

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ROBERT F. KENNEDY CENTER FOR)
JUSTICE AND HUMAN RIGHTS,)
d.b.a. ROBERT F. KENNEDY HUMAN RIGHTS,)
1300 19th Street N.W.)
Washington, D.C. 20036,)

CENTER FOR HEALTH AND)
GENDER EQUITY d.b.a. CHANGE,)
1317 F Street N.W., Suite 400)
Washington, D.C. 20004)

COMMUNITY INITIATIVES)
d.b.a. COUNCIL FOR GLOBAL EQUALITY,)
1220 L Street N.W.)
Washington, D.C. 20005)

and)

GLOBAL JUSTICE CENTER,)
11 Hanover Square, 6th Floor)
New York, N.Y. 10005,)

Plaintiffs,)

v.)

Case No.: 1:20-cv-02002 (JGK)

MICHAEL R. POMPEO, in his official capacity as)
U.S. Secretary of State,)
2201 C Street N.W.)
Washington, D.C. 20520)

PETER BERKOWITZ, in his official capacity as)
Director of the Policy Planning Staff,)
2201 C. Street N.W.)
Washington, D.C. 20520,)

and)

U.S. DEPARTMENT OF STATE,)
2201 C Street N.W.)
Washington, D.C. 20520)

Defendants.)

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AMICI CURIAE BRIEF OF HUMAN RIGHTS WATCH ET AL.

I. INTRODUCTION

The Federal Advisory Committee Act (“FACA”) protects against the creation of advisory committees dominated by special interests seeking to advance their own agendas. On June 2, 2020, plaintiffs in the above-captioned matter filed a motion for summary judgment that persuasively shows that the U.S. Department of State violated FACA when it formed the Commission on Unalienable Rights (the “Commission”) to advise Secretary Pompeo on how the United States could abandon its commitment to longstanding interpretations of human rights in favor of a framework grounded in “natural law.”

Amici curiae work on behalf of marginalized groups whose rights to privacy, autonomy, and equality before the law rely on the United States’ commitment to established human rights principles. Amici are deeply troubled by the Commission’s apparent intent to undo decades of progress—repeatedly affirmed in multilateral treaties which the United States has signed and, in some cases, ratified—by replacing authoritative interpretations of international human rights law with those of the Commission’s members. Because the Commission will injure amici in at least the respects detailed below, amici file this brief in support of plaintiffs’ motion.

II. IDENTITY AND INTEREST OF AMICI

Amici are Human Rights Watch, American Jewish World Service, Center for Reproductive Rights, Human Rights Campaign, Human Rights First, and International Women’s Health Coalition. By challenging fundamental principles of human rights law, including principles the United States relies on to protect the rights of lesbian, gay, bisexual, transgender, and intersex

(LGBTI) individuals and women¹ through multilateral treaties, the Commission will (a) harm amici's ability to protect the interests of people at risk of human rights violations and (b) interfere with foreign policy by undermining the commitments the United States has made through carefully negotiated treaties to uphold rights amici exist to protect.

First, amici defend the human rights and dignity of all persons, including the rights of LGBTI individuals and women to privacy, autonomy, and equality before the law. Appearing to work from the premise that some rights are more worthy of state protection than others, the Commission threatens to undermine rights that are not recognized within a natural law tradition.

Second, by signaling its intent to establish an expansive right to manifest religious beliefs to the detriment of other rights, the Commission is undermining commitments the United States has made abroad. In the case of treaties the United States has ratified, such as the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention on the Elimination of All Forms of Racial Discrimination, the Commission's actions create a risk that the United States will breach treaty obligations that do not align with the Commission's view of human rights. And for treaties the United States has signed but not ratified—including the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; and the American Convention on Human Rights—the Commission's work threatens to repudiate priorities that the United States encouraged other nations to adopt.

¹ Amici recognize that LGBTI individuals and women are not distinct categories of right-holders, and often overlap.

