam, when Ford and Kissinger wanted to strengthen relations with anti-communists" ("East Timor Revisited"). Anti-communist comments regarding the invasion of East Timor are also found in the conversations between Suharto and the Ford administration. On 5 July 1975, for instance, Suharto already provided Ford with anti-Communist arguments for a possible invasion of East Timor by for instance stating that the problem in East Timor "is that those who want independence are those who are Communist-influenced" (The National Security Archive "Memorandum of Conversation"). Although the Ford administration by then was already aware of the possible force that might pair this invasion, they never objected to it and instead remained supportive of Suharto ("A Quarter Century of U.S. Support for Occupation"). Moreover, in its final report, the CAVR yet again confirms the theory of inferiority of human rights to Cold War interests in East Timor, stating that "the support of the United States for Indonesia was given out of strategically-motivated desire to maintain a good relationship with Indonesia, whose anti-communist regime was seen as an essential bastion against the spread of communism in South-East Asia" (Commission for Reception, Truth, and Reconciliation in Timor-Leste).

However, an important note on this matter is that Cold War strategies and human rights were not always contradictory. Instead, human rights simultaneously became a weapon in the Cold War and an instrument of foreign policy against the Communist bloc, the most prominent example being the Helsinki Accords (Eckel and Moyn 155; Osiatynski 298). Although receiving much criticism on signing them, Ford foresaw that the Accords could serve "as a vehicle to help Eastern Europeans bring change to their economies and political systems" (Mieczkowski 299). And indeed, the Helsinki Accords proved to be an important spark that contributed to the demise of the Soviet Union (Mieczkowski 299).

Hence, it is undeniable that the contradiction between the US support for the violent occupation of East Timor and the emergence of human rights legislation was part of a larger Cold War scheme, in which human rights either served as inferior or at times even useful to contributing to the US position.

3.2 The inferiority of human rights to instable independence

However, the case of East Timor shows that the situation was quite more complex and that national interest for the Ford government incorporated more than exclusively Cold War interest. An alternative theory of the inferiority of human rights is for instance offered by Simpson. He claims that Western support for Indonesia's invasion of East Timor was indeed partly out of Cold War motivations, yet that "anti-Communist concerns in explaining US policy" are often overemphasized (282). Simpson argues that, rather than Cold War concerns, the "beliefs that East Timor was too small and too primitive to merit self-governance reinforced the perceived imperative of maintaining friendly relations with the Suharto regime" (281). As Deputy Assistant

Secretary of State Quinn later recalled, “East Timor was completely unprepared for self-governance” when Portugal started the decolonization process in 1974 (Gardner 285). In a memorandum from November 1975, Kissinger expresses Indonesian concerns to Ford about how a self-governing East Timor would form a “weak, unviable independence leaving it susceptible to outside – especially Chinese – domination” (The National Security Archive "Memorandum to President”). Except for concerns about the Chinese, as a Communist state, seizing power, an independent East Timor also threatened US allies Indonesia and Australia. Indonesia, on the one hand, feared that “an independent East Timor might serve as a rallying point for separatists elsewhere in the archipelago”, while Australia feared instability in East Timor “as part of the country’s northern strategic perimeter” (Simpson 285). As there was consensus within the Ford administration that the US needed to reassure friends in the region, absorption of East Timor by Indonesia was therefore considered “the only logical outcome of the decolonization process” in the eyes of US officials (Simpson 289).

This approach towards explaining the stark contrast between the human rights legislation in the US and the US involvement in East Timor seems similar to the explanation elaborated on in section 3.1. However, instead of being centered around Cold War strategies, US involvement in Simpson’s theory revolved around the idea that East Timor was too backwards to manage self-governance. As a result, independence would cause both possibility for outside forces, such as Communist China, to seize power and instability in the region, impacting US allies. Thus, in this sense national interest, in the eyes of the Ford government, was superior to human rights as it would both contain Communism and protect US allies.

However, Simpson’s theory makes one wonder: why would instability in the region have been dangerous for the United States? Indeed, as Simpson argues, instability might have

impacted US allies. However, Simpson neglects the fact that the position of US allies at the time was of crucial importance precisely because of the Cold War and not despite the Cold War. Hence, even though the direct motivation to support Suharto's invasion was largely grounded in the belief that East Timor could not merit self-governance and would cause instability, the concerns about the effects thereof remained rooted in US Cold War interests.

