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Influence and Effectiveness in the Years of Upheaval: 
*Winston Lord and the Policy Planning Staff from 1973 to 1977*

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“Avoid trivia.”

In April 1947, George F. Kennan was instructed by Secretary of State George Marshall to set up a Policy Planning Staff in response to the economic crisis in Europe following World War II. Secretary Marshall famously offered only one piece of advice to Kennan for the unprecedented endeavor: “avoid trivia.” In a memo to his new team, Kennan summed up the greatest freedoms and constraints for the potential of policy planning as an institutionalized exercise: “Many of the questions may look so naively broad as to horrify the scholarly economist. If so, tell your people to disregard their consciences, take a deep breath, and let us have their best guess.”

Despite this uncertainty, Kennan’s formation of the first Policy Planning Staff (S/P) combined with Marshall’s advice, produced a new type of agency with a uniquely broad policy vision. Their integration of grand strategy in policymaking was special to the S/P and sparked a new era of U.S. policymaking exemplified by its first major accomplishment, the Marshall Plan, and with it, the reconstruction of a crumbling Europe.

While post-war periods often witness great change, the ability of Kennan and his five-man staff to come together across agencies to develop a uniquely interdependent U.S. policy towards Europe’s reconstruction represented a paradigm shift in the formation of U.S. foreign policy. In the words of Dean Acheson, the S/P has held the same role since its inception in 1947:

To anticipate the emerging form of things to come, to reappraise policies which had acquired their own momentum and went on after the reasons for them had ceased, and to stimulate and, when necessary, to devise basic policies crucial to the conduct of our foreign affairs.

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2 Ibid.
3 George Kennan, “Memorandum by the Director of the Policy Planning Staff (Kennen) to the Assistant Secretary of State for Economic Affairs (Thorp),” June 24, 1947, Foreign Relations of the United States, 1947, The British Commonwealth; Europe, Volume III, Lot 122, Box 13113.
However, like all institutions, the S/P has failed, succeeded, strayed, and expanded from its defined role in its many iterations since 1947. Notably, the S/P experienced what many refer to as its “golden-age” following the appointment of Henry Kissinger as Secretary of State in 1973, despite the U.S. mood following the Watergate Scandal and Vietnam War.\(^5\) Kissinger’s reputation as a prolific grand strategist and practitioner of realpolitik in the Cold War era as National Security Advisor (1969-1975) foreshadowed the importance he would place on this type of long-term policy analysis in his role as secretary of state.

Given Secretary Kissinger’s inclination towards grand strategy, he afforded significant priority to the S/P during his tenure as secretary from 1973 to 1977. One of Kissinger’s first actions as secretary was to appoint his former Special Assistant (1970-1973), Winston Lord, as Director of the S/P.\(^6\) In my interviews with Lord, he attributed the S/P’s increased influence both to Kissinger’s strategic and conceptual approach to foreign policy as well as the loss of executive authority following the Watergate Crisis, which opened up space to formulate policy independently.\(^7\)

The existing literature on the S/P offers robust discussions of the utility and purpose of long-term foreign policy planning. However, the literature fails to properly analyze the individual efforts of the S/P, typically mentioning the 1973 to 1977 period simply as a “golden age for policy planners.”\(^8\) Most serious academic works tend towards political science and focus on debating the utility of policy planning over its seventy-year history, without focusing on


\(^6\) Further, in a guest lecture given to former Policy Planning speechwriter, Charles Hill’s Yale University course “GLBL 885: World Order”, Secretary Henry Kissinger spoke about the unique importance of Policy Planning to him and to his conception of world geopolitical order, April 2016.

\(^7\) Interview with Winston Lord, conducted June 27, 2017 via telephone.

\(^8\) Brady, “Planning for Foreign Policy: A Framework for Analysis;” Pugliaresi and Berliner, “Policy Analysis at the Department of State: The Policy Planning Staff.”
individual contributions of the S/P to specific episodes in foreign affairs after Kennan. 9 Another
genre of scholarship ignores Lord and the S/P, instead attributing policy formation directly to
Kissinger, discounting any influence from the wider bureaucracy. 10 Finally, the most predictably
problematic contributions come from Kissinger himself, who sparingly discusses the S/P on only
30 pages in over 3,500 pages of his personal memoirs, exhibiting a tendency not to credit his
influencers. 11

This essay contributes to existing analyses on state planning and foreign policy decision-
making by offering a comprehensive discussion of two case studies in U.S. long-term foreign
policy planning from the perspective of Lord’s S/P. Using event-specific methodology, it is
possible to focus on Lord and this specific iteration of the S/P to determine the factors that
allowed for long-term planning’s effectiveness, and to evaluate the influence of the S/P on

9 Bruce W. Jentleson and Andrew BENNET, “Policy Planning: Oxymoron or Sine Eua Non for U.S. Foreign
Policy,” pp. 219 – 246, in Stanley Allen Renshon and Deborah Welch Larson, eds., Good Judgment in Foreign
Policy: Theory and Application (Lanham, Md: Rowman & Littlefield, 2003); Brady, “Planning for Foreign Policy:
A Framework for Analysis;” Daniel Drezner, ed., “Planning for Policy Planning.” In Avoiding Trivia, 23–33, Project
MUSE (Washington: Brookings Institution Press, 2009), http://muse.jhu.edu/chapter/1198450; Lincoln Bloomfield,
“Planning Foreign Policy: Cant It Be Done?” The Academy of Political Sciences 93, no. 3 (August 1978),
http://www.jstor.org/stable/2149530; Douglas Brinkley, ed., Dean Acheson and the Making of U.S. Foreign Policy
(New York: St. Martin’s Press, 1993);

Flawed Architect: Henry Kissinger and American Foreign Policy (New York: Oxford University Press, 2004);
Walter Isaacson, Kissinger: A Biography (New York: Simon & Schuster Paperbacks, 2013); Roger Morris,
Uncertain Greatness: Henry Kissinger and American Foreign Policy, (New York: Harper & Row, 1977); John
George Stoessinger, Henry Kissinger: The Anguish of Power (New York: Norton, 1976); Richard Valeriani, Travels
with Henry (Boston: Houghton Mifflin, 1979); Harry Mason Joiner, American Foreign Policy: The Kissinger Era

11 This tendency to not credit his influencers is documented in wide-ranging Kissinger studies as well as Lord’s oral
history. Lord described Kissinger’s tendency to contest opposing views to his own, and if he was convinced by
someone else to include this new thinking into his own statements, he would do so without attributing credit to the
original source. However, this seems to be a tendency of his working career that he has begun to rethink given the
importance Dr. Kissinger prescribed to his “working groups” or the Policy Planning Staff in an April 2016 lecture at
Yale University. Henry Kissinger, Years of Renewal (New York, NY: Simon & Schuster, 1999); Henry Kissinger,
Years of Upheaval, First Simon & Schuster trade paperback ed. (New York: Simon & Schuster, 2011); Henry Kissinger,
White House Years, First Simon & Schuster trade paperback ed. (New York: Simon & Schuster trade paperbacks,
2011); Charles Stuart Kennedy and Nancy Bernkopf Tucker, Interview with Ambassador Winston Lord, transcript of an oral history conducted on April 28, 1998 by Charles Kennedy and Nancy Tucker,
Foreign Affairs Oral History Project, Association for Diplomatic Studies and Training, Library of Congress,
Manuscript Division, accessed http://www.adst.org/OH%20TOCs/Lord,%20Winston.pdf; Dr. Henry Kissinger,
Lecture, “GLBL 885: World Order,” Professor Charles Hill, Yale University Jackson Institute for Global Affairs,
New Haven, CT, April 2016.
Secretary Kissinger’s individual power to shape U.S. foreign policy. By tracing a foreign policy decision from its introduction in the State Department to a major turning point through S/P analysis and memos, the S/P’s individual role becomes evident. In this period, the S/P took the lead on cross-agency issues, linked operational policy decisions with established long-term U.S. strategic principles, and most importantly had a tangible influence on the decision-making of Secretary Kissinger.

This essay begins with a discussion of the most pertinent theoretical scholarship from historians and political scientists on the utility and role of state planning in U.S. foreign policy, offering definitions from political scientist Linda Brady and Lord for the two opposite operating styles of policy planning bodies: as an academic body versus a bureaucratic actor. It then traces the historiography of the S/P, its purpose, and its development by Kissinger and Lord. Then, this essay utilizes two case studies, the Law of Sea (LOS) Negotiations and shifting U.S. policy towards human rights in southern Africa, in order to follow the evolution of State Department policy from the introduction of an issue to a major policy pronouncement. Although the S/P did not serve identical roles in the two case studies, the cases serve as examples of the wide-ranging utility of Lord’s S/P under Kissinger. In the LOS Negotiations from 1973 to 1976, the S/P tended towards the bureaucratic actor role, formulating day-to-day negotiating strategy, writing speeches for Kissinger, and negotiating between competing U.S. agencies. The Africa case study, culminating in Kissinger’s April 27, 1976 speech in Lusaka, Zaire, illuminates the long-term strategic thinking executed within the S/P. Through the extensive use of original S/P memos, the cases tangibly illustrate the influence of Lord and his S/P from 1973 to 1977 on the

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12 Southern Africa is used throughout the S/P archives as well as this essay typically to denote South Africa and Rhodesia (and in some cases Botswana and Zambia). Rhodesia was an unrecognized state in southern Africa from 1965 to 1979, known as the Republic of Rhodesia from 1970 onwards, and Zimbabwe in 1980.
decision-making of Secretary Kissinger and thus on the formulation of U.S. foreign policy in the period.

I. The Debated Utility of the Policy Planning Staff

Despite its consistency of mission, the S/P has changed names, shrunk, and expanded, all while exhibiting varying levels of influence on the secretary and U.S. foreign policymaking. Most scholars acknowledge the dramatic impact of Kennan’s S/P in 1947, but many like Linda P. Brady suggest a drastic decline of S/P influence immediately following this period, culminating in an all-time low from 1961 to 1966 under Director Walt Rostow. Despite its rejuvenation in 1973 with Kissinger’s move to the Department of State, the S/P has been both praised and criticized, producing only a mixed evaluation of its effectiveness in the policy-making process.

Political scientists of the 20th and 21st centuries divide their analysis of policy planning into two general schools of thought: planning as intellectual activity and planning as political process. Brady offers a neat framework defining both, which aligns with Lord’s own analysis. Planning as intellectual activity, or the “Ivory Tower” school, is the “‘thinker’ model of foreign-policy planning.” In this model S/P responsibilities are limited to the “setting of objectives, forecasting, post-hoc analysis, and the formulation of ‘unthinkable’ alternatives. At no point does the staff become an active lobbyist for its proposals. Nor does the staff serve as co-coordinator of goal-setting or option-formulation activities performed by other bureaucratic actors.” In other words, “planning is not responding to cables, not coordination, and not speech

15 Kennedy and Tucker, Interview with Winston Lord, 323.
writing.” Conversely, Brady and Lord define planning as political process as the “bureaucratic actor” method or the “overly operational” model. In this second model, “planning has an impact on policy only if planners are influential. Planners are not only thinkers, but also actors in a bureaucratic game.” If policy planners do not hold bargaining chips against other bureaucratic actors, they are unlikely to influence policy. They must advance their own analysis and advocate within the State Department.

Lord understood these dynamics and knew that a major avenue for his own influence and that of the S/P came through his personal relationship with Secretary Kissinger. As Director of the S/P, Lord acknowledged his power when he said: “I had the carrot because I had all of the advantages I mentioned, in terms of access to the Secretary of State and to information. The regional and functional bureaus knew that I was obviously plugged in to the Secretary, personally and professionally, and in terms of information. This relationship put Lord in a privileged position within the State Department and elevated the role of the S/P as a mediator and clearinghouse for agencies’ competing interests and State Department coordination.

