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particular technologies could be used for military purposes, then the President had the opportunity to certify this finding to Congress and restrict the export of such technologies on the grounds of national security. This action is based on a completely distinct consideration from the foreign policy controls that the House appears to be ready to erase by supporting H.R. 6838.

I firmly believe that we should allow a few days for our engineers and scientists to review the military implications of this technology. Technical review procedures are not new, and they must be initiated so transfers or diversions of U.S. technology will not result in military benefits to our adversaries. In addition, the review I sought was intended to assess the risk that the technology could be used to produce or improve the military capabilities of the Soviet Union. While there is a reasonable argument that the export of any technology allows Soviet engineers to work on military projects rather than civilian ones, the controls that I foresaw were not based on this economic diversion argument. In effect, the specific provisions of my amendment would have allowed the President to carve out certain technologies that should not be exported for national security purposes, while allowing other nonmilitary significant exports to proceed.

The pipeline sanctions imposed by the President stem from the Export Administration Act. In this particular case, the foreign policy controls of section 6 of the act were imposed. My amendment would have allowed a review of the proposed exports on the grounds of national security, along the lines of section 5 of the act.

The pipeline will take years to complete, with or without the U.S. technology. I believe that a 30-day engineering review of the pipeline technology is not too much to expect in light of the scale of the entire project. All the emphasis has been on the foreign policy implications of the sale. We should at least make an effort to look at the national security implications.

But more to the point, the whole Export Administration Act, which must be reauthorized by September of next year, needs to have a thorough and complete reemphasis. Examples of unfortunate trade relations with the Soviets are frequent, wherein civilian sector exports are diverted to military use in the Soviet Union. My bill, H.R. 6880, the Strategic Trade Act of 1982, would attempt to place a greater emphasis on military engineering review procedures than now exists.

As an example of a particular area, need I point out that it took 10 years to develop the technology embodied in the pipeline turbines? The blade contours, the positioning of the cooling passages, the design of attachments and the alloys themselves are all possible areas of turbine technology that could benefit the Soviets in making

military turbine engines. I point out that the most impressive Soviet fighter aircraft, the Mig-25, is known to suffer seriously from unreliability in its jet turbine engines. Turbines are also used to power military warships. How much of this technology will be used to benefit the Soviet naval modernization efforts, the most aggressive military shipbuilding program on Earth? And, finally, there is the use of computer-aided controls that will be incorporated into the pipeline. In my estimation, there are just too many key technologies in the pipeline sale not to allow a final engineering review.

Two years ago a Swedish company used U.S.-manufactured electronic components to build a sophisticated air traffic control system. The U.S. components were legally exported to the Swedish company. The problem lies in where they installed the air traffic control system: Moscow Airport. We are still uncertain how much benefit this system provides the Soviets, considering that air traffic control systems have military counterparts, such as detection and acquisition radars that are used to provide early warning and tracking of aircraft and missiles.

Consider the well-known case of the ball bearing grinders exported to the Soviets in the early seventies after nearly 10 years of continuous requests by the Soviets. It is the precision ball bearings produced for the Soviets by U.S. equipment that makes the Soviet missiles so accurate, thereby resulting in the U.S. expenditure of millions of dollars for a survivable basing mode for the MX missile.

Finally, consider the most recent event, where the Soviet Union returned for repair equipment easily used for reconnaissance and photographic enhancement efforts. The equipment was made by a U.S. company, bought and shipped to an English company, and then sold to the Soviet Union. Now it is back in the United States to be fixed. As the Commerce Department official said upon learning of the situation, "How the hell did it get to Russia in the first place?"

Civilian sector goods being exported, only to find that they were diverted to military applications in the Soviet Union, have led me to believe that closer review of exports by military analysts is necessary to preserve our national security. Technology once lost cannot be regained. It is one thing to send a message to the Soviets that we are willing to trade with them, it is quite another to send them militarily significant technology.

H.R. 6838 requires improvement and should, therefore, not be supported as a Suspension Calendar item.

H.R. 6880, the Strategic Trade Act of 1982, can still be cosponsored in this Congress. If you are concerned with a balanced approach to exporting, the enhancement of United States and Allied economies, and for our mutual

national securities, I urge cosponsorship of H.R. 6880.

I am convinced that this Nation must closely control the flow of technology into the hands of our strategic enemies, lest we find ourselves in the absurd position of defending ourselves against our own devices.●

100 YEARS OF SERVICE

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. HILER. Mr. Speaker, on the evening of October 16, the Hungarian-American community in South Bend, Ind., will be celebrating the 100th anniversary of their arrival in northern Indiana.

Hungarian-Americans first traveled to this country for many of the same reasons our forefathers left their homelands in the 17th and 18th centuries—in search of social and economic opportunities, and the freedom to pursue them. Their industriousness, energy, and selfless dedication to South Bend and our Nation have helped make the community one of the most important in the Midwestern United States.

Many Hungarian-Americans in South Bend have experienced the tragedy of oppression in their own homeland, Mr. Speaker, and have a special appreciation of the personal and economic freedom we so easily take for granted.

They have thanked their new homeland by their steadfast dedication and contributions to our free enterprise system, contributions to the community, and personal sacrifice during our Nation's times of crisis—many Hungarians have died for our country on the battlefield.

Mr. Speaker, I am proud to be associated with the Hungarian community in South Bend, and ask my colleagues to join me in a well-deserved salute and "thank you" on their centennial.●

CONTINUING HUMAN RIGHTS VIOLATIONS IN PARAGUAY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. HALL of Ohio. Mr. Speaker, most of the recent concern about violations of internationally recognized human rights in this hemisphere has focused on Central America. Today, however, I would like to draw the attention of my colleagues to the situation in the South American nation of Paraguay.

Unfortunately, there is very little coverage in the U.S. media of developments in Paraguay. On occasion, there is mention of the mysterious activities

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of Nazi exiles allegedly hiding in Paraguay. In addition, former Nicaraguan dictator Anastasio Somoza fled to Paraguay, where he was assassinated in September 1980.

We hear little about political developments in Paraguay because the country has been ruled continuously since 1954 by Gen. Alfredo Stroessner. He has been reelected to the presidency every 5 years since he took power in a military coup that year. Every three months, Stroessner renews the national state of siege under which he rules Paraguay. It is not clear why Paraguay must be governed under state of siege conditions.

In June, 1979, Representative Tom Harkin and Senators Alan Cranston, Mark Hatfield and Edward Kennedy joined with me to cosponsor a Symposium on Paraguay. Representatives of the four principal opposition parties to the Stroessner regime had intended to come to Washington to discuss the political and human rights situation in their country in an open forum.

We were forced to cancel the Symposium when leaders of the three opposition parties still in Paraguay sent word to us through the Washington Office on Latin America that they could not leave Paraguay. They stated that the deterioration of the human rights situation in Paraguay at that time made it clear that they could not leave and return to Paraguay without incident. Although representatives from the three opposition parties still in Paraguay, the Christian Democrats, the Febreristas, and the Authentic Radical Liberals, were unable to attend, representatives from the Argentina-based Popular Colorado Movement (MOPOCO) party came to Washington to discuss the state of affairs in Paraguay.

In February 1979, all four parties signed the National Agreement (Acuerdo Nacional) in which they pledged themselves to work together toward democracy. Their efforts have been consistently frustrated by the Stroessner government.

Most recently, on September 11, 1982, 11 individuals—either former political party leaders or trade union leaders—tried to return home to Asuncion, Paraguay from Buenos Aires, Argentina. Representatives from all four National Agreement parties were included in this group.

Paraguay is preparing for presidential elections next year, and these political and labor leaders hoped to be able to participate in the candidate selection processes. However, all 11 were immediately turned back at the airport and forced to return to exile. Some of these individuals have been in exile for over two decades already.

The individuals denied entry on September 11 were: Col. Enrique Jimenez (retired), Dr. Faustino Centurion, Dr. Miguel Angel Gonzalez Casabianca, Dr. Andres Gomez Galeano, Dr. Guido Arce Bazan, Licenciado Luis Alfonso Resck, Profesor Herminio Gimenez,

Dr. Arnaldo Valdovinos, Sr. Julio Etcheverry Espinola, and Sr. Ricardo Esperanza Leiva.

The denial of the right of these people to live in their own country now has been compounded by the denial of their right to participate in the political process. It should be noted that they are among the over 1 million Paraguayans who live in exile from their country.

The "business as usual" state of political affairs in Paraguay was capped last week with the nomination of Alfredo Stroessner as the presidential candidate of the Colorado Party. The election this year will determine Paraguay's President for the 1983-88 period. There is presently little doubt who the winner will be.

While the Stroessner government continues to make a mockery of the democratic process in Paraguay, courageous Paraguayans both inside and outside of Paraguay are working steadily for the advancement of the dream of a truly free and democratic Paraguay. We in this country who share their commitment to freedom and democratic principles must not permit their efforts to be ignored.

In order to bring my colleagues up-to-date on the situation in Paraguay, the Washington Office on Latin America's Human Rights Country Report on Paraguay, released in August 1982, follows:

#### PARAGUAY

Paraguay is a predominantly agricultural country with a population of three million. Army General Alfredo Stroessner has been re-elected to the presidency every five years since he took power in a 1954 military coup. Like most of his predecessors since 1929, Stroessner governs under a state of siege decree that is renewed every three months.

Violations of political and civil rights are cyclical. There was an unusually strong downturn in 1977-79, but since early 1980 there have been three sharp waves of repression, and in 1982 the incidence of reported torture returned to its previous high level. Problems of land tenure and economic freedom increased throughout the late 1970's and early 1980's, as rapid economic growth and rising land values collided with the traditional structures of political favoritism and corruption.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Torture.

b. Cruel, Inhuman or Degrading Treatment or Punishment.

The 1967 Constitution guarantees the full range of political rights enumerated in the United Nations Declaration of Human Rights and other international instruments. In practice, physical and psychological abuse are regularly applied with impunity in local police stations, and in such central posts as the police Department of Investigations and the military Security Guard headquarters.

The most common abuses are beatings with blunt instruments and whips, including blows to sensitive parts of the body; forced standing for long periods; withholding food and medical care; lengthy isolation; and threats or false reports regarding the prisoners' friends and family members. The use of water and electric torture in political cases appeared to have abated in the late

1970's, although it was still used to extract confessions from "common delinquents."

Torture reports increased again with a roundup of alleged Communists in Asuncion and rural areas in early 1982. Several newly indicted prisoners told a judge in June and July that they had been physically abused, and in June a lawyer was personally beaten and threatened by Chief of Investigations Pastor Coronel after asking the court to assign a physician to examine a pregnant woman who had allegedly been tortured.

c. Disappearances.

d. Arbitrary Arrest and Imprisonment.

Long-term, calculated disappearances are less prevalent in Paraguay than in neighboring Argentina, however. Amnesty International is still seeking information on 27 people detained in the mid-1970's whose whereabouts have never been explained or investigated, and many Paraguayans "disappeared" in Argentina are believed to have been secretly returned to Paraguayan custody.

Most reported disappearances are a result of the authorities' refusal to account for the cause and procedures of detention, or to bring the detainees to trial as Paraguayan law requires. Habeas corpus inquiries are now generally answered with acknowledgement that the prisoner is held under Article 79 of the Constitution, which permits quarterly declarations of the "state of siege."

Article 79 requires regulation of the state of siege by the Parliament, a condition that has never been fulfilled. Recent state of siege decrees have been limited to the Asuncion area, but in practice detainees are often transferred from the interior to evade this condition. Thus most state of siege detentions are unconstitutional, but they are never challenged by the courts. Arbitrary detention remains the single most prevalent factor inhibiting political and civil liberties. Preventive and punitive arrests, and the prohibition of free assembly, are entirely unrestricted by any reference to political, criminal or civil law.

There is a high turnover of state of siege detainees—many are released eventually or brought to trial. However, in mid-July, eight people were known to be held under the state of siege in Security Guard headquarters. Two had completed judicial sentences in 1974 and 1977 respectively, and the others have been detained without trial for months or years. Others are held in the Department of Investigations and local precincts, usually for personal grievances with people in power rather than for political or common criminal cause.

Local prison conditions are poor to very bad, and there are occasional reports of prisoners held in extremely inhuman conditions. Those brought to trial are transferred to the Tacumba National Penitentiary (for men) or the House of Good Shephard (for women), where conditions are better and the International Committee of the Red Cross is normally allowed access. Juvenile and mentally retarded prisoners are often placed in adult facilities. It was recently reported that an old facility near Emboscada, used to house political prisoners in 1976-78, had been reopened for "criminal recidivists" whom the government did not want to bring to trial.

e. Denial of Fair Public Trial.

The 1967 Constitution provides for public trial under the modern advocacy system of justice, but the 1980 Code of Penal Procedure is based on the "inquisitorial" system in which the judge is charged with finding the truth in closed hearings. The two principles have never been made compatible by Parliament or the Supreme Court, so the

question of public trial remains entirely at the discretion of the presiding judge.

The Constitution guarantees judicial independence and prohibits partisan political activity by judges, but it also establishes that judges are named by the president for a five-year term coinciding with his. In practice judges play a prominent partisan role.

Professionally competent, politically independent legal counsel is widely available, and in the late 1970's lawyer access to detained clients increased significantly. The increasingly frequent invocation of the state of siege, however, has reduced that access, and the intimidation of the lawyers has increased.

There are no jury trials. Most legal procedures are based on written submissions.

The key element of judgment, however, is the police report—affirmed in 1977 and 1978 court decisions as definitive evidence, even when it includes illegally obtained materials, testimony or confessions. Full judicial acquittals are rare, and almost unknown in political cases. Often the defendants are released without verdict by executive or judicial order. These cases remain pending, and civil rights, including identification and travel documents and the rights to employment and property ownership are not fully restored.

Judicial delays and noncompliance with judicial orders are often attributed to heavy dockets and bureaucratic inefficiency. In 1980 the number of judges was increased, and in 1982 a modern Palace of Justice—built with concessional financing from the South African government—was inaugurated, but there has not been a corresponding increase in judicial efficiency.

#### f. Invasion of the Home

The Constitution limits search and seizure procedures, but in practice the police regularly conduct raids without warrants. Confiscated property often remains in the possession of the officials themselves, and is sometimes introduced as evidence or displayed to the press to justify waves of arrests. When personal property or private correspondence is used as evidence, the courts neither question the legality of the circumstances in which they were obtained, nor demand a logical connection between the materials and the alleged violation of law.

Systematic property invasions regularly accompany waves of mass arrests. Block by block or farm by farm, access is cut off and the police, soldiers or local militia ransack each home in turn. In rural land tenure disputes, local officials frequently invade homes and destroy farm installations. Peasant owners who resist the action, or sometimes even when they do not, have been summarily executed.

#### 2. Respect for Civil and Political Liberties, Including:

##### a. Freedom of Speech, Press, Religion and Assembly.

Freedom of speech is most heavily inhibited by the presence of political informers (called *Pyraques*) in each neighborhood, school, professional or trade association, and voluntary agency. Political gossip is marketable commodity.

Increased competition in the daily press since 1977 has led to coverage of some issues previously considered off limits: official corruption, low level police abuse, challenges to economic and fiscal policy, land tenure, the treatment of ethnic groups, etc. Waves of repression are often accompanied by orders to publish only official reports, and the activities of high military officials remain off limits. The Febrerista Party has been negotiating with the government to reopen its weekly paper, *El Pueblo*, closed since 1980. The independent weekly *La Republica* was

closed in December 1981, after publishing six issues. Radio and television are heavily self-censored.

In 1981 six journalists were detained for varying periods. One went into exile after learning that the police were seeking him. Argentine reporter Hernando Sevilla remains in incommunicado detention since his February 1981 arrest.

