



# Patterns of Impunity

HUMAN RIGHTS IN NORTH KOREA  
AND THE ROLE OF THE U.S. SPECIAL ENVOY

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ROBERT R. KING

**P A T T E R N S   O F   I M P U N I T Y**



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HUMAN RIGHTS IN NORTH KOREA  
AND THE ROLE OF THE U.S. SPECIAL ENVOY

**By Robert R. King**

**Stanford** | Walter H. Shorenstein  
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Crimes against humanity are ongoing in the [Democratic People's Republic of Korea] because the policies, institutions and patterns of impunity that lie at their heart remain in place.

—United Nations Commission of Inquiry on human rights in the Democratic People's Republic of Korea, 2014



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## Acknowledgements

When Secretary of State Hillary Rodham Clinton asked me to accept the position of special envoy for North Korean human rights in May 2009, it was for my background in human rights and my political experience as former chief of staff to Congressman Tom Lantos and staff director of the House Foreign Affairs Committee, not for any Korea expertise. I did not speak Korean, but I did “speak” human rights. I was both appalled and fascinated by the abuse of human rights in North Korea. I continued to serve as special envoy after John Kerry became secretary of state, and I was in that position for all but the first months of the Obama presidency.

I am indebted to the colleagues I worked with at the Department of State and other U.S. government agencies, particularly my colleagues on the State Department’s Korea desk. Every day I worked and traveled with these dedicated foreign service professionals. I also appreciated the support and help of senior State Department officials I worked closely with, including ambassadors Sung Kim, Steve Bosworth, Glenn Davies, Ford Hart, Joseph Yun, and special envoy Syd Seiler. Their knowledge and commitment to the international interests of the United States are exemplary, and they serve at some personal sacrifice.

My opportunity to be a visiting scholar at Stanford University thanks to the Koret fellowship gave me a unique opportunity to look back on my experiences in the formation and implementation of U.S. foreign policy involving one of the most repressive and secretive countries on earth. While I was special envoy, I had little time for thoughtful contemplation of the issues I was dealing with, but my appointment at Stanford gave me the time and opportunity to reflect on these problems.

I particularly appreciate Professor Gi-Wook Shin, the director of the Shorenstein Asia-Pacific Research Center, and his colleagues at the center, who provided support and constructive advice during my time there. George Krompacky was a knowledgeable, thoughtful, and patient editor, and I am grateful for his contribution.

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Finally, but certainly not least, I am especially grateful to my wife, Kay Atkinson King. She proofread the entire text, critiqued my ideas, polished my grammar, encouraged my efforts, and assuaged my frustrations, all while cheerfully encouraging my efforts.

Robert R. King  
April 2021

## Abbreviations

<b>ASEAN</b>	Association of Southeast Asian Nations
<b>CCP</b>	Chinese Communist Party
<b>COI</b>	Commission of Inquiry (under the UN Human Rights Council)
<b>DMZ</b>	Korean Demilitarized Zone
<b>DPRK</b>	Democratic People's Republic of Korea (North Korea)
<b>DROI</b>	Subcommittee on Human Rights (European Parliament)
<b>EAP</b>	Bureau of East Asian and Pacific Affairs (U.S State Department)
<b>EEAS</b>	European External Action Service
<b>FAO</b>	Food and Agricultural Organization (UN)
<b>FEBC</b>	Far Eastern Broadcasting Company
<b>FNKR</b>	Free North Korea Radio
<b>HCHR</b>	High Commissioner for Human Rights (UN)
<b>IAEA</b>	International Atomic Energy Agency
<b>ICC</b>	International Criminal Court
<b>ICNK</b>	International Coalition to Stop Crimes Against Humanity in North Korea
<b>INS</b>	U.S. Immigration and Naturalization Service
<b>KBS</b>	Korea Broadcasting System
<b>KCNA</b>	Korean Central News Agency (DPRK state news agency)
<b>KEDO</b>	Korea Peninsula Energy Development Organization
<b>LWR</b>	light water reactor
<b>NCNK</b>	National Committee on North Korea

<b>NDC</b>	National Defense Commission (DPRK)
<b>NED</b>	National Endowment for Democracy (U.S.)
<b>NGO</b>	non-governmental organization
<b>NKRR</b>	North Korea Reform Radio
<b>NKSC</b>	North Korea Strategy Center
<b>NLL</b>	Northern Limit Line
<b>OHCHR</b>	Office of the High Commissioner for Human Rights (UN)
<b>PUST</b>	Pyongyang University of Science and Technology
<b>RFA</b>	Radio Free Asia
<b>RFE</b>	Radio Free Europe
<b>RFE/RL</b>	Radio Free Europe/Radio Liberty
<b>RFNK</b>	Radio Free North Korea
<b>TIP Report</b>	Trafficking in Persons Report (U.S. Department of State)
<b>UNCHR</b>	UN Commission on Human Rights
<b>UNHCR</b>	Office of the High Commissioner for Refugees (UN)
<b>UPR</b>	Universal Periodic Review
<b>USAGM</b>	United States Agency for Global Media
<b>USAID</b>	U.S. Agency for International Development
<b>VOA</b>	Voice of America
<b>WFP</b>	UN World Food Programme
<b>YUST</b>	Yanbian University of Science and Technology

**P A T T E R N S   O F   I M P U N I T Y**



## Chapter 1

# The North Korean Human Rights Act

On Tuesday morning May 24, 2011, I was sitting comfortably in an aisle seat on the Air Koryo flight from Beijing, China, to Pyongyang, North Korea. Air Koryo is the national airline of North Korea, and our aircraft was a newer (post-Soviet) Russian-made Ilyushin passenger plane. Seven or eight colleagues from the Department of State and the Agency for International Development (USAID) were flying with me to Pyongyang to hold discussions with government officials and to conduct site visits in North Korea to evaluate the need for humanitarian food assistance. We also had to assess whether the North Korean government would be willing and able to meet U.S. legal requirements for officials to monitor the delivery of humanitarian food assistance to be certain that it reached those most in need.

At that point, I had been serving as U.S. special envoy for North Korean human rights issues for the previous eighteen months, but this was my first visit to Pyongyang since becoming special envoy. I had met North Korean diplomats at the United Nations mission in New York and others in Geneva, and our trip to Pyongyang had been set up with North Korea's UN diplomats in New York. After meeting with me, they said, "We like you, Ambassador King, but we don't like your title." Obviously, North Korean human rights issues made them uncomfortable.

We were just past the midpoint of our two-hour flight and the flight attendants were beginning to gather up the trays after the meal service. Suddenly and totally without warning, our plane began a sharp, steep, and rapid plunge. There was no indication the pilots had any control over the craft. The first clue that this was no planned maneuver was that the flight attendants were screaming along with the passengers.