More recent scholarship continues to comment on the period of relative influence exhibited by Lord and the S/P from 1973 to 1977. In one of his first actions as secretary, Kissinger appointed Lord as director reflecting the primacy he placed on conceptual frameworks and long-term thinking. Echoing this, in one of my interviews with Lord, he asserted that the

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16 Brady, “Planning for Foreign Policy: A Framework for Analysis.”
17 Ibid.
18 Ibid. Brady cites conversations with multiple members of the Policy Planning Staff as her source for this information. Similarly, Lord discussed at length his personal relationship with Kissinger in his oral history, Kennedy, Charles Stuart, Nancy Bernkopf Tucker, and Winston Lord, Interview with Winston Lord; This is reflected yet again in many correspondences between the Lord’s and Kissinger’s in Lord’s Archival papers, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD.
19 Kennedy and Tucker, Interview with Winston Lord, 323.
20 Ibid.
21 Further, in a guest lecture given to former Policy Planning speechwriter, Charles Hill’s Yale University course “GLBL 885: World Order”, Secretary Henry Kissinger spoke about the unique importance of Policy Planning to him and to his conception of world geopolitical order, April 2016.
key variant for this specific S/P was Kissinger himself and his “conceptual and strategic outlook, which linked issues together and looked beyond the immediate crisis,” not the nature of the issues in the 1970s. Similarly, Kissinger, an iconoclastic figure typically portrayed as monolithic, secretive, and individualistic, spoke with great reverence for Lord and the work of the S/P: “our [State Department] analytical and conceptual capabilities have been greatly enhanced by giving the Policy Planning Staff a central position in the organization.” Both Lord and many scholars attribute this period of effectiveness, in part, to Kissinger’s approach to foreign policy as well as the close relationship between Lord and Kissinger, stemming from Lord’s tenure as Kissinger’s Special Assistant to the National Security Advisor from 1970 to 1973.

On the other hand, there are some who assert Lord’s tenure did not represent “golden-age” for policy planning. Richard Haass, the Director of the S/P from 2001 to 2003, discounts the record of Lord and Kissinger as unidimensional while discussing the crises and major events, like the end of WWII and the September 11 terrorist attacks, that make policymakers more receptive to the ideas of policy planning:

In the 1960s and 1970s, most of the thinking in American foreign policy was contained within a paradigm – containment – in the context of the cold war. This was not a time for producing new paradigms, but for operating within an existing one at a refined and defined level. It was not as glorious a moment for policy planning as others.

While Haass correctly identifies the Cold War era containment policy that characterized much of foreign policymaking in the 1960s and 70s, this does not mean that policy planning was ineffective or unable to produce new paradigms. In fact, many major successes of the S/P from

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22 Interview with Winston Lord, conducted June 27, 2017 via telephone.
23 Bloomfield, “Planning Foreign Policy: Cant It Be Done?”
24 Kennedy and Tucker, Interview with Winston Lord, 100-104.
26 Under the recommendation of Diplomat George F. Kennan, the United States adopted “a policy of firm containment, designed to confront the Russians with unalterable counterforce at every point where they show signs
1973 to 1977 came from exploiting Kissinger’s tendency to frame problems in this to advance their own analysis and in many cases establish new paradigms, as with human rights policy and black majority rule in southern Africa. As the two case studies show, the S/P served as a conduit to Kissinger and thus for the formation of State Department policy on a wide range of issues, despite its lack of operational expertise in some of these areas.

II. Winnson Lord’s Policy Planning Staff from 1973 to 1977

To analyze the 1973 to 1977 period, it is first important to note how Kissinger and Lord changed the structure of the Policy Planning Staff after taking office in 1973.27 In a memo dated April 10, 1974, Lord and Under Secretary of State for Political Affairs Joseph Sisco laid out a plan, “Towards a More Systematic Policy Planning Process.” The memo evolved out of a March 22 conversation between Kissinger and Lord and revealed that Kissinger requested a study to expand the role of the S/P.28 Lord and Sisco criticized the overly operational leanings of the State Department which prevented more imaginative, forward-thinking: “the necessary preoccupation of the bureaus with daily decision-making absorbs their attention and often produces a spiral of short-term solutions to immediate issues raised by you [Secretary Kissinger] or other principals.”29 Similarly, they described the technical details required to implement a process they name “conceptualization,” defined as the formulation of a broader framework

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27 Lord changed the name from the Office of Policy Planning to the Policy Planning Staff to realign his S/P with that of George Kennan, the first and most senior director of the S/P forty years prior. Ibid, 346.

28 Ibid.

within which major issues are defined and policy recommendations put forward in order to address the need to anticipate emerging form of things to come (i.e. long-term planning). The restructuring placed increased importance on the S/P and on forward-looking policy analysis, even in regions that were not currently priorities. Thus, the goal of the earlier conversation and this subsequent restructuring was to create a more systematic policy planning process by anticipating future events and formulating a “menu” of solutions that fit within U.S. foreign policy principles before events occurred. Rather than being reactionary, policy was to be visionary.

Reflecting in 2017, forty years after his directorship, Lord believed that there were four ingredients necessary for a successful S/P. Firstly, the secretary of state must be conceptual and strategic. This means he/she is willing envision policy in the future rather than being “lawyerly” or focused on day-to-day tactics. Secondly the director of the S/P and the secretary of state need a close professional and personal relationship so that the S/P’s work will be received and taken seriously. Thirdly, the S/P must have access to the best possible people, particularly emerging stars in the State Department. Kissinger told Lord that “anyone he wanted he could get” to form his new staff in 1973. Finally, the S/P must have access to as much information as possible. Lord received total information from Kissinger including things that were top-secret, which allowed him both to make the most informed analysis possible but also gave him leverage with other Bureaus.

30 In the memo Lord and Sisco go on to describe the technical details required to implement “conceptualization” and the development of a framework for analysis. The suggestions include regular Analytical Staff Meetings, “devoted to reviewing with Principals, Assistant Secretaries and others as appropriate an alert list of events or trends for then next six months…to provide a good forum for keeping you [Kissinger] and the principals abreast of future developments and for assuring such developments do not catch [them] off guard,” which would allow for solutions to be formed before they were necessary to avoid inadequate reactionary responses to world issues, Ibid.  
31 Ibid.  
32 Interview with Winston Lord, conducted June 27, 2017 via telephone.
To some, the newly structured S/P could appear to represent an institution designed to reinforce Kissinger’s grand strategic frameworks. Therefore, the measure of Lord’s independent influence rested on his ability to work within this framework to advance his and the S/P’s viewpoints that differed from those of Kissinger. However, some assert instead that this reinforced the “inner-circle” theory of Kissinger’s secretive politics, suggesting that Lord and the people appointed by or serving underneath Kissinger were installed to reinforce existing viewpoints rather than act as independent advisors. In other words, Kissinger controlled the show, and those around him were simply “yes-men.” Lord displayed an understanding of both of these concepts in his oral history:

People would come to me and ask me what kind of arguments would appeal to Kissinger and the best way to go about approaching him. I always tried to be helpful, in the national interest and in the interests of Kissinger and the various bureaus in the State Department that were asking my views. Also, I like to get along with people. I thought that made me more popular but also probably more effective, if they figured that I was cooperative, as opposed to outmaneuvering them and using my insider status to unfair advantage.

However, his ability to serve the interests of Kissinger, the various bureaus in the State Department, and understanding of his privileged position of influence provides support for Lord’s characterization as a savvy political operator working within an established bureaucracy. Lord displayed an acute understanding of his boss’s bias, admitting that he may have overemphasized over emphasized the East-West aspect of foreign policy, which suggested that Lord did not seek to appease Kissinger but dealt with him effectively. By understanding how to package ideas outside the scope of Kissinger’s interests within his framework, Lord advanced the opinions and policies of the S/P and other bureaus within the State Department.

In a final example to establish Lord’s independence from Kissinger, Lord conducted certain actions of the S/P without Kissinger’s approval. In the original 1973 memo reorganizing

the S/P, Lord and Sisco concluded by advocating for greater transparency and information sharing despite Kissinger’s well-known preference for secrecy. Lord took it upon himself to review what happened at meetings with Kissinger at regular staff meetings of the S/P as a management tactic and to boost team morale. Lord understood the significance of this practice:

I never let Kissinger know how much I was telling all of my people. I needed their help; I needed their thinking. This, in turn, helped Kissinger and the national interest. I wanted to promote good morale. I also told them that, because of the sensitivity of some of the subjects, I counted on their discretion. 36

By acknowledging that this practice was contrary to Kissinger’s wishes, Lord provides concrete evidence for his ability to act independently from Kissinger, despite their close relationship.

While it is clear Lord influenced the structure and scope of the S/P during his tenure as director, it is more complicated to examine his influence on policy formulation and on the decision-making of Kissinger. It is also important to note that it is difficult to disaggregate the efforts of the S/P staff and of Lord himself, as all S/P memos came through Lord to Kissinger. However, the goal of this essay will be to use to an event-specific methodology to chronologically trace the efforts of Lord’s S/P. The following sections will trace two case studies—the Law of Sea Treaty negotiations from 1973 to 1976 and shifting U.S. policy towards human rights in southern Africa—in order to analyze the successes and mechanisms by which the S/P was able to influence the U.S. foreign policymaking of Kissinger.

III. Law of the Sea Negotiations from 1973 to 1976 37

“No current international negotiation is more vital for the long-term stability and prosperity of our globe.” 38

-Secretary of State Henry Kissinger

36 Ibid, 327-328.
37 Figure 1 in the Appendix offer visual representations of the many terms used to describe different levels of ocean jurisdiction and the “exclusive economic zone” concept that will appear throughout this section.
38 Speech by Henry Kissinger, Secretary of State, to American Bar Association Annual Convention, “International Law, World Order, and Human Progress,” Montreal, Canada, August 11, 1975, University of Minnesota, accessed https://hdl.handle.net/2027/umn.31951d02488168t?urlappend=%3Bseq=3.
One of the major contributions and institutional roles of the S/P was to take the lead on issues that cut across the interests of several bureaus or agencies. The preparation and execution of the Third United Nations Conference on the Law of the Sea (UNCLOS III) negotiations spanned the Office of the Legal Adviser of the Department as well as military and economic bureaus. Given that Secretary Kissinger attended the 1973 UNCLOS III planning meeting in New York City and again in 1976, the S/P was heavily involved in the formulation of U.S. policy and the synthesis of many different bureaus’ policymaking process. Lord believed his staff was uniquely able to act as an “honest broker…looking at the issue from the global perspective of the President and the Secretary of State.”

Given the lack of international consensus on the issue of the seas, the LOS negotiations still remained uncharted waters. As a result, U.S. policy was formulated from the ground-up by the S/P, culminating in a speech by Secretary Kissinger on April 8, 1976.

The LOS negotiations of the 1970s represented a culmination of over thirty years of uncertainty with regards to international sea rights. With the Truman Proclamation of September 28, 1945, the U.S. set off what is referred to as a great “sea rush,” claiming continental shelves as territory and developing plans to exploit marine resources in indeterminate areas. This declared the natural resources of the subsoil and seabed of the continental shelf beneath the seas and contiguous to American coasts as belonging to the U.S., subject to its jurisdiction and control. In the words of Jorge Coquia, a member of the Philippine delegation of UNCLOS III and Chairman of the delegation of the International Tribunal of the Law of the Sea, “the United States, in effect, claim[ed] all resources of a sea area over 700,000 square miles,” and in response, “many other

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40 Before UNCLOS III, the international community had convened for previous U.N. Conventions on the Law of the Sea, namely UNCLOS I in 1958 and UNCLOS II in 1960. Both conferences produced very little consensus and were considered unsuccessful.
States followed suit but laid claims much more than what was asserted by the United States.”

Problematically for the developing world, Coquia wrote that for the next four decades, “the States that could not exploit [deep sea resources] due to lack of technological resources needed a law to protect them against abuses by exploitation of other States.”\(^{41}\) As pressure to the historical status quo mounted and developing countries remained unprotected, the international community convened for UNCLOS III in 1973.\(^{42}\)

The first U.S. response to these newfound trends was NSSM 125 issued by President Nixon in 1970. The President assigned a newfound importance to the issue of the oceans on the basis that “the law of the sea is inadequate to meet the needs of modern technology and the concerns of the international community. If it is not modernized multilaterally, unilateral action and international conflict are inevitable.”\(^{43}\) A new system was required. While calling for an immediate treaty renouncing all national claims over resources of the seabed beyond 200 meters in depth, Nixon announced his vision to establish “international machinery” that would “authorize and regulate the exploration and use of seabed resources beyond the continental margins.”\(^{44}\) The U.S. sought to hold territorial sea lines through an international agreement, rather than simply by continuing to assert its customary rights through the insulation of military defense. U.S. principles sought to ensure the highest levels of free trade and to avoid the possibility of nations demanding travel tariffs for passage through important commercial straits.