Augusto Roa Bastos, the country's most famous author, was expelled in June 1982. A few days later the police confiscated all copies of a new book of poems by a younger associate of Roa Bastos, former political prisoner Jorge Canessa.

A test of academic freedom was avoided with the release on December 30, 1981 of student activist Perla Yore. She was charged with subversion for possessing books the police considered offensive, although Paraguayan law does not forbid the ownership of books for personal use.

Except for infrequent manifestations of anti-Semitism, freedom of worship and religious affiliation is generally respected. Like all voluntary associations, however, both Protestant and Catholic churches are subject to infiltration and suppression of activities related to social concerns. Bishops and priests are often rebuked or threatened for referring to land tenure and human rights problems, and church-sponsored community organizations are a common target for sweep arrests.

The Paraguayan Labor Federation (CPT) has been divided since March 1981 when a government-managed change of leadership ended several years of increased constituency participation. Massive layoffs in the textile and garment industry have led to charges of unconcern against the CPT, peasant farmers and agricultural workers remain unrepresented, and local attempts at organization have been systematically suppressed. Strikes are forbidden, but within that limitation a few independent trade unions, inside and outside the CPT, have developed an active and innovative style of collective bargaining.

Freedom of assembly is routinely restricted under the state of siege, and in some rural and urban areas by the presence of political informers and heavyhanded police and party authorities.

##### b. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.

Since the September 1980 assassination of Nicaraguan ex-dictator Anastasio Somoza, the previously lax system of internal documentation has been tightened, and there are sporadic sweep identification checks. The government has established a program to issue identity cards to all Paraguayans, but ex-prisoners and government critics are often denied identity cards or passports, or their cards are specially marked for police recognition.

Self-exiled Paraguayans (estimated at over a million, compared to the in-country population of three million) have been increasingly free to return in the past few years. They include political dissidents as well as economically motivated exiles responding to the recent economic growth in Paraguay and reduced opportunities elsewhere.

The "confinement" or internal exile of political opponents was used less frequently in 1981 and 1982 than in previous years, but there has been a corresponding increase in the expulsion of prominent critics. The president of the opposition Christian Democratic Party was expelled in June 1981, longtime political prisoner Saturnina Almada in May 1982, and author Augusto Roa Bastos in June 1982.

##### c. Freedom to Participate in the Political Process.

There is a general apathy toward elections. Voting is considered a routine chore to be performed for the sake of approval from local authorities. Private voting booths are available, but their use is discouraged by authority and peer pressure in many low-income precincts. In some localities, Colorado Party leadership is heavily contested and intra-party violence is common. The outcome of presidential and legislative elections is never in doubt, and the sporadic fraud is largely attributable to efforts by local party leaders to outdo one another in bringing in the Stroessner vote.

The campaign is now in full swing for the February 1983 elections. This year for the first time the Colorado Party has delayed naming General Stroessner as its presidential candidate. There are no serious alternatives, and the delay is generally attributed to questions about his health and advance age. He will probably be nominated before long, and elected with something close to the 89% majority he received in 1978.

By prior arrangement, the opposition parties that participate in elections are awarded one third of the seats in Parliament, based on their share of the opposition vote. This system has contributed to dissension within the opposition. The Febrerista Party, approved by the government-controlled Board of Elections has abstained for the past three elections but is now debating the possibility of returning to token participation in Parliament (since the division of parliamentary representation was established in 1967, not one substantive piece of legislation introduced by opposition members has been enacted). The Christian Democratic Party has unsuccessfully sought Election Board recognition since 1965.

The once powerful Liberal Party is now divided into half a dozen factions, and the fragmentation continues as party leaders jockey for top places on the parliamentary slates. Two liberal groups are currently the only participating opposition parties, while a third—the Authentic Radical Liberal Party, which claims a majority of the Liberal constituency—is officially excluded and refuses to seek recognition. The National Accord, a coalition of non-participating parties, gathered wide popular support after its inception in 1978 but has lost momentum in the past year.

##### 3. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights.

The government responds to inquiries from international bodies, including the Inter-American Human Rights Commission. Despite repeated commitments since 1978, the government has not yet scheduled an on-site visit by the IAHRC. Paraguay has signed, but not ratified the American Convention on Human Rights.

##### 4. Economic and Social Circumstances.

For several years Paraguay has sustained consistent economic growth, due to construction of a mammoth hydroelectric project at Itaipu. The project has stimulated the Paraguayan construction industry, banking institutions, and related enterprises. Large fortunes have been created, along with high and unfulfilled expectations among skilled and unskilled workers. The new affluence has collided with the traditional political and economic structure of favoritism and corruption, obstructing efforts to establish a viable system of personal and corporate taxes and to develop local industry.

Similar pressures have arisen in the agricultural sector. Land values are rising as a

result of new industrial opportunities in the Itaipu area, and also because of such rural infrastructure projects as highways, utilities, agricultural storage and marketing facilities. Agricultural industrialization in Brazil has also led to a large influx of Brazilian peasants and landowners in Paraguay. The traditionally underpopulated rural areas are now very much in demand and the long-time occupants, including peasant farmers and forest Indians, are being massively and often violently evicted.

These rising expectations and population shifts are the source of frustration and resentment at the low and middle income levels, and growing nervousness among the traditional and newly established holders of political and economic power. Following the long-accepted pattern, the resulting clash of interests is officially interpreted as political subversion and used to justify repressive action at the local level and from the central government.●

### WEAPONS BAN

#### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. MOAKLEY. Mr. Speaker, last week I, along with several of my colleagues, introduced a joint resolution calling on the President to engage in negotiations aimed at banning weapons of any kind from space. It is my hope that this resolution will help stimulate dialog on a topic that has been brushed aside as being a premature issue. It is imperative that Congress immediately begin to discuss and debate the issue of the weaponization of space before we are forced to deal with weapons in space and nations unwilling to negotiate their removal. An arms race in space will benefit no nation. It will only increase tensions and add to the probability of a nuclear war.

Eugene J. Carroll, Jr., a retired rear admiral of the U.S. Navy, and, at present, deputy director of the Center for Defense Information here in Washington, D.C.—has written an excellent article for the Los Angeles Herald Examiner dealing with the weaponization of space which I would like to include in the RECORD for the benefit of all my colleagues.

[From the Los Angeles Herald Examiner, August 6, 1982]

#### WAR IN SPACE: THE U.S. HAS NOTHING TO GAIN

(By Eugene J. Carroll Jr.)

Secretary of Defense Caspar Weinberger recently issued marching orders to the U.S. armed services for the next five years. Although his 135-page document was titled "Defense Planning Guidance," there was very little in it which related to the defense of the territory and the citizens of the United States. Instead, the guidance provided a blueprint for offensive measures to "open major new areas of military competition with the Soviet Union." It constituted declaration of a form of military and economic war against the Russians.

The most widely publicized, and controversial, part of the document were plans to prepare for a protracted nuclear war. Per-

haps because of the strong reaction to this radical proposal, very little attention was given to equally aggressive language which described plans to expand U.S. military programs in space. We are to undertake programs in space to enhance the effectiveness of U.S. and allied military forces in preparing for and waging war. We will deny the use of space to opposing forces. And we will accelerate areas of technology offering significant military advantage to enhance U.S. military power.

The Weinberger plan directs this unconstrained race to militarize space in the apparent belief that U.S. technology will gain America some measure of military superiority over the Soviet Union and at the same time increase the strains in the already shaky Russian economy. We will challenge them with particle beams and chemical lasers, anti-satellite and satellite defense systems, swarm jets and devices yet to be imagined in order to gain military superiority in space.

Is this necessary? Is this wise? The first problem the space plan creates is the need to reduce or abandon some part of our current military programs in order to fund major initiatives in space. Mr. Reagan's military budget envisions spending \$400 billion in 1987, but even that monstrous sum cannot fund exotic new weapons in space without cutting back on planned increases in earthbound systems. Will the new systems in space add more to our security than the capabilities given up on earth will subtract?

The second, and fatal, flaw of an arms race in space is that neither side will permit the other to gain any significant advantage there. Tests of new systems in space will be carefully monitored and each emerging threat will be countered by the other side. The complexity and fragility of any conceivable space-based weapons system will make it highly vulnerable to destruction by a wide variety of earth and space-based systems. The years required to develop, test and deploy reliable space weapons guarantee that the opposition will have adequate time to devise and deploy comparatively inexpensive, highly effective countermeasures.

The predictable products of a military race in space will be pollution and waste. We will load up space with orbiting garbage, dangerous platforms hovering overhead eternally, adding nothing except a new dimension to the mutual fear and distrust which already make rational relations impossible between the United States and the Soviet Union. In the process, we will waste national treasures of talent, time and resources needed to attack the real problems of the world—disease, starvation, overpopulation.

Is there a sensible alternative to a destructive race to militarize space? Fortunately, yes, and one that can be readily adopted. The United States, the Soviet Union and 87 other nations have signed and are complying with an outer-space treaty in which, in Article IV, they agree "not to place in orbit around earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction." A proposal by President Reagan to expand that language to prohibit all weapons, offensive or defensive, in space probably would be received with enthusiasm by every nation in the world. The Soviet Union certainly has strong economic reasons to support an end to a space race, and compliance could be verified readily through existing ground surveillance stations and reconnaissance satellites.

An initiative by President Reagan to demilitarize space would add credence to his other arms-limitation proposals and help restore the image of the United States as a

nation truly dedicated to the cause of world peace.●

### CONGRESSMAN CONTE RECEIVES GEORGETOWN UNIVERSITY AWARD

#### HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. RODINO. Mr. Speaker, I want to take this opportunity to congratulate my friend, SILVIO CONTE, on receiving the very distinguished President's Medal of Merit from Georgetown University.

It is fitting that the university should bestow its highest honor on Congressman CONTE in recognition of his efforts to establish Georgetown's new Intercultural Center, a school that is dedicated to breaching the gaps in our understanding of other peoples. As a member of the House Appropriations Committee, SILVIO CONTE has been a champion of programs that promote international cooperation through education and humanitarian projects. His countless contributions to world peace have long been admired by his colleagues in the House, and I am delighted that Georgetown University has so recognized his dedication and leadership in this area.

Georgetown University president, Rev. Timothy S. Healy, presented the President's Medal of Merit to Congressman CONTE during the dedication of the Intercultural Center last week. The citation honoring our friend from Massachusetts is a poignant reflection on his work in Congress, and I ask that it be included in the RECORD as follows:

#### CITATION FOR PRESENTATION OF THE PRESIDENT'S MEDAL

SILVIO O. CONTE

As Ben Jonson characterized Shakespeare as the "soul of the age," Georgetown University recognizes United States Representative from the First District of Massachusetts, SILVIO O. CONTE the "soul of the age," a unique political statesman possessing Shakespearean qualities in the noble art of government.

Arriving in Congress 23 years ago, the Congressman quickly established himself as both a trusted team player and a thinker, with the independence of the people of his native Berkshires. He has dedicated himself to improving the quality of our human and natural resources and nurturing respect for our system of government. He has been devoted to the needy, especially to those in need of our medical care, or access to higher education.

"Hear him debate of commonwealth affairs, you would say it hath been in all his study." (Henry V, I i.e.). The press calls him a "rare appropriations surgeon with priorities." On the floor of the House of Representatives, Mr. CONTE imparts passion and humor. For example, he described federal peach subsidies as "a pit to the consumer, but a plum to the purveyors of fuzzy fruit"; he described beekeeper federal indemnity programs as "a honey-coated program where taxpayers are stung by deceased pol-

role of rapidly available conventional strength.

Fifth: The political and military pressure created by the quarantine was matched by a diplomatic effort that ignored no relevant means of communication with both our friends and our adversary. Communication to and from our allies in Europe was intense, and their support sturdy. The Organization of American States gave the moral and legal authority of its regional backing to the quarantine, making it plain that Soviet nuclear weapons were profoundly unwelcome in the Americas. In the U.N., Ambassador Adlai Stevenson drove home with angry eloquence and unanswerable photographic evidence the facts of the Soviet deployment and deception.

Still more important, communication was established and maintained, once our basic course was set, with the government of the Soviet Union. If the crisis itself showed the cost of mutual incomprehension, its resolution showed the value of serious and sustained communication, and in particular of direct exchanges between the two heads of government.

When great states come anywhere near the brink in the nuclear age, there is no room for games of blindman's buff. Nor can friends be led by silence. They must know what we are doing and why. Effective communication is never more important than when there is a military confrontation.

Sixth: This diplomatic effort and indeed our whole course of action were greatly reinforced by the fact that our position was squarely based on irrefutable evidence that the Soviet government was doing exactly what it had repeatedly denied that it would do. The support of our allies and the readiness of the Soviet government to draw back were heavily affected by the public demonstration of a Soviet course of conduct that simply could not be defended. In this demonstration no evidence less explicit and authoritative than that of photography would have been sufficient, and it was one of President Kennedy's best decisions that ordinary requirements of secrecy in such matters should be brushed aside in the interest of persuasive exposition. There are times when a display of hard evidence is more valuable than protection of intelligence techniques.

Seventh: In the successful resolution of the crisis, restraint was as important as strength. In particular, we avoided any early initiation of battle by American forces, and indeed we took no action of any kind that would have forced an instant and possibly ill-considered response. Moreover, we limited our demands to the restoration of the status quo ante, that is, the removal of any Soviet nuclear capability from Cuba. There was no demand for "total victory" or "unconditional surrender." These choices gave the Soviet government both time and opportunity to respond with equal restraint. It is wrong, in relations between the superpowers, for either side to leave the other with no way out but war or humiliation.

Eighth: On two points of particular interest to the Soviet government, we made sure that it had the benefit of knowing the independently reached positions of President Kennedy. One assurance was public and the other private.

Publicly we made it clear that the U.S. would not invade Cuba if the Soviet missiles were withdrawn. The President never shared the view that the missile crisis should be "used" to pick a fight to finish with Castro he correctly insisted that the real issue in the crisis was with the Soviet government, and that the one vital bone of contention was the secret and deceit-covered movement of Soviet missiles into Cuba. He recognized that an invasion by U.S. forces

would be bitter and bloody, and that it would leave festering wounds in the body politic of the Western Hemisphere. The no-invasion assurance was not a concession, but a statement of our own clear preference—once the missiles were withdrawn.

The second and private assurance—communicated on the President's instructions by Robert Kennedy to Soviet Ambassador Anatoli Dobrynin on the evening of Oct. 27—was that the President had determined that once the crisis was resolved, the American missiles then in Turkey would be removed. (The essence of this secret assurance was revealed by Robert Kennedy in his 1969 book *Thirteen Days*, and a more detailed account drawn from many sources but not from discussion with any of us was published by Arthur M. Schlesinger Jr., in Robert Kennedy and His Times in 1978. In these circumstances, we think it is now proper for those of us privy to that decision to discuss the matter.) This could not be a "deal"—our missiles in Turkey for theirs in Cuba—as the Soviet government had just proposed. The matter involved the concerns of our allies, and we could not put ourselves in the position of appearing to trade their protection for our own. But in fact President Kennedy had long since reached the conclusion that the outmoded and vulnerable missiles in Turkey should be withdrawn. In the spring of 1961 Secretary Rusk had begun the necessary discussions with high Turkish officials. These officials asked for delay, at least until Polaris submarines could be deployed in the Mediterranean. While the matter was not pressed to a conclusion in the following year and a half, the missile crisis itself reinforced the President's convictions. It was entirely right that the Soviet government should understand this reality.