Slowly, painfully slowly, the pilot appeared to bring the aircraft under control, and we gradually began to level off. There were audible sighs of relief. But the pilot apparently could not bring the plane back to its level flight path and the aircraft began an upward climb at an acute angle. We were now going up at the same steep angle we had been careening downward just a few moments ago. The aircraft shuddered. Gradually again the pilot was able to reduce the upward angle, and again it appeared that things were being brought under control.

But the aircraft did not level off, it simply followed an arcing path and we then began a downward plunge again at that same steep angle. The best way to describe this is that it felt like we were riding a roller coaster. We slowly arched over the highest point and then lurched downward again. I had that hollow feeling in the pit of my stomach as we started down. The plane accelerated as we plunged down at a death-defying speed. As I felt the plane begin its downward plummet again, I noticed a glass of water on the tray of a passenger across the aisle from me. A ball of water rose up out of the glass as the steepness and speed of the downward plunge increased; the glass stayed on the tray, but inertia held the water in mid-air above it.

The plane was surely going to crash and all of us aboard would be killed. I remember that, as I was thinking this, I was remarkably calm. I don't know why. Passengers around me were not, as evidenced by their continued screaming, in chorus with the flight attendants.

Somehow, however, the pilot once again was eventually able to bring the plane under control and we slowly began to level off. This time, the pilot was able to maintain a level flight path, but he did not try to resume our previous flying altitude. We continued the flight at a much slower speed and at a much lower elevation. Pale ashen faces slowly began to assume a more healthy hue and we finally began our approach into Pyongyang.

During the entire episode, there was not a word from the cockpit or from any one of our flight attendants. Even when things returned somewhat to normal, though flying slower and lower, the pilot made no announcement about what had happened. As we approached the Pyongyang International Airport, the perky voice of the lead flight attendant announced in Korean and English that we were arriving in Pyongyang, and all passengers must buckle seatbelts. Not a word was said about the terrifying experience we had just endured or what might have caused the problem. It was as though this was a routine flight and nothing unusual had happened.

When the aircraft touched the runway, the pilot did not use the wing flaps to slow the plane. Fortunately, the Pyongyang Airport runways are extra-long—the main one almost a mile longer than the average commercial

runway—because they were constructed for dual use with military aircraft. The plane rolled down the entire length of the long runway before it was eventually brought to a stop at the very end of the landing strip. It appeared that the plane was finally brought to a stop by use of the brakes alone. This suggested to me that the problem was a serious issue involving the flaps.

A year or two later on a visit to Seoul, I met with a number of ambassadors who were dual-accredited to both South and North Korea. Before our meeting began, I was telling the Australian ambassador about my 2011 trip. I had barely started to tell him about the flight to Pyongyang when he exclaimed in an animated voice, “Oh! You were on *that* flight.” The European Union banned travel on Air Koryo flights after that particular incident. It turned out that in the Pyongyang diplomatic community, our flight was legendary.

The flight to Pyongyang—and surviving the trip—as well as our week of negotiations with North Korean officials was certainly a highlight of my tenure as special envoy for North Korean human rights issues. There were other extraordinary experiences during that time, but fortunately none were as potentially deadly or as dangerous as getting to Pyongyang in May 2011.

My path to appointment as special envoy was not direct, nor was it quick. For many years before I was asked to serve in this position, I had dealt with North Korean human rights, as well as other U.S. foreign policy issues. But appointment as special envoy was never the most obvious choice for me.

From 1983 to 2008, I was chief of staff to Congressman Tom Lantos (D-California). Lantos was a survivor of the Holocaust who as a teen was subjected to forced labor in his native Hungary. He came to the United States shortly after World War II to study at the University of Washington in Seattle. Within weeks of his departure from Budapest, a Soviet-orchestrated coup brought Hungary completely into the Soviet orbit. Lantos was able to remain in the United States as a refugee from communism, and he became an American citizen as soon as it was legally possible. A professor of international economics at San Francisco State University, he was elected to the U.S. House of Representatives in November 1980. Lantos served as a member of the U.S. House of Representatives until his death in February 2008.<sup>1</sup>

Tom Lantos was the preeminent voice for human rights in the U.S. House of Representatives during the time he was in Congress. He was a member of the House Foreign Affairs Committee. When he was chair of the subcommittee responsible for human rights issues, I was subcommittee staff director. When

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1 For the background of Tom Lantos and his human rights activities as a member of Congress, see Robert R. King, “The Human Rights Legacy of Congressman Tom Lantos,” in Anna-Maria Biro and Katrina Lantos-Swett, eds., *The Nobel Banner of Human Rights: Essays in Memory of Tom Lantos* (Leiden: Brill Nijhoff, 2018), 1–120.

he became the senior Democratic member of the committee (2001–08), I was Democratic staff director, and when he became Foreign Affairs Committee chair in 2007, I became committee staff director.

North Korea's human right issues became glaringly apparent by the mid-1990s when North Korea suffered a devastating famine, which forced many North Koreans to leave their homeland to seek food and employment in China. As the refugee population in China became a human rights concern and as North Koreans who fled to China began to flee in significant numbers to South Korea and elsewhere, the issue became even more urgent and attracted international attention. The response of the U.S. Congress to these North Korean human rights developments led to my involvement in North Korea issues.

## The North Korean Human Rights Act of 2004

The North Korean Human Rights Act of 2004 was the first major effort of the U.S. Congress to focus attention and to seek improvement of the serious human rights abuses in North Korea. The bill was signed into law by President George W. Bush on October 18, 2004. The legislation was introduced in the House of Representatives in March 2004, though similar bills on the issue had been introduced previously in both House and Senate.<sup>2</sup> Congressman Jim Leach (R-Iowa) asked Tom Lantos to work with him as the lead Democratic sponsor of the legislation.

The legislation was adopted by the House in July 2004. The Senate made modest changes and approved the legislation in September. The House agreed to the Senate changes, and the bill was sent to the president for his signature. Although there were technical issues to be ironed out between the House International Relations Committee and the House Judiciary Committee over the admission of North Korean refugees into the United States, the bill was adopted without controversy with broad bipartisan support. Approval of the legislation in the House and the Senate, as well as House approval of

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2 In the House the first version of the bill, the North Korea Freedom Act of 2003, H.R. 3573, 108th Cong., was introduced on November 21, 2003, by Congressman Jim Leach (R-Iowa). In the Senate the initial version of legislation on North Korean human rights, the North Korea Freedom Act of 2003, S. 1903, 108th Cong., was introduced by Senator Sam Brownback (R-Kansas) on November 20, 2003. This initial effort was followed by Congressman Leach introducing a second revised bill in March 2004. Some issues raised in the initial legislation were within the jurisdiction of the Judiciary Committee. The second revised bill, the North Korean Human Rights Act of 2004, H.R. 4011, 108th Cong., was introduced on March 23, 2004.

the Senate amendments, required no recorded votes. The actions were all taken by consensus or voice vote.