III. ARGUMENT

A. The Commission Threatens the Very Concepts It Claims to Protect

The Commission’s mandate is to provide “advice and recommendations on human rights to the Secretary of State, grounded in our nation’s founding principles and the 1948 Universal Declaration of Human Rights.”² But many among the Commission’s membership appear to be hostile to longstanding definitions of human rights, and the Commission’s work is premised on a misreading of their history and purpose. The anodyne description of the Commission’s mandate obscures the harm it threatens to cause.

1. The Commission’s membership is largely hostile to settled human rights principles.

The Commission purports to comprise members “who have distinguished backgrounds in U.S. diplomacy, international law, and human rights.”³ The publicly held viewpoints of the Commission’s members suggest that other criteria also guided selection of members—namely, a focus on religious freedom to the exclusion of other rights.

Chairperson Mary Ann Glendon, former Ambassador to The Holy See,⁴ received “arguably the most prestigious pro-life prize in the U.S.”⁵ Ms. Glendon believes marriage equality

² U.S. Dep’t of State, Charter for the Commission on Unalienable Rights (July 2019), <https://www.state.gov/charter-for-the-commission-on-unalienable-rights/>.

³ *Id.*

⁴ Harvard Law School, Faculty Profiles, <https://hls.harvard.edu/faculty/directory/10311/Glendon>.

⁵ Christopher White, *Accepting UND award, Glendon lauds female role in pro-life movement*, CRUX NOW (Apr. 30, 2018), <https://cruxnow.com/church-in-the-usa/2018/04/accepting-und-award-glendon-lauds-female-role-in-pro-life-movement/>.

is not a civil right but “really a bid for special preferences” inherently in conflict with religious freedom, and has suggested that same-sex parent households may harm children.⁶ The viewpoints of other Commission members are similarly biased toward a definition of religious freedom that undermines other rights.

Dr. Peter Berkowitz views marriage as built on the “complementarity” of opposite-sex partners.⁷ Mr. F. Cartwright Weiland relied on debunked undercover footage⁸ to argue for restrictive abortion laws, and contributed to amicus briefs supporting such laws.⁹ Prof. Hamza Yusuf Hanson called abortion “an assault on a sanctified life,”¹⁰ and homosexuality a sign of the

⁶ Mary Ann Glendon, *For Better or for Worse?*, Wall St. J. (Feb. 25, 2004), <https://www.wsj.com/articles/SB107767097367738444>.

⁷ Peter Berkowitz, *Gay-Marriage Backers, Admirably Open to Dissent*, Real Clear Politics (Apr. 23, 2014), https://www.realclearpolitics.com/articles/2014/04/23/gay-marriage_backers_admirably_open_to_dissent_122355.html.

⁸ Dave Levitan, *Unspinning the Planned Parenthood Video*, FACTCHECK.ORG (Jul. 21, 2015), <https://www.factcheck.org/2015/07/unspinning-the-planned-parenthood-video/>.

⁹ John D. Colyandro and F. Cartwright Weiland, *Undercover footage undermines abortion advocates’ case in Texas abortion case*, THE DALLAS MORNING NEWS (Mar. 2, 2016), <https://www.dallasnews.com/opinion/commentary/2016/03/02/weiland-and-colyandro-undercover-footage-undermines-abortion-advocates-case-in-texas-abortion-case/>.

¹⁰ Hamza Yusuf, *When Does a Human Fetus Become Human?*, Renovatio, J. of Zaytuna College (June 22, 2018), <https://renovatio.zaytuna.edu/article/when-does-a-human-fetus-become-human>

end times.¹¹ Dr. Jaqueline Rivers cited “Biblical principle and natural law” to denounce abortion as “the deliberate destruction of a human life.”¹² Dr. Rivers believes marriage is “divinely established . . . between one man and one woman,” and advocated for Christians to unite to “restor[e] a divinely inspired understanding of marriage.”¹³ Rabbi Dr. Meir Soloveichik presented at the Interfaith Evening in Defense of Marriage¹⁴ and authored an article that linked marriage equality to bestiality.¹⁵ Dr. Christopher Tollefsen co-authored *Embryo: A Defense of Human Life*¹⁶

¹¹ Hamza Yusuf, *Homosexuality*, Islam on Demand (July 29, 2011),

<https://www.youtube.com/watch?v=iXRnWTB2FRg&app=desktop> (at 3:15).