This second assurance was kept secret because the few who knew about it at the time were in unanimous agreement that any other course would have had explosive and destructive effects on the security of the U.S. and its allies. If made public in the context of the Soviet proposal to make a "deal," the unilateral decision reached by the President would have been misread as an unwilling concession granted in fear at the expense of an ally. It seemed better to tell the Soviets the real position in private, and in a way that would prevent any such misunderstanding. Robert Kennedy made it plain to Ambassador Dobrynin that any attempt to treat the President's unilateral assurance as part of a deal would simply make that assurance inoperative.

Although for separate reasons neither the public nor the private assurance ever became a formal commitment of the U.S. Government, the validity of both was demonstrated by our later actions; there was no invasion of Cuba, and the vulnerable missiles in Turkey (and Italy) were withdrawn, with allied concurrence, to be replaced by invulnerable Polaris submarines. Both results were in our own clear interest, and both assurances were helpful in making it easier for the Soviet government to decide to withdraw its missiles.

In part this was secret diplomacy, including a secret assurance. Any failure to make good on that assurance would obviously have had damaging effects on Soviet-American relations. But it is of critical importance here that the President gave no assurance that went beyond his own presidential powers; in particular he made no commitment that required congressional approval or even support. The decision that the missiles in Turkey should be removed was one that the President had full and unquestioned authority to make and execute.

When it will help your own country for your adversary to know your settled intentions, you should find effective ways of making sure that he does, and a secret assurance is justified when a) you can keep your word, and b) no other course can avoid grave damage to your country's legitimate interests.

Ninth: the gravest risk in this crisis was not that either head of government desired to initiate a major escalation but that events would produce actions, reactions or miscalculations carrying the conflict beyond the control of one or the other or both. In retrospect we are inclined to think that both men would have taken every possible step to prevent such a result, but at the time no one near the top of either government could have that certainty about the other side. In any crisis involving the superpowers, firm control by the heads of both governments is essential to the avoidance of an unpredictably escalating conflict.

Tenth: the successful resolution of the Cuban missile crisis was fundamentally the achievement of two men, John F. Kennedy and Nikita S. Khrushchev. We know that in this anniversary year John Kennedy would wish us to emphasize the contribution of Khrushchev; the fact that an earlier and less prudent decision by the Soviet leader made the crisis inevitable does not detract from the statesmanship of his change of course. We may be forgiven, however, if we give the last and highest word of honor to our own President, whose cautious determination, steady composure, deep-seated compassion and, above all, continuously attentive control of our options and actions brilliantly served his country and all mankind.

**MASSACRES OF MAYA INDIANS REMIND OF POTENTIAL FOR GENOCIDE IN THE WORLD**

Mr. PROXMIRE. Mr. President, recently I had the chance to read an article which describes the gruesome massacres of the Maya Indians which took place in Guatemala since the regime of Gen. Efraim Rios Montt came to power in March. The article was written by Marjorie Simons and published in the New York Times on Wednesday, September 15, 1982. The article serves to remind us of the horror of widespread killing and the potential for genocide which exists in the world today.

The Maya Indians make up at least one half of Guatemala's population, which numbers 7 million; because many Indian communities support, or are members of, the guerilla movement they are the primary targets for the regime's counterinsurgency program. Although the Government's program includes civic action, it depends heavily on military operations. According to the article, the Government's new program "includes herding thousands of Indian villagers into army-controlled zones."

Although the Government of Guatemala has attempted to improve its world image, widespread killing nonetheless continues with the victims often being women and children. It is true that the guerillas are guilty of killing too, but it has been reported that they assault individual enemies

rather than slaughtering entire families as does the Guatemalan Army.

The journalist describes an incident which took place at Las Pacayas, Guatemala. On the morning of June 11 men dressed in civilian clothes went through, shooting into huts and setting them on fire. This particular campaign resulted in the deaths of at least 60 men, women, and children.

Another massacre occurred on July 14 in the village of Petenac and, according to workers in the Roman Catholic Church, resulted in the death of 89 people. The journalist quotes a document prepared by them as saying, " \* \* \* the soldiers escorted the men into a house, stabbed and shot them, piled them on top of each other, sprinkled them with gasoline and set them on fire." The soldiers also slaughtered the women in like fashion and burned children.

Mr. President, the horror of such methodical widespread killing is difficult to contemplate. Such incidents should caution us; they should teach us, as part of the world community, to be on guard against the possibilities of genocide. Since 1967 I have pressed my colleagues here in the Senate to ratify the Genocide Convention because the destruction of any ethnic group is cause of international concern. Mr. President, I call on the United States to ratify this treaty officially and join with over 80 nations in their stand against genocide.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The leader has 9 minutes remaining.

Mr. ROBERT C. BYRD. I have 9 minutes remaining. I thank the Chair.

AMENDMENTS AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I make the following parliamentary inquiry: How many amendments are there at the desk in the event closure is invoked?

The PRESIDING OFFICER. There are 1,379 amendments.

Mr. ROBERT C. BYRD. 1,379 amendments. I thank the Chair.

I yield the remainder of my time to Mr. CHILES.

Mr. CHILES. I thank the minority leader.

RECOGNITION OF SENATOR CHILES

The PRESIDING OFFICER. Under the previous order, the Senator from Florida (Mr. CHILES) is recognized for not to exceed 15 minutes.

THE CRIME CONTROL ACT OF 1982, TITLE IV—HABEAS CORPUS REFORM

Mr. CHILES. Mr. President, for over 4 months now, Senator NUNN and I have come to the floor of the Senate every day to speak out on crime, and

to urge the Senate to move on the anticrime bills now pending on the Senate calendar.

Today, I would like to share an editorial which appeared this past weekend in the Tampa Tribune with my colleagues. It talks about the need for reform in one aspect of our criminal justice system: habeas corpus laws. The editorial is entitled "Stop the Murderers' Merry-Go-Round" and it reads like this:

Florida offers an excellent argument to support the controversial anticrime measure that President Reagan sent to Congress last week.

One provision would limit the Federal courts' consideration of "habeas corpus" petitions which seek to overturn State court convictions on constitutional grounds.

The bill supported by Mr. Reagan would bar consideration of any issue the defense didn't attempt to raise in State courts. In addition, it would cut off petitions to Federal courts 1 year after efforts to reverse convictions are exhausted in State courts.

Currently, petitions are unlimited and flow like endless rivers, inundating Federal judges.

Virtually at the same time the President's anticrime bill was handed to lawmakers, the 11th Circuit Court of Appeals in Atlanta gave convicted murderer Charles William Proffitt of Tampa a new lease on life. It ordered Florida to convene a 12-member jury to consider evidence and render a new verdict either for or against his execution.

Proffitt, ruled the appellate court, was denied his constitutional rights during the penalty stage of his original trial because he did not have a chance to confront and cross examine psychiatrists who testified regarding his inclination toward violence.

Proffitt was convicted by a Tampa jury on March 17, 1974, for the July 10, 1973, murder of Joel Ronnie Medgebow, a Robinson High School wrestling coach, during a burglary. Medgebow was stabbed to death with a bread knife while his wife slept beside him in their Beach Park area apartment.

The jury recommended the death penalty for Proffitt and the judge agreed. But the last 8 years, that sentence has been thwarted by numerous appeals which have reached all the way to the U.S. Supreme Court.

In fact, the Proffitt case became a landmark in 1976 when the U.S. Supreme Court cited it in upholding Florida's revised death penalty law, which became a model for new capital punishment laws in the United States. The law requires a separate jury hearing on the penalty—life or death—after a conviction of first degree murder.

However, the privilege of unlimited petition has kept Proffitt's case on a judicial merry-go-round. His appeals have been rejected by the Florida Supreme Court twice. The U.S. Supreme Court has twice turned aside his petitions for a rehearing, and the Governor and the State cabinet have denied his pleas for clemency on two occasions.

Governor Graham signed a death warrant for Proffitt June 16, 1979, but his attorneys obtained a stay of execution from U.S. Judge W. Terrell Hodges in Tampa on the now-familiar plea that his trial lawyer was "ineffective". Judge Hodges referred the case to Magistrate Thomas G. Wilson for a hearing and recommendation.

A year later Wilson recommended that Proffitt be given a new jury hearing on whether he deserved a death sentence. Judge Hodges rejected the recommendation and lifted the stay of execution.

Proffitt's attorneys then rushed to the 11th Circuit Court for relief and found it, at

least for the present. If a second jury hearing results in another death penalty, it can be expected that the defense will file a further appeal to block Proffitt's execution.

This repetitious process of appeal has made a mockery of this State's capital punishment laws. Logic argues strongly that there be a point beyond which a conviction and sentence cannot be further contested. The defendant's day in court should not be extended to a lifetime of appeals.

Florida's death row houses criminals guilty of exceedingly gruesome crimes, but under prevailing law and judicial procedure, they can delay their punishment indefinitely. President Reagan's proposed changes in the law would help correct this situation, and establish a reasonable time frame for Federal court reconsideration of convictions within the State courts.

It is significant that Florida Senator Lawton Chiles is also sponsoring a habeas corpus reform bill with Senator Strom Thurmond, the chairman of the Senate Judiciary Committee. Where President Reagan seeks 1-year limitation on initiating a habeas corpus petition, Senators Chiles and Thurmond propose a 3-year restriction.

This move has been endorsed by the National District Attorneys Association, the International Association of Chiefs of Police, the National Association of Attorneys General, the National Governors Association and the National Conference of Chief Justices.

Civil libertarians will oppose any move to limit appeals in criminal cases. So will the professional foes of capital punishment.

But the issue is not whether capital punishment is right or wrong. The issue is whether the penalty provided by a State's law, determined in a fair trial and upheld by higher courts, is to be thwarted by endless appeals to Federal judges.

Both President Reagan and Senator CHILES seek to repair a grave weakness in our judicial system. Congress should recognize and act to stop the murderers' merry-go-round.

Mr. President, I appreciate the words of support from the Tampa Tribune. But words of support will not change our habeas corpus laws. Nor will they make the other changes which must be made in our Federal criminal justice system. Those changes must be made by passing new laws, and we in the Senate have an opportunity to pass those much needed reforms. Two bills now pending on the Senate calendar could be called up and voted on at any time. The first, S. 2543, was introduced by Senator NUNN and myself and is cosponsored by 16 other Senators. The other, S. 2572, was introduced by Senators THURMOND and BIDEN, and it has the support of 54 Senators—over half the Senate. We could fight crime and reform our criminal justice system by passing either one of these proposals, but we must act now. As few as 10 days remain in this session of Congress. Unless we act, we will fail the American people and allow the merry-go-round to continue.

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than 30,000 residents of Denver have attended. The work they are seeing is quite extraordinary.

The small exhibition rooms pulsate with dramatically colored, intricately patterned textiles. In their own country, the Hmong and Yao have no need for museum walls; they wear their art and have done so for centuries, stitching and embroidering garments with abstracted vegetable blossoms, peacock eyes, stars and snails. We see baby hats as delicately worked as a filigreed crown; skirts folded into a hundred pleats, belts that would serve nicely wrapped around a royal waist; and sophisticated wall hangings decorated with a maze-like pattern called "dreaming."

But the Hmong (the "h" is silent) have had little occasion for the comfort of dreams these last few years. Their art is on view in Denver because daily life for many Hmong has become a nightmare.

There are now some 50,000 Hmong people in the U.S. They are here because in 1962 they decided to ally themselves with the U.S. against the army of North Vietnam. The Hmong are the largest of many culturally distinct Lao mountain minorities. They have always feared Vietnam's historical claims to their land, so they fought with the French and later with the U.S., primarily interdicting movements of North Vietnamese materiel through Laos into the south. They also rescued U.S. pilots downed over Laos.

Like their U.S. allies, the Hmong lost. Unlike the U.S., the Hmong stayed. And sometime between 1975 and 1976, the Communists in Southeast Asia began to kill them.

VERY UNPLEASANT CONSEQUENCES

In the year since the U.S. raised the issue, "yellow rain" has to a certain extent become one factor in the abstract calculus of arms control, but the Hmong are the people who were sprayed with the stuff. And the "stuff" is not the sort of thing one buys at a garden-supply store to spray on the front lawn. After much research and argument, U.S. scientists have identified one of these biological weapons as an extremely lethal form of mycotoxin, a poison derived from plant fungus. The Hmong accuse the Communist vietnamese and Laos of dropping clouds of it onto them from airplanes. When these toxins are inhaled, they attack the nervous system and body membranes, with consequences that are as unpleasant as one might imagine.

U.S. diplomats stationed in Southeast Asia continue to file reports of chemical and biological weapons attacks in Laos (the most recent occurred through this summer) and by Soviet forces against insurgents in Afghanistan.

Against this background of lurid and apparently unstoppable killing, one finds in Denver, Colo., the irony of an exhibition of beautiful and delicate folk art produced by a people on the run. The show itself exists because of the anger and frustration of an American journalist named Jane Hamilton-Merritt, who covered the Vietnam War from 1966 to 1972.

While visiting a Thai refugee camp in 1977, she heard reports that the Lao mountain people were being attacked and killed with chemical or biological agents. She interviewed the Hmong and photographed some of their worst external injuries. She returned to the U.S. thinking that a magazine or newspaper article would cause an uproar. She was wrong. Her story and her pictures were not published.

"I have to admit that at first I couldn't believe it either," Miss Hamilton-Merritt says now. "I couldn't imagine what it (the weapon) was." She called U.S. government

agencies to ask about the symptoms she'd seen but got nowhere. She called chemical companies, drug companies, biochemists at universities here and abroad. Finally she called some veterinarian researchers, who said her description sounded familiar. Miss Hamilton-Merritt says they told her: "We don't know anything about humans, but we know there is fungus, animals can eat and get sick."

She made the rounds of magazines, expecting to find one that would publish both her article and pictures. There were no takers. "I just never thought I would hit a dead end on this, she says. "I thought "Who is going to record all this?" I had notebooks and notebooks of Hmong testimony about the air attacks."

In desperation, she more or less tore a page out of the environmental movements' strategy manual: "I chose what I thought would be a non-threatening approach. And that was to offer a look at the art of an unknown people, whose art and very existence were in jeopardy. I knew that the Hmong art would be appreciated in this country because it's quite extraordinary."

The first exhibition of art by the Hmong and Yao people opened in November 1979 at the Bethel Gallery in Connecticut. The show has been seen since at galleries and museums in Washington, D.C.; Calgary, Alberta; New Haven, Conn.; Martha's Vineyard, Mass.; Minneapolis and now in Denver. As designed by Miss Hamilton-Merritt, it is an exhibition that shows visitors images of great and remarkable beauty and of great and remarkable horror.

Particularly striking are the complex appliques done by the White Hmong (a tribal subdivision). Their color and maze-like designs hit the eye with psychedelic impact. The women who do these works map out the entire design in their heads, and the finished piece—which can take months to complete—can have an intellectual precision and technical splendor one doesn't always encounter in museums of modern art.

Only a few pieces are antiques. The harsh and arduous exit route means minimal luggage. Western relief workers in Thailand often foolishly encourage the Hmong and Yao to put on their Western shirts and leave behind their tribal dress. But in the camps, many Hmong continue to fashion their centuries-old designs.

One of the most spectacular pieces in the exhibition is a White Hmong wedding dress made in the Ban Vinal camp in Thailand. The elaborate, silver-looking necklace incorporates old French coins and tin from soda cans. Once the Hmong carried their wealth around their necks because they had no currency. Now they turn refuse into memories of silver.

The horror is only a few feet away in the show. In a corner at the end of the exhibition, one sees photographs of people who have been gassed and driven out. One picture shows an emaciated man holding up a small diary detailing yellow-rain attacks he witnessed. Another photograph shows parents holding sick children who died long before the exhibition opened.

One of Miss Hamilton-Merritt's pictures probably accounts in no small part for her publication problems. It is of a baby who is being breast-fed. The baby is burned across its eyes and forehead in such a way that the child very much resembles a person who was burned at Hiroshima. Most people who see it turn away from the child.