The purpose of the North Korean Human Rights Act of 2004, as spelled out in the legislation itself, was

- (1) to promote respect for and protection of fundamental human rights in North Korea;
- (2) to promote a more durable humanitarian solution to the plight of North Korean refugees;
- (3) to promote increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea;
- (4) to promote the free flow of information into and out of North Korea; and
- (5) to promote progress toward the peaceful reunification of the Korean peninsula under a democratic system of government.<sup>3</sup>

The bipartisan legislation included a number of provisions to implement these purposes. It expressed support for including the topic of human rights in any negotiations with North Korea; authorized funds for human rights and democracy programs relating to North Korea; authorized funds for information programs for North Korea, particularly endorsing radio broadcasting through U.S. international information programs; and explicitly endorsed and urged continuing U.S. efforts in the UN Commission on Human Rights (which later became the UN Human Rights Council).

One important provision directed that “the President shall appoint a special envoy for human rights in North Korea within the Department of State.” This requirement was not included in the original version of the legislation adopted by the House of Representatives, but the Senate amended the House bill to include the appointment of the special envoy, primarily through the efforts of U.S. senator Sam Brownback (R-Kansas).<sup>4</sup>

The senator’s interest was an outgrowth of his religious faith and the strong involvement of Christian organizations in support of North Korean

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3 North Korean Human Rights Act of 2004, Pub. L. No. 108–333, 118 Stat. 1287 (2004), <https://www.congress.gov/108/plaws/publ333/PLAW-108publ333.pdf>.

4 The title of the position has various iterations. In the original North Korean Human Rights Act of 2004, § 107 gave the title as “Special Envoy on Human Rights in North Korea,” but in the next paragraph, § 107(a), it is “a special envoy for human rights in North Korea.” The certificate of my appointment signed by President Barack Obama and by Secretary of State Hillary Rodham Clinton (as keeper of the Great Seal of the United States which was affixed to the certificate) used the title “Special Envoy on North Korean Human Rights with rank of Ambassador.” My official State Department biography used the title “Special Envoy for North Korean Human Rights Issues.”

human rights. From the end of the nineteenth century, North Korea had a significant Christian population, and Pyongyang was called the “Jerusalem of the East.”<sup>5</sup> Christian missionary schools in Pyongyang were well known in Asia; Ruth Bell, later the wife of Rev. Billy Graham, attended high school in Pyongyang while her Christian missionary parents worked in China. Less well known, and certainly not mentioned in North Korean media, is that the parents of Kim Il-sung, founder of the communist regime in North Korea, were devout Christians.<sup>6</sup>

Senator Brownback was outspoken in his activities for human rights in North Korea. During the last year of the Bush administration in 2008, he held up Senate confirmation of career foreign service officer Kathleen Stephens to be U.S. ambassador to *South* Korea, until he received a commitment that the State Department would press for improvement of human rights conditions in *North* Korea.<sup>7</sup>

In the North Korean Human Rights Act, Senator Brownback’s Senate amendment on the duties and responsibilities of the special envoy were given in detail: to engage in discussions with North Korean officials on human rights; support international efforts to promote human rights and political freedoms in North Korea, including coordination and dialogue between the United States and the United Nations, the European Union, North Korea, and the other countries; consult with non-governmental organizations (NGOs) seeking to address human rights in North Korea; make recommendations regarding the funding of activities authorized in the bill; review strategies for improving protection of human rights in North Korea; and develop an action plan for supporting implementation of the UN Commission on Human Rights (UNCHR) Resolution 2004/13.<sup>8</sup>

The reference to the UNCHR resolution on North Korea was particularly noteworthy in the U.S. legislation. The resolution reiterated its grave concern for human rights conditions in North Korea and required the appointment

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5 Hyun Sook Foley, “Jerusalem of the East,” *Christian History*, no. 109 (2014), <https://christianhistoryinstitute.org/magazine/article/the-jerusalem-of-the-east>.

6 Joseph Yun Li-sun, “The Family of Kim Il-sung Were Devout Christians,” *AsiaNews.it*, April 28, 2011, <http://www.asianews.it/news-en/The-family-of-Dictator-Kim-Il-sung-were-devout-Christians-21409.html>.

7 Paul Richter, “North Korea Rights Issue to Get More Focus,” *Los Angeles Times*, August 1, 2008.

8 In the spring of 2004, the UN Human Rights Commission adopted a landmark resolution on human rights in North Korea. See UN Commission on Human Rights, Resolution 2004/13, Situation of Human Rights in the People’s Democratic Republic of Korea, E/CN.4/RES/2004/13 (April 15, 2004), <https://www.refworld.org/docid/43f3135c0.html>.

of a special rapporteur to report to the commission. The special rapporteur was instructed to deal directly with the North Korean government, to visit the country, and to report on human rights conditions there.

The UNCHR resolution also called for the special rapporteur to report on North Korea's compliance with its international human rights obligations under agreements that North Korea had signed. This refers to the International Covenant on Civil and Political Rights, which 172 UN member countries, including North Korea, have signed and ratified. This document encompasses the rights enumerated in the Universal Declaration of Human Rights.<sup>9</sup> In addition to dealing directly with the North Korean government, the UN special rapporteur was directed to gather information from other credible sources, including NGOs dealing with human rights in the North. The UN Human Rights Council called for the rapporteur to report to the council again the following year and urged North Korea to cooperate with the rapporteur.

The U.S. North Korean Human Rights Act praised the action of the UNCHR resolution and noted the appointment of the special rapporteur. The attention of Congress on the UN activities strongly suggests that the requirement for a U.S. special envoy was influenced by the UN special rapporteur requirement.