¹² Seymour Institute, *An Open Letter to Hilary Clinton Regarding Religious Freedom for Black America*,

https://webcache.googleusercontent.com/search?q=cache:Bh6Py_sKBe0J:https://www.seymourinstitute.com/open-letter.html+&cd=1&hl=en&ct=clnk&gl=us.

¹³ Jacqueline C. Rivers, *Marriage and the Black Family*, Public Discourse, J. of the Witherspoon Inst. (Nov. 25, 2014), <https://www.thepublicdiscourse.com/2014/11/14108/>.

¹⁴ John Woods, *Faith, Fortitude are Allies in Defending Marriage*, Cardinal Says, Catholic NY (Mar. 15, 2017), <https://www.cny.org/stories/faith-fortitude-are-allies-in-defending-marriage-cardinal-says,15240?>.

¹⁵ Soloveichik, Meir, *A Nation Under God: Jews, Christians, and the American Public Square*,

¹⁴ The Torah U-Madda J., 62, 71-72. (2006). Accessed May 29, 2020 at JSTOR, www.jstor.org/stable/40888144.

¹⁶ Robert P. George & Christopher Tollefsen, *Embryo: A Defense of Human Life* (2008).

and has argued it is “a just . . . use of force” to take up arms to prevent abortions.¹⁷ Ms. Katrina Swett, the former Chair of the Commission on International Religious Freedom,¹⁸ has blamed “LGBT activism” for what she sees as a retreat from protection of other human rights issues, “especially religious freedom.”¹⁹ Others members have been more circumspect, but share similar backgrounds.²⁰

¹⁷ Christopher O. Tollefsen, *Assault Weapons, Defense and the Resistance to Tyranny*, Public Discourse, J. of the Witherspoon Inst. (Mar. 6, 2018), <https://www.thepublicdiscourse.com/2018/03/21140/>.

¹⁸ Lantos Foundation for Human Rights & Justice, Leadership Biography for Katrina Lantos Swett, <https://www.lantosfoundation.org/about-our-president>.

¹⁹ J.C. Derrick, *Democrat Katrina Lantos Swett is an Advocate for Human Rights Regardless of Which Party She Offends*, World Magazine (Apr. 11, 2017), republished at <https://www.lantosfoundation.org/news/2017/4/13/her-fathers-daughter-world-magazine>.

²⁰ See, e.g., Natalie Weber, *ND Right to Life Panel Reflects on Notion of a Pro-Life World*, The Observer (Nov. 18, 2016), <https://ndsmcobserver.com/2016/11/right-to-life/> (listing Professor Paolo Carozza as presenter at Notre Dame University’s “Right to Life” event); The Federalist Society, Contributors Biography for Kenneth Anderson, <https://fedsoc.org/contributors/kenneth-anderson-1> (The Federalist Society has a stated purpose of “reordering priorities within the legal system to place a premium on . . . traditional values.” (<https://fedsoc.org/about-us>)); *Hoover Scholar: US Break with Saudi Arabia Would Deliver Middle East to Iran*, Hoover Inst., Stanford U. (Oct. 26, 2018), <https://www.hoover.org/news/hoover-scholar-us-break-saudi-arabia-would->

The bias of the Commission exemplifies “[o]ne of the great dangers” Congress had in mind when it enacted FACA.²¹ Congress thus requires that “the membership of [an] advisory committee . . . be fairly balanced in terms of the points of view represented”²² No such balance exists here. The Commission includes no advocates for the rights of LGBTI individuals to equal treatment under the law or the right to access reproductive health care, even though human rights treaties protect equality and sexual and reproductive rights as a component of and essential to the realization of fundamental human rights, including the rights to health, life, equality, information, education, privacy, freedom from discrimination and violence, and freedom from torture as well as cruel and degrading treatment.²³ As discussed below, maintaining an informed understanding

deliver-middle-east-iran (Dr. Russell A. Berman arguing that outrage at the murder of Jamal Kashoggi is “another effort to get at President Trump.”).