3.3 The inferiority of human rights to Indonesia's strategic importance

The previous two explanations are both predominantly centered around the importance of East Timor over human rights. One should not forget, however, that the United States fueled the human rights violations in East Timor by means of aiding Suharto's Indonesia. A significant question to be asked is therefore not only why East Timor was of such high significance to the US, yet also why Indonesia was. This question literally surfaces in the congressional hearing of March 1977, in which Representative Meyner asks the administration: "what is so strategically important about Indonesia and why is the administration taking such pains over this?" (U.S. House 1977, 17). This question is relevant, as all the administrations following the invasion of East Timor stressed "the overriding importance of the relationship with Indonesia" even as they were aware that the right to self-determination had been violated (Commission for Reception, Truth, and Reconciliation in Timor-Leste).

Part of the answer is found in the previously mentioned strategic importance of Indonesia in containing Communism in Southeast Asia. However, the importance of Indonesia to the US reaches further than Cold War strategy. As Simpson states, Indonesia's "growing importance in the regional political economy overshadowed its defiance of international law" (282). This aspect

of economic importance is emphasized also in the answer of the State Department to Representative Meyner. Robert Oakley from the State Department responded by pointing out the importance not only of the country's political orientation, yet also at its great collection of natural resources, mentioning "oil, tin, rubber, a number of things" (U.S. House 1977, 17). General Fish of the US Air Force thereafter confirms that indeed the strategic location of Indonesia was reason for US military assistance to Suharto (U.S. House 1977, 18). This argument shows that although human rights were clearly considered inferior to national interest, national interest did not necessarily only relate to Cold War interests: human rights were in the case of East Timor also inferior to US economic interest in the region. However, one could again argue that the economic position of Indonesia was of interest to the US partly also for Cold War reasons: after all, instability in Indonesia could lead to Communist expansion, certainly in the wake of the Communist victories in Laos, Cambodia and Vietnam.

An important note on the various perceptions of US national interest concerning East Timor here mentioned is therefore that the three are not mutually exclusive. On the contrary, one can argue that the accumulation of the three led the US government to consider human rights as secondary to national interest in the case of East Timor. Furthermore, one could even say that all three arguments could be deduced to underlying Cold War interests.

3.4 Tension between domestic and foreign interests

The complexity of explaining the contradiction between the emergence of human rights legislation and US involvement in East Timor is enhanced by the fact that there was a certain tension present between domestic and foreign interest. From the previous sections in this chapter

the question might arise as to why, when human rights were generally considered inferior to national interest, the government bothered to promote human rights at all. The fact that the US pledged for human rights at a time that they were involved in human rights violations in various parts of the world is curious indeed. As Donald Fraser, "liberal human rights' most tireless political advocate in the mid-1970s", phrased it: "Some people around the world view the notion that the U.S. is about to become the world's moral leader with disbelief. They wonder about a nation that plotted assassinations, destabilized governments, and engaged in murderous wars suddenly claiming the right to pass judgment on the morality of other nations" (Keys 271, 269). However, Fraser, who was involved in writing human rights considerations into foreign policy, knew that it was "precisely because of America's self-confidence and reputation were under assault that a new program was needed" (Keys 269). For the Ford administration in particular, the promotion of human rights therefore served a significant purpose in the domestic sphere. As the Watergate Scandal, the defeat in Vietnam and the role of the United States in the overthrow of Allende in Chile had severely damaged the reputation of the White House, a "public" human rights diplomacy was seen as necessary to satisfy critics, overcome divisions within the government and to increase the reputation of the White House (Goodhart 112; Peterson 15). In other words, human rights were used as a "mechanism by which America's reputation was to be redeemed" (Goodhart 112).

Hence, the low credibility of the American government after Nixon's presidency made human rights of great significance for Ford domestically. Similar to the case of the Helsinki Accords, human rights legislation once again proved to serve as a policy tool serving the interest of the government. This disputes the theory that human rights were inherently seen as inferior to national interest and adds the factor of geographic relevance: the promotion of human rights was

highly significant in the domestic sphere, while in the international sphere it often proved inferior to other matters. This tension between domestic and foreign interests hence also provides a large piece of the puzzle to explaining the contradiction between the emergence of human rights legislation in the US and the simultaneous support for a human rights violator in East Timor during the Ford administration.