## Jay Lefkowitz Named Special Envoy

Congress approved and the president signed the North Korean Human Rights Act on October 18, 2004, but it took another ten months for President George W. Bush to appoint the special envoy. On August 19, 2005, the White House announced the president's designation of Jay Lefkowitz as special envoy.<sup>10</sup> Initially, the special envoy did not have the rank of ambassador and confirmation by the U.S. Senate was not required; all that was required was the presidential appointment. Lefkowitz had previously served in the administration as general counsel in the Office of Management and Budget and later as Deputy Assistant to the President for Domestic Policy. He left

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9 UN Office of the High Commissioner for Human Rights, "International Covenant on Civil and Political Rights," <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

10 Office of the Press Secretary, "Statement on Appointment of Jay Lefkowitz as Special Envoy on Human Rights in North Korea," press release, August 19, 2005, <https://georgewbush-whitehouse.archives.gov/news/releases/2005/08/text/20050819.html>. See also Jay Lefkowitz's biography at the Department of State archive, May 25, 2006, <https://2001-2009.state.gov/r/pa/ei/biog/66929.htm>.

government and returned to New York City where he resumed the practice of law. When Lefkowitz was appointed special envoy in August 2005, he continued the practice of law and carried out his North Korean human rights efforts part time.<sup>11</sup> There was some criticism at the time that he had too many other obligations to devote the necessary time and attention to the North Korean human rights portfolio.<sup>12</sup>

Special Envoy Lefkowitz apparently saw his role as prodding the State Department to give greater attention to human rights. The leadership in the State Department was not particularly happy with him, however, and he reportedly carried out his activities without much coordination with the State Department. One clear indication of problems came in January 2008 when he delivered a speech at the Federation of American Scientists. The text of the speech was initially posted on the State Department website, but then withdrawn.<sup>13</sup>

That same month of January 2008, Secretary of State Condoleezza Rice was publicly critical of Lefkowitz after he expressed his view, in a public forum at the American Enterprise Institute, that he doubted North Korea's leaders would yield to pressure from the United States and its allies to disclose full details of Pyongyang's nuclear weapons program. Secretary Rice said, "He's the human rights envoy. . . . That's what he knows. That's what he does. He doesn't work on the six-party talks. He doesn't know what's going on in the six-party talks and he certainly has no say in the six-party talks."<sup>14</sup> This was a particularly sensitive time for nuclear negotiations, because the North had tested its first nuclear weapon in October 2006.

That final year of the Bush Administration saw continued efforts to make progress on resuming six-party talks on nuclear and security issues, but the North Koreans were not particularly cooperative. That period was also a time of some difficulty in terms of food shortages in the North. In 2008 the UN World Food Programme (WFP) warned of food shortages and serious

11 Amy Goldstein, "Whatever Happened to. . . Jay P. Lefkowitz?," *Washington Post*, January 3, 2007.

12 For example, see Joshua Stanton, "Whatever Happened to Jay Lefkowitz?" One Free Korea, January 5, 2007, <https://freekorea.us/2007/01/05/whatever-happened-to-jay-lefkowitz/>.

13 Lefkowitz's speech on the FAS website has this preface: "The following text was initially posted on the State Department web site. . . but was then withdrawn." See Federation of American Scientists "North Korean Human Rights and U.S. National Security," <https://fas.org/irp/news/2008/01/lefkowitz.html>.

14 Helene Cooper, "Rice Rebukes Rights Envoy Who Criticized Policy on North Korea," *New York Times*, January 23, 2008; and Paul Richter, "Rice Reproaches U.S. Envoy," *Los Angeles Times*, January 23, 2008.

humanitarian need because of North Korean agricultural difficulties and significant reductions in food assistance from South Korea, which had undergone a change of government to one that took a much harder line toward North Korea. China also began to scale back its aid to North Korea.<sup>15</sup> The United States agreed to provide a modest amount of aid, some 500,000 tons of grain, through the WFP and U.S. private humanitarian groups. Despite the urgent efforts of the Bush administration, no progress was made during that final year on security issues or human rights.

Lefkowitz issued a final report at the end of his tenure as special envoy with the change of administrations in January 2009. The report called attention to all the issues that the congressional legislation creating the special envoy position had focused on; it did not comment on the six-party talks and apparently did not raise concerns at the State Department. Unlike his speeches the previous January, it was published on the official State Department website.<sup>16</sup>

Part of the reason for the problems that developed during Lefkowitz's tenure may have been that he was serving in the position part-time and he was living in New York City. One press report said he spent a fifth of his time on the special envoy duties while his law practice took the remainder.<sup>17</sup> With limited time, his activities on North Korean human rights appear to have been focused on periodic travel to South Korea, and meetings with EU allies in Brussels and UN human rights officials in Geneva. I suspect that this left little time for internal coordination with other State Department officials. Also, Lefkowitz may have seen his role as a provocateur within the department to agitate for progress on human rights.

One additional possible source of friction with the Department of State was Lefkowitz's Oval Office connections. In his report, Lefkowitz said, "Throughout my tenure as Special Envoy, I had regular consultations with the President, the Secretary of State, and other senior government officials to determine the priorities for implementing this mandate."<sup>18</sup> His personal relationship with the president likely created suspicion among some State Department officials who wanted to coordinate human rights policy with other U.S. objectives with North Korea, but Lefkowitz saw himself as a totally

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15 Mark E. Manyin and Mary Beth D. Nikitin, *Foreign Assistance to North Korea*, Report R40095 (Washington, D.C.: Congressional Research Service, April 2, 2014).

16 U.S. Department of State, "Final Report of Jay Lefkowitz, U.S. Special Envoy for Human Rights in North Korea," January 17, 2009, <https://2009-2017.state.gov/s/senk/1115268.htm>.

17 Goldstein, "Whatever Happened to. . . Jay P. Lefkowitz?"

18 U.S. Department of State, "Final Report of Jay Lefkowitz."



independent actor. The sharply critical comments of Secretary of State Rice suggest that he did not actively consult with her or others in the Department.

Near the end of his final report, Lefkowitz pointed to areas of disagreement with some individuals at the State Department, and his description of them suggests he did not have much respect for the Department:

Throughout my tenure as Special Envoy, I have heard arguments from those who do not believe that the U.S. should focus on human rights in North Korea. Some argue that our concern about human freedom amounts to interference in internal affairs of another state. Others do not protest raising the human rights issue, but believe this is a matter solely to be worked out between North and South Korea. Finally, some recognize that human rights is a legitimate area of concern, but argue that raising it will prevent us from making progress on more immediate security concerns like North Korea's nuclear arsenal.<sup>19</sup>

Another point Lefkowitz made was that raising human rights issues could be seen by some as undermining efforts to resume six-party talks with the North Koreans in order to negotiate directly with the North Koreans on security issues. No doubt some at the State Department saw an independent actor insistently advocating for human rights progress with American allies and human rights NGOs as a threat to progress on denuclearization.

## 2008 Reauthorization of the North Korean Human Rights Act

Just as the Bush administration was coming to an end, the North Korean Human Rights Act of 2004 was scheduled to expire.<sup>20</sup> Congresswoman Ileana Ros-Lehtinen of Florida, the ranking Republican member of the House Committee, introduced legislation to extend the North Korean Human Rights Act—the “North Korean Human Rights Reauthorization Act of 2008.” The Ros-Lehtinen bill, with amendments made during the approval process, took into account problems in the language and implementation of the original

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<sup>19</sup> U.S. Department of State, “Final Report of Jay Lefkowitz.”