In brief, NSSM 125 outlined U.S. national security interests, advocated for the highest level of

\(^{41}\) Jorge R Coquia, Development of and Significance of the 200-Mile Exclusive Economic Zone,” Selected essays on the law of the sea (Makati, Metro Manila, Philippines: Published for the Secretariat to the Cabinet Committee on the Law of the Sea Treaty by the Development Academy of the Philippines Press, 1982), 29-35.


\(^{44}\) Ibid. See Figure 1.
freedom of navigation, defined U.S. economic, environmental, scientific, and conflict resolution principles, and finally laid out options for the upcoming negotiations.

Even before Kissinger became the secretary of state in 1973 he had begun work on LOS policy. As National Security Advisor, he sent a memo on July 22, 1971, to President Nixon analyzing NSSM 125 with a section titled, “My Views.” Kissinger stated that he believed “the most important question facing us at this time is how to generate broad multilateral support for a law of the sea which protects those aspects of our positions which are vital to us, namely a 12-mile territorial sea and free transit through straits,” in order to maintain the greatest freedom of navigation possible.45 One of the most important issues that continued to be negotiated was the U.S. seabeds initiative, which was originally based on the shape of the continental shelf but deemed unfair by Kissinger. Instead, the negotiating delegation (and thus the S/P) were given the authority to explore a different formula for the outer limit of the so-called “trusteeship zone” and the profit sharing by developing nations that it entailed.46 The major analyses initiated by Kissinger’s 1971 memo would be “a study of what we can do through carrots and sticks to persuade individual countries to take more accommodating L.O.S. positions,” combined with a high level diplomatic campaign designed to seek multilateral support and avoid unilateral claims.47 It was from this base laid by Kissinger that the S/P took over in 1973.

Although discussion of U.S. LOS policy was underway in 1970 and continued throughout both Lord’s and Kissinger’s tenures, it would take until 1982 for the negotiation teams to nail

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46 This was the undefined concept where coastal states would act as trustees for the international community and would receive a share of the international revenues from the zone and could impose additional taxes if these were deemed desirable, and beyond this area the international machinery would authorize and regulate the use of seabed resources, Shigeru Oda, The Law of the Sea in Our Time. 2: The United Nations Seabed Committee, 1968 – 1973 (Sijthoff Publications on Ocean Development 4. Leyden: Sijthoff, 1977).
down a final agreement on the entire LOS treaty. This delay illustrates some of the limitations of the S/P as an institution as well as the restraints of grand strategic foreign policy planning. There is inherent difficulty associated with negotiations requiring international cooperation over shared resources.  As Kissinger noted, the LOS negotiations were extremely important and highly complex. Additionally, bureaucratic timelines and term limits can further inhibit the ability of an S/P or State Department to engage in long-term planning. Although the S/P’s mandate was long-term foreign policy, its effectiveness, particularly in the LOS negotiations, was often in the tackling of day-to-day problems within a long-term framework. In the words of Dean Acheson, they looked “beyond the vision of the operating officers caught in the smoke and crises of current battle; far enough ahead to see the emerging form of things to come and outline what should be done to meet or anticipate them.” This necessitated daily and weekly changes of strategy all while working towards the grander U.S. principles of freedom of navigation and limiting regulation power of other nations.

**Preparation for the 1974 Caracas Meeting of the UNCLOS III**

After Kissinger became secretary of state in 1973, the direction of U.S. LOS negotiations fell on Ambassador John R. Stevenson, the President’s Special Representative for the Law of the Sea Negotiations, John Norton Moore, the Chairman of the NSC Interagency Task Force on LOS, and Lord. From the beginning, the S/P recognized its role as a coordinator between agencies and on the bureaucratic and political problems of the LOS negotiations. In a November 27, 1973, briefing memorandum, Lord outlined the initial disputes on the U.S. side, which inhibited progress towards a realistic and comprehensive negotiating position:

48 Sebenius, 8.
49 Acheson, 214.
Strong disagreement is apparent between the agencies, particularly between Treasury (Secretary Schultz) and Interior. OMB [Office of Management and Budget] (Director Ash) and CEA [Council of Economic Advisors] generally have sided with Treasury, while most of the other agencies share the views of Interior. This disagreement focuses on the nature of the international control over the exploitation of seabed resources.50

Most nations preferred a strong international seabed regime covering waters beyond 200 miles and exclusive coastal state economic jurisdictions over mineral and living resources to 200 miles, along with royalties on seabed minerals.51 This engendered opposition towards the U.S. support for non-exclusive coastal state economic claims, limited royalties, and a weak regulating body, which was viewed as the most conservative of any participant. At this point in 1973, the U.S. recognized that they were in a minority position internationally and needed multilateral support. This would require willingness to compromise on non-vital interests moving into the Caracas Conference in 1974.

The Caracas Conference of 1974 represented a moment of excitement in the international community. However, this was short lived. Gary H. Knight, American LOS expert and member of the NSC’s Inter-Agency Task Force on the LOS, wrote that “disillusionment was quick in coming, and the conference was, as ocean law expert William T. Burke puts it ‘about as exciting as watching paint dry.’”52 As a firsthand U.S. observer, Knight concluded that it was not surprising no agreements were reached in Caracas, given the level of disagreement between the developed and developing nations. More problematically, according to Knight “the Caracas

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50 Winston Lord, Director of Policy Planning to Henry Kissinger, Secretary of State through David Rush, Deputy Secretary of State, Briefing Memorandum, “Your Briefing on Law of the Sea Negotiations, Tuesday, November 27, 1973, 5:00 P.M.,” Box 347, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD. There are some citations from the S/P Files of Winston Lord that do not have box numbers cited, only the Record Group. I did not record all Box numbers in my attempt to get through all the pertinent documents with limited time in Washington D.C. If needed for a specific document, I would be happy to consult with the National Archives Staff to retrieve the correct box number.

51 Figure 1 provides graphical representations of the different limits and distances discussed throughout this section and throughout the LOS negotiations. Gary H. Knight, “The Third United Nations Law of the Sea Conference: Caracas,” October 1974, American Universities Field Staff Reports, East Coast South America Series, South America, Vol. XVIII, No. 1.

52 Ibid.
session did not bring the parties any closer together.” Both Knight and the S/P identified this divide as a defining characteristic of the Caracas Conference, and perhaps the entirety of the LOS negotiations: “East-West ideological issues were replaced by a new polarization – the ‘North-South split.’” The nations of the North (Eastern and Western Europe, the Soviet Union, the United States, Canada, Japan, and Australia) have common views on most of the issues… The nations of the South (the developing countries of Asia, Africa, and Latin America) likewise have similar perspectives.” More specifically, the North emphasized freedoms: freedom of navigation, freedom of scientific research, freedom from pollution of the marine environment. The South emphasized resources: exclusive access to fish, oil, and gas off their coasts, and exclusive management authority and regulation within a broad coastal area.54

The U.S. believed that an international treaty was necessary to avoid international conflict and harm to U.S. interests as nations increasingly asserted unilateral claims to more ocean area. These considerations reflected Lord’s bureaucratic proclivities displayed throughout his career, but explicitly stated in a 1974 speech to the Commonwealth Club in San Francisco:

The time of easy choices for this nation is gone. Accustomed to relative self-sufficiency, we now face the reality which has confronted Europe, Japan and most other nations for decades – dependence on an open, cooperative international system for national growth. America must reconcile its national and global goals.55

The reconciliation of national and global goals would prove to be both an essential criteria and barrier to the negotiations. This translated into subsequent negotiating strategy as the U.S. sought to achieve a settlement of existing and potential conflict over ocean uses through a compromise package, which would satisfy major powers while also appeasing the developing

53 Ibid.
54 Ibid.
countries. After the 1974 Caracas conference, U.S. strategy shifted. The U.S. agreed to greater coastal state control over offshore resources in order to appease coastal states. However, these concessions were contingent upon reservation of traditional international rights within the areas subject to coastal state jurisdiction. In effect, the U.S. sought to establish a balance between coastal states’ demand for increased rights and the international community’s rights regarding navigation, scientific research, and other non-resource uses.

Given the relatively unsuccessful nature of the 1974 Caracas session, it is unsurprising that the U.S. Senate and other states began to look favorably on unilateral extension of jurisdiction, which the S/P recognized would negatively affect their ability to conduct negotiations. The S/P and LOS negotiators stood at odds with the will of Congress. As such, subsequent negotiating objectives focused as much on international negotiation as they did on domestic concerns. The S/P LOS issue paper from 1974 concluded by laying out options for all treaty sections, and summarized that in preparation for the 1975 session, “we should continue to oppose the unilateral 200-mile fisheries bill and the unilateral Deep Seabed Hard Minerals Bill in the U.S. Congress and we will work closely with Congress to gain maximum support for an acceptable treaty.” The S/P understood where Congressional opinion lay, but determined that it did not align with long-term U.S. principles.

Throughout this period, LOS negotiations became more and more of a priority within the State Department and within the S/P. However, it is worth noting that until 1975, all LOS-related memos from Lord were directed not to Secretary Kissinger, but to Robert Ingersoll, the deputy secretary. It would take two full years from the first LOS conference in 1973 until late

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57 Ibid.
58 Ibid.
1975 for Secretary Kissinger to take personal notice and until late 1976 before Secretary Kissinger took a lead role in negotiations. Following the failed Caracas conference in 1974, the S/P conducted an analytical staff meeting (without Secretary Kissinger present) in order to focus on three objectives: 1) U.S. security and straits objectives; 2) the deep seabed regime; and 3) the outstanding issues of the economic zone, i.e. 200-mile exclusive economic zone versus a “trusteeship zone.” The S/P’s goal was to set objectives and priorities for the negotiations, which would prove to be a primary role throughout the negotiations.59

Secretary Kissinger and the Law of the Sea Conference: 1976 New York Session

“The current negotiation may thus be the world’s last chance.”60 -Henry Kissinger, 1975

In advance of the March 1976 session in New York, Secretary Kissinger took a more role in the LOS negotiations, in his own words, to “promote significant and rapid progress in this vitally important negotiation.”61 His participation began on August 11, 1975, with a speech in front of the American Bar Association’s annual convention elevating the importance of the LOS conference within his overarching framework for foreign policy, which focused on international order and stability. Discussions within the S/P and the subsequent speeches focused heavily on the geopolitical magnitude of the LOS negotiations. This speech—like many to follow—featured nearly identical language to the S/P memo from September 10, 1974, reflecting the S/P’s influence in defining U.S. LOS principles.

59 Winston Lord, Director of Policy Planning to George S. Springsteen, the Executive Secretary, Action Memorandum, “Proposal for Analytical Meeting on Law of the Sea,” January 7, 1975, Box 352, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD.
60 Speech by Henry Kissinger, Secretary of State to American Bar Association Annual Convention, “International Law, World Order, and Human Progress,” Montreal, Canada, August 11, 1975, U.S. Dept of State, Bureau of Public Affairs, Office of Media Services, accessed https://hdl.handle.net/2027/umn.31951d02488168t?urlappend=%3Bseq=3
61 Ibid.
In 1974 and 1975, public remarks by both Lord and Kissinger reflected similar thought processes about the state of world affairs as one of unprecedented interdependence. Lord advocated for multilateral solutions. Kissinger focused more heavily on international law and global order. “An international order can be neither stable nor just without accepted norms of conduct. International law both provides a means and embodies our ends… The challenge of international order takes an unprecedented urgency in the contemporary world of interdependence.”62 With this in mind, Kissinger’s 1975 speech in Montreal reasserted U.S. commitment to freedom of navigation through international straits on the basis of free trade and international security, while conceding a 12-mile territorial sea, and maintaining U.S. opposition to the non-discriminate 200-mile exclusive economic zone. Kissinger opposed all domestic steps towards unilateral legislation on the basis that the “world simply cannot afford to let the vital questions before the Law of the Sea conference be answered by default,” and further elevated the importance of the LOS negotiations using almost identical rhetoric to the September 1974 S/P memo: “We are at one of those rare moments when mankind has come together to devise means of preventing future conflict and shaping its destiny, rather than to solve a crisis that has occurred to deal with the aftermath of war. It is a test of vision and will, and of statesmanship. It must succeed.”63 By lending his stature and grand strategic rhetoric to the LOS negotiations, Kissinger successfully inspired greater cooperation of negotiating parties in advance of the 1976 Conference in New York.64

The S/P continued to strategically use Secretary Kissinger’s participation in the LOS process to gain multilateral support for a basic compromise package and requested his

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62 Ibid.
63 Ibid.
participation at the next 1976 LOS Conference in New York. Deep seabed mining, a fraught issue area, would be the focus in New York, but the outlook was promising; many developing countries were making proposals that hinted at willingness to compromise. As such, Lord suggested that Kissinger’s continued participation at the conference “would be underlining the political importance the US attaches to these negotiations… to establish common ground between the two groups [developed and less developed nations].”