3.5 The influence of the separation of powers

Yet to consider the inferiority of human rights to realist conceptions of the national interest in foreign policy as the main reason to the contradiction between the emerging human rights legislation and the support for Suharto's brutal regime would be too simplistic. The complexity of the contradiction is enhanced by the multiplicity of actors involved. Although the previous sections predominantly considered the US government as an entity, the division between the executive branch, the administration, and the legislative branch, Congress, is highly significant.

Analyzing the role of Congress, one can conclude from the previous two chapters that Congress played a large role in the promotion of human rights legislation while remaining largely uninformed and at times misinformed about the human rights violations in East Timor. Congress for instance passed the Jackson-Vanik amendment, which restricted trade with any government that denied its population the right to emigrate, and Section 502B to the Foreign Assistance Act of 1974, which prohibited US security assistance to any country violating human rights (Stuckey 15; Cassese 117; Neier 165). Meanwhile, the Ford administration remained hostile towards these bills (Renouard 85). This can lead one to assume that the contradiction between the human rights legislation and the support for Indonesia in East Timor occurred because of the division in

government: Congress promoting human rights and Ford and Kissinger simply opposing it. However, the reality of the situation proves more complex.

First of all, there seems to be a certain amount of naivety, whether deliberate or ignorant, in Congress. Although the administration did not provide Congress with much information on the issue, there were reports available to Congress displaying the violent plans and occupation by Indonesia. James Dunn from the Foreign Affairs Group, for instance, commented on the availability of information on the invasion by Indonesia during the March 1977 congressional hearing, stating that "we know a lot about that period. There were journalists there. The International Red Cross was there and we made an assessment of casualties" (U.S. House 1977, 38). This suggests that Congress could have been aware of the force Indonesia used in East Timor. This argument is strengthened by Simpson, who claims that the United Nations were provided with evidence of the atrocities in East Timor in 1975 and that this "contemporary –and credible- evidence had almost no impact on US and Commonwealth policy" (301).

Furthermore, despite being informed about the atrocities in East Timor and therefore Suharto's human rights violations during the congressional hearing of March 1977, aid to Indonesia continued until the 1990s (U.S. House 1977; Hartung). Several comments during the congressional hearing hint at the presence of perceived inferiority of human rights to national interest also in Congress. For instance, one of the first and most fundamental questions of the hearing asked by chairman Donald Fraser was whether the US military aid to Indonesia was consistent with US national interest (U.S. House 1977, 2). In the later course of the hearing, Representative Wolff even states that "American interest must be preserved. We have overriding interests and I think that this should be our first concern" (U.S. House 1977, 22). This indicates

that certain members of Congress believed that national interest was the prime concern of the United States.

Moreover, the assumption of the division of government causing the contradiction between the emergence of human rights legislation and the support for Indonesia is also invalidated by the fact that human rights were not exclusively promoted by Congress, yet also by the Ford administration. As mentioned in the first chapter, Ford "made human rights an official goal of the United States foreign policy and appointed an Undersecretary of State for Human Rights" (Osiatynski 298). Moreover, he introduced a Human Rights Day, a Bill of Rights Day and a Human Rights Week and most importantly signed the influential Helsinki Accords (Woolley and Peters; Mieczkowski 299). Even though the Ford administration was often hostile towards congressional human rights initiatives, many of their objections were given on the ground that the proposals targeted US allies and therefore would damage national interest (Apodaca "Understanding U.S." 46; Renouard 85). Although the promotion of human rights by the administration might also have served national interest or even self-interest, the existence of human rights activism by the Ford administration does dispute the theory that it was merely the division of government that caused the contradictory policies on human rights.

All in all, the situation proves to have been less black and white than the previously made assumption and although the separation of powers certainly did play parts in causing the contradictory policies, the previous sections are necessary as well in order to fully explain the contradiction between the emergence of human rights legislation and the involvement of the US in East Timor.

Conclusion

To conclude, it is evident that the agendas pushed by the United States government during the Ford presidency were quite contradictory: on the one hand, there was a great emergence of human rights legislation and on the other, the country continued aiding Indonesia while it violently and illegally occupied the decolonized state East Timor. From analyzing the information at hand, it becomes clear that many scholars explain this contradiction by showing the superiority of Cold War interests over human rights during the Ford presidency. In the wake of the communist victories in Laos, Cambodia and Vietnam, containing Communism was one of the key interests in American foreign policy-making in Southeast Asia and therefore resulted in human rights being perceived as secondary to national interest. As declassified government documents show, Cold War interests therefore definitely influenced the US support for Indonesia in East Timor. However, as the situation proves more complex, a single explanation does not suffice to explain the contradiction in US policy.