<sup>20</sup> In an effort to reduce the continued effect of outdated legislation, Congress includes in most bills an end date for effectiveness of the legal provisions. Consistent with this practice, the North Korean Human Rights Act of 2004 was specified as being valid for four years from date of enactment. Congressional practice is to review legislation for which there is a continuing need, modify it as appropriate in light of experience, and then “re-enact” the legislation through the same legislative procedures of adoption by House, Senate and signature by the president.

legislation, but for the most part only minor tweaks or changes were made to the legislation. The principal effect was to extend the legislation for an additional four years—from 2008 until 2012.

One section of the legislation that received more than perfunctory attention was the provisions devoted to the special envoy for North Korean human rights issues. Several significant changes were made in that position. The House Foreign Affairs Committee's report on the bill explained the reasons for the changes:

To further the purposes of the 2004 Act, it is also important to clarify and strengthen the role of the Special Envoy. Regrettably, the President [George W. Bush] did not appoint a Special Envoy for North Korean Human Rights Issues until August 19, 2005, more than 4 months after the Special Envoy was required to report to Congress under the 2004 Act. The Special Envoy appointed by the President has filled that position on a part-time basis only, and has continued to live and pursue a career outside of Washington, D.C. Looking ahead to the possibility of a Special Envoy who may not enjoy the same preexisting rapport with and access to the President, it is important to ensure that any successor has adequate stature and presence within the Department of State. An active presence at Main State is necessary to ensure that the concerns at the heart of the Special Envoy's mandate are adequately represented in the decision-making processes of the State Department's regional and functional bureaus, especially the Bureau of East Asian and Pacific Affairs (EAP) and the Bureau of Population, Refugees, and Migration (PRM).<sup>21</sup>

To deal with these concerns, the reauthorization legislation specified that the individual appointed as special envoy would require nomination by the president and confirmation by the Senate, and the holder of the position would have the rank of ambassador. The legislation and the report accompanying it made clear that the position was to be a full-time position, and the person holding it would have an office at the Department of State.

Another significant concern that the reauthorization legislation attempted to deal with was the very small number of North Korean refugees ("defectors") being admitted into the United States. One of the principal reasons for adoption of the North Korean Human Rights Act in 2004 was the concern for North Korean refugees, some of whom were Christians and a great many of whom were helped to escape by Christian activists. By the early 2000s a

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21 Comm. on Foreign Affairs, North Korean Human Rights Reauthorization Act of 2008 (to accompany H.R. 5384), H-Rep. 110-628, at 6-7, <https://www.congress.gov/congressional-report/110th-congress/house-report/628>.

significant number of North Koreans were in China illegally, having fled there during the famine of the 1990s to find food for themselves or to help feed families in the North. Many began covertly leaving China and migrating to South Korea with the help of South Korean NGO activists, with some help as well from American Christians, particularly Korean American Christians.

Because so few North Korean refugees had been admitted into the United States, there was a growing sense, despite little empirical evidence, among some American Christians following the issue, that American officials must be making the process difficult. This view was reflected in the language of the report on the reauthorization legislation.

North Koreans who have requested resettlement in the United States as refugees have also faced extended delays, in some cases longer than 2 years, while residing in circumstances that are frequently unsafe, unhealthy, and insecure. . . . These delays have been the source of considerable discouragement, frustration, and anxiety among North Korean refugees. . . .

In the intervening 3 ½ years since the 2004 Act became law, the United States has resettled fewer than 50 North Korean refugees. This does not constitute the “credible number of North Korean refugees [to be accepted] for domestic resettlement” contemplated by House Report 108-478 [the Congressional committee report on the original North Korean Human Rights Act of 2004]. During that same time frame, the United States, which has the largest refugee resettlement program in the world by far, has resettled approximately 150,000 other refugees from around the world. The United States is also home to the largest ethnic Korean community outside of the Korean peninsular region, and many of the 2-million-strong Korean-American community have family ties to North Korea. During the same period, South Korea has resettled approximately 6,000 North Koreans.<sup>22</sup>

No empirical evidence was presented to show that U.S. immigration officials were denying admission to North Koreans who wished to settle in the United States. The basis for the conclusion was the fact that less than fifty had been resettled while some six thousand had gone to South Korea during that same time period. The new legislation did not change the requirements for North Koreans to come to the United States, but it did include instructions to U.S. immigration officials to give special attention to North Korean refugees because of their particularly difficult situation. Later, as special envoy, I frequently met with senior U.S. government officials dealing with

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22 Comm. on Foreign Affairs, North Korean Human Rights Reauthorization Act of 2008 (to accompany H.R. 5384), H-Rep. 110-628, at 6.

these immigration issues, and they clearly had received the message that the Congress had a special interest in North Korean refugees.

In reality, the reason for such small numbers of North Korean refugees had little to do with American policies. North Korean refugees went to South Korea because of the common language and familiar culture and because other relatives and friends had already migrated there. Furthermore, South Korean resettlement assistance is far more generous for North Koreans than the aid the United States provides for refugees. Most of the refugees from North Korea also had little training or experience in speaking English.

Despite the efforts to make it friendly and easier for North Koreans to migrate to the United States, the number of North Koreans choosing to settle here has remained small. A total of only around 235 refugees from North Korea have immigrated into the United States since the North Korean Human Rights Act was passed in 2004 to the present. After the adoption of the law, the first nine refugees arrived in the United States in 2006. The annual number of arrivals peaked in low double digits. Since the first Trump-Kim summit, that number has dropped significantly.<sup>23</sup>

Because of jurisdictional issues between the Foreign Affairs Committee and the Judiciary Committee, which has responsibility for immigration issues under the rules of the House of Representatives, the North Korean Human Rights Reauthorization Act of 2008 primarily included “hortatory” language expressing the sense of the Congress that more should be done to make immigration for North Koreans easier, but there were no changes made in the provisions of the law regarding processing and admitting defectors into the United States. Special circumstances for North Koreans are acknowledged, but receiving refugee status in the United States was politically sensitive even before it was so highly politicized in the Donald Trump administration.