Miss Hamilton-Merritt includes these photographs in lectures she gives in conjunction with the exhibition—often to the discomfort of sponsoring organizations. She is usually asked to eliminate particularly unsettling images. But the disturbing contrasts are

most germane to Miss Hamilton-Merritt's undertaking: She is trying to say that some terrible thing is happening to the people of Southeast Asia and has been doing so the past three years by telling her story to one roomful of people after another. And in Minneapolis and Denver, she has had some effect.

SOVIETS ARE SOURCE OF WEAPONS

Next Tuesday a nonprofit gallery shop will open in Minneapolis to sell the Hmong's textile art. The shop is the work of Gloria Congdon and Lucy Hartwell, who became interested after seeing the museum show. "The gallery is an attempt to develop an outlet for the art, with the money going directly back to the women who make the textiles," says Gloria Congdon. Local businessmen have begun to find jobs for the Hmong. And one has put up money to publish a brief color catalog, which effectively depicts who the Hmong were and what they have become.

There is evidence of a similar pattern of community involvement emerging in Denver. The shop at the Denver museum has sold \$7,500 of Hmong textiles.

Miss Hamilton-Merritt also found a publisher. In its October 1980 issue, Reader's Digest ran a long article on chemical-biological warfare in Southeast Asia after sending her back to Thailand to update the story. The Digest also published a follow-up article by her in August 1981.

Miss Hamilton-Merritt was by no means the only person chasing the story. In 1981, Sterling Seagrave published his book, "Yellow Rain," detailing the use of these agents in Southeast Asia. Barry Wain, a reporter for The Asian Wall Street Journal, described the plight of those fleeing Southeast Asia's new Communist governments in his book, "The Refused." And in September 1981, then Secretary of State Alexander Haig said in a speech in Bonn that the Soviet Union was the source of these forbidden weapons. In the wake of Mr. Haig's resignation, however, the government's yellow-rain initiative is in disarray.

Despite some measure of progress, Miss Hamilton-Merritt appears to live with this subject in a state of perpetual indignation and rage. "It has been most difficult," she says evenly. "The Hmong are not making it here." Besides Denver and Minneapolis, the Hmong have settled in Chicago; Seattle; Portland, Ore.; Boston; Providence, R.I.; and Orange County, Calif.

The Hmong now living in America have in many ways become another manifestation of this century's relentlessly absurd tragedy. They were once a tough, self-sufficient people, who rolled into the pit of Vietnam. They are now in the U.S., a preliterate and impoverished Asian mountain people whose women sit for hours with dazzling textile art slowly spilling from their hands. And they say they are here because the Communists' planes and helicopters showered them with a "yellow rain" that hurt and killed them. It all seems so unlikely. That, Jane Hamilton-Merritt says, is precisely the problem. ●

PREVENTING A SECOND WAR IN CENTRAL AMERICA

● Mr. KENNEDY. Mr. President, I call the attention of my colleagues to a recent initiative of the Presidents of Mexico and Venezuela to prevent a second war in Central America.

For all too many months, we have seen the civil war in El Salvador cost untold lives and destruction as the policy of the United States remained

S 13398

steadfast in opposition to a negotiated political settlement. That war continues unabated, whether or not we see its evidence on the front pages of our newspapers.

There is now a growing danger of a second war in Central America, based on growing conflicts between Honduras and Nicaragua. There has been an unprecedented military buildup in Nicaragua. The United States has provided increasing military aid and support to Honduras—which in turn has not only supported the military in El Salvador but has aided and abetted more frequent and larger scale attacks across the borders with Nicaragua by military bands identified as former members of General Somoza's National Guard.

I have been deeply concerned by the military buildup and increasing repression and violations of human rights in Nicaragua, as in other parts of Central America, and I have expressed these concerns repeatedly to the Nicaraguan Government. Unfortunately, the actions of the Reagan administration have made it even more difficult to achieve political changes in Nicaraguan policies. Instead, this administration has pursued a hostile and self-defeating policy which appears to be aimed at the destabilization of the Nicaraguan Government. The instruments of that policy apparently now include attacks across the Honduran border.

The increased frequency of those attacks comes in the wake of a doubling of U.S. military aid to Honduras in 1982, a substantial increase in the number of U.S. military advisers assigned to Honduras, a joint U.S.-Honduran military exercise transferring a Honduran combat battalion close to the Nicaraguan border, and a proposal for expanding and improving runways in southern Honduras to permit larger, and presumably American, warplanes to land and refuel.

In the face of rising war fever in both countries, the Presidents of Mexico and Venezuela have written to the Presidents of the United States, Honduras, and Nicaragua urging a diplomatic alternative to the seriously growing risk of war. Their letter of September 15 stresses the need to jointly (explore) the paths that are still open in order to stop the actual and worrying escalation, the increasing tension and the general and dangerous expectations generated from its outcome.

It is important to understand that the proposal from Mexico and Venezuela is supported by numerous other Latin American governments and by many of our closed NATO allies.

Presidents Herrera Campins and Lopez Portillo have demonstrated wisdom and statesmanship in this initiative aimed at joint discussions and a diplomatic solution. I hope that the Reagan administration will seriously consider their recommendations, and respond quickly and positively. Not

only might the process of dialog avoid the spread of violence and war in Central America, but it could also serve as the first opening to a political resolution of the Salvadoran conflict as well.

My concerns are reinforced by the recent allegations of a former senior Honduran military officer, Col. Leonides Torres Arias, that key members of the Honduran military leadership are intent on pursuing military actions against Nicaragua. These actions in turn have led the Nicaraguan Government to build up its forces further along the Honduran border, to declare a state of emergency within that country, and to express serious concern that a massive military invasion from Honduras may be forthcoming.

The elected civilian government of President Roberto Suazo Cordova will likely find its already difficult economic situation exacerbated by the increased resources being demanded by the Honduran military. And if Honduran military involvement in El Salvador and Nicaragua increases, there is little question that it would pose an additional threat to the barely year-old democratic government of that country.

An excellent account of the rising tensions in Central America appeared recently in the Wall Street Journal. I ask that both this account, by Lynda Schuster, and the text of the Mexican/Venezuelan announcement of their extremely important diplomatic initiative, appear at this point in the Record.

The materials referred to follow:

[From the Wall Street Journal, Sept. 28, 1982]

**HONDURAS IS BECOMING A NEW BATTLEGROUND FOR CENTRAL AMERICA**

[By Lynda Shuster]

TEGUCIGALPA, HONDURAS.—Just a year ago, all was serene here in this lovely capital, where buses jump the curb to take hairpin turns around narrow, cobblestone streets. Hardly a soldier was in sight, about the loudest noise breaking the sleepy mountain air was a car backfiring and people thronged downtown at night.

Today, the tension is razor-sharp. Police uncover a new terrorist hideout just about every week, soldiers swarm the city and cause mammoth traffic jams with roadside checkpoints, telephones used by anyone with sensitive information are tapped, and downtown is deserted after dark.

The sudden changes here illustrate how Honduras is fast turning into the new battleground for a regional war in Central America. It had been mostly spared the political violence ripping through the area—a leftist revolution in Nicaragua and the continuing battles against leftist rebels in El Salvador and Guatemala. Political experts figured that Honduras didn't have the same problems as its neighbors because it doesn't have the same lopsided distribution of wealth or history of repression.

**CRUCIAL GEOGRAPHY**

It does have strategic position, however. Sandwiched among countries in turmoil, Honduras is being used more and more by the major players, the U.S. and Nicaragua. As a result, terrorism now affects its cities, and battles with leftists rage along two frontiers. The latest incident ended last Satur-

day, when leftist guerrillas, who had captured more than 100 officials and businessmen and held some of them hostage for eight days in San Pedro, Sula, flew out of the country after dropping their demands for the release of 60 prisoners, among other things. And as tension mounts, many here fear that the U.S. and Cuban-backed Nicaragua are sucking Honduras into a deadly showdown from which it can only emerge a loser.

"My country is being turned into the Lebanon of Central America, a battlefield where the superpowers can fight out their battles by proxy," says Carlos Roberto Reina, a politically moderate attorney, "but our army isn't strong enough to fight the Nicaraguans, and I wonder how willing the U.S. public would be to send in the Marines."

Mr. Reina is alarmed because the posturing between the U.S. and Nicaragua has taken on explosive proportions. Worried by the greatly expanded Nicaraguan army, the U.S. is asking Congress for millions of dollars to lengthen landing strips in Honduras for larger aircraft, and it is beefing up its presence here. At the same time, it is doing little to quash rumors of an impending CIA-backed invasion of Nicaragua, which the U.S. says is aiding Salvadoran rebels and is trying to infect the entire region with the Marxist virus.

**HEAVY TOLL SEEN**

In response, Nicaragua is using the U.S. presence and alleged threats of war to build up its army even more and to make frequent forays over the Honduran border to distract attention from its own growing political and economic problems. This brinkmanship as many see it, can lead only to war.

Besides the tragic human toll of such a confrontation, there clearly would be economic and political casualties as well. Honduras is the second-poorest nation in this hemisphere, after Haiti, and its economy can ill afford the effects of increased uncertainty, let alone the increased expenses of bankrolling a war. Just as worrisome is the effect of heightened militarization on the fledgling democratic government that took over last January after a decade of military rule.

To be sure, some people here, including the military, think a war is necessary because, they say, Honduras and the rest of Central America will never have peace with the Sandinists' Marxist government in nearby Nicaragua. But military experts here think that certain ranking officers also are eager for battle because it would greatly strengthen the army's hand. The civilian government already is being hampered in its efforts to find a political solution by the army's race to fortify borders.

"The higher up you go in this army, the more conservative you get," says a former army officer who is still very close to the military. "And the guys at the top want a war with U.S. help, because they aren't ready to go back to the barracks yet."

Like some other countries in this region, Honduras has a history of on-again, off-again military rule. In the 161 years since it became independent from Spain, Honduras has had 385 armed rebellions, 126 governments and 16 constitutions. But unlike its neighbors, this desolately beautiful country never cultivated the greedy, land-grabbing oligarchy nor the accompanying right-wing para-military goon squads that seem indigenous to the region. There are wealthy landowners here, of course, but this Ohio-sized nation of 3.7 million people is so wild and underpopulated that just about every one has remained poor.



Therefore, there wasn't the same violent backlash by landowners here as in El Salvador when redistribution of mostly fallow lands was started back in 1973. Although only about 43,000 of the expected 150,000 families received land before the program fizzled out, "it's one of the things that has kept violence away from Honduras by lowering their pressure cooker," says Manuel Acosta Bonilla, a former treasury and economy minister. The other factor, he says, is the development of trade unions, which are among the strongest in the region.

So, Honduras seemed blessed, in a backward sort of way, when the lid started to blow in Central America, first with the 1979 Sandinist revolution in Nicaragua, then with escalating guerrilla wars in El Salvador and Guatemala. John Negroponete, the U.S. ambassador here, says the generals then in power looked the other way as guerrillas used Honduras to transport guns and supplies to El Salvador from Nicaragua across borders that he calls "sieve-like" (the Sandanists have repeatedly denied aiding the Salvadoran rebels). Mr. Negroponete says there was a "tacit understanding" by the Honduran government that all would remain peaceful here in exchange for unmolested passage by the guerrillas.

All that changed, however, when President Roberto Suazo Cordova was installed last January to replace the military government. The Honduran army started cracking down along the Nicaraguan and Salvadoran borders, presumably as U.S. insistence, and also helped the Salvadoran army in a sweep against rebels in the northeastern sector of that country. Soon after, rebels blew out part of a power station that left much of Tegucigalpa without electricity for 48 hours, and police started finding rebel "safe houses" full of guns, ammunition and leftist literature.

A Western diplomat here says the rise in urban terrorism is clearly a response to the Honduran army's new tough-guy approach. He says the guerrillas who used to have free transit through Honduras now are retaliating for the curtailment of their movements. The literature found in the safe houses indicates that the terrorists are "imported, not locally grown," the diplomat says. "These guys are trying to start a shooting war inside Honduras to destabilize it. They are well organized, sophisticated and dangerous as hell."

#### FEARFUL POPULACE

Whatever their aim, the terrorists have rattled people here. A mother of five who lives in San Pedro Sula shakes her head with relief that her daughter just left to study at a university in Florida. A young manager of a plastics plant in the north says he has just come back from Panama, where he made a "big" withdrawal from his dollar account. "It's all in here," he says, hugging a light-brown attache case. "Two tickets to New Orleans for my wife and son. And money—just in case. I guess we are getting a little scared."

It's even worse down by the Nicaraguan border. In Palo Verde, a tiny mountain hamlet of thatched mud huts and hungry-looking dogs, the sounds of trucks rumbling through Santo Tomas on the Nicaraguan side waft back over. Mercedes Madira says she woke up a few Saturdays ago to the crash of shells coming over from the Nicaraguan side at about 6 a.m. A bit later, she says, about 30 Nicaraguan soldiers charged into the village and kidnapped a resident.

"This happens all the time," she says in a toothless spray of Spanish. "We can't work, we can't eat and we can't live like this because we're scared. Something has to be done."

#### DIFFERING PERCEPTIONS

Both sides in the conflict are reacting to sharply differing perceptions. Honduras and the U.S. see a Nicaragua with about 28,000 full-time soldiers and up to 80,000 reserve militia, compared with Honduras's 17,000-man force. Nicaragua will spend about \$125 million on defense this year, against Honduras's 1982 defense budget of \$45 million. Nicaragua also has an estimated 2,000 Cuban and East European military advisers. And, according to Honduras and the U.S., it is hellbent on exporting its own brand of Marxism to the rest of Central America.

The Sandinists, on the other hand, see an ever-growing and ominous U.S. presence here. U.S. military assistance to Honduras doubled this year to \$20.6 million, and the Reagan administration has asked Congress for \$21 million for the expanded landing strips. The embassy here now has about 120 employees, inordinately large for a country this size. (An embassy insider says the departments that have increased the most are the Agency for International Development and the Central Intelligence Agency.) The 40 U.S. military "trainer," as the embassy calls them, are supplemented regularly with extras, and earlier this year, their numbers reached 96—far more than in El Salvador.

But what really agitates the Sandinists is the rumor of an impending invasion. It has been reported that President Reagan approved \$19 million for a covert CIA operation to train an anti-Sandinist group to invade Nicaragua, although Carlos Flores Facusse, the minister to the Honduran president, denies that any counterrevolutionaries are at work inside Honduras. But well-placed Honduran and U.S. sources here keep whispering about a November or December invasion, and Ambassador Negroponete refuses point-blank to confirm or deny that the U.S. is financing anti-Sandinists in Honduras.

#### BORDER RAIDS LIKELY

But the former army officer says the 2,500 or so counterrevolutionaries said to be in Honduras are too few to invade Nicaragua. What they can do, he says, is to harass the Sandinists with border raids, as a group did recently in Choluteca Province. They claimed that 35 people were killed or wounded in the Nicaraguan town of San Francisco del Norte.

He says high-ranking Honduran army officers have told him that the plan is to keep Nicaragua feeling so threatened that it comes down even harder on the growing internal opposition. In the most recent outburst there, at least three people were killed in a demonstration in the town of Masaya. The more repressive the Sandinists become, the greater the opposition, the former officer says. First you destabilize the Nicaraguans, then you get them to come charging over the border to divert attention from internal problems, and then you ask for U.S. troops to help, he says. (Gen. Gustavo Alvarez Martinez, the head of the Honduran armed forces has said he welcomes U.S. intervention if there isn't any other way to defend his country.)