Another reason for aiding Indonesia in East Timor despite its human rights violations is the perception of the United States that East Timor at the time of decolonization was too backwards and primitive to merit self-governance. Integration into Indonesia was seen as the sole viable option to the United States in order to maintain regional stability, both protecting its allies and containing Communism.

Furthermore, US aid to Indonesia as a means to serve national interest did not merely revolve around East Timor in particular. Aid to Indonesia also continued because of the importance of Indonesia as an ally. As the country was abundant of valuable resources, it had a

prominent economic position in the region. Therefore, it was, also for these reasons, in the national interest to aid Indonesia in its actions in East Timor.

However, the previous two explanations behind the contradiction between US legislation and actions could also be framed in a Cold War perspective. For instance, was not the position of allies of particular importance because of possible Cold War influences in the region? Hence, the Cold War always seemed to play parts in decisions by the US government, whether using human rights as a weapon, as in the case of the Helsinki Accords, or neglecting them for the sake of national interest, as in the case of East Timor.

Furthermore, having analyzed the existing body of literature on the contradiction between the emergence of human rights legislation and US support for human rights violators, in particular Suharto, one can conclude that the matter is often approached by relating it merely to the US government's foreign policy. Hereby, scholars fail to incorporate the significance of the domestic perspective, overlooking the great complexity of explaining the contradiction. Domestically, namely, the promotion of human rights was of great significance for the Ford government. As the credibility of the US government had dropped severely as a result to the Watergate scandal and US involvement in Vietnam, human rights offered a means to redeem the reputation of the White House. This tension between the importance of human rights domestically and the inferiority in terms of foreign policy serves as another important explanation as to how the contradiction between the emergence of human rights legislation and the support for Indonesia in East Timor was possible to occur. Moreover, it once again shows that when beneficial, just as in the case of the Helsinki Accords, human rights were perceived as a weapon rather than a curse.

Furthermore, another factor highly significant in explaining the contradiction apparent in US policy-making in the 1970s is the separation of powers within the US government. The division between Congress and the executive branch makes one wonder whether the matter cannot simply be explained by the diverging interests of the separate branches: was it in reality merely Congress promoting human rights legislation and the administration supporting Indonesia? On the one hand, Congress was indeed a driving factor behind the emergence of human rights legislation during the Ford presidency. Yet they were certainly not alone, as also the president as well as the public seemed to promote the enhancement of human rights legislation. On the other hand, in terms of the support for Indonesia in East Timor, Congress played a smaller role than the Ford administration. Many claim that the secrecy and false information provided by the administration created a false image of the situation for Congress. This does provide an explanation as to why Congress for instance voted for an increase of military aid in 1976 and why the aid even continued until the 1990s.

However, this approach does still not fulfill to explain the contradiction apparent in the actions of US government at the time. First of all, there was a considerable amount of information on the situation available at that time that was also accessible for Congress, therefore they should not have completely been unware of the violence in East Timor. Furthermore, even after the congressional hearing of 1977, during which the casualties and atrocities in East Timor were mentioned, aid to Indonesia continued on full scale. Moreover, this approach completely dismisses the human rights promotion by the Ford administration. Even though the administration's agenda concerning human rights might have been based on self-interest and predominantly national interest, the promotion of human rights legislation by the Ford

administration does damage the validity of the argument that the separation of powers caused the contradiction in US policy.

To conclude, the contradiction between the emergence of human rights legislation in the US and the US support for the Indonesian invasion of East Timor is one full of complexities. The causes of the contradiction can be found in the fact that human rights were considered to be inferior to national interest in the eyes of the US government, yet also in the fact that the interests of the government were divergent in the domestic and foreign domain. Furthermore, the separation of powers within the US government enhances the complexity of the situation, as the multiplicity of actors involved and their stance and information on the issue again influenced the decisions made by the US government at the time.

However, no matter what the motivations might have been, the United States government "turned a blind eye" to Indonesia's occupation of East Timor during the Ford presidency (Simpson 304). In a time in which human rights legislation was flourishing in the United States, the country aided one of the worst human rights violators of all times, in Kissinger's words, "illegally and beautifully" (Simpson 302).

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