Over the next few months, the S/P prepared Kissinger’s remarks, while simultaneously evaluating Congress’ recent passage of the “200-mile unilateral fisheries bill,” opposed by the State Department for its potential negative effects on foreign policy and the U.S. negotiating position. The proposed speech as of mid-March 1976 touched on the importance of interdependence, outlined major U.S. demands including a 12-mile territorial sea, a 200-mile economic zone with freedom of navigation, freedom of navigation through international straits, the protection of the marine environment, and provided a preview of the U.S. negotiating position on deep seabed mining.

In consultation with the lead negotiator of the LOS negotiations, Ambassador Learson, the S/P continued to take the lead on formulating U.S. negotiating strategy. The long-term analysis and historical knowledge of international relations housed within the S/P made it a perfect body for such analysis. Lord asserted that the U.S. negotiation strategy before Kissinger’s speech “would be to obtain early in the session a wider consensus for the compromise package. We would specifically ask one of the two key LDC countries, probably

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66 Ibid.
68 Ibid.
Brazil…whether they would publicly come forward and agree on the broad outlines of the package if it had your active personal support.” Similarly, throughout the LOS negotiations Lord displayed his aptitude for evaluating Congressional and public support on behalf of Kissinger: “We could also discuss the package with appropriate Hill leaders to obtain their support and understanding. Also we could take soundings with industry leaders to urge their support…to help undercut the possible opposition by some agencies.” In the days leading up to Secretary Kissinger’s speech, the S/P focused their efforts on this tension.

Although the S/P served primarily as a long-term planning body, the pace at which the LOS negotiations moved and changed required a different type of role. The S/P essentially defined for Secretary Kissinger his participation in the process he deemed to be so vital to international world order. As an example, Secretary Kissinger’s major participatory moment in the conference came in the form of an April 8, 1976, speech in New York. However, U.S. policy was set just two weeks prior on March 22, 1976. The S/P sent a LOS strategy paper outlining long-term U.S. interests and the negotiating strategies recommended to secure these interests in the day-to-day LOS negotiations. The S/P continued to direct negotiating policy, which is a day-to-day endeavor, in order to advance long-term strategic goals as presented in Kissinger’s public addresses—the more typical role of the S/P.

In the 1976 strategy paper, Lord advocated for compromise: both North-South cooperation between industrialized and the less developed countries and also between the State and Treasury Department. For North-South cooperation, Lord highlighted that the issue of deep seabed mining and the establishment of a governing regime to ensure revenue sharing, which had

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69 LDC was an abbreviation used often to refer to “less developed countries.” Winston Lord, Director of Policy Planning and Ambassador Vincent Learson, Special Representative to the United Nations Law of the Sea Conference, Action Memorandum, “Your Possible Participation at the New York Law of the Sea Conference Session,” March 16, 1976, Box 353, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD.
become a part of the LDCs’ conception of a “new economic order.”

For the conflict with Treasury, described by both Harvard negotiation expert James Sebenius and by Lord, Treasury did not want to accept any kind of limitations on U.S. production or exploitation of deep sea resources, which the S/P had deemed acceptable as part of the compromise package. To address both of these facts, and to gain Kissinger’s buy-in, Lord asserted that compromise with the less developed countries (LDCs) was inevitable, and allowed for certain concessions backed by guarantees in return. These included guaranteed access to seabed resources for LDCs in exchange for some developed country control over the policy machinery of the to-be-established International Seabed Regulation Authority (ISRA), limitation of ISRA’s powers, and establishment of a dispute settlement procedure. In Lord’s analysis these concessions and guarantees satisfied “our basic objectives, but frankly [do] not give us everything we want on every issue.” However, the S/P concluded that this was the best U.S. could do while still securing the necessary conditions for effective access to seabed minerals and the protection of military and security interests.

With these inter-agency problems in mind, Lord and the S/P spent the next two weeks trying to serve as the State Department’s “honest broker,” finding compromise and cooperation between the S/P, Treasury, and the LOS Delegation in New York. The State Department needed Kissinger’s April 8 speech to present a united front to move the conference forward on the seabeds issue rather than creating more confusion. Just four days before the speech, the S/P had

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72 Ibid.
resolved two of the four major issues; they found agreement for support of a voting system within ISRA that reflected relative economic importance and determined that the U.S. would not support an adjustment assistance program to help adversely affected land-based producers financed by direct national contributions. However, the limitation of deep-sea mineral production and the role of ISRA in possible deep-sea commodity agreements still remained contentious with Treasury.

In a minor setback, a follow-up memo sent the next day on April 5, informed Kissinger that the LOS Delegation and Ambassador Learson were forced out of necessity to undertake an ad referendum negotiation and accepted a version of the production limitation and role for possible future commodity agreements on their own, which went beyond what was contemplated by the S/P, despite the S/P’s clear instruction to the delegation to hold the line.\(^73\) Strategy had to change quickly. Again, it was the S/P that designed the State Department’s policy towards this new development. The new compromise plan proposed by the S/P allowed for these concessions made by Ambassador Learson while maintaining “non-discriminatory access to the area under the so-called ‘banking system,’” contingent on a satisfactory ISRA Executive Council being formed. These new policies directly became Kissinger’s talking points.\(^74\)

Three days later on April 8, 1976, it was the day of Kissinger’s LOS Conference address titled “The Law of the Sea: A Test of International Cooperation.” Organized almost identically to the S/P strategy paper from March 22, the speech touched on the importance of the oceans, the progress of the LOS negotiations to date, and outlined a range of unresolved issues and U.S.

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\(^73\) The “so-called ‘banked system’” was balance-of-payments support system from the private banking system and came with increased credits from commercial banks to the less developed coastal countries. Winston Lord, Director of Policy Planning to Henry Kissinger, Secretary of State, Action Memorandum, “Your Meeting with Secretary Simon on Outstanding Differences on Law of the Sea, 2:30 P.M., Monday, April 5,” April 5, 1976, Box 355, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD; Maurice Hope-Thompson, *The Third World and the Law of the Sea: The Attitude of the Group of 77 Toward the Continental Shelf*, 1 B.C. Third World L.J. 37 (1980), http://lawdigitalcommons.bc.edu/twlj/vol1/iss1/11.

\(^74\) Ibid.
solutions. For marine scientific research the U.S. agreed to a reasonable balance between coastal state and international interests in the economic zone (up to 200 miles, as can be seen in Figure 1 in the Appendix). In terms of a dispute settlement mechanism, the U.S. proposed the establishment of an impartial body whose findings would be binding on all signatory states in order to have a non-political, rapid, and impartial judge. Finally, in respect to the “most complex and vital issue remaining,”—deep seabeds—the U.S. voiced support for the establishment of an International Seabed Resource Authority (ISRA) with limited jurisdiction and an executive council to represent the “producer and consumer interests of those states most concerned with seabed mining,” non-discriminatory access for states and their nationals to deep seabed resources, support for a system of revenue sharing (a top-priority LDC demand), and, to address the major LDC concern, technology transfer system for developing countries to share deep seabed mining technology.75

Lord concluded Kissinger’s speech in typical Kissinger fashion by elevating the importance of the LOS negotiations to that of utmost geopolitical importance: “If the Conference is successful, mankind’s rights and responsibilities with regard to the oceans will be clear to all…it will mean the nations of the world have proved that the challenges of the future can be solved cooperatively; that, for the first time mankind has been able to surmount traditional enmities and ambitions in the service of a better vision.”76 While reiterating his hope for a successful April Conference, Kissinger may have foreshadowed its subsequent failure by announcing that if a second session is necessary this year that the president asked him to lead the

76 Ibid.
U.S. delegation himself. Now, in 1976, the President himself adopted the preferred tactic of the S/P, to use Kissinger’s participation as a tool on the international negotiating stage.

Although the LOS negotiations would not produce a final treaty until December 10, 1982, in Montego Bay, Jamaica, the contributions of the S/P towards negotiating strategy and defining Kissinger’s participation were a major influence for the 1982 treaty. Given the unsuccessful outcome of the 1976 conference, Lord wrote a statement on behalf of Kissinger that reiterated the work left to be done on the regime for mining deep seabed minerals, the nature of the “economic zone,” provisions for marine scientific research in the economic zone, and the rights of landlocked and geographically disadvantaged states in the economic zone. However, the eventual treaty (although rejected by President Ronald Reagan because of its bias towards principles of the developing world’s “new international economic order”) represented a success for the S/P and for Kissinger’s grand strategy, even after both had left office. The treaty included many policies originally designed by Lord’s S/P and subsequently announced by Kissinger in his various addresses. The 1982 LOS Treaty called for technology transfers and wealth transfers from developed to underdeveloped nations; it required signatories to adopt regulations and laws to control pollution of the marine environment; and established a 12-mile territorial sea limit and a 200-mile exclusive economic zone limit. Finally, the treaty established the International Seabed Authority, which included a Council based on relative economic power.

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the 1982 treaty and thus the S/P succeeded in shaping U.S. policy and the global treaty through Kissinger’s participation in UNCLOS III.

Given the similarities from S/P memo to major Kissinger speech, lack of analytical staff meetings between the S/P and Kissinger, and Kissinger’s limited consultations with the Treasury Department or Department of Defense leading up to his participation in the 1976 New York LOS Conference it is clear that he placed a great deal of responsibility on Lord and the S/P to be the main body within the State Department for LOS policy formulation. To highlight the ultimate decision-making power exercised by the S/P it is critical to emphasize some of the most important similarities between Kissinger’s April 8th speech and the S/P memos leading up to it. Kissinger adopted the S/P view that a stalemate at UNCLOS III represented a worst-case scenario for all parties; all policy proposals related to the deep sea mining regime and the establishment of the ISRA came straight from the March 4th Strategy memo prepared by the S/P; and, perhaps most importantly, Kissinger’s ultimatums insinuating unilateral U.S. mining in the face of stalemate originated from S/P analysis that other nations were growing impatient and could force the U.S.’s hand through their own unilateral claims.80

The S/P’s effectiveness can be attributed to a few reasons. As suggested by Lord and scholars like Brady, one reason was the inter-agency nature of the LOS negotiations; LOS

80 Although Secretary Kissinger cut some parts of the prepared text of the April 8, 1976, speech for brevity, media reactions reveal that its intent was correctly received. The New York Times wrote on April 9, 1976 that, “the Secretary’s speech was clearly intended to prod the slow-paced negotiations on the current round of the United Nations Conference on the Law of the Sea.” The speech was seen as an elevation of the importance of the LOS negotiations, and to many, an ultimatum to the negotiating parties. The Times wrote that, “Mr. Kissinger’s warning that the United States was prepared to move ahead unilaterally on deep seabed mining was particularly forthright in his prepared text, and some conference members said it had the flavor of an ultimatum.” International reactions were similar. The Globe and Mail (Canada) wrote that Kissinger’s presence underlined the importance President Gerald Ford attached to the conference and more pressingly, that “the United States would proceed to mine the mineral deposits on the sea bed if a treaty outlining rules for mining is not signed.” Special To The New York Times, “KISSINGER PRODS SEA-LAW SESSION,” The New York Times, April 9, 1976, http://www.nytimes.com/1976/04/09/archives/kissinger-prods-sealaw-session-says-us-will-go-on-with-mineral.html; "Kissinger Offers Proposals,” The Globe and Mail (1936-Current), Apr 09, 1976, https://search.proquest.com/docview/1239892524?accountid=15172.
negotiations represented a functional issue, rather than a regional one.\textsuperscript{81} Lord and the S/P negotiated day-to-day strategy while framing and solving problems within the context of a grander framework for geopolitical stability.\textsuperscript{82} Finally, the lack of meaningful historical U.S. engagement with the UNCLOS allowed the S/P to form policy from the ground up. In this new issue area, in which Secretary Kissinger voluntarily played a passive if important role, U.S. LOS policy and negotiation strategy came directly from the pens of Lord and his S/P.