While the U.S. embassy here declines to comment on the plan, Tomas Borge Martinez, Nicaragua's interior minister, recently said "a real state of war" exists along the Honduran border. And Benjamin Villanueva, an economist here, believes that the military is trying to prepare Honduras psychologically for a war that he says the Nicaraguans are trying to provoke. He says it's just like 1969, when Honduras fought El Salvador over a soccer game. "I hear the same sort of patriotic stuff on the radio about we have to defend our freedom and liberty," he adds.

But Mr. Acosta Bonilla, the former minister, still sees options other than war. "Let's assume the Sandinistas are using the alleged presence of counterrevolutionaries to build up their army," he says. "Then why not go looking for them, kick them out if they are here, and get rid of Nicaragua's excuse for belligerence? Then we could see if they are sincere about trying to improve relations."

#### PEACE PLAN OFFERED

The Honduran government apparently tried that last March, when Foreign Minister Edgardo Paz Barnica introduced a six-point peace plan at the Organization of American States meeting in Washington. The plan called for regional disarmament and joint border patrols, among other things. Mr. Paz Barnica says that he got "good response" from other South American countries but that Nicaragua said it wanted a bilateral, not international, accord. (The Nicaraguan ambassador here, Guillermo Suarez Rivas, stresses, however, that his country wants to improve relations.) So far, nothing has come of the initiative.

A leading newspaper editor here says the government didn't push very hard for the peace initiative because it is afraid to annoy the army, "considering that Gen. Alvarez has already gone to war against Nicaragua," he says, with a wry smile. He thinks that the U.S. has a two-fisted, seemingly contradictory policy of pushing for democratic elections while shoring up the military—the result, he adds, of an incoherent foreign policy for the region. And this emphasis on the military, he believes, is hampering the transition to democratic rule in Honduras. "I think this civilian government doesn't want war, but I think it's powerless to do anything because the army and U.S. are pushing us into it," he says.

All this uncertainty is helping to squeeze the last gasps out of an already-ailing Honduran economy. Hit with lower prices for its main agricultural exports, a practically non-stop flight of capital out of the country and an almost-total cutoff in foreign credit, the gross domestic product will probably decline this year. Bankruptcies are rising, about 15% of the population is out of work, and Mr. Villanueva, the economist, sees little hope of attracting desperately needed foreign capital with the threat of war hanging over Honduras. "We can hardly survive in peace," he says, "but a war would be the end of us."

#### PRESS RELEASE ISSUED BY THE EMBASSIES OF VENEZUELA AND MEXICO IN WASHINGTON

The Embassy of Venezuela and Mexico in Washington inform that Luis Herrera Campins, President of Venezuela, and Jose Lopez Portillo, President of Mexico, have sent letters, jointly signed, to the President of the United States of America, Ronald Reagan, to the President of Honduras, Roberto Suazo Cordova, and to the Coordinator of the Junta for National Reconstruction of Nicaragua, Commandant Daniel Ortega, concerning the deterioration of Central America's situation.

In their letters the two Latin American Presidents emphasize the seriousness of the recent events that have taken place between Honduras and Nicaragua. The heads of state of Venezuela and Mexico also have reference to the need of jointly exploring the paths that are still open in order to stop the actual and worrying escalation, the increasing tensions and the general and dangerous expectations generated from its outcome.

In Washington, Marcial Perez-Chiriboga, Ambassador of Venezuela, and Bernardo Sepulveda, Ambassador of Mexico, delivered

today the letter addressed to President Reagan.  
WASHINGTON, D.C., September 15, 1982.●

### RILEY CHILDERS, A TRUE PUBLIC SERVANT

● Mr. BAUCUS. Mr. President, I deeply believe there is no measure of success greater than the measure of service to your fellow man and the public good. I invite the Senate's attention to a Montanan who has, indeed, achieved a fair measure of success over a very productive life.

At the beginning of last month, Riley Childers retired as executive vice president of the Montana Associated Utilities (MAU) and executive vice president of the Montana Telephone Association of Independent Co.

Riley had been working on behalf of Montana farmers and rural families long before he joined MAU in 1963. Indeed, I understand that even while he was still in high school, he spent long hours working to pull together an electric cooperative for his home town, Galata.

I doubt if all Members of the Senate understand just how important rural cooperatives have been to many areas of the country. These days we take for granted services that only a few years ago only a few people, mostly city people, were able to have. The rural electrification movement meant not just access to electricity for rural Americans, but, in truth, access to a whole new way of life.

It meant freeing housewives from washing the clothes by hand and freeing farm families from poverty and bare subsistence. The electricity that had been reserved for city-based industry was, with the rural cooperative movement, harnessed to pump the water that irrigates thousands of family farms.

Land that could produce little or nothing now produced much. This enriched the whole country and has helped feed the world. It is no exaggeration to compare this achievement to the great irrigation network of the Romans and the grain storage system of the Egyptians.

In all of these cases, a tremendous engineering feat accompanied a tremendous social change. The electric cooperative movement enabled the American family farms to succeed in the 20th century, and it has enabled millions of people throughout the world to avoid starvation.

So, when I say Riley Childers has succeeded in a life of public service, I mean it in the truest sense. Since his high school effort in 1938 he has worked to build today's complex network of family farms connected to one another and to the new power of the electric age. And it is this network that produces a living for these families and food for millions of families more.

Mr. President, Marty Erickson, editor of the Montana Rural Electric

News, wrote an article in its August issue that eloquently expresses the dedication and joy of Riley's life and service. With gratitude to Riley for this service, I ask that this article be printed in the RECORD at the conclusion of my remarks as a small tribute of the Nation's gratitude for Riley's work and for the great service given our country by the builders of America's rural cooperative network.

The article follows:

FROM THE EDITOR'S NOTEBOOK . . .

I only wrote one speech for Riley Childers, and then he didn't use it. It was shortly after I came on board as editor of what was then the Montana Rural Electric News. I wrote the speech in my style which wasn't necessarily Riley's style.

Riley had his own unique style.

Coming back to Montana from the big city of Seattle and a job in corporate public relations, it took me a while to readjust to that good old Montana down home twang.

Riley never got away from it. It served him well.

His roots were in the Hi Line country not far from the Sweetgrass Hills. Windy, arid, rutted-road country. You could almost always count on the wind to dry up the promise of a wet spring. Next year country.

Galata is 10 miles south of the home place. Once a major cattle shipping point on the Great Northern Railroad, its glory dwindled down through the years to grandiose reminiscences of 50 years ago. The town dried up but not the spirit of the people. Stubborn, hard working, always taking one more rock out of the field people.

The graduating class of 1938 at Galata High School saw Riley Childers as valedictorian. The purple velvet-covered graduation certificate listed the names of all four seniors that year. Riley was surprised when he looked at it a couple of weeks ago. He was sure there had been six or seven students in the class.

That was the year he began a life long involvement with cooperatives. While still a senior in high school, he began knocking on rural doors to gather support for organizing a rural electric cooperative.

He put in 20 years (1940-1960) on the Galata Union Elevator Board. In 1944 he was appointed to a rural electric cooperative feasibility study board. In 1945 he became a charter member of the board of directors of Marias River Electric Cooperative in Shelby and served on the board until 1950.

Another feasibility study and more organizational work—this time for the rural telephones—led to the organization of Northern Telephone Cooperative in Sunburst. He helped them obtain their charter in 1954 and served as board chairman until 1957.

And so it went—organizing, serving on the board of this cooperative and that cooperative—a lifetime involvement. Secretary-treasurer of the cooperative oil station in Devon, board member of the Galata Cooperative, helped organize and served as executive secretary of the Montana Council of Cooperatives, MAU. Most of it is in the books—on the record.

What is not on the record is Riley Childers the person.

Riley the music lover who played (and played well) the piano, organ, guitar and mouth harp. He sang with a passable baritone voice through the years when his group had a gig at a country dance. A couple of years ago we put together the Riley Childers' Song Book—the profit from the sales went to ACRE, the political action group for rural electric cooperatives.

Riley the father and grandfather whose grandchildren wrote and sang a song for his retirement party.

Riley the farmer-rancher who sang "The Green, Green Grass of Home" maybe because there were many years when the home place withered under the high plains sun, when the green, green grass was last year's memory.

Riley the spokesman for cooperatives who knew everybody and his brother in government, agriculture, education—uptown people, down home folks—and yet was surprised at the turnout of his friends at his retirement party.

And, last, but maybe most important from my viewpoint—Riley the boss who allowed me the freedom, the latitude to do this magazine my way. He sometimes questioned the miles I travel to interview people, but accepted that it just couldn't be done over the telephone. It is a matter of the human element—the land and the people—and Riley is a part of both. I grew because I was allowed to grow. Thank you, Riley.

Keep your guitar in tune.●

### ANNIVERSARY OF NIGERIAN INDEPENDENCE

● Mr. KENNEDY. Mr. President, this year October 1, the 22d anniversary of Nigeria's independence from colonial rule, is a special day for that country and for its friends who recognize its achievements, its promise, and its continuing importance to the United States.

For the first time the Federal Government is holding its official celebrations in the new capital now being built in Abuja, in the center of the country. Honoring a commitment made in 1976 by its military predecessors, the present civilian democracy, under the leadership of President Shehu Sagari, has continued work on that capital.

Nigeria's decision to move its capital from Lagos on the coast to Abuja in the interior represents a deliberate step to strengthen the nation. Other new capitals as far back as Washington, D.C., were conceived with the same goal in mind. By moving the capital to the country's geographic center, the National Government will be brought within easy reach of greater numbers of Nigerians. For that reason—and because of the detailed research around the world which accompanied this decision—Nigerians hope to avoid the pitfalls that have beset other countries which have moved their capitals.

The same kind of systematic international study which led to Nigeria's decision on its capital, led also to its previous critical decision on the constitution of the Second Nigerian Republic. We Americans can take pride that Nigerians chose a constitution which bears strong resemblance to our own. That similarity reflects the Nigerians' belief that they share with the United States many of the same challenges of size, complexity, and diversity. However, in one of several differences, Nigeria's Constitution provides for 4-year terms for all its legislators, Federal

possible to obtain. "Torgsen" state stores were set up to wrest even the family heirlooms from the poor starving wretches. Those wishing to survive and strong enough to travel, attempted to escape the village only to find that escape was futile. And as this happened the state decreed that no one was to know of the crime. Western humanitarian organizations wishing to give aid to the rumored victims were told that no aid was needed. Newsmen were not allowed into the country. Ukraine was efficiently blockaded internally and externally.

Death on the streets was common. So was suicide, murder, kidnaping, and cannibalism. Thus, Stalin achieved his objectives. He humbled the Ukrainian village and its desire for freedom. He collectivized the land and destroyed his purported Kulak or Kurkul "class enemies." He industrialized Russia by paying for it with Ukrainian blood and bread.

Never before in the history of mankind, let alone in the richest agriculture area of Europe, Ukraine, had man suffered such mass privation and destruction. It is estimated that Ukraine lost at least 7 million people during this holocaust. Mr. Skrypnyk, a leading Ukrainian Communist, who in despair shot himself in 1933, said that 8 million died. The head of the secret police, V. Balytsky maintained that the figure was 9 million, while J. Stalin testified to W. Churchill that the famine dead numbered 10 million people.

Ukraine, where millions of those unfortunates died, today is systematically colonized by the Russians. The genocide of the Ukrainian nation begun in 1921 and 1932-33 continues in the form of Russification.

The victims' cries reach across the years. The question is, "Will we listen?"

#### THE 75TH ANNIVERSARY OF CLAREMONT, CALIF.

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

• Mr. DREIER. Mr. Speaker, I would like to take a moment to pay tribute to the city of Claremont, Calif., which will celebrate the 75th anniversary of its incorporation on October 9, 1982. The people of Claremont have built a city that is unique among southern California's many cities, and I join them in commemorating this important event.

The first settlers came to Claremont in the early 1880's, attracted by the frantic railroad rate wars of the period and the land boom in southern California. By the end of the decade, a second influx of settlers arrived; this group of hearty Congregationalists, many of them from New England, were singleminded in their determina-

tion to make their new home a place of beauty and culture. Governed by the traditional New England town meeting, they organized volunteer labor groups to plant trees throughout the city, while citizen committees took responsibility for everything from street construction to the management of the newly formed school system.

By the turn of the century, however, Claremont's growth made it apparent that the city could be better managed by a formal city government, rather than the democratic but unwieldy Claremont Town Meeting. True to Claremont's commitment to community participation, it took several years of debate before the town voted, in 1907, to incorporate as a general law city.

Incorporation was a crucial turning point in Claremont's history because it set the stage for the residential and commercial expansion of the 1920's, and led to the development of guidelines for Claremont's future growth. In making this transition, however, the people of Claremont never forgot the importance of community involvement. Town meetings continued in the years immediately following the incorporation; and community participation, whether in the form of formal public hearings or informal local meetings, has helped guide Claremont's growth in the 75 years since then. Residents of Claremont can take pride in a superlative school system, well-kept neighborhoods, an efficient local government, and a level of community involvement matched by few other cities—all made possible by the longstanding commitment of the people of Claremont to their city.

The 75th anniversary of Claremont's incorporation is indeed an important event. It is both a recognition of the accomplishments of the past and a reaffirmation of Claremont's dedication to preserve its close-knit community and unique lifestyle. I am proud to know the people of Claremont and to represent them in this Congress. I join them in celebrating this festive occasion and wish them the best of luck in years to come.

#### THE INTER-AMERICAN FOUNDATION IS HELPING OUT

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

• Mr. BARNES. Mr. Speaker, I would like to share with my colleagues an article on the Inter-American Foundation and its accomplishments in the Dominican Republic as viewed by a member of the Foundation's Advisory Board, Harry McPherson. The article entitled "Helping Out" originally appeared in the newsletter of Mr. McPherson's law firm.

In 1969, the Congress, recognizing that "the future of freedom, security,

and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress", created the Inter-American Foundation to provide support for development projects designed to capitalize on this human resource.

In order to accomplish this, the Congress clearly outlined the purpose and mandate of the Foundation:

First, to strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

Second, to support self-help efforts designed to enlarge the opportunities for individual development;

Third, to stimulate and assist effective and ever wider participation of the people in the development process; and

Fourth, to encourage the establishment and growth of democratic institutions, private and governmental, appropriate to requirements of the individual sovereign nations of this hemisphere.

The purpose of Congress in creating the Foundation was to reflect the true strength of the American people. Nowadays we hear that the strength of our Nation comes from guns and bullets and our ability to support friendly regimes throughout Latin America. But this narrow view ignores our real strength, which comes from the idea that communities of people can identify their problems and goals, and can organize themselves to address those problems and meet those goals. This is exactly what the American people have demonstrated throughout history, and this is what the IAF is helping people to do throughout our hemisphere. It is democracy—the American idea—in action.

The accomplishments of the IAF under the leadership of its first two Presidents and its active board of directors are widely recognized in Congress, as recognized by the strong bipartisan support that the Foundation has received over the years.

With limited resources and limited personnel, the Inter-American Foundation has been able to make a difference in the lives of thousands of poor people throughout Latin America and the Caribbean by providing, as Mr. McPherson argues:

... an element of hope that some of the people who could normally look to lives of heart-crushing deprivation will find a way to care for themselves and their families, gain self-respect and show the way to others.

I want to share with my colleagues Mr. McPherson's description of a few small ways in which the IAF has been able to make a difference. And this difference in the nature of official development assistance was mandated by Congress, and its most important component is the recognition that the people themselves should be the initiators of and full participants in their development process. The IAF believes

that "a sense of self-help among the people for whom the projects are mounted . . . is about as important as the end product itself."

The article follows:

#### HELPING OUT

(By Harry McPherson)

Several years ago I traveled with our friend and client Peter Jones (Vice President for Law of Levi Strauss Co.) to South America, to examine some of the projects sponsored there by the Inter-American Foundation. Peter is Chairman of the Foundation, and I am a member of its advisory council.