²¹ H.R. Rep. No. 92-1017, at 6 (1972), *reprinted in* 1972 U.S.C.C.A.N. 3491, 3496 (citing disapprovingly an Industrial Waste Committee meeting where “only representatives of industry were present,” and “[n]o representatives of conservation, environment, clean water, consumer, or other public interest groups were present. . .”).

²² 5 U.S.C. App. 2 §§ 5(b)(2), (c).

²³ Int’l Comm’n of Jurists, *SOGI UN Database*, <https://www.icj.org/sogi-un-database/> (accessed Mar. 17, 2020); U.N. Office of the High Commissioner, *Combatting Discrimination Based on Sexual Orientation and Gender Identity*, <https://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx> (accessed Jun. 6, 2020); Center for Reproductive Rights, *Breaking Ground: Treaty Monitoring Bodies on Reproductive Rights 2020* (2019), <https://reproductiverights.org/sites/default/files/documents/Breaking->

of international human rights law—which FACA enforces through its fair balance requirement—is essential to the Commission’s purpose to “provide[] advice and recommendations on human rights.”²⁴

2. The Commission’s comments about human rights betray a misunderstanding of their history and purpose.

The Commission’s project is founded on misguided premises that conflict with authoritative interpretations of human rights principles. The United States has for decades positioned itself as a leader in promoting treaties that reaffirm protections against violations of the dignity, privacy, autonomy, and equality of all people, including LGBTI individuals, women, and others.²⁵ The Commission—which has expressed its intent to advise the State Department on how it can counteract a purported “proliferation” of “new” rights by elevating certain “natural rights” above all others—puts this leadership at risk.

(a) The Commission’s concern about a “proliferation” of rights is at odds with accepted understandings of human rights.

The Commission begins from the premise that gains made by marginalized groups represent a “proliferation” of new rights that undermine “fundamental” rights such as freedom of

Ground-2020.pdf; Center for Reproductive Rights, Letter to U.S. Dept. of State, Commission on Unalienable Rights (Apr. 2, 2020), <https://reproductiverights.org/sites/default/files/2020-05/Center%20for%20Reproductive%20Rights%20-%20submission%20to%20US%20State%20Dept%20Commission%20on%20Unalienable%20Rights.pdf>.

²⁴ U.S. Dept. of State, Charter for the Comm’n on Unalienable Rights (2019), <https://www.state.gov/charter-for-the-commission-on-unalienable-rights/>.

²⁵ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, art. 26.

religion.²⁶ But marginalized groups do not seek special rights; they seek rights to which everyone is entitled: privacy, autonomy, dignity, and equal treatment under the law.²⁷ It is well-documented that without the protections of these rights, marginalized individuals are uniquely vulnerable to serious rights violations, including extrajudicial killings.²⁸ The Commission’s skepticism toward allegedly “new” rights should be seen for what it is: skepticism that marginalized individuals are entitled to the same dignity, privacy, autonomy, and status in law as everyone.

(b) **The Commission ignores that human rights are universal, interdependent, and cannot be subrogated to one another.**

Similarly misguided is the Commission’s apparent intent to elevate select rights over others on the premise that those rights are more consonant with the “founding principles” of the United

²⁶ ECF No. 39-2 (Secretary Pompeo stating “[c]laims of ‘rights’ have exploded” and elevated “debatable political priorities” and “personal preferences” to the level of “rights”).