IV. Human Rights in Southern Africa and Secretary Kissinger’s 1976 Lusaka, Zambia Speech: A Liberal Cause Turned Operational Policy

*It would not have been predicted by any observer of American politics that a Republican administration would take the lead in bringing about the breakthrough to majority rule in Southern Africa. Majority [black] rule had been a liberal cause, never translated into an operational policy.*\textsuperscript{83}

-Henry Kissinger, *Years of Renewal*

The complexity and extended timeline of the LOS negotiations limited the overall impact that Lord’s S/P could exert on the final treaty process. Although they were able to shape day-to-day negotiating strategy within the larger framework of long-term U.S. interests, given that the treaty would not be finalized until 1982, it is difficult to attribute full credit to Lord’s S/P for the treaty’s success. However, the change in U.S. human rights policy towards southern Africa provides an example of the S/P successfully shaping U.S. foreign policy to reflect their own internal analysis, which differed from the opinions of Secretary Kissinger. Kissinger’s April 27, 1976, speech in Lusaka, Zaire represented a clear declaration that U.S. policy towards human rights in Africa had changed forever and that the S/P successfully influenced Kissinger’s decision-making.

\textsuperscript{81} Interview with Winston Lord, conducted June 27, 2017 via telephone.

\textsuperscript{82} As discussed, this framework included the U.S. principles of freedom of navigation, a 200-mile exclusive economic zone, protection of the marine environment, preservation of the right to conduct marine scientific research, and the establishment of third party dispute settlement mechanism.

\textsuperscript{83} Henry Kissinger, *Years of Renewal* (New York: Simon & Schuster, 1999), 903.
In a short two years, from 1974 to 1976, Kissinger and the State Department shifted from a moderately ambivalent and uninterested attitude towards human rights in southern Africa to markedly more active and explicit promotion of black majority rule in South Africa and Rhodesia. Until this point, the U.S. operated under a Nixon administration policy insensitively referred to as the “Tar Baby option.” 84 A secret Nixon Administration document outlined the policy: “we would maintain public opposition to racial repression but relax political isolation and economic restrictions on the white [ruled] states.” 85 In line with this, Kissinger sought to maintain geopolitical stability by supporting the status quo in Africa. 86 Almost twenty-five years after the fact, Kissinger admitted in Years of Renewal, the drastic change in U.S. policy from the “Tar Baby option” to the Lusaka speech was an unusual evolution of policy because it represented a relative 180-degree turn towards Africa, specifically Rhodesia.

As early as 1974, the U.S. began facing increased pressure from Congress, the American public, and international actors alike to address human rights abuses of allies worldwide as well as to clarify U.S. policy towards Africa. Congress began its campaign by demanding reduced economic and military aid to nations with visibly bad human rights records. Similarly, Francis Kornegay in a 1985 piece for Africa Report summed up public opinion of Kissinger’s Africa policy as an “admitted ‘non-policy’ towards Africa,” making reference to Kissinger’s admission to the Congressional Black Caucus that he had no Africa policy at all. 87 Relatedly, on April 19,

85 Isaacson, 822.
87 This in itself was novel as Secretary Kissinger was the first Secretary of State to ever meet with the African-American leaders (elected or otherwise) on foreign policy formulation. Secretary Kissinger asked the Caucus for their help in the formulation of policy and set up a schedule for regular meetings. Francis A. Kornegay, "Kissinger and Africa," Africa Report 20 (6): 1975, accessed https://search.proquest.com/docview/1304047769?accountid=15172, 35; Macharia Munene, J. D. Olewe Nyunya, and Korwa G. Adar, eds, The United States and Africa: From Independence to the End of the Cold War (Nairobi: East African Educational Publishers, 1995), 50-65.
1975, (ironically, just a year before Kissinger would speak in Lusaka, Zambia on Kaunda’s invitation) President Kenneth D. Kaunda of Zambia stated that, “what gives Zambia and Africa great cause for concern is America’s policy towards Africa, or is it the lack of it?”

Kaunda was correct. An S/P memo from 1975, ranked South Africa as a third tier priority in a ranked matrix of political/security interest to the United States, less important than Australia, India, or Algeria. Historian Thomas Borstelmann offers an explanation: “[Nixon’s and Kissinger’s] focus on powerful nations and their lack of interest in weaker ones meant that Africa would always rank low in their priorities,” but for the same reasons it meant that as the only industrialized state on the continent with a modern military force that South Africa would get special attention.

While it could be argued the growing discontent of Congress, the American public, and presidents like Kenneth Kaunda caused Kissinger’s shift in ideology, this was not entirely the case.

Throughout this period of heavy criticism, Secretary Kissinger displayed an unwavering public preference for non-interference, a desire to block Congressional imposition on foreign policy, and at times a willingness to ignore outside opinion completely. Secretary Kissinger outlined his general view on human rights issues in his first discussion on the topic with eight

89 Picture and Methodology of Matrices included in Appendix as Figures 2 and 3. “Priority Rank Ordering of Countries,” August 15, 1975, Box 348, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD.
90 Borstelmann, 234.
91 Joe Renouard offers a neat summary of the debate over South Africa and apartheid in the 1970s and 1980s as one composed of three conflicts. The first was between the Cold War hawks, who viewed South Africa in a geostrategic context, and those who rejected this type of framework as outdated or not related to South Africa. The second was between those who wanted a peaceful and gradual dismantling of apartheid and those who wanted rapid change. Finally, the third was between isolationists who believed America should not interfere in South Africa and interventionists who believed the US should play a central role. Joe Renouard, Human Rights in American Foreign Policy: From the 1960s to the Soviet Collapse (Pennsylvania Studies in Human Rights, Philadelphia: University of Pennsylvania Press, 2016), 227-228.
members of Congress on December 17, 1974, organized by the heavily human rights-focused democratic Congressman Donald Fraser:

Some countries in certain circumstances must be supported no matter how unpleasant it might seem... In determining values we must first define our terms. American institutions cannot be automatically translated and made meaningful to every country in the world... We try to take human rights issues into consideration as long as they do not interfere with our national security.  

Again in 1975, when speaking to the authoritarian Chilean Prime Minister, Kissinger infamously stated: “I hold the strong view that human rights are not appropriate in a foreign policy context.” Furthermore, Keys attests to Kissinger’s uncompromising ideology on human rights internationally: “despite recommendations from key advisers to meet Congress halfway or to make an effort to appear cooperative, Kissinger repeatedly torpedoed efforts at even the most minimal accommodation.” However, she alludes to the influence that Winston Lord and the S/P would play over the next two years in this arena:

Yet, despite Kissinger’s dogged efforts to undermine it... the Bureau during his tenure performed an important educative function, inculcating a new mindset, establishing new diplomatic precedents and procedures, and setting in motion the process through which human rights became a normal part of foreign policy considerations.

Given the indifference felt towards the region, particularly in terms of human rights issues, the evolution of U.S. policy towards Africa and specifically southern Africa provides an example of the S/P’s success against Kissinger’s “dogged efforts,” to keep human rights out of U.S. foreign policy.

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92 Fraser is often credited with sparking this human rights revolution because of his transformation of the chairmanship of the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs into a vehicle for the advancement of human rights and his organization of a coalition of freshmen Congressmen to support him. Fraser increased the number of State Department staff working on human rights and called for an assistant legal adviser on human rights in the Office of the Legal Adviser as well as the appointment of a human rights officer in each regional bureau (as referenced by Robert Ingersoll). Barbara Keys, “Congress, Kissinger, and the Origins of Human Rights Diplomacy,” Diplomatic History 34, no. 5 (November 2010): 823–51, 830; Henry Kissinger, Secretary of State, and Bob Ingersoll, Deputy Secretary of State, to Members of Congress, Memorandum of Conversation on “Human Rights,” 5:00 PM, Tuesday, December 17, 1974, Records of Henry Kissinger, 1973-1977: Record Group 59 Entry A1-5403, National Archives II, College Park, MD.

93 Kissinger to Chilean Foreign Minister Patricio Carvajal, quoted in Peter Kornbluh, The Pinochet File: A Declassified Dossier on Atrocity and Accountability (New York, 2003), 228.

Explanations for Kissinger’s shifted position on human rights in Rhodesia and South Africa remain mixed. Many historians argue a deterministic narrative for Kissinger’s shift. Historian Hanes Walton Jr. writes that, “Kissinger policy didn’t just change itself; events and the role of African nation-states led, in part, to the evolution of a shift in the role that Kissinger had defined for African nation-states.” Jeremi Suri posits that human rights were part of Kissinger’s realpolitik but only as a means to achieve international stability, and only in the European context. Historians like Alex Thomson and Borstelmann attribute Kissinger’s shift to Portugal’s retreat from Angola: “The anti-Communist white-rulled states were now down to two – South Africa and Rhodesia,” which led Kissinger to fear the fall of Rhodesia to the Soviets and to the realization that “what is required, then…is a preemptive strategy” to take the momentum away from the Soviets and Cubans.” While some of the shift must be attributed to events on the continent like the Portuguese retreat from Angola and increased pressure on the few white settler states left in Africa, this explanation discount the S/P’s role in reaching the Lusaka speech and the policies it announced, instead attributing the switch entirely to necessity. Despite these events, Nixon and Kissinger generally continued their policy of opposition towards systems based on racial discrimination while refusing to “put more than a

95 Walton, Stevenson, Rosser, 270.
98 Borstelmann defines the Portuguese withdrawal in Angola as the key change in Africa during the Nixon-Ford years and thus the impetus for Kissinger’s policy change towards South Africa. He writes that, “the departure of the last European colonial power on the continent intensified the pressure on the remaining white settler states, especially neighboring Rhodesia.” Borstelmann asserts that Kissinger’s response was global in his conception and he was determined to show the Soviets that despite events in Vietnam and the Watergate scandal that the U.S. would still oppose leftist revolutions around the Third World. It was considered “essential to the credibility of our policies throughout the world,” to prevent the victory of the Soviet-backed faction in Angola. However, after the Marxist Movimento Popular de Libertação de Angola (MPLA) took power in Angola in 1975, it was clear the U.S. had failed on this objective. Congress responded by investigating CIA support to the Frente Nacional de Libertação de Angola, which led eventually to the Clark Amendment, ending U.S. aid to any combatants in the Angolan civil war, and signaling a major loss of Kissinger’s realpolitik globally. Thomas Borstelmann, The Cold War and the Color Line: American Race Relations in the Global Arena (Cambridge, MA: Harvard University Press, 2003), 238-239.
token element of Washington’s power behind eliminating them.”

Through declassified State Department documents and conversation transcripts, it is clear that the personal ideology of Lord and S/P analysis from 1974 to 1976 played a critical role in convincing Kissinger to pay more attention to human rights in Rhodesia and South Africa, outside of the events in Angola.

Contrary to these deterministic explanations, as early as 1974, before Portugal’s retreat from Angola, the S/P understood that there were questions “about the adequacy of our machinery for dealing with [human rights problems],” as well as “the need for a more coordinated approach to policy-making on these proliferating issues in order to make sure that what we do in one area does not contradict or undermine what we are trying to do.” In response, the S/P took the lead for the State Department and conducted an analytical staff meeting followed by a comprehensive S/P study on human rights issues written on October 22, 1974. It was the S/P that first demonstrated an understanding that the widespread criticism of human rights policy and lack of policy towards Africa necessitated change. Through a combination of Kissinger’s desire for international stability, pressure from Congress following the Angola crisis, and most importantly, S/P analysis and prodding, Kissinger drastically would drastically change his calculus.

Understanding Lord’s Motivations

“Leaders must grasp the basic forces at work in the world and impart this vision to their peoples. The public does not expect instant solution. But it must be confident that the problems are understood and that they are being addressed.”

-Winston Lord

102 In one of his few individual speeches given in 1974 at the Commonwealth Club in San Francisco, Lord stressed the importance of public understanding in policymaking. Address by Winston Lord, Director of the Policy Planning Staff, “America’s Purpose in an Ambiguous Age,” Commonwealth Club, San Francisco, October 11, 1974, Box 350, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD.
As early as 1974, the S/P took the lead on human rights issues as early as 1974, drafting the 30-page analytical study titled “U.S. Policies on Human Rights and Authoritarian Regimes.” This document was circulated to Kissinger multiple times over the two-year period from both Lord and through Deputy Secretary Bob Ingersoll who advocated for it to be disseminated to the field. Nevertheless, it took until July 7th, 1975, before Kissinger agreed to take action, signing his initials to authorize an analytical staff meeting on the issue of human rights. At the time of its release, the document advocated vaguely for, “a coherent definition of our [U.S.] world posture on human rights as part of our overall foreign policy along with a realistic flexibility in the application of that posture to a variety of situations and contexts,” and provided four policy options ranging from a passive policy to a major new human rights initiative. Given the S/P’s early response, it is instructive to examine some of the personal influences on Lord to explain his commitment to changing Kissinger’s mind.