One result of that trip was a Post article on the gamines—street urchins—of Bogota, and the priest who is saving many lives among them. Some of you may recall that article.

Last week, my wife and I joined Peter Jones and other IAF board members and staff on a visit to the Foundation's projects in the Dominican Republic. What we saw there strengthened our belief that efforts such as the IAF's have a powerful impact on the lives of those with whom they work; and that much can be learned from IAF's experience about how to help desperately poor people help themselves.

The macro-economics of the Dominican Republic are familiar to every observer of the Caribbean and Central American scene: per capita income about \$1,000; enormous disparities between what the top 10 percent control and receive, and what the bottom 60 percent have; heavy reliance on a single crop—in this case sugar, for which the world price has fallen in the past year from 36 cents per pound to 6 cents.

But within such an unjust and depressing scene, there are elements of hope—not that conditions will change on a massive scale during this or perhaps any generation, but that some people who could normally look only to lives of heart-crushing deprivation will find a way to care for themselves and their families, gain self-respect, and show the way to others. The two factors that make this possible are external assistance rendered with care and prudence, as the IAF renders it, and the ambition to improve their condition that remains in most men and women even when circumstances threaten to crush it.

Here are a few of the projects we saw that illustrates those factors at work:

Tiny manufacturing shops in the barrios of Santo Domingo, for whom IAF provides small grants for equipment and the wherewithal for training in bookkeeping, inventory control, purchasing and marketing. Last year a fellow who makes children's shoes was able to buy some lasts and tools, and now, in a shop about the size of our eleventh floor conference room, employs eight or nine workers. Some of them are ten or twelve years old, and they sit gluing together cheap black shoes in conditions that would make OSHA and the unions here raise the roof in protest. But the alternative is worse—joining the workless people outside the sewer-run streets.

Another fellow makes handbags, a woman makes shirts in a spic-and-span room (attaching "Made in Miami" labels to them) outside of which a handful of men split a

bottle of rum. Another woman, an ebullient artist, has trained a dozen women to make excellent decorative pillows, dolls and party masks. Some of the women were prostitutes, some simply trying to hold families together in paper shacks near the river, but all had a natural gift for color and design, and after many interviews and tests were taken on for training. Outside that shop were tin-roofed hovels, naked children, dogs whose bones seemed almost outside their skins.

Thirty carpenters and woodworkers have joined in a cooperative to buy wood more cheaply and to market their furniture more profitably. We saw one fellow, covered with sawdust and working on a rickety bench, use a router on the back of a rocker with a quick skill that Jim Verner would envy. The coop tried to sell its products in New York, but without much success. They need marketing and design help to reach better stores.

On a hillside near the giant sugar mill outside Santo Domingo, twenty families live in row apartments which they built themselves, using simple machinery provided by IAF. The work was done over the last two years, on weekends after the blistering, suffocating days in the mill. The apartments are of cinder block, contain a living room, two bedrooms, and a small kitchen, and together are about the size of Gene Lipfert's office. They do have power outlets and bottled gas. They cost \$3,000 each to build, and the residents pay \$25 per month to live their. In time they will own them. Desperate, you'd say, until you saw how people around them live, and until you saw the residents in their Sunday best, meeting us. There were lovely women among them, and their faces were shining, proud and serious.

In the country, per capita income is probably half the national average. People live in wretched barren shacks without sanitation or potable water. They cut cane, some of them, although the work is so arduous and dangerous that only Haitians, who cross the border to escape even worse conditions, can be counted on to do it. IAF funds some farmer cooperatives which attract savings, make loans, and run a few stores for their campesino members. Nervously, we accepted an invitation to lunch on goat meat and plantains in a bar which the coop bought in order to control its noise on the weekends. The food was fine and so was the local Dominican beer, and the hospitality was best of all.

In the arroyos between the sugar fields, cane cutters grow rice. The government owns the sugar fields—dictator Trujillo simply took them from the campesinos—and apparently doesn't concern itself with the rice. Under the charismatic leadership of a stocky teacher-poet, himself a campesino, two or three hundred people have formed an association. IAF provided them with \$30,000, with which the cutters built a cinderblock millhouse, bought a rice-milling machine, and also built a meeting hall in which they have classes in farming and marketing. For us a group of them played tremendous thumping music that is clearly African. Probably for the first time in their lives, these people have a sense of community, of possibility, coming together out of their forlorn hovels to try to control jointly

some of the forces that overmatch them individually.

There is more to be told, but enough for now—you get the idea: a small American aid program that intervenes when some very poor Latin Americans show the will and the capacity to better their lives; that provides what they cannot hope to acquire for themselves, equipment and basic management training; that has seen many such endeavors fail because of the carelessness, mendacity, or simply volitional fatigue of its participants or leaders; that nevertheless relies on the never quite exhausted resources of the human spirit to try again, and sometimes succeeds greatly. It is a minute effort, given the enormity of Latin America and her human problems, but it is quite inspiring in a time when such efforts are out of fashion. ●

### COMMEMORATING THE ROLE OF THE SCHOOL NURSE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 28, 1982

● Mr. OXLEY. Mr. Speaker, in recognition of the October 4 observance of National Child Health Day, I would like to pay special tribute to the services of school nurses in promoting the health of children in our Nation's schools.

School nurses strengthen and facilitate the educational process by improving and protecting the health status of children and by identifying and assisting in the removal or modification of health-related barriers to the learning process for individual children. The major focus of school nursing services is the prevention of illness and disability, and the early detection and correction of health problems. The school nurse is especially prepared and uniquely qualified in the areas of preventive health, health assessment, and referral procedures.

The important function served by the nurses in our schools cannot be understated. I ask my colleagues to join me in saluting them. ●

I leave for another time a description of "alternative technology," a rather clumsy phrase from the lexicon of development. What it means is that the people being assisted are invited to help come up with simple, inexpensive variations on the kind of tools we use routinely in building and manufacturing. Seeing photographs of one dramatic town-rebuilding project sponsored by IAF, I suggested to the Dominican who had organized the project that a Chinook helicopter would make short work of moving supplies to the site. But that is just what IAF can neither afford, nor what it seeks to accomplish: a sense of self-help among people for whom the project is mounted. That sense, IAF believes, is about as important as the end product itself.

2942, relating to social security disability payments—clean bill without pension amendments although pension amendments could be considered and reported separately; H.R. 4577, tax treatment of property received as compensation; H.R. 4948, money purchase plan revisions; H.R. 5470, Periodic Payments Settlement Act; H.R. 5573, contributions of computers to schools; H.R. 6055, Subchapter S revisions; H.R. 7094, multiemployer plans—termination letter conditions; and S. 2298, the Enterprise Zone Tax Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### UNEMPLOYMENT COMPENSTION BENEFITS

● Mr. HEINZ. Mr. President, when the Senate takes up consideration of the continuing resolution later this week, Senators METZENBAUM, BYRD, MATHIAS, and I, along with other colleagues, intend to offer an amendment designed to preserve unemployment compensation benefits for unemployed workers in those States hardest hit by this recession. The amendment would delay any changes in the "trigger" mechanism until the unemployment rate has dropped below 8.7 percent nationally.

Until September 25, 1982—this past Saturday—a State was eligible for the 13-week, extended-benefits program if it had a flat insured unemployment rate (IUR) of 5 percent, or, under the alternative test, if its IUR was 4 percent and at least 120 percent higher over the same 13-week period over the last 2 years.

Starting on September 25—now—the trigger for extended benefits has been increased to a flat 6-percent IUR, or, under the alternative test, an IUR of 5 percent and that that rate is at least 120 percent higher over the same 13 week period over the last 2 years.

In sum, this change will make it more difficult for States to qualify for the extended benefits program, just when the need for these prolonged benefits is greatest.

Mr. President, our amendment would reduce the trigger mechanism from the new level established on September 25 to the level existing all during the previous year.

In addition, our amendment would repeal a change made in last year's omnibus budget reconciliation bill which excluded extended benefits recipients from being counted for purposes of calculating the insured unemployment rate. The exclusion of extended benefit recipients from the IUR calculation has already led to 10 States triggering off the program in recent months.

It is anticipated that 16 more States will trigger off as a result of the higher trigger calculation established on September 25.

Mr. President, I want to insure that Pennsylvanians continue to receive their full and fair share of unemployment benefits. Over 10 million Americans in other States are just as concerned. When Congress approved the 10-week extension of supplemental benefits for Pennsylvania last month, it was to insure that the unemployed received additional aid beyond what was then available to them. But, without this new action, millions could find themselves without 13 weeks of benefits they desperately need. For many, unemployment benefits have become the only means available to weather this prolonged recession. Our unemployed have suffered undue hardship and must be protected, and I urge my colleagues to support our effort. ●

##### CONTINUING VIOLENCE IN GUATEMALA

● Mr. KENNEDY. Mr. President, I should like to alert my colleagues to a recent Boston Globe article concerning the present political situation in Guatemala. This article by Stephen Kinzer describes the continuation of human rights violations in Guatemala, especially against the Indian population in the western and northern provinces of that country.

Several times in the course of this year, I have expressed concern about the issue of human rights violations in Guatemala. On those occasions, I reiterated my belief that the United States should withhold military aid until the Guatemalan Government undertook measures to guarantee the human rights of all people living in Guatemala. Earlier, we had seen some reductions in the violence and terrorism in Guatemala's larger cities. Tragically, ugly atrocities persist throughout the country, and there has been a renewal of repression in the urban centers. Brutal torture and murder of innocent people committed by army patrols go unchecked by the Government. Before Government censorship descended again on the press, Jorge Carpio Nicolle, the editor of *El Grafico*, wrote in a signed declaration:

The massacres of peasants that are going on in the Guatemalan highlands cannot be explained, have no reason to be, have no logic. The murder of defenseless children and pregnant women is stupid and bestial. The genocide that is taking place in the Indian parts of the country is truly horrifying.

It is vitally important that we, here in the United States, continue to emphasize to the authorities in Guatemala our strongest opposition to these atrocities and our deepest concern for the human rights of all Guatemalan people. I request that Stephen Kinzer's important and comprehensive article be printed at this point in the RECORD.

The article follows:

[From the Boston Globe, Sept. 7, 1982]  
GUATEMALA CURBS SQUADS BUT THE KILLING GOES ON

(By Stephen Kinzer)

GUATEMALA CITY.—There has been no respite in the cycle of violence and brutality that has wrecked this spectacularly beautiful land for more than 25 years. Since Gen. Jose Efraim Rios Montt came to power five months ago, hundreds of impoverished Indians in the remote Western highlands have been shot, hacked to death and burned alive, and nearly 15,000 have fled the country to neighboring Mexico in fear for their lives.

Gen. Rios Montt, a fundamentalist Christian, has ordered his soldiers to follow a policy of "absolute respect for human rights," and his press secretary, Francisco Bianci, asserted in an interview that "the president truly wants to make a change in this country." Yet foreign diplomats, priests, rural-development workers and local journalists agree that unspeakable massacres are continuing, especially in the northwestern provinces of Alta and Baja Verapaz, San Marcos, Huehuetanango and El Quiché.

"We cannot explain this contrast," said one of the country's leading Catholic bishops, who like many informed Guatemalans, spoke only after being promised anonymity. "There seems to be good will, but the facts show another reality that makes one lose hope."

Here in the capital, the change in political climate since Rios Montt took over is dramatic. Gone are the murderous death squads that only last year roamed the streets freely in cars without license plates, assassinating trade unionists, politicians, student leaders and university professors. Well-to-do Guatemalans who once covered in their houses at night, never knowing whose turn might come next, today fill restaurants and night clubs and talk freely of their relief that the terror they lived with for so long now finally seems to have ended.

##### "TERRIBLE THINGS GOING ON"

The same seems true in many of Guatemala's large towns. "These terrible professional killers who were employed by the government, they're just about gone now," said American-educated professional in the provincial capital of Chimaltenango. "But," he added, "there are still terrible things going on in the northern and western parts of the country, there's no doubt about it."

Under the regime of deposed Gen. Fernando Romeo Lucas Garcia, who took office in 1978 and served until he was overthrown last March 23, more than a dozen priests were killed or driven into exile by death threats. During the same period, nearly 300 activists in the center-left Christian Democratic Party were gunned down or kidnaped and tortured to death. In contrast, not a single priest or Christian Democrat has died violently since Gen. Rios Montt assumed power following the March coup.

The marginalized Indians who make up a majority of Guatemala's population, however, have not been so lucky. As the war between government forces and leftist insurgents has intensified, they have found themselves caught in the middle of a cross-fire that is paring, even by the standards of this blood-soaked country.

A group of rural workers in the Guatemalan northwest has compiled a chronology of savagery for the month of July that includes accounts of 89 people being burned alive after being herded into a local schoolhouse, five men clubbed to death for allegedly giving food to guerrillas; a masked informer entering a village with an army patrol and pointing out 43 supposed suber-

sives who were summarily executed; and 10 Indians being told they were obligated to join the government's civil defense forces, only to be set upon and killed with machetes before they had been marched a mile outside town.

As this slaughter spread during the spring and early summer, several of Guatemala's newspapers felt obligated to speak out. "We are now facing the crude and painful reality of terrible massacres," *El Impacto* observed in an editorial. "The sterile sacrifice of Guatemalan Indians in the western highlands is reaching Dantesque proportions, and the number of innocent victims is growing daily."

Jorge Carpio Nicolle, editor of *El Grafico*, took the unusual step of signing a declaration that read in part: "The massacres of peasants that are going on in the Guatemalan highlands . . . cannot be explained, have no reason to be, have no logic. The murder of defenseless children and pregnant women is stupid and bestial. The genocide that is taking place in the Indian parts of the country is truly horrifying."

#### A "STATE OF SIEGE"

Soon after these and other similar commentaries were published, Rios Montt imposed a state of siege under which the only news of the civil conflict that can appear in the press must come from government communiqués.

In areas where the guerrilla war is centered, rebels control considerable amounts of land, and according to reports from a variety of neutral sources, often compel local residents to help them by supplying food, hiding weapons and providing intelligence. When these areas are retaken by army patrols, the sources said, Indians who live there are generally viewed as collaborators and are hence subject to harsh and frequently fatal reprisals.

"Rios Montt is not shocked by the killings," asserted one of the country's most experienced journalists. "They are part of the army plan to eliminate the whole guerrilla infrastructure. He knows very well what is going on, and thinks it is necessary."

"The army plan is having a lot of success. Terror is accomplishing what terror sets out to do. They want to teach the Indians a lesson they'll remember for a thousand years."

#### THE REBELS' RESPONSIBILITY

Not everyone here is convinced the army is responsible for the latest round of terror, however. "The subversives are engaged in a sophisticated plan to misinform the world," declared the army chief of staff, Gen. Hector Mario Lopez Fuentes. "They are the ones who are planting these stories and creating this refugee problem by their killings of innocent civilians."

At the American Embassy here, diplomats also assign responsibility for most of the violence to rebel groups. Embassy officers are extraordinarily reluctant to speak for quotation, but in private they refute claims of military involvement in the killings. In a statement to the US Congress in July supporting new aid to Guatemala, Deputy Assistant Secretary of State Stephen W. Bosworth said: "I cannot emphasize strongly enough the favorable contrast between the current human-rights situation in Guatemala and the situation last December. . . ."

Since the state of siege was imposed July 1, Gen. Rios Montt has assumed virtually complete control in Guatemala. He has pledged to use his power to end corruption and violence, both of which had reached staggering proportions under the Lucas regime. The "fundamental law" under which he rules includes a promise to follow

"the path of honesty, stability, legality and security."

Supporters of the new president, a born-again Christian given to lectures on the evils of liquor, tobacco and marital infidelity, say he is determined to wipe out the guerrilla movement and consolidate his own power as steps towards pacifying the country.