In January 2009, just as the new Congress was getting underway following the Obama election, the Congressional Research Service of the Library of Congress published a report on the North Korean Human Rights Act and congressional expectations with the beginning of the new administration and the new membership of the Congress. The report highlighted congressional concerns about the role of the North Korean human rights envoy that came up as the act was reauthorized just a couple of months earlier. The report focused on the special envoy for North Korean human rights as a key issue: “The role and activities of the Special Envoy for Human Rights in North Korea (per the reauthorization bill, now the ‘Special Envoy for North Korean

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23 Miriam Jordan, “U.S. Admission of North Korean Defectors Has Slowed to a Trickle,” *New York Times*, October 25, 2018.

Human Rights Issues’) have garnered particular attention from Congress.”<sup>24</sup> This report was one of a number prepared for the incoming Congress highlighting issues that were likely to be significant as it began to work with the new administration.

## Nomination and Confirmation as Special Envoy

The inauguration of Barack Obama as president of the United States in January 2009 led to changes in personnel and policy affecting human rights policy toward North Korea. Initially I had no idea at all that I would be heavily involved in this. As I mentioned, from 1983 to 2008 I was chief of staff to Congressman Tom Lantos, who was a senior member and ultimately chair of the House Foreign Affairs Committee until his death in February 2008.

Lantos was involved in the North Korean human rights legislation as the principal Democratic cosponsor of the bill. I was involved with other committee staff in working out the final draft of the text in 2004. Lantos was a key leader in the effort to press North Korea more aggressively on human rights, and he spoke eloquently in support of the bill in 2004:

While it is inevitable that security matters will remain at the heart of our dialogue regarding North Korea, I am very much concerned that the United States has paid insufficient attention to the human rights situation in the North and the humanitarian consequences of the horrendous misuse by North Korea’s leadership. . . . The North Korean Human Rights Act will ensure that the United States does not fail to tackle North Korea’s appalling human rights record as we attempt to resolve our differences with the North.<sup>25</sup>

Lantos was interested in pushing North Korea both on the nuclear and security issues as well as on human rights. In January 2005, just three months after adoption of the North Korean Human Rights Act of 2004, he traveled to Pyongyang for four days of meetings with senior North Korean officials. His message focused on the value of resuming the Six-Party Talks with the

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24 Emma Chanlett-Avery, *Congress and U.S. Policy on North Korean Human Rights and Refugees: Recent Legislation and Implementation*, Report RS22973 (Washington, DC: Congressional Research Service, January 30, 2009), <https://fas.org/sgp/crs/row/RS22973.pdf>.

25 150 Cong. Rec. H6514-15 (daily ed. July 21, 2004) (statement of Representative Lantos, speaking on HR 4100), <https://www.congress.gov/crec/2004/07/21/CREC-2004-07-21-pt1-PgH6508-2.pdf>.

United States, South Korea, Japan, China, and Russia.<sup>26</sup> He also urged action on human rights. I was with the congressman on that trip.

After the 2006 election, the Democratic Party gained the majority in the House of Representatives, and Tom Lantos became the chair of the House Foreign Affairs Committee. He asked me to serve as the committee staff director. Before the issue of the reauthorization of the North Korean human rights legislation came up in mid-2008, however, Lantos passed away. He was replaced by Congressman Howard Berman of California as chair of the Foreign Affairs Committee, and Berman asked me to remain as staff director. I worked with Peter Yeo, deputy staff director of the committee, when the reauthorization legislation was amended and adopted in late 2008.

After the 2008 presidential election, I decided to leave Capitol Hill. I had served as Tom Lantos's chief of staff for nearly twenty-five years, and I had been the senior Democratic staffer on the Foreign Affairs Committee for the last eight years of that time. With the election of Barack Obama, I decided to look into possible foreign policy positions where I might be useful in the new administration. I was interested in the position of assistant secretary of state for legislative affairs, but the newly appointed secretary of state, Hillary Clinton, wanted to have someone with Senate experience because of the number of State Department and ambassadorial confirmations that were expected. I was interested in the post of U.S. ambassador to Hungary because of my background on Central Europe, but that post has been one that is traditionally available for major campaign contributors, and foreign policy experts need not apply.

On the day before Thanksgiving in 2008, I received a phone call from a congressional staff colleague and friend who was about to become assistant to the president and White House director for legislative affairs. He asked if I would be interested in the position of assistant secretary for legislative affairs at the Department of Homeland Security. The department had been created six years earlier soon after the attack on the World Trade Center in 2001, integrating twenty-two separate federal units and agencies into one new department. Shifting congressional jurisdictions and internal turf fights made that position one that I did not want to touch. I expressed my gratitude for the offer but suggested that I would prefer something in the foreign policy realm.

In the early spring of 2009 I was approached by Eric Richardson, a foreign service officer who had served as a State Department fellow on the Foreign Affairs Committee staff for a year. Eric had returned to a position on the

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26 Ching-Ching Ni, "Door Ajar for N. Korea Talks?" *Los Angeles Times*, January 12, 2005.

Korea Desk at the State Department. He discussed with me the urgency of finding a nominee for the post of special envoy for North Korean human rights with rank of ambassador. I had not previously thought about that position, but with the ongoing efforts to engage North Korea, it sounded interesting. A few days later I had a conversation with Ambassador Steve Bosworth, former U.S. ambassador to South Korea and the Philippines and at that time dean of the Fletcher School of Law and Diplomacy at Tufts University. Bosworth had been asked by Secretary of State Clinton to serve as special representative for North Korea policy.

During the last few years of the George W. Bush administration, the assistant secretary of state for East Asia and Pacific affairs, Ambassador Chris Hill, had devoted much of his time to North Korea negotiations. Secretary Clinton was anxious to reinvigorate U.S. policy toward Asia, particularly with regard to China. To avoid the assistant secretary for Asia and the Pacific being encumbered with North Korea negotiations, she asked Ambassador Bosworth to take over North Korea policy negotiations on a part-time basis.<sup>27</sup> He was ideal for that position. Bosworth had the help of Sung Kim, another able senior career foreign service officer as his deputy. Sung Kim would subsequently serve as U.S. ambassador to South Korea (2011–14), special representative for North Korea policy (2014–16), ambassador to the Philippines (2016–20), and ambassador to Indonesia (since 2020).

The conversation with Bosworth went very well. Since I am a graduate of the Fletcher School of Law and Diplomacy, where Bosworth was then serving as dean, we had common interests. As a former senior Capitol Hill staffer, I understood the workings of the Congress and had relationships with members of Congress and congressional staff. Bosworth saw me as the right candidate substantively and politically for the position of special envoy.

At the time I met with Bosworth, confirmation of Dr. Kurt Campbell to be assistant secretary of state for East Asia and Pacific affairs had been put on hold by Senator Sam Brownback because of his concern with lack of progress on North Korean human rights, including filling the North Korean human rights envoy position with an appropriate candidate. Secretary Clinton, Ambassador Bosworth, and others at the State Department decided there was value in having someone with Capitol Hill experience.