On July 3, 1975, Lord received a dissent channel memo from Alison Palmer, an African foreign service officer, who criticized the State Department’s ad hoc handling of sanctions violations particularly for African violators. In the memo, Palmer claimed that violations about sanctions were being ignored. She urged the State Department to immediately increase discussion of human rights, in particular the “human suffering experienced by blacks in

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103 Deputy Secretary Bob Ingersoll advocated that the memo be disseminated to all Embassies and specifically to the five officers recently designated as “human rights officers” in the regional bureaus. These “human rights” officers in each regional bureau provide an example of the tangible effects of the work of Senator Donald Fraser and the report produced by the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs’ report. Robert Ingersoll, Deputy Secretary of State, to Henry Kissinger, Secretary of State, Memorandum, “Human Rights Policies,” January 15, 1975, Records of Henry Kissinger, 1973-1977: Record Group 59 Entry A1-5403, National Archives II, College Park, MD.


Rhodesia,” and despite the inevitable pushback she must have anticipated, lamented, “I know full well that the very words ‘moral and humanitarian’ are taboo in our foreign policy decision-making process today. This saddens me.”

Lord responded positively, but revealed his heightened commitment to human rights: “I have one quarrel with your memorandum – your allegation/assumption that ‘the very words “moral and humanitarian” are taboo in our foreign policy decision-making process today.’ I respectfully disagree.” Exemplifying his desire to engage the issue area, Lord chose to respond to Palmer’s critique, as he felt morality and humanitarianism were a major thrust of the S/P’s analysis. Despite his response, there is still the question of why Lord would have advocated for black majority rule in southern Africa in a time when Kissinger was so opposed to the idea, outside of his desire to achieve public and Congressional support for foreign policy.

One could point to Lord’s early rejection of apartheid in an October 1974 memo where he asserted the U.S. should “speak or act on other countries’ domestic issues only in serious cases such as apartheid” or his insistence on holding an analytical staff meeting with Secretary Kissinger to discuss the very same S/P memo as proof of Lord’s support for incorporating human rights into diplomacy.

However, neither of these things would necessarily explain his personal motivations. It was a combination of Lord’s forward-looking mandate, belief in relationships, and understanding of the importance of buy-in from Congress and the American public that convinced him that U.S. human rights policy, particularly towards Rhodesia and

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South Africa, had to change. Lord was keenly aware of the importance of relationships in his role as director of the S/P: those between bureaus, with his own staff, and with Secretary Kissinger. He focused much more time on these relationships than Kissinger. Revealing this contrast, Lord remarked that, “on human rights generally, [Kissinger] never had a full appreciation of the need for public and Congressional support…In many ways he was more comfortable dealing with authoritarian leaders who could make decisions than in dealing with messy democrats and parliaments.” Similarly, Lord was adept at managing relationships between bureaus in the State Department; he spoke at length in his oral history about mediating the concerns of the different bureaus and helping to shape their memos in a manner that would appeal to Kissinger in order to achieve their original aims. This belief permeated his work. In relation to the African question, Lord foreshadowed the challenge before him when he asserted that, “the highest priority this year [1976] is to broaden public understanding and support for our policies” in a memo meant to brief Kissinger on all pertinent problems the State Department

109 Similarly, it could be argued that Lord’s familial upbringing played a role in his support for human rights diplomacy. Lord’s mother, Mary Lord, was a Pillsbury of the Pillsbury Flour family, who worked much of her life supporting social welfare work. However, after working Eisenhower’s successful 1952 presidential campaign she was appointed a delegate to the United Nations under Henry Cabot Lodge who was the ambassador to the UN. Perhaps most importantly though, following this post she succeeded Eleanor Roosevelt as the United States’ representative to the United Nations Commission on Human Rights (after 2006, referred to as the UN Human Rights Council) from 1953 to 1961 serving as the second person ever in that role. This influence likely played a role in Lord’s desire to incorporate human rights and the primacy that S/P took on studying policy options and consequences of ignoring human rights issues. Similarly, Lord received a personal letter in December 1975 from Philip W. Pillsbury, Jr., his maternal cousin, a career United States Information Agency (USIA) and foreign-service officer who had lived in Africa for over two decades, including two years in Zambia. In the letter Pillsbury expresses discontent with U.S. policy towards Africa. He also offers support for black majority rule in Africa as well as advocating for U.S. support for United Nations Organization of African United (OAU). Unrelated to his work on the Policy Planning Staff from 1973 to 1977, Winston Lord’s wife, Bette Bao, a Chinese scholar and novelist, was awarded the Eleanor Roosevelt Award for Human Rights in 1998 for her work as Chairwoman of Freedom House and many free speech organizations including the Freedom Forum. Both Winston Lord and Bette Bao were highly involved in discussions surrounding human rights from 1985 to 1989 during Lord’s tenure as US Ambassador to China, and in their retired life. Kennedy and Tucker, Interview with Winston Lord, 3 and 37; Letter from Philip W. Pillsbury, Jr., to Winston Lord, December 30, 1975, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD.

110 Kennedy and Tucker, Interview with Winston Lord, 102.
faced in 1976. At the helm of the S/P, Lord served as the mediator between bureaus and a conduit between the shifting Congressional and public opinion towards U.S. human rights policy and Kissinger himself throughout the 1970s.

**Action, Bureaucracy, and Influence from Lord and the S/P**

"An emphasis on humanitarian elements alone was not apt to sway Kissinger."

In his oral history, Lord described the mechanisms by which he translated his support for a shift in U.S. policy towards Africa into real influence on Kissinger. Lord described his early attempts by saying he “tried to make the case, somewhat naively with Kissinger frankly, that in addition to geopolitical reasons we should do some shifting of our policy towards South Africa, we owed it to our domestic audience.” In the case of the African question, Lord believed that policy toward southern Africa should change but he urged the African Bureau to stress “the geopolitical advantages of changing our African policy. Namely, in competing for influence in Africa with the Russians” rather than base their memo on the moral imperative. In this case, Lord shared with the African Bureau a desire to back black Africans’ “aspirations for justice and equality – out of principle and to elevate our standing on the continent,” but through his knowledge of Kissinger, Lord knew the Bureau must highlight the geopolitical advantages of this approach in their appeal because “an emphasis on humanitarian elements alone was not apt to sway Kissinger... he is a balance of power realpolitik type, and isn’t overly preoccupied with human rights and so on.” Yet, despite the ease with which Lord describes this task in his oral

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113 Ibid, 76.

114 Ibid, 324.

115 Interview with Winston Lord, conducted June 27, 2017 via telephone; Kennedy and Tucker, *Interview*
history two decades after the fact, this was a methodical and bureaucratic process that took place between the S/P and Kissinger throughout 1974 and 1975 culminating in the 1976 Lusaka speech.

Moving chronologically through Lord’s oral history and correspondences, it is possible to trace the S/P’s increased pressure and influence on Kissinger’s calculus towards southern Africa. In 1975, the State Department’s battle with Congress over linking security assistance to human rights came to a head with the introduction of Senator Fraser’s Human Rights Reports in the newly amended Section 502B of the 1961 Foreign Assistance Act, which called for cutting off security assistance to countries that engaged in gross violations of human rights. Under no circumstance did Kissinger support the limitation of his foreign policy tools or the encroachment of Congress on his decision-making.\footnote{Winston Lord, Director of Policy Planning, to Henry Kissinger, Secretary of State, Action Memorandum, “Security Assistance and the Human Rights Report to the Congress,” September 29, 1975, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, National Archives II, College Park, MD.} However, Lord and the S/P advocated for a more cooperative approach to Congress.

In a September 20, 1975, memorandum titled “Security Assistance and the Human Rights Report to the Congress,” Lord pushed back against Kissinger calling for his “urgent attention,” a marked change in rhetoric as it pertained to human rights memorandums of early 1974 and 1975. Lord first appealed to Kissinger on the basis of their relationship and shared sensibilities, “personally, as you know, I have long shared your skepticism that withholding security assistance is a useful lever for improving human rights situations in recipient countries…And I doubt equally the wisdom of setting our feet upon a slippery slope by judging the human rights performance of countries around the world.”\footnote{Winston Lord, 359.} However, Lord challenged the accepted opinion of Kissinger with a subsequent warning: “We are faced with a law about whose intent its
supporters are very clear. If we ignore the spirit of this law we may well pay a substantial price.” The S/P advocated for compromise by reducing security assistance levels to a few countries with visibly bad human rights situations in order to convince Congress that “that they should not and need not” take human rights considerations into account on behalf of the State Department. In her account, Keys criticizes Kissinger’s unaltering rejection of tying aid to human rights, while commending Lord and the S/P for their significant opposition and persistent attempts to change Kissinger’s mind in the best interest of the State Department.

In addition to its vocal opposition, in late 1975, the S/P began employing the strategy Lord outlined in his oral history by posing problems within Kissinger’s frameworks, namely the geopolitical North-South Cold War. In a November 14, 1975, memorandum meant to aid Kissinger in the forthcoming November 18 U.N. debate on apartheid, the S/P explained that “South Africa’s unwillingness to deviate from the basics of its radical policy will continue to bedevil our relations with many African countries…[who] view our opposition to sanctions against South Africa as a form of cooperation with the SAG [South African government] and at least tacit acceptance of apartheid.” Of greater strategic importance though, the S/P asserted that continued silence on apartheid and unchanged U.S. policy “has the effect of undermining support for our positions on a variety of issues in international forums, impeding our relations with black African states, and presenting opportunities for exploitation by the Soviet Union and the PRC.” The final clause in this strategic warning would be the most important to Secretary Kissinger.

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118 Ibid.
119 Keys, 844.
121 Ibid.
During this time period, while Kissinger did offer support for the forces of majority rule in Rhodesia, his weak statements were often interpreted as support for maintaining international security and thus the existing Smith regime, given his focus on criticizing Soviet and Cuban intervention. In one effective example, after an address on Rhodesia which criticized the Smith regime’s impediment of majority rule—but focused heavily on warning the Soviets and Cubans about intervening in South Africa—the Rhodesian Defense Minister van der Byl issued a statement on March 5, thanking the U.S. for their support.\textsuperscript{122} While this was not the intended meaning, Kissinger was not amenable to more principled and explicitly clear statements for black majority rule and against Smith’s white minority regime proposed by Lord and the African Bureau. His response to these international interpretations may speak to his true ideological stance at the time.

Upon recognizing the effect of Kissinger’s vague statement through van der Byl’s “thank-you,” Lord and the S/P pushed for a subsequent statement to clarify the U.S. position. They proposed that the “statement would go further than what you [Kissinger] previously said, in that it states the Smith regime ‘should be under no illusion that the United States will in any way assist its efforts to maintain itself in power against the wishes of the majority.’”\textsuperscript{123} However, their appeal to Kissinger did not fit within his framework and overstepped the level of U.S. morality he was comfortable speaking publicly about. The only marks Kissinger made on the five-page proposed statement appear below, as a strikethrough on the critical correction intended to clarify U.S. criticism of Ian Smith’s white minority government:


\textsuperscript{123}Winston Lord, Director of Policy Planning, to Henry Kissinger, Secretary of State, Briefing Memorandum, “Statement on the Rhodesian Crisis.”
The United States continues firmly to support the principles of majority rule in Rhodesia and urges the regime there to seize what could well be its last opportunity for a peaceful settlement. The regime should be under no illusion that the United States will in any way assist its efforts to maintain itself in power against the wishes of the majority.\textsuperscript{124}

As discussed by Keys, Jussi Hanhimäki, Jeremi Suri, and Lord himself, Kissinger refused to offer support for the more principled arguments for black majority rule or a shift in U.S. policy towards southern Africa on strictly moral grounds.\textsuperscript{125}

Kissinger’s unwillingness to secede to the moral argument of Lord and the S/P even when faced with increasing pressure at home and abroad, led Lord and the S/P to again try a new, but familiar, angle two days later in a March 12, 1976, memorandum smartly titled, “The Soviets and Southern Africa.” It began with a critical statement foreshadowing Lord’s new tactic: “You may find his approach to the problem a useful alternative optic for dealing with the hard choices concerning Africa that are on the table.”\textsuperscript{126} The alarmist memo was intended to catch the attention of Secretary Kissinger. In his somewhat over-reaching summary, Lord warned that “for the first time, the Soviets are in a position to seek a similar polarization in Southern Africa (US and whites vs. Soviets and blacks),” and goes on to assert that “the implications of such a polarization for the US global position (as well as for domestic US opinion) are vastly worse than were those of the Middle East polarization. The equities of the situation are much more stark; we would stand virtually alone.”\textsuperscript{127} Most urgently, Lord

\textsuperscript{124} See Figure 4 for a picture of the S/P memo with Kissinger’s handwritten edits. Ibid.