"Please draw a clear line between what happened before March 23 and what has happened since," urged Jose Luis Zelaya Coronado, the new ambassador to Washington. "This regime is determined to bring the country back to normality and return national sovereignty to the Guatemalan people, whose will has been ignored by governments dedicated to electoral fraud."

#### A FEAR OF DICTATORSHIP

Others are less disposed to trust the general. "If he continues to ignore the political parties and rely exclusively on the army for support, he will turn this country once again into a dictatorship," predicted Marco Vinicio Serezo Arevalo, leader of the Christian Democrats. "To the extent that he refuses to redefine the role of the military and refuses to give political leaders any real voice, he is only justifying the violent alternative."

Gen. Rios Montt, who speaks to his countrymen every Sunday on national television and who counts American evangelists Pat Robertson and Jerry Falwell among his backers, has little use for Guatemalan politicians, whom he blames for dragging the country into its present abyss of terror, war and international isolation. He has given no indication that he is disposed to call elections any time soon.

"What worries me," said Edgar Ponce of the liberal United Revolutionary Front, "is how irreversible this process of polarization and closing of political alternatives has been. I wonder if it is still possible, at this point, to resolve our national problems peacefully." ●

#### COAL SLURRY PIPELINES

● Mr. DANFORTH. Mr. President, legislation pending before the Senate (S. 1844) would grant the power of Federal eminent domain for the construction of coal slurry pipelines.

When this bill was reported by the Committee on Energy and Natural Resources, I immediately scheduled hearings before the Surface Transportation Subcommittee of the Committee on Commerce, Science, and Transportation to consider the impacts such pipelines would have.

Two days of hearings have convinced me that the impacts would be negative—that the case being made for this bill is a public relations house of cards. Unfortunately, many people accept the claims of pipeline proponents at face value.

The president of the Association of American Railroads, William H. Dempsey, did an excellent job of rebutting some of those claims in a letter published last Wednesday in the *Washington Post*, and Maurice Rosenblatt, a transportation and environmental consultant, offered important additional arguments in a second letter published yesterday. I commend these letters to my colleagues' attention, and I ask that the text of both

letters appear in the *RECORD* following these remarks.

The letters follow:

#### PIPELINES VS. RAILROADS

The editorial "Pipelines vs. Railroads" [Sept. 13] used a series of totally erroneous assumptions to reach the conclusion that Congress should grant federal eminent domain to the builders of coal slurry pipelines.

The central point seems to be The Post's belief that coal slurry pipelines would deliver coal more cheaply than railroads—thus driving down the consumer cost of electric power. Obviously, The Post believes the assertions of the slurry promoters.

But why? Slurry promoters have been trying for 20 years to make this special-interest legislation look like public-interest legislation. In all that time, the best they have managed is a study—which they themselves commissioned—that finds that a slurry pipeline constructed in 1982 might (if a number of unrealistic assumptions are made) begin, in 1990, to save residential consumers an average of 47 cents each month.

That is the best they have done—in a study for which they paid.

It is interesting to note that The Post cited the Office of Technology Assessment on the subject of water, but not on the subject of saving to utility customers. Here the OTA said: "If pipeline economics do result in savings, the benefit will accrue to the coal-mining, electric utility and pipeline industries." The study suggested that regulatory mechanisms might be needed to protect the consumer. The OTA also said that, since pipelines will employ long-term "take-or-pay" contracts, "the cost of errors in judgment will probably be borne largely by the public and not necessarily the utility investors."

Thus we see the symmetry of the pipeline scheme. If there is anything to be won, the coal-mining, electric utility and pipeline interests—the very people seeking the legislation—will win it. If there is anything to be lost, the public will lose it.

Lest this argument seem too theoretical, let me remind The Post of its front page story Sept. 2, "Natural Gas Surplus Leads to 20 Percent Price Rise."

In this story, we learned that a company entered into long-term, "take-or-pay" contracts for natural gas and is now stuck with paying much higher prices than are available elsewhere.

But who gets hurt? The company can pass the cost along to its utility customers. The utilities can pass the cost along to the consumers. The consumers are stuck with it.

The coal pipeline in Ohio, which The Post cited as an example of competition benefiting the public, did not use a "take-or-pay" contract. If it had, Cleveland utility customers might still be paying higher than necessary prices for electric power—despite the existence of lower-priced rail service.

The Post does, as noted, cite the OTA finding, which said that, while sufficient water exists now (in 1978), "in each of the potential . . . origin areas except Tennessee, demand projected for the 1985-2000 period exceeds the legally available supply."

It can be shown that coal slurry pipelines would cripple the railroads, render tens of thousands jobless, consume vast quantities of water and threaten the environment.

But, in 20 years of trying, the best "benefit" pipeline promoters have come up with is a saving of 47 cents per month—eight years after construction starts.

limits the concessions the Soviet authorities are obliged to make to motivate the non-prison work force. Problems in finding workers do not necessitate fundamental reforms because they can always be solved by increasing the number of people in confinement.

A generation ago, the inhabitants of the Gulag would have been political prisoners, but today there are only a few hundred persons in Soviet camps who have been formally convicted of political crimes.

The majority of labor-camp inmates are arrested and sentenced for terms of three to seven years on charges of either theft, hooliganism or violations of the passport laws.

In a society of endless shortages, where a value structure based on religion was forcibly destroyed, stealing flourishes. Theft is common at every level of Soviet society, including the very highest, and elaborate systems of falsification and theft exist in most industries.

This makes it relatively simple to find candidates for the labor camps. Large-scale arrests for stealing and black-market operations take place not because, in most cases, crimes were unexpectedly uncovered but because at one moment the authorities decided to change their attitude to the corruption that had existed all along.

Thousands of arrests for hooliganism are also a direct result of Soviet social conditions. Vodka sales are a major source of revenue for the state. In provincial cities and workers' districts, where there are few distractions, vodka is one of the few consumer goods that is always available. Mass drunkenness is common, and when fights break out, they can lead not only to the arrest and sentencing of the persons involved but also to labor-camp sentences for everyone who happened to be in the vicinity.

The passport laws, which are intended to help control the movements of every citizen, also help to maintain the labor-camp population. There are some people in Soviet society who live illegally in areas, usually large cities, where they are not registered. These are usually people who, for whatever personal reason, cannot adapt to the Soviet system of total control. Such persons, sometimes called "Bichi," from the abbreviation in Russian for "Formerly Intellectual Person," are rounded up regularly in identity checks that take place in cities all over the country.

The population of forced laborers is thus constituted not just of hardened criminals but, in the majority, of people who are vulnerable to arrest because they have made typical adjustments to the nature of Soviet life. This vast pool of rightless manpower is then used to solve many of the Soviet economy's endemic problems.

Labor-camp inmates can be assigned to any work in any place and moved from project to project at will. Their work norms are high but every prisoner knows that his conditions of confinement, bad to begin with, can be made immeasurably worse if he fails to comply.

#### PRISONERS ARE CHEAPER

The use of forced labor is inexpensive. The average salary for a prisoner is 60 to 80 rubles a month compared with a minimum salary of 150 rubles for a free worker and a possible salary of up to 500 rubles for a person who agrees to work in remote parts of Siberia.

Of the prisoner's salary, half is deducted by the state, a quarter pays for his food (the worst scraps in the Soviet distribution system) and for his share of the expense of running the labor-camp system. That leaves 15 to 20 rubles a month at his disposal.

Western businessmen who argue that it is possible to enter into profitable business re-

lations with the Soviet Union without being a participant in the repressive Soviet system probably underestimate the extent to which repression is the way the system operates.

In a Western society, in which people are expected to find work, the punishment for failure to do so is unemployment. In Soviet society, where people are assigned work, the punishment for failure to accept it is a labor camp.

With their labor vitally necessary in the camps, the persons arrested every year for minor crimes stand little chance of being acquitted once an arrest has been made. Investigation in most cases is rudimentary, and the accused is often sentenced to a labor-camp term regardless of what it finds.

It is these convicted persons, many of them barely aware of the what they've been accused of, who, in their hundreds of thousands, are swept every year into the labor-camp system, to work anonymously and probably unwillingly on vast development projects, including, quite possibly, the West Siberian gas pipeline. Through their presence, the pipeline becomes a far more apt symbol of the true nature of East-West co-operation than its Western backers could imagine. ●

#### INTER-AMERICAN DEVELOPMENT BANK: INCREASED STABILITY AND HOPE FOR LATIN AMERICA

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1982

● Mr. STANTON of Ohio. Mr. Speaker, the Cincinnati Enquirer, a member of the Gannett Group, is a very respected and influential newspaper in my State.

For this reason, I thought that the Members of the House would be interested in a recent editorial from that newspaper, entitled "Latin America: Bank Lending Offering Hope and Stability."

The Bank in question is the Inter-American Development Bank (IDB), of which the United States is a major stockholder. It is a Bank which was established during the second Eisenhower administration to help finance sound development projects in Latin America. Today, the Bank's membership includes all of the countries of our hemisphere except for Cuba, as well as 14 European countries, Israel, and Japan.

As a member of the Committee on Banking, Finance and Urban Affairs which has jurisdiction over legislation authorizing U.S. participation in the IDB and other multilateral banks, I have had the opportunity periodically to review the Bank's operations and to see some of the projects it has helped to finance. I agree with the Enquirer's description of the important contribution which the IDB has been making and continues to make to increased stability and hope in Latin America.

I would like to underline that the IDB operates primarily with private financing, borrowing funds in the world's capital markets and relending them for carefully designed, sound,

and productive projects in Latin America.

The editorial follows:

[From the Cincinnati (Ohio) Enquirer, July 15, 1982]

#### LATIN AMERICA: BANK LENDING OFFERING HOPE AND STABILITY

Every cent wisely invested in Latin America can pay rich and immeasurable dividends. That's because they're not only in wages or profits but in increased stability and hope for a region in need of both. So a recent report of the Inter-American Development Bank comes as a refreshing reminder that such investments are being made by private and public sources from within and without the Western Hemisphere.

Founded in 1959, the Washington-based bank was catalyst for \$66 billion of investment in Latin America in the 1961-80 period. Almost \$18 billion was from bank resources. The 17 neediest countries, while accounting for only 16% of the region's population, have received a third of the bank's total lending. Member countries provide capital through shares subscribed. The United States has accounted for 34.6%. But significantly, the bank has never called on a member to produce any of its callable capital. Only if it failed to meet its obligations from borrowings in capital markets or from its capital-backed loans would it be forced to do so—and it doesn't expect this to happen.

Hence the bank—including 27 regional members and, since 1978, 16 non-regional members (such as West Germany, France and Israel)—invests with confidence in its enduring strength. That doesn't mean it lends without close scrutiny of proposed projects, such as the central Honduran cement plant being built with help of a \$15-million bank loan and expected to employ 400 workers. In this respect, it operates much like any other bank, though it may devote more effort to the neediest of the needy.

The bank is also doubtless spur to that regional economic integration beneficial not only to Latin countries but to their trading partners in North America. It's thus important to acknowledge an agency that was focusing Western capital on Latin needs while many of today's revolutionaries—with their grandiose schemes—were in knee pants. ●

#### A TRIBUTE TO MR. JACK TAYLOR

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 20, 1982

● Mr. SKELTON. Mr. Speaker, I take this opportunity to congratulate Mr. Jack Taylor, of Lexington, Mo., on his recent election as the chairman of the board of the Missouri Retailers Association. Mr. Taylor is currently president and chief operating officer of Mattingly, Stores, Inc., in Lexington, Mo.

Mr. Taylor has a long and impressive record of service to the retail industry. He served as management consultant to the Agency for International Development and the Government of Costa Rica, a director of the Association of General Merchandise Chains in Washington, D.C., and a member of the Lexington Industrial Development Commission.

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mediate freeze to be followed by substantial reductions of nuclear weapons. I am delighted that American women strongly support the freeze. In my view the freeze is the first and most crucial step in curbing the nuclear arms race and reducing the risk of nuclear war.

In testimony before the Foreign Relations Committee last November, Gen. David C. Jones, chairman of the Joint Chiefs of Staff, told me that an all-out nuclear war "would be the greatest catastrophe in history of many orders of magnitude." American women, like their counterparts in Europe and the Soviet Union, recognize the dangers of nuclear war and are desperately trying to warn us that we must take action now to avoid the impending disaster.

I believe that it is our duty and our moral responsibility to heed these warnings. Indeed, we can afford to do no less. A nuclear war between the United States and the Soviet Union would bring an end to our society as we know it and, in the words of Jonathan Schell, create "an abyss in which all human purposes would be drowned for all time."

Mr. President, I would like to take this opportunity to commend the women of the United States for their invaluable contributions to the cause of peace.

THE HUD-INDEPENDENT AGENCIES CONFERENCE AGREEMENT

Mr. DOMENICI. Mr. President, it is with pleasure that I comment on the passage of the HUD-independent agencies appropriations bill, which is the first appropriation for 1983 to pass the Congress. Senators GARN and HUBLESTON have again managed to achieve their objective of providing funding for the important programs covered in this bill before the fiscal year begins.

I am personally grateful to the conferees for providing an appropriation of \$103.5 million for construction and renovation of the Albuquerque veterans medical care facility. That project will now proceed on schedule for the benefit of the many veterans in my State.

The following table compares the spending totals in the conference agreement on H.R. 6956 with the Budget Resolution for fiscal year 1983. The table indicates that this bill, together with other actions already completed and possible later requirements, will put the subcommittee \$0.1 billion under its section 302 (b) crosswalk allocation for budget authority and \$0.3 billion above that allocation in outlays.

This computation includes an expected later requirement of \$9.6 billion in budget authority for subsidized housing. The Senate should note that the Senate conferees receded to the House position on housing. The con-

ferrees withheld action on several housing appropriation items pending newly revived efforts to pass a 1983 housing authorization bill when the Congress returns after the election recess. It is my hope and expectation that Congress will then be able to utilize the amounts provided in the budget resolution and the 302(b) allocation to support the housing programs covered by this subcommittee. I know that Senator GARN will exercise his usual leadership in an effort to resolve housing authorization and funding questions this year.

Table 2 displays the relationship of the conference agreement to the credit budget. The bill is \$3.4 billion under the subcommittee's allocation for new direct loan obligations and \$3.0 billion over the allocation for new primary loan guarantees, largely due to the reduction in direct loan obligations. It is equal to the allocation for new secondary loan guarantee commitments.

TABLE 1.—HUD-INDEPENDENT AGENCIES SUBCOMMITTEE—SPENDING TOTALS

Table with columns: Item, Budget authority, Outlays. Rows include: Outlays from prior-year budget authority, H.R. 6956 conference agreement, Possible later requirements, Subsidized housing, Low income housing operating subsidies, Veterans compensation, pensions, and readjustment benefits, Total for HUD-Independent Agencies Subcommittee, Deduct outlaying increases above First Budget Resolution assumptions, Adjusted total, First Budget Resolution 302(b) allocation, Possible amount over (+)/under (-), H.R. 6956, President's request, House-passed, Senate-passed, Conference agreement.

\* Excludes amounts for subsidized housing. The conferees have postponed action on these requests without prejudice. Note: Numbers may not add due to rounding.

TABLE 2.—HUD-INDEPENDENT AGENCIES SUBCOMMITTEE—CREDIT TOTALS

Table with columns: Item, New direct loan obligations, New primary loan guarantee commitments, New secondary loan guarantee commitments. Rows include: H.R. 6956 conference agreement, First Budget Resolution 302(b)(2) allocation, Possible amount over (+)/under (-), H.R. 6956, President's request, House-passed, Senate-passed, Conference agreement.