²⁷ Int’l Comm’n of Jurists, *The Yogyakarta Principles: Principles on the application of international human rights law in relation to sexual orientation and gender identity*, (Mar. 2007), <https://www.icj.org/wp-content/uploads/2012/08/Yogyakarta-Principles-publication-2007-eng.pdf>, (“[H]uman rights violations targeted toward persons because of their actual or perceived sexual orientation or gender identity constitute a global and entrenched pattern of serious concern.”).

²⁸ UN G. A., Res. 57/214, para. 6 (Feb. 25, 2003).

States.²⁹ This approach ignores the international law principles that human rights are indivisible, interdependent, and interrelated.³⁰

By referencing the “founding principles” of the United States as a touchstone for rights deemed uniquely important, the Commission ignores that human rights exist independent of national interests and traditions.³¹ Human rights are also not hierarchal.³² They are equal in importance because each contributes to the realization of a person’s dignity, and the fulfilment of one right often depends upon others. The elevation of select rights not only negatively affects rights demoted to a lower tier of protection but impedes enjoyment of related rights. For instance, full realization of the right to health depends on fulfilment of the rights to development, education, and

²⁹ U.S. Dept. of State, Commission on Unalienable Rights, Notice of intent to establish an advisory committee, 84 Fed. Reg. 25,109 (May 30, 2019).

³⁰ U.N., Human Rights, Office of the High Comm’r, Vienna Declaration and Programme of Action, para. 5 (June 25, 1993),
<https://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf>.

³¹ Amnesty Int’l Submission to the U.S. Dept. of State Commission on Unalienable Rights, ¶ 46 (May 20, 2020),
<https://www.amnesty.org/download/Documents/AMR5123752020ENGLISH.PDF>.

³² Final Act of the International Conference on Human Rights (Tehran, 22 April to 13 May 1968), para. 2 (at p. 4), https://legal.un.org/avl/pdf/ha/fatchr/Final_Act_of_TehranConf.pdf (Proclamation wherein the United States and other countries reaffirmed as inalienable *all* the rights they had recognized in the UDHR).

information. No human right should be invoked to destroy another human right, and the Commission's stated intent to do so runs counter to established principles.³³

3. The Commission elides the distinction between the right to hold religious beliefs and the right to manifest them.

The Commission invokes the premises above in an apparent bid to present religious freedom as an “unalienable” right to which other rights are subordinate. But this itself is the result of yet another misinterpretation of human rights principles—the Commission conflates the right to *hold* religious beliefs with the right to *manifest* them, and assumes conditions placed on the latter amount to restrictions on the former.

First, unlike the right to hold a belief—which is absolute—the right to manifest belief may be limited by states when necessary to protect the fundamental rights of others, including the rights of others to access sexual and reproductive healthcare.³⁴ The U.N. Special Rapporteur on freedom

³³ Universal Declaration of Human Rights, Art. 30 (1948), <https://www.un.org/en/universal-declaration-human-rights/>; International Covenant on Civil and Political Rights, art. 5; *see also* Senate Comm. on Foreign Relations, 102d Cong., Report on the International Covenant on Civil and Political Rights, S. Exec. Rep. No. 23, at 1 (1992), <https://www.law.umich.edu/facultyhome/drwcasebook/Documents/Documents/Senate%20Committee%20on%20Foreign%20Relations%20Report%20on%20the%20ICCPR.pdf> (advocating for adoption of ICCPR and recognizing “the importance of adhering to internationally recognized standards of human rights.”).

³⁴ UN Human Rights Committee, Gen. Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), U.N. Doc. CCPR/C/21/Rev.1/Add.4, paras. 3, 8 (July 30, 1993); U.N. Human Rights Committee, Gen. Comment No. 36 (2018), para. 8; U.N. Committee on

of religion recently reiterated that “[i]nternational law is clear” that the manifestation of religion “may be limited by States in situations where doing so is necessary to protect the fundamental rights of others,” including the right to non-discrimination and equality, a principle “upon which all human rights, including the right to freedom of religion or belief depends.”³⁵ By conflating internal belief with its external manifestation, the Commission favors a framework that would turn the balance struck under human rights law on its head by subordinating the rights of LGBTI