At the end of May 2009, just a few days after my meeting with Steve Bosworth, I was invited to the State Department to meet with Cheryl Mills,

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27 Emily Langer, "Stephen W. Bosworth, Three-Time U.S. Ambassador, Dies at 76," *Washington Post*, January 6, 2016; and Sam Roberts, "Stephen W. Bosworth, U.S. Diplomat Who Helped Oust Ferdinand Marcos, Dies at 76," *New York Times*, January 8, 2016.

chief of staff to Secretary of State Clinton and counselor of the Department of State. I met briefly with Mills, and then Secretary Clinton joined the meeting. The Secretary asked me to accept the position as special envoy for North Korean human rights issues. We discussed her views on the role of the position, and I agreed to serve. The fact that she extended the offer in person reflected her concern for the issue and her desire to fill the position as quickly as possible.

Secretary Clinton was having problems with Kurt Campbell's Senate confirmation. Senator Brownback told Clinton he was exercising a Senate right to delay consideration of the nomination to press for faster and tougher action on North Korean human rights. Senator Brownback had done much the same with the Bush administration's nominee for U.S. ambassador to South Korea in 2008.<sup>28</sup>

About three weeks after I was asked to accept the North Korean human rights position, Clinton had a telephone conversation with Senator Brownback on June 22 to urge his support for moving forward on the Campbell nomination. Clinton and Brownback had been colleagues in the Senate for eight years. Brownback was sworn in after his election in November 1996, and Clinton served from January 2001 until she resigned after her nomination as secretary of state in December 2008. Though they had political and policy differences, they had cooperated on a number of issues.

Immediately after their phone call, Brownback wrote Secretary Clinton a two-page letter dated June 22 specifying his concerns, all of which related to North Korea. He asked for listing the DPRK as a "state sponsor of terrorism," increasing the number of North Korean refugees admitted to the United States, pressing for greater radio broadcasting to the North, and funding other democracy-focused programs related to North Korea. On the special envoy, Brownback was explicit and detailed in his questions:

When can Congress expect to learn of the nomination of a new Special Envoy for North Korean Human Rights Issues? Can we be assured that the individual will not be an existing official at the EAP Bureau? Will the new Special Envoy be provided with an independent budget and sufficient resources from the State Department to carry out his or her duties? Will he or she be invited to participate in all policy planning and diplomatic sessions regarding North Korea? Will the Special Envoy have independent

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28 Paul Richter, "North Korea Rights Issue to Get More Focus," *Los Angeles Times*, August 1, 2008.



decision-making authority over any amount of human rights funding in the State Department or Foreign Operations budgets? If not why not?<sup>29</sup>

Clinton responded to Brownback's telephone call and his letter in writing point by point. With regard to the appointment of the special envoy, Secretary Clinton wrote:

As we discussed, I have identified a candidate for the position of Special Envoy for North Korean Human Rights, and we intend to name him soon. This individual is not and has never been an official in the Bureau of East Asia and Pacific Affairs or elsewhere in the Department of State, but does have extensive experience on human rights issues, including efforts supported by the U.S. Congress. I will ensure the new Special Envoy has sufficient operational, travel, and other resources to carry out his duties. He will be invited to participate in all policy planning and diplomatic sessions regarding North Korea to the extent relevant and in full accord with congressional intent.<sup>30</sup>

Brownback responded to Clinton's letter that same day with a hand-delivered letter. He reiterated his concerns, but he said that if these conditions were met, this "would allow the confirmation of Dr. Campbell to proceed expeditiously."<sup>31</sup>

Clinton responded to the senator's letter of June 24 the following day, outlining the instructions she had given to Department of State officials to deal with the issues of concern raised by Brownback. She included a diplomatically worded remark asking for Campbell's confirmation:

Dr. Campbell and I share your sense of urgency concerning developments on the Korean Peninsula. . . . As our primary interlocutor for Asia, the Department of State urgently requires an Assistant Secretary for East Asian and Pacific Affairs to assist in the development and implementation of strategies to address these challenges. I respectfully request that you work with me to facilitate the confirmation of Dr. Campbell without delay.<sup>32</sup>

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29 Senator Sam Brownback, letter to Secretary of State Hillary Rodham Clinton, copy in author's possession, June 22, 2009.

30 Secretary of State Hillary Rodham Clinton, letter to Senator Sam Brownback, copy in author's possession, June 24, 2009.

31 Senator Sam Brownback, letter to Secretary of State Hillary Rodham Clinton, copy in author's possession, June 24, 2009.

32 Secretary of State Hillary Rodham Clinton, letter to Senator Sam Brownback, copy in author's possession, June 25, 2009.

The “hold” by Senator Brownback on the confirmation of Kurt Campbell as assistant secretary of state for East Asia and the Pacific was not a secret. The South Korean press reported on the difficulties at the time that these letters were exchanged.<sup>33</sup> The letters were not formally classified, but the secretary of state had no interest in making public the difficulties in dealing with Brownback on Campbell’s confirmation. Brownback, on the other hand, benefitted from stories showing his power to extract promises from the administration, and the leaks to the press were most likely from his office.

Following the exchange of letters and phone calls between Clinton and Brownback from June 22 to 25, Kurt Campbell was confirmed as assistant secretary of state by the U.S. Senate on June 26. The name of the special envoy was not given to Senator Brownback, because the White House and administration officials are very careful not to release such information until the president makes the nomination when the request for confirmation is formally made to the Senate. Brownback had made his point regarding the need for greater attention to North Korean human rights issues.

The decision on my appointment and the urgency with which it was handled was an indication of the concern at the State Department that the North Korean human rights position be filled quickly. The speed of my security clearance investigation was impressive. I held security clearances for a decade or more while I was working for the House Foreign Affairs Committee on Capitol Hill, but a completely new investigation was required, and its thoroughness and speed surprised me. An indication of its completeness was that a request was made to my undergraduate university for a transcript of my academic record, and some of my former professors from 40 years earlier were interviewed.

During the first week of August 2009, my wife and I were on vacation with our oldest son and his family at Bethany Beach, Delaware. I received a phone call from the White House Personnel Office informing me that my nomination as special envoy would be forwarded to the Senate and publicly announced the following day on August 6, the last day the Senate would be in session before the beginning of the traditional August congressional recess. (White House nominations cannot be received by the Senate when it is not in session.)