\textsuperscript{126} Winston Lord, Director of Policy Planning, to Henry Kissinger, Secretary of State, Briefing Memorandum, “The Soviets and Southern Africa,” March 12, 1976, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, Box 354, National Archives II, College Park, MD.

\textsuperscript{127} This refers to the polarization over the Arab-Israeli conflict from 1969 to 1973, culminating in the 1973 Yom Kippur War. In the Arab-Israeli stalemate over occupied territory, Nixon feared that the fate of Israeli occupied territories could damage America’s standing in the Arab world and undermine the prospects for U.S.-Soviet détente. Kissinger feared after the outset of the October 6, 1976 Yom Kippur War, that the Soviets might intervene military and increase their own standing in the Arab world. While the conflict ended in an Israeli victory and did not damage...
concluded: “the avoidance of polarization must be the primary US goal in our Southern African policy.... This is all the more urgent since we might not be able to support effectively our interests in Southern Africa against a Soviet threat short of risking major US-Soviet hostilities.”

The goal of this racial warning was to play to Kissinger’s focus on countering Soviet influence around the globe, by shaping southern Africa into a potential Soviet proxy war. This was clearly well received by Kissinger. An April 9, 1976, memorandum from Lord to Kissinger responded to Kissinger’s request promising that Lord would promptly send “an overall S/P strategy paper which attempts to tie together the Soviet/Cuban and Southern African strands in a comprehensive, geopolitical fashion.”

In the few weeks between receiving this memo and his trip to Africa, this new “alternative optic,” which framed southern Africa as a new U.S.-Soviet ideological battleground for the Third World by the S/P, trapped Kissinger and would ultimately have Lord’s desired effect.

Between April 9 and April 21, Kissinger determined the purpose of his Africa trip. He would not meet with liberation movement leaders or address the problem of Angolan statehood, but set two objectives only: “to emphasize the importance that we [the U.S.] attach to the development and economic progress of Africa,” and “to put the United States behind the aspirations for majority rule and to begin working out a complete program for achieving it.” For this decision, Kissinger would leave Washington D.C. for his African trip to a chorus of applause from thirty-eight African ambassadors.

détente, it brought the U.S. closer to a nuclear confrontation with the Soviet Union than at any point since the Cuban missile crisis as the U.S. continued to battle Soviet influence and interventionism in the third world; David R Morse, *Kissinger and the Yom Kippur War* (Jefferson, NC: McFarland & Company, Inc., Publishers 2015).

Ibid.


After introducing the United States’ goals for the Africa trip in meeting with thirty-eight African ambassadors Kissinger received substantial praise for these monumental shifts in policy. The transcript recording of the meeting
In front of a group of regional African leaders assembled by Zambian President Kenneth Kaunda in Lusaka, Zambia, Kissinger set in motion a new era of U.S. foreign policy in Africa when he declared Smith’s white minority regime and the South African occupation of Namibia illegal, explicitly calling for black majority rule. In the name of international order and stability, Kissinger stated that, “America’s responsibilities as a global power give us a strong interest today in the independence, peace, and well-being of this vast continent… For without peace, racial justice, and growing prosperity in Africa, we cannot speak of a just international order.” Most importantly, Kissinger made clear the often intentionally vague U.S. position as it pertained to black majority rule in southern Africa:

Here in Lusaka, I reaffirm the unequivocal commitment of the United States to human rights, as expressed in the principles of the U.N. Charter and the Universal Declaration of Human Rights. We support self-determination, majority rule, equal rights, and human dignity for all the peoples of southern Africa—in the name of moral principle, international law, and world peace.

Although it is true that these were not new declarations for the U.S., these principles had not been stated so explicitly to an African audience. As Andy DeRoche asserts, Lusaka represented a “turning point in the history of US foreign policy” and the official transition of black majority rule from a “liberal cause to an operational policy” for the U.S. and Africa.


131 Lusaka, Zambia was chosen as the location for this major policy announcement because it was the country “most directly affected by the Rhodesian issue.” Secretary Kissinger hoped that the speech here would help to establish a “deadline” and “galvanize action” regarding Rhodesia. Kissinger, Years of Renewal, 915-916.
133 Andrew DeRoche, Kenneth Kaunda, the United States and Southern Africa (London: Bloomsbury Academic, An imprint of Bloomsbury Publishing Plc, 2016), 61; Kissinger, Years of Renewal, 903.
The importance of this shift was felt internationally. While response was reserved in some facets, audiences believed that this speech signaled a new direction for U.S. Africa policy. A July 22, 1976, *Kansas City Times* article summed up much of the hesitant public opinion surrounding the speech:

The new policy has all the trappings of Kissinger’s famous style: The Mid-east “step-by-step” approach, shuttle diplomacy, shrouds of secrecy and balance-of-power logic. Against the backdrops of the bloodiest uprising in South Africa’s recent history and the obstacles of presidential politics at home, the fine lines of the policy have yet to be seen, although the Ford administration strongly backs it, though in a low-profile manner.\(^{134}\)

In a more emotional show of satisfaction, President Kaunda is reported to have begun crying during Kissinger’s speech in Lusaka. Kaunda admitted that, “some of us were emotionally charged when you were speaking. We are fully convinced that statement you have just made represents the sentiments of the great majority of the American people… We couldn’t believe this was a Secretary of State from Washington.”\(^{135}\) However, the overriding international sentiment was cautious. In actuality, this was not unfounded.

Kissinger seemed to have realized the importance of his statement in Lusaka after the fact. In a conversation with President Ford on May 21, Kissinger warned that, “if it [black majority rule] comes up again, I would say that after Angola, the continent was sliding toward Communism, that we have given the whites more time to work things out. Don't make it look like I went out to push majority rule. This was the only way we could stop the radicalization process.”\(^{136}\) Regardless of Kissinger’s feelings after the speech, Lord’s framing was successful in achieving both the S/P’s and African Bureau’s policy objectives. The Lusaka speech set in motion exactly what the *Kansas City Times* anticipated and the next few years featured multiple

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\(^{135}\) DeRoche, 77.

shuttles to Africa to negotiate black majority rule and the fall of apartheid in South Africa, a contribution often overlooked in Kissinger’s career.

While the subsequent months of shuttle negotiations proved unsuccessful, this does not negate the S/P’s influence on Secretary Kissinger and the drastic shift in U.S. policy towards Africa. As further proof for their dichotomous ideologies towards black majority rule, Lord was pleased with the shift in U.S. policy towards South Africa for the same moral reasons as the African Bureau, while Secretary Kissinger expressed satisfaction for different reasons even twenty-three years after the fact:

From the geopolitical perspective, we had achieved the purpose of our African diplomacy. Six months after the debacle of Angola, the United States was demonstrating a continuing capacity to shape events in Africa… Rhodesia and Namibia became independent, implementing principles and procedures agreed during the African shuttles… International war in South Africa was avoided… and there were to be no other Cuban adventures in the independence struggles of South Africa.137

Perhaps most illustrative of the size of, Kissinger’s and thus the S/P’s, accomplishment is that Walter Isaacson asserted in his highly critical biography of Kissinger that despite the fact that Kissinger’s shuttles did not immediately produce results, “the nations of black Africa, whose attitude toward the U.S. had ranged from wariness to hostility, began to trust Washington as a force for majority rule. The growing appeal of the Soviet Union was countered.”138

In conclusion, the seeds for black majority rule as a stated policy of U.S. foreign policy were germinated within the S/P, who from the first signs of Congressional criticism in 1974 took the lead on the issue of human rights despite Kissinger’s disregard. Between 1974 and Kissinger’s 1976 speech in Lusaka, Lord pressured Kissinger to conduct analytical staff meetings and to read policy studies on the effects of apartheid, the moral reasons to shift policy, and the importance of Congressional and public support in a post-Watergate world. Although

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137 Kissinger, Years of Renewal, 1015.
138 Isaacson, 691-2.
unsuccessful for an extended period of time, the S/P realized in early 1976 that they must place the concerns and moral suppositions of the African Bureau within the context of a framework that appealed to Kissinger: the North-South global Cold War and countering Soviet influence worldwide. This was the bullet that allowed the S/P to move Kissinger from the opinion that “Africa was the Africans’ problem” to speaking about America’s moral principle to stand behind black majority rule to an audience of African leaders. While events in Africa and Congressional pressure played a role, the State Department’s unexpected 180-degree turn on Africa was greatly influenced by the S/P’s forward-looking analysis, complimented by the bureaucratic adeptness of its director, Winston Lord.

V. Conclusions: The Influence and Effectiveness of Winston Lord and the S/P

This essay has used two case studies to follow the formulation of U.S. foreign policy within the State Department to determine the influence of both Director Winston Lord and his Policy Planning Staff on Secretary of State Henry Kissinger from 1973 to 1977, often cited as a “golden-age for policy planners.” In many cases, the success of the S/P stemmed from its ability to perform long-term foreign policy analysis while fitting recommendations within Kissinger’s already established grand strategic frameworks. Although the S/P often challenged Kissinger’s assumptions and formed opinions, some of their most important successes came from operating within these frameworks, which prioritized Soviet containment, great power politics, and international stability. In this sense, the S/P from 1973 to 1977, proved to be both effective and influential, as Kissinger’s decision-making and speeches often demonstrated a direct link to S/P analysis.

Specifically, the S/P’s utility in the two case studies differed, exemplifying its diverse usefulness and mandate afforded under Kissinger. In the words of Kissinger, the S/P’s role in
the LOS negotiations was as “the central coordinator of the efforts of the Department and other agencies to evolve policies and tactics.” Here, Lord proactively went beyond the S/P mandate. The S/P formulated policy but also served as a bureaucratic actor directing all negotiating policy, which is inherently a day-to-day endeavor, in order to advance long-term strategic goals—its more typical role. As shown by Kissinger’s 1976 speeches and the eventual treaty, S/P analysis directly defined U.S. participation in the UNCLOS III negotiations and 1982 treaty.

The S/P’s efforts to promote black majority rule in southern Africa, culminating with Kissinger’s April 1976 Lusaka speech represented a more drastic watershed moment by which to analyze the process of S/P policy analysis. The S/P transformed the calculus of Secretary Kissinger and executed a monumental shift in U.S. foreign policy towards southern Africa. As early as 1974, the S/P began formulating forward-looking policy in response to changing events in Africa, as well as pressure from Congress, the American public, and international alike, which they determined necessitated policy change. More importantly, the S/P advocated for their view that black majority rule was inevitable and critical in Rhodesia and South Africa despite Kissinger’s preference for non-interference and support for regional powers. Thus, the 1976 Lusaka speech, announcing a 180-degree-turn on U.S. human rights policy towards southern Africa, represented the culmination of both the S/P’s analysis and bureaucratic campaign to change Kissinger’s mind.

The most definitive evidence of the S/P’s influence on Secretary Kissinger may come directly from the man himself. On January 17, 1977, two days before Kissinger’s tenure as secretary of state would come to an end he gave a speech to Lord and his staff to present the

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139 Remarks by Secretary Kissinger in Presenting the Distinguished Honor Award to the Policy Planning Staff, Thomas Jefferson Room, January 17, 1977, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, Box 354, National Archives II, College Park, MD.
Kissinger started by affirming the renewed importance he placed on the S/P and the significance of Lord’s appointment:

When I became Secretary I asked Winston to take over the Policy Planning Staff… I believe that over the last three decades the Policy Planning Staff had fallen into disuse… I never even knew about the Policy Planning Staff at all, and the Policy Planning Staff was considered sort of a long-hair exercise into which people were sent because it looked good on organization charts.  

Kissinger addressed the constant State Department struggle to balance operational priorities with forward-planning strategic priorities: “the hardest thing for those who have to make the decisions is to gain a perspective. But to gain it in a manner that is compassionate of their problems and that can be handled within their framework.” This essay has highlighted S/P’s ability to navigate this very concept through its framing of the LOS Treaty as a matter of geopolitical priority and the question of black majority rule in southern Africa as one that would best ensure global stability as well as limit Soviet influence in the Third World.