Economic, Social and Cultural Rights, Gen. Comment No. 22 (1966), para. 14, 43; U.N. Committee on the Elimination of Discrimination Against Women, Gen. Recommendation No. 24, para. 11; Special Rapporteur, *Interim rep. of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health*, para. 24, 65(m), U.N. Doc. A/66/254 (2011); *see also Estate of Thornton v. Caldor, Inc.*, 472 U.S. 703, 709-10 (1985) (“The First Amendment . . . gives no one the right to insist that in pursuit of their own interests others must conform their conduct to his own religious necessities”); Frederick M. Gedicks & Rebecca G. Van Tassell, *RFRA Exemptions from the Contraception Mandate: An Unconstitutional Accommodation of Religion*, 49 Harv. C.R.-C.L. L. Rev. 343, 361-62 (2014) (“Ardent accommodationists, strict separationists, and many in between agree that the Establishment Clause precludes permissive accommodations that shift the material costs of practicing a religion from the accommodated believers to those who believe and practice differently.”).

³⁵ U.N. Human Rights Council, *Freedom of Religion or Belief*, (Special Rapporteur on freedom of religion or belief), para.70, U.N. Doc. A/HRC/43/48 (2020). Advance unedited edition available at <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Annual.aspx>.

individuals and women to discriminatory acts motivated by belief.³⁶

Second, the Commission risks weakening religious freedom, undermining its own apparent objective. The Commission may appear to strengthen religious freedom by broadening the aspects of religious practice that are considered absolute. But by allowing for conditional limits on manifestations of belief that are inconsistent with conflicting rights, existing human rights principles ensure that religious minorities are protected from domination by majoritarian practices. This *expands* religious freedom for all by ensuring that the right to hold religious beliefs is not curtailed by the manifestation of practices hostile to those beliefs.

The right to hold a belief is absolute—or, in the Commission’s words, “unalienable.” By seeking to shoehorn the right to manifest belief into the same category, the Commission threatens the rights of LGBTI individuals, women, and religious minorities.

B. The Threatened Subordination of Established Human Rights to Religious Freedom Will Result in Concrete and Widespread Harms

Should the Commission elevate the freedom to manifest religious beliefs over other rights, it will put LGBTI individuals, women, and other vulnerable groups at great risk of harm.

First, religious refusals could be used to deny services—including housing, employment, education, health, and commercial services—to LGBTI individuals due to their sexual orientation,

³⁶ European Union (EU), “EU Guidelines on the promotion and protection of freedom of religion or belief” (June 24, 2013), at paras. 13 to 27, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf (“[T]he manifestation of a religion or belief . . . may constitute violations of international human rights standards.”).

gender identity or sex characteristics. Religious freedom arguments may also be used to promote the criminalization of LGBTI individuals, putting lives at great risk.

Second, where medical practitioners manifest religious belief to deny health services, they threaten the health and well-being of people seeking such healthcare,³⁷ violate the duty of care and medical ethics,³⁸ and exacerbate stigma. When a provider refuses a patient access to contraception or abortion—a procedure which, by its nature, cannot be delayed—the patient may face severe delays in accessing legal abortion care, and might be forced to travel great distances to seek healthcare, with the dangers and hardship that entails. The patient may be forced to continue an

³⁷ Int'l Women's Health Coalition, *Unconscionable: When Providers Deny Abortion Care*, at 15 (2018), https://31u5ac2nrwj6247cya153vw9-wpengine.netdna-ssl.com/wp-content/uploads/2018/06/IWHC_CO_Report-Web_single_pg.pdf (so-called “conscientious objection” of medical personnel to provision of abortion services may lead women to seek clandestine, unsafe abortion); Liza Fuentes & Jenna Jerman, *Distance Traveled to Obtain Clinical Abortion Care in the United States and Reasons for Clinic Choice*, J. of Women's Health, Dec. 2019, at 1623-1631 (collecting studies illustrating increased health, financial, and mental burden to women forced to travel greater distances to access abortion; finding mean one-way distance traveled for abortions in U.S. is 34 miles); UCSF, Bixby Ctr. for Global Reproductive Health, Advancing New Standards in Reproductive Health, *Introduction to the Turnaway Study* (Mar. 2020).