I received another phone call early the following morning, however, telling me that my nomination would *not* be sent to the Senate because former president Bill Clinton was about to leave Pyongyang, where he had been the

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33 “Hardline U.S. Senator Blocks Appointment over N. Korea,” *Chosun Ilbo*, June 26, 2009, [http://english.chosun.com/site/data/html\\_dir/2009/06/26/2009062600693.html](http://english.chosun.com/site/data/html_dir/2009/06/26/2009062600693.html).

previous two days. He met with North Korean leader Kim Jong-il to request the release of two American journalists, Euna Ling and Laura Lee. Clinton was returning to the United States with these two American citizens that day. The political decision was made that North Korea was likely to react badly to my appointment as special envoy, and it could create problems for the Clinton mission to have my nomination announced before Clinton and the two journalists were well away from North Korea.<sup>34</sup> I was told that submission of my nomination to the Senate and a press announcement would be delayed until the Senate was back in session in mid-September. On September 25, 2009, my formal nomination was sent to the Senate by the White House.

One of the most important things a nominee for Senate confirmation does before the actual confirmation hearing in the Senate committee is to make him or herself available to meet with senators who have an interest in the issues involved. In preparation for my confirmation hearing in the Senate, one of the most important preliminary meetings was with Senator Sam Brownback. We had a very pleasant conversation. We had both been White House fellows when we were both much younger. This program seeks to expose early-career individuals to the workings of the federal government. Also, Senator Brownback, a few years earlier when he was a member of the House of Representatives (1995–96), had served on the House Foreign Affairs Committee with my former boss, Congressman Tom Lantos, whose reputation as a champion of human rights was well known.

I had dealings on a few North Korean human rights issues with Senator Brownback and his staff during the first few months after I became the special envoy, but Brownback was a candidate for governor of Kansas in the 2010 election, and much of his time and energy even before my confirmation were devoted to that pursuit. He served as Kansas governor for seven years (2011–18), and he then resigned to serve as U.S. ambassador-at-large for international religious freedom (2018–21).<sup>35</sup>

My Senate confirmation hearing was held on November 4, 2009. The time span between nomination and confirmation hearing was normal for Senate confirmations. It takes the Senate Foreign Relations Committee staff four to

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34 Steve Gorman and Dan Whitcomb, “Freed from North Korea, U.S. Journalists Return Home,” Reuters, August 4, 2009.

35 Mitch Smith and Jacey Fortin, “Gov. Sam Brownback of Kansas Will Be Nominated as Religious Ambassador,” *New York Times*, July 26, 2017; and Brandon Conradis, “Pence Ends Filibuster on Brownback Nomination,” *The Hill*, January 25, 2018, <https://thehill.com/homenews/senate/370556-pence-ends-filibuster-on-brownback-nomination>.

six weeks to conduct due diligence and properly vet a nominee to determine if a particular nomination presents any problems.

At my confirmation hearing, I was honored to be introduced by House Foreign Affairs Committee chair Howard Berman (D-California) and Congresswoman Ileana Ros-Lehtinen (R-Florida), the ranking Republican member of the committee. I had served as committee staff director for the first year Howard Berman was committee chair, and he was particularly helpful and supportive in advancing my candidacy for the North Korean human rights position. It was helpful to have the leading Democratic and leading Republican member of the House Foreign Affairs Committee ask if they could introduce me at my Senate confirmation hearing.

The most important support for me at the hearing were my family, especially my wife Dr. Kay King, who at the time was director of Inter-Parliamentary Affairs for Speaker of the House of Representatives Nancy Pelosi. Our three sons, as well as two of our young grandchildren dressed in their Sunday finest, were also there for the occasion.

The event was a low-key affair. The committee hearing considered four ambassadorial nominees and none were controversial. I had met with several of the committee members and with committee staff a week or two before the hearing. Although there were four nominees, about half the questions from senators involved North Korean human rights issues. There seemed to be fewer burning issues involving U.S. relations with New Zealand, Australia, or the Marshall Islands. My statement at the beginning of the hearing focused on the serious U.S. human rights concerns with North Korea.<sup>36</sup>

After the confirmation hearing, Senate committees usually take a week or two to complete the confirmation process. The Senate approved the nomination “by voice vote,” which means one Democratic and one Republican Senator were in the Senate chamber when my nomination and a handful of other nominations were “considered” on the Friday afternoon before the week of Thanksgiving. The Senate approved my nomination at a time when most senators were already on flights back to their home states.

The following Tuesday, November 24, just two days before Thanksgiving Day, I was officially sworn in as the special envoy for North Korean human rights issues by Deputy Secretary of State Jim Steinberg. Only my wife Kay and my son Nate were present from my family, and in addition, two officers from the Korea Desk joined us.

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36 *Nominee—Special Envoy for North Korea Human Rights Issues*, Statement Before the Senate Foreign Relations Committee (November 5, 2009) (statement of Dr. Robert R. King), <https://2009-2017.state.gov/p/eap/rls/rm/2009/11/1131434.htm>.

Eric Richardson, the head of the North Korea Unit of the Korea Desk, played an important role in my selection as special envoy. He had been a Pearson Fellow with the House Foreign Affairs Committee for much of the previous year. Under the Pearson Fellow program, outstanding younger foreign service officers spend one year on Capitol Hill working for a House or Senate committee or working in the personal office of a member of Congress or a senator. Eric returned to the State Department to head the North Korea Unit following his year on Capitol Hill. With interest in finding someone with congressional experience for the special envoy, Eric had urged my candidacy.<sup>37</sup>

Also present for my swearing-in was Jaime Oberlander, the officer in the North Korea Unit responsible for human rights, defectors, and related issues. She was my main State Department contact in getting through the confirmation process, and she worked closely with me during the first three years of my tenure at the State Department. Jaime had studied the Korean language in Seoul with a Boren Fellowship, which encourages graduate students to study difficult but critical languages and gives these fellows an opportunity to work at the State Department for a couple of years.<sup>38</sup> She was able to spend three years at the Department of State, where I worked closely with her on North Korean human rights issues. She later joined USAID and was an officer in Pakistan, and then supervised USAID education programs in Kenya and East Africa.

After the private swearing-in I could formally function in the position and receive a State Department identity badge. A couple of weeks after Thanksgiving, I had a large festive formal ceremonial swearing-in event in the Benjamin Franklin Diplomatic Reception Room at the Department of State, but that came after I had already made a trip to Geneva to participate in a meeting of the UN Human Rights Council focused on North Korea.

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37 On the Pearson Fellowship for Foreign Service Officers as well as comments by Eric Richardson about his experience on Capitol Hill, see Andrew Hyde and Debbie Jones, "Capitol Hill Nuance: Fellows Give Congress International Perspective," *U.S. Department of State Magazine*, September 2008, 18–21.

38 For information on the Boren Fellowships, see <https://www.borenawards.org/>.