In terms of his regard for the S/P’s contributions, Kissinger’s remarks are no less celebratory. He acknowledged the critical role of the S/P on a “whole range of issues, cutting across various bureaus and involving individual bureaus,” and conclusively proved that the S/P had its own independent influence: “the fact that in general the Staff was somewhat to the left of me – and did not subside readily, when we did not immediately agree – was inevitable because I

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140 The actual text of the Distinguished Honor Award to the Policy Planning Staff from Secretary Henry Kissinger: “During a critical period in the history of United States foreign policy, from October 1973 to January 1977, the Policy Planning Staff played a major distinguished role within the Department and throughout the foreign affairs community. This award is presented to the Policy Planning Staff in recognition of the highest standards of excellence in planning, formulating and implementing major foreign policies of the United States Government; for vision in early identification, analysis and prescription for new problem areas affecting the US national interest; for ensuring a broad range of policy alternatives for decision by the President, the Secretary and other Department Principals; for perceptive examination of decision-forcing developments and consequences of alternative courses of actions; for a flow of analytical studies on all major regional and functional subjects bringing to bear global and longer-range perspectives; for the central role in a continuing stream of public speeches and remarks for the Secretary and other Department Principals; for encouraging dissent and new ideas within the Department and promoting a foreign policy dialogue with academia, the media, external institutions and the public; and for distinguished dedication, industry and contributions to the public service and the national interest.”

141 Remarks by Secretary Kissinger in Presenting the Distinguished Honor Award to the Policy Planning Staff, Thomas Jefferson Room, January 17, 1977, S/P Files of Winston Lord: Record Group 59 Entry A1-5027, Box 354, National Archives II, College Park, MD.

142 Ibid.
think it is an important function of this Staff to act as a conscience to the Secretary, to the Deputy Secretary and to those bureaus that admit that they are not already the repository of total wisdom.”\textsuperscript{143} In conclusion, Secretary Kissinger’s quote tied together both critical functions of the S/P as well as the reason for its renewed primacy within the U.S. foreign policy establishment today: “You cannot be flexible in tactics unless you have a long-range strategy. Only those people can be effective tactically who have some goals.”\textsuperscript{144} In other words, the Policy Planning Staff under the direction of Winston Lord was both influential and successful. Above all, the S/P proved it was anything but trivial.

\textbf{Word Count:} 12,758

\textsuperscript{143} Ibid. \textsuperscript{144} Ibid.
Appendix:

Figure 1: Graphic of LOS Conference Territorial Concepts

Factors for Ranking: Population, strategic location, strategic raw material wealth, industrial capacity, presence of US Bases, influence on other countries, potentiality of conflict situation, past and current identification with the US, and extent of US domestic interest in the country.

Figure 4: Henry Kissinger's Edits to the March 10, 1976 Memorandum "Suggested Statement on the Rhodesian Crisis"

Bibliographic Essay

Like so many of my favorite classes at Yale, I started Professor Charles Hill’s graduate seminar “GLBL 885: World Order” unsure of what I was getting myself into or what I was about to learn for a semester. There was no way I could have known sitting in the first seminar that Professor Hill would reignite my love for history, a discipline I had sworn off in favor of Global Affairs and the study of contemporary foreign policy decision-making since high school. In a short few weeks I gained an entirely new perspective on international relations and the value of history, both modern and ancient. In one session we would go from talking about the 1492 Peace of Westphalia to 1960 Kissingerian détente to the 430 B.C. Peloponnesian War, all while tying themes and lessons together in a completely coherent way.

It was perhaps for the first time in Professor Hill’s class that I understood the value and importance of a true liberal arts education, and it was that semester when I fell in love with history and Yale’s history major anew. I immediately decided I needed a much deeper grounding in history and took almost strictly history courses for the next few semesters. Through this new academic lens, I began to understand the importance of history for all contemporary decision-making and strategy. As an athlete and foreign policy buff I have always been attracted to the word “strategy,” however I became obsessed with the historical and academic study of strategy as it pertained to diplomacy and the international system. Through a combination of my studies in Global Affairs and History I became very interested in the conditions that allow for long-term policy planning in contrast to the arguably piecemeal, disjointed foreign policy that I grew up surrounded by in the post Cold War United States. Ideological opinions aside, I was fascinated Henry Kissinger’s successes in single-handedly formulating and advancing American principles internationally.
In Professor Hill’s class we talked briefly about his time working under Secretary Kissinger as a young speechwriter for the Policy Planning Staff (S/P) under the directorship of Winston Lord (YC ’59). We also discussed how Secretary Kissinger thought about foreign policy within frameworks and was intensely concerned with not just solving day-to-day problems but in anticipating future problems. He sought to advance coherent, consistent American principles in our foreign policy. This is perhaps what Kissinger is best remembered for, often to a fault. In one class, Professor Hill briefly touched on Kissinger’s “Focus Groups” or forward looking groups of thinkers (which I would later learn were part of the S/P) who were tasked with anticipating events in specific regions and developing forward-looking proposals for how the U.S. would react. I didn’t know it at the time, but this off-hand comment from Professor Hill would become the subject of my senior essay.

The eight-student seminar culminated in a visit of Dr. Kissinger himself, who spoke with us for two hours, answering any questions we had (and signing copies of his newest book, World Order). And it was here where I first learned the name of the S/P and the renewed purpose that Secretary Kissinger afforded to this long-term foreign policy planning body. This visit coincided with the gifting of the Henry A. Kissinger Papers to Yale. After further discussion with Professor Hill I decided I would explore the S/P and long-term foreign policy planning under Kissinger, hoping to use Yale’s new resources. Without expecting much, I sent a letter to Professor Hill’s former boss, Winston Lord, thanks to a New York City address in Professor Hill’s records. Over the next semester and summer, Winston Lord responded incredibly positively to my request for an interview. We spoke on the phone two or three times about the S/P and his view of policy planning as a discipline. The first thirty minutes of these conversations usually had nothing to do with the project, and instead turned to heated debates on
the World Cup, Yale Soccer, and Lionel Messi’s shortcomings on the international fútbol stage. It seemed I had real direction and the essay would write itself.

I returned to Yale in the fall to finish my final season of varsity soccer, to complete my Global Affairs senior capstone, and to discover this project would be far harder than I originally expected. I was quickly disappointed as I sorted through the industry of Kissinger scholarship including the litany of Kissinger memoirs and biographies including *White House Years*, *Years of Upheaval*, and *Years of Renewal* to find that there were very few mentions of Policy Planning and even fewer explicit mentions of its effectiveness. Similarly, the Henry A. Kissinger Papers at Yale proved to be quite difficult to make requests from and even more impossible to search. Did Kissinger’s memoirs mean that Policy Planning had no effect on his thought process? Was it simply a think-tank without much direct utility for the advancing policy? The answer, in many ways, appeared in Ambassador Winston Lord’s Oral Biography conducted by Charles Stuart Kennedy and Nancy Bernkopf Tucker in 1998 for the Association for Diplomatic Studies and Training Foreign Affairs Oral History Project. The 800-page oral history (which he promised to add more to if anyone topped his page count) provided great direction and background on his training and career. In the interview, Lord discussed how when Kissinger was convinced of a new argument or challenged he would rarely admit where this turnaround came from, instead opting just to incorporate it into his speeches and briefings with little acknowledgement of its source. Lord also described many of the areas where the S/P was most effective: economic issues, human rights policy, and inter-agency negotiations like the Law of the Sea negotiations, to name a few. While I had my topic of interest and some sources to get started, the major methodological and academic challenge was determining how to measure the S/P’s influence on Secretary Kissinger, particularly given his reluctance to acknowledge his influencers.
Beyond Kissinger’s sparing mentions of Winston Lord and Policy Planning, I also quickly discovered in my preliminary secondary research that the S/P received little direct study from historians as well. However, the few mentions of Lord’s S/P were always followed by praise as one of the most effective tenures of the S/P, despite the 1973 to 1977 period being coined the “years of upheaval” by Kissinger himself – a time when the established world order seemed to be crumbling. The near unanimous praise for Lord’s S/P reinforced my notion that I was onto something important that could inform my larger questions about U.S. foreign policy formation and execution. The major academic works I initially found on policy planning were usually contemporaneous journal articles debating its effectiveness in formulating policy and the utility of long-term policy planning for a secretary of state. Compilations of these studies like Daniel Drezner’s Avoiding Trivia: The Role of Strategic Planning in American Foreign Policy and Linda Brady’s article “Planning for Foreign Policy: A Framework for Analysis,” offered criticisms of the process of policy planning and long-term strategy that was helpful in framing how I would think about the S/P’s utility and limitations as well as ways to measure Lord’s effectiveness as director. With the general lack of secondary sources that directly evaluated the actions of Lord and the S/P from 1973 to 1977, I knew that my primary research would have to guide the project.

The mechanics of some of my first successful primary research may have taught me more about the foreign policy establishment and working in government than any amount of reading or writing could possibly have done so over my four years as a Global Affairs or History major. As I pulled up to the National Archives II at College Park over Winter Break, I committed what would be my first of many bureaucratic mistakes as I tried to drive right by the security guard checking IDs at the entrance. After proceeding through the rest of the exhaustive registration process with only a few reprimands, I walked up to the Textual Archives room and got some
assistance with my first pull requests: the S/P (Policy Planning) Files of Winston Lord. And as soon as my number was placed on the board I realized that the next few days in College Park would be my very own adventure in bureaucracy. Fifty-five boxes were wheeled out to me and I realized the Point-and-Shoot camera I brought with me would be far more important than I originally planned, as I would not have nearly enough time to read what was necessary at the Archives. So for the next three days my left thumb continually cramped and I filled a 2008 Nikon camera’s memory card three times over as I sorted through every record of over four years of Lord’s government career. Luckily, based on S/P reports summarizing their own work and Lord’s 800 page oral history, I knew certain subject areas to prioritize.

This thematic approach proved to be an effective way to examine the decision-making process of Secretary Kissinger and the influence of Lord’s Policy S/P on these decisions and to meaningfully engage with secondary scholarship. From Lord’s oral history and refined again after my visit to NARA, I decided to focus on analyzing the S/P’s role in U.S. Law of Sea negotiations and shifting U.S. policy towards human rights in southern Africa as these seemed to be areas that could provide concrete evidence to the oft-cited “golden-age of policy planning.” I benefitted massively from brainstorming sessions with my advisors Professor R. Joseph Parrott who forced me to think about how I could actually measure the effectiveness of Lord and the S/P in formulating policy and influencing the decisions of Secretary Kissinger. Through these case studies, I would be able to utilize primary documents from the S/P, Winston Lord’s and Henry Kissinger’s papers complimented by transcripts of State Department Staff Meetings, journalists responses to major U.S. decisions, Lord’s own testimony in our telephone interviews, and through event-specific secondary sources. With this structure set, all of my JPEG pictures from NARA manually rotated and sorted into over 100 individual folders, I began the overwhelming task of writing, editing, and writing some more.
It was truly a unique experience to have the opportunity to interview, and get to know a figure in history that would be the center of senior essay. All too often we can forget in history the importance of personality, demeanor, and a person’s life outside the scope of their work. In many ways, these factors can be the most important, as there is certainly an argument that Lord’s close personal relationship with Secretary Kissinger was the root of his influence and effectiveness. It was fascinating learning about Lord through my own research and from his own mouth. My personal knowledge of Lord, as a man, added color to my research in Washington D.C. as I stumbled across a memo announcing an S/P Fantasy Football Pool knowing Winston Lord’s affinity for the Washington Redskins and more topically, a personal letter from 1975 on African race relations sent by his cousin, Philip Pillsbury, Jr., a career Foreign Service Officer stationed in Africa at the time. Speaking with Lord three or four times over the year was certainly the most enjoyable part of the senior essay process.

I owe an enormous amount of gratitude to both my parents and the rest of my family, who convinced this second-semester senior the utility and importance of this project, even when I could not fathom reading another page and who made all of this—and I mean all of this—possible for me in my life. Thank you to my advisors Professor Paul Kennedy and Professor R. Joseph Parrott who were incredible resources when it came to navigating the industry of Kissinger scholarship, the National Archives, and all other facets of thesis writing. Thank you to Professor Charles Hill for spurring this project on and introducing me to both my topic and to Winston Lord himself. Most importantly, this project could never have happened without Mr. Winston Lord, who restored my reverence for government and the foreign policy institution with his compassion, friendliness, and willingness to assist a Yale senior only a few graduating classes removed from himself.
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Lecture

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