³⁸ Department of Reproductive Health and Research, “Safe Abortion: Technical and Policy Guidance for Health Systems” (World Health Organization, 2012), http://www.who.int/reproductivehealth/publications/unsafe_abortion/9789241548434/en/.

unwanted pregnancy, often at great physical, emotional, social and economic cost. And refusals disproportionately affect those who are most marginalized and already face discrimination based on race, ethnicity, religion, immigration status, age, class, geography, indigenous status, sexual orientation, gender identity, or sex characteristics.

By diminishing the United States' commitment to human rights, the Commission jeopardizes global efforts to strengthen protections for LGBTI individuals and women. Beyond weakening the role that the State Department's Bureau for Democracy, Human Rights, and Labor plays, should human rights norms that protect marginalized groups be deprioritized in U.S. foreign policy, there will be less support for organizations on the frontlines combatting human rights violations. This could lead to a breakdown of international human rights standards as states redefine human rights regimes to suit their national priorities.³⁹

IV. CONCLUSION

As set out in plaintiffs' motion for summary judgment, the Commission violates FACA. The Commission also threatens concrete harm to amici and the human rights they exist to protect.

³⁹ Franz Viljoen, *International Human Rights Law: a Short History*, UN Chronicle (Jan. 2009), <https://unchronicle.un.org/article/international-human-rights-law-short-history> (describing establishment of United Nations in 1945 and apparatus allowing for consistent interpretation of rights and relief for violations of same).

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DORSEY & WHITNEY LLP

By /s/ Fara S. Sunderji

Fara S. Sunderji (FS-1208)
51 West 52nd Street
New York, NY 10019-6119
Tel.: (212) 415-9291
Fax: (212) 953-7201
sunderji.fara@dorsey.com

Attorneys for Amici Curiae

Stefan Szpajda
Elliot Hales
Connor Hansen
Lynnda McGlinn
Alyson Dieckman
Dorsey & Whitney LLP
701 Fifth Avenue, Suite 6100
Seattle, WA 98104
Tel.: (206) 903-5479
szpajda.stefan@dorsey.com
hales.elliott@dorsey.com
mcglinn.lynnda@dorsey.com
dieckman.alyson@dorsey.com

Michael Garcia Bochenek
Human Rights Watch
350 Fifth Avenue, 34th Floor
New York, New York 10118-3299
Tel: (212) 216-1213
bochenm@hrw.org

American Jewish World Service
45 West 36th Street
New York, New York 10018
Tel: (212) 792-2900

Risa E. Kaufman
Susan D. Inman
Center for Reproductive Rights
199 Water Street

New York, New York 10038
Tel: (917) 637-3669
rkaufman@reprorights.org

Sarah Warbelow
Jason Starr
Human Rights Campaign
1640 Rhode Island Ave, NW
Washington, DC 20036
(202) 572-8981
sarah.warbelow@hrc.org

Melissa Hooper
Human Rights First
805 15th Street, NW, Suite 900
Washington, D.C. 20005
Tel.: (202) 547-5692
hooperm@humanrightsfirst.org

International Women's Health Coalition
333 Seventh Avenue, 6th Floor
New York, New York 10001

CERTIFICATE OF COMPLIANCE

I hereby certify that according to the word count feature of the word processing program used to prepare this brief, the brief contains 3,498 words (exclusive of the cover page, certificate of compliance, table of contents, and table of authorities), and complies with Local Civil Rule 11.1 of the Southern District of New York, as well as with Individual Practice Rule 2.D of Judge John G. Koeltl (to whom this case has been assigned).

/s/ Fara S. Sunderji
Fara S. Sunderji