THE PACIFIC ISLAND TREATIES

Mr. PERCY. Mr. President, tomorrow, the final day before an extended recess, the leadership has scheduled a vote on four treaties that were voted out of the Foreign Relations Committee unanimously. They are:

A treaty of friendship with the Republic of Kiribati.

A treaty of friendship with Tuvalu.

A treaty with the Cook Islands on friendship and delimitation of the maritime boundary between the United States of America and the Cook Islands.

A treaty with New Zealand on the delimitation of the maritime boundary between the United States of America and Tokelau.

The four treaties were signed in 1979 and 1980, and provide for settling the status of 25 small islands to which the United States had claims, for establishing maritime boundaries for American Samoa, and for facilitating access to fishing grounds for boats serving the canneries in American Samoa. The most important purpose of the treaties is to protect U.S. interests in the light of the extensive political change which has taken place in the South Pacific in recent years. During this time, these islands have emerged from colonial status, dependent on Great Britain, Australia, or New Zealand, to become independent or self-governing states. Under these circumstances, the United States must treat the island nations as sovereign, as indeed they are.

The part of the South Pacific area in which these islands lie is important to the United States as a strategic link to Australia and New Zealand and the Indian Ocean/Persian Gulf, and as a source of significant marine resources. Protection of our interests in the region requires that the islands remain stable, peaceful, and free of great-power rivalry and that the new states look to us as a friend.

U.S. claims to these islands were extremely tenuous and were not supported by any other nation. Maintenance of these claims would amount to denying the sovereignty of the new island states and would certainly invite friction between ourselves and not only the states directly involved, but their neighbors in the South Pacific. I believe it is very much in our own national interest to relinquish these claims amicably, to draw agreed maritime boundaries between the several islands concerned, and to further access to the fishing grounds in the area for vessels from American Samoa and from the continental United States.

The Department of State has prepared an extensive background memorandum on the legal issues related to the Pacific Island treaties. I ask unanimous consent that this memorandum be included in the Record.



There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

**DEPARTMENT OF STATE—BACKGROUND MEMORANDUM—LEGAL ISSUES RELATED TO THE PACIFIC ISLAND TREATIES**

There are currently before the Senate Foreign Relations Committee treaties with Kiribati, Tuvalu, the Cook Islands and New Zealand. The four treaties together effect the renunciation of United States claims to twenty-five islands in the South Pacific. This memorandum discusses two legal questions raised by these treaties: first, the constitutional authority to renounce territorial claims by treaty and without action by the House of Representatives, and, second, the merits of the United States claims to the islands.

**I. THE CONSTITUTIONALITY OF THE SETTLEMENT OF TERRITORIAL CLAIMS BY TREATY**

This type of territorial settlement is within the traditional limits of treaty power. Previous examples of such settlements include the Treaty with Spain of February 22, 1818, which relinquished claims to territory west of the Mississippi in exchange for cession of Florida; the Webster-Asburton Treaty of August 9, 1842, which ceded to Canada lands claimed to be within the jurisdiction of Maine and Massachusetts; the Treaty of June 12, 1846, with Great Britain, settling upon 49° as the northwest boundary between the United States and Canada; and the Chamizal Convention of August 29, 1903, with Mexico, providing for relocation of the Rio Grande Channel and thereby ceding land to Mexico formerly held by the United States. More recently and very closely analogous, the Treaty with Honduras on the Swan Islands, signed November 22, 1971, entered into force September 1, 1972, 23 U.S.T. 2630, resulted in U.S. renunciation of its claims to the Swan Islands; similarly, the Treaty with Colombia concerning the Status of Quita Sueno, Roncador and Serana, signed September 8, 1972 effect the renunciation of its claims to these islands.

The U.S. Court of Appeals for the District of Columbia Circuit Court has recently upheld the power of the Senate and the President under Article IV, Sec. 3, cl. 2 of the Constitution to dispose of property of the United States by a self-executing treaty. *Edwards v. Carter* 580 F.2d 1055 (D.C. Cir.); cert. denied 98 Sup. Ct. 2240 (1978). The court relied on a number of precedents referred to above as evidence of a well established practice. It is clear that the treaty power encompasses agreements renouncing territorial claims.

**II. THE MERITS OF THE UNITED STATES CLAIMS**

**A. A general survey of U.S. claims to all 25 islands**

**1. An Historical Summary**

The 25 islands were discovered by Western seamen in the period 1775-1860. Several of the discoveries were made by genuine explorers who purported to claim dominion over the islands for their sovereigns. In the vast majority of cases, however, the islands were simply visited by whaling fleets which noted their location but made no claims of dominion. U.S. nationals, generally whalers, may properly be identified as having first discovered some seven or eight islands, including Canton, Enderbury, Hull, McKean, Gardner, Phoenix, Funafuti, and Fafaofu. The remainder were principally discovered by the British, although it is impossible to ascertain with any degree of certainty who the original discoverers of several islands were.

In the late 1850s, it was determined that many of these islands might be a source for

profitable guano mining. Congress passed an act in 1856 which permitted the President to consider "as appertaining to the United States" islands on which U.S. nationals might mine guano.<sup>1</sup> The Act required that the discoverer notify the Department of State that he had discovered, occupied, and taken possession of any such island and that he satisfactorily establish that the island was not already in the possession or occupation of any other government. Upon the establishment of these facts, the Department of State issued a certificate vesting exclusive mining rights in the discoverer and requiring him to post a bond in way of guarantee that all guano would be returned to the United States.

It is unclear how many islands were actually mined in this manner. It seems certain that the Department did not issue certificates validating many of the claims, and that many of those claims which were certified and for which bonds were filed were never actually mined. The Guano Act was municipal law of the United States which could not of itself serve as a basis on which to assert sovereignty except to the extent that acts taken pursuant to it satisfied the requirements of international law. It is clear that both Congress and the Executive intended that U.S. jurisdiction be extended to these islands only so long as there were mining operations. By this temporary extension of jurisdiction, there was no apparent intention on the part of the United States itself to claim sovereignty in perpetuity over the islands. Frequent statements were made in succeeding decades by the highest U.S. Government officials to the effect that the U.S. did not in fact consider itself to have made sovereign claims to any of the guano islands.

In the 1870s and 1880s, British nationals began mining guano from many of the same islands. They were authorized to do this by government licenses which, like the U.S. guano certificates, only purported to extend British jurisdiction temporarily to the islands for the purposes of the mining. A considerable number of British nationals mined guano under such licenses.

Determining exactly who mined guano from which islands, for how long, and under auspices, is not, however, possible with any degree of certitude with respect to many of the islands. There are, for example, a number of instances of U.S. miners operating under British license, or of mixed groups of miners. Further, even in the scanty records which indicate that U.S. nationals were indeed mining on a particular island, it is doubtful in many instances that they were the same persons who filed the proper guano bond in the United States. By the late 1880s, guano mining had virtually ceased in the islands. Between 1888 and 1892, Britain began formally asserting sovereignty over all of these islands. This consisted initially of declaring the islands to be protectorates, of authorizing various sorts of commercial activities, and of providing for the administration of elementary governmental functions on those islands which were inhabited. With respect to the most remote and least inhabited islands, British actions often took the form of nothing more than a repeated assertion of dominion and occasional attempts at colonization. The Northern Cook Islands and the Tokelau Islands were placed under the administration of New Zealand in 1901.

The United States did not protest any of the British or New Zealand actions or assertions from the late 1880s until 1939.

<sup>1</sup> Act of August 18, 1856. Thirty-Fourth Congress, Sess. I, Ch. 164

Stimulated by the South Pacific civil air activities of the 1930s the United States first adduced its formal claims to the 25 islands in 1939. With the exceptions of Canton, Enderbury, and Christmas Islands, which are discussed below, there have been no significant events since that date which support U.S. claims. The U.S. has been careful to reserve its claims whenever it has seemed necessary. However, with the exception of Canton and Enderbury, open, continuous, effective administration of the islands by great Britain and New Zealand continued after 1939.

**2. Legal Analysis of the Claims**

The claims of the United States, Great Britain, and New Zealand all rest on some combination of discovery and occupation of the islands. Discovery does not, under traditional international law, give rise to an absolute claim of sovereignty. Rather, it gives rise only to an inchoate claim which temporarily bans the establishment of dominion by another state until the discovering state has had a reasonable opportunity to occupy and possess the territory. Nor does discovery by a national of itself suffice to create even an inchoate claim; the state itself, rather than its nationals, must manifest some intention to establish its dominion.<sup>2</sup>

From this perspective, it may be seen that the discovery by U.S. nationals of some of the islands in question, in the absence of an intent to establish dominion, established little or no basis for a claim by the United States to the islands. With the possible exception of Christmas Island (see below), there is no evidence that the U.S. itself adduced any of the discoveries of its nationals as the basis for a sovereign claim to any of the islands until 1939. It is, therefore, doubtful the U.S. had itself established even an inchoate claim before 1939, and it is questionable whether at that late date the U.S. could still rely on the minimal acts of discovery of its nationals of a century or more earlier.

The principal basis, therefore, on which the U.S. claims to these islands rests is an effective occupation during the period of guano mining in the 1860s and 1870s. As has been noted, however, the records from this era are extremely sketchy and, even more important, it was demonstrably not the intention of the United States at that time to assert sovereign dominion over the islands, but rather only to establish temporary jurisdiction for the purpose of exploiting the guano deposits. Subsequent statement by the courts construing the Act support the conclusion that the guano islands were never considered to be U.S. sovereign territory.<sup>3</sup>

The British claims to discovery and claims arising from guano mining activities may be considered equally weak, and for the same reasons. However, the British attempts from 1888 on to establish sovereignty over the various islands (and the subsequent assumption of this role with respect to the Northern Cook Islands and the Tokelau Group by New Zealand) are of a different nature. These were clearly an attempt to establish dominion over all of the islands and did in fact result in an effective, unchallenged occupation for approximately half a century. Although Great Britain did not physically occupy the least habitable of these islands, it repeatedly asserted its intention to ex-

<sup>2</sup> Under current international law, discovery of and the exercise of dominion over inhabited islands, even with the requisite intent, are not effective to establish sovereignty in view of the right of self-determination possessed by the inhabitants.

<sup>3</sup> *Jones v. U.S.* 137 U.S. 202 (1890); and *Gra/Tha v. Navassa Phosphate Co.* 35 F. 474. (C.C. Md. 1888).

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else dominion over them. The U.S. did not at any time challenge the British assertions.

Even if the U.S. had had valid claims to sovereignty over some or all of the islands as of the early 1880s, it thus made no attempt to perfect those claims for more than half a century thereafter. It is clear under traditional international law that a state may abandon its claim or forfeit its sovereign rights to a territory by allowing another state without protest openly and notoriously to occupy that territory. How long such adverse possession must last is not settled, but the better legal view in this instance would almost certainly regard the U.S. as having forfeited whatever rights it previously had.

In sum, then, the United States manifested no intention to claim these islands during the 19th century and would have had a very weak basis on which to do so. By the time it first asserted a claim of sovereignty in 1939, the United States had abandoned or forfeited whatever rights it may have had by over one-half century of silence and inaction. With the three exceptions previously noted, the acts and assertions of the United States since that date have been wholly ineffective to overcome the claims of Great Britain and New Zealand.

### 3. U.S. Claims Vis-a-vis Newly Independent States

Eighteen of the islands which the U.S. claims now form part of two newly independent states: Kiribati (Gilbert Islands) and Tuvalu (Ellice Islands). Both were granted independence by the United Kingdom and thus succeeded to that nation's claims. In addition, these states may claim in their own right under the principle of national self-determination. Whatever the validity of U.S. claim to these islands vis-a-vis the British, it is also relevant, therefore, to consider how viable such claims would be vis-a-vis the newly independent government.

The right to self-determination (if not its exact scope) is universally recognized in international law, and many States regard it as a preeminent norm of international law. A series of United Nations resolutions have specifically extended this principle to the Gilbert Islands. General Assembly Resolution 3426 (XXX) of December 8, 1975, approved the granting of independence to the State of the Gilbert Islands. General Assembly Resolution 32/407 of November 28, 1977, reaffirmed the unalienable right of the people of Tuvalu to self-determination. The United States participated in the consensus on these and similar resolutions.

In this context, it seems clear that the United States is precluded from effectively asserting a legal claim to sovereignty over any of the islands in the new States which are inhabited. The argument can be made, however, that those islands which are uninhabited, or which have very small indigenous populations which have migrated there only recently, do not come within the ambit of the exercise of self-determination and thus sovereignty over the islands should properly be determined by reference to the validity of historical claims. However, the uninhabited islands, principally those in the Phoenix Group, are part of a common grouping of islands, a natural link in the chain of the inhabited islands. The Phoenixes are included within the territories of the new State already publicly announced by its inhabitants and by the administering colonial power. A statement that the new state would include the Phoenixes and specifically Canton was included in a report to the United Nations which was approved by the above-mentioned General Assembly Resolution 3426 (XXX) of December 8, 1975. To challenge the sovereignty of Kir-

bati would accordingly be extremely difficult.

### B. A detailed consideration of U.S. claims to particular islands

The legal basis for United States claims to most of the islands is insubstantial. There are, however, circumstances involving five of the islands which merit special mention. In all cases the conclusion remains the same: that the United States claim to sovereignty is not supported by international law.

#### 1. Canton and Enderbury Islands

Canton Island was probably first discovered by American whalers sometime before 1820. It was first surveyed and mapped by Commander Richard W. Meade of the U.S.S. *Narragansett* in 1872. A U.S. guano bond was subsequently filed, but it would appear that no U.S. nationals ever actually mined guano on the island. Guano diggers did operate there in 1885-86. Britain subsequently issued mining leases on Canton Island in 1899 and again in 1916, but it appears that no mining occurred under either lease. In 1936, Britain formally asserted sovereignty over the island.

Enderbury Island was discovered by an American captain in command of a British whaling ship, and was mapped by a U.S. Exploration Expedition in 1840. A U.S. guano bond was filed and extensive mining took place from 1860 to 1877. Several years after the Americans left, British miners occupied the island and also mined guano for a time. Subsequent British leases of the island, like those for Canton, appear to have been left unused. In 1937, Enderbury and the other Phoenix Islands were placed under the administration of the Gilbert and Ellice Islands Colony.

For the half-century following the cessation of U.S. interest in the guano deposits of the area, the U.S. took no action with regard to Canton and Enderbury, and did not protest British leasing activities. During the 1930's, civil air interest in the area began to develop. In 1938, President Roosevelt purported to place both Canton and Enderbury Islands under the control of the Secretary of the Interior, and an American party of seven actually landed on Canton and set up a camp alongside the British. For the next year or so, a diplomatic dispute ensued over sovereignty to the islands, resulting in an exchange of notes in 1939 by which a joint administration was established for 50 years. The 1939 agreement reserves the claims of each party to absolute sovereignty.

Until 1971, both States shared administration of the islands, although the U.S. presence predominated and the U.S. bore the cost of most joint services. Between 1971 and Gilbertese independence in 1979, the U.S. exercised sole administration over the islands, paying the British in recognition of their continued interest.

Analysis: Neither party had a compelling claim to these two islands as of 1936. U.S. activities as of that date were probably marginally more significant, but the failure of the U.S. to assert any claim for over 50 years, and, indeed, express U.S. disavowals of any sovereign interest in the islands significantly weaken the U.S. claim based on these activities. The best legal view, therefore, would probably hold that neither party had sufficient bases on which to assert a claim as of 1936. In that event, the British acts asserting dominion over Canton in 1936 and Enderbury in 1937 would take precedence over the slightly later U.S. acts.

#### 2. Christmas Island

Christmas Island was originally discovered by Captain Cook in 1777. In succeeding decades, the island was visited from time to

time by many whaling vessels, including a visit in 1825 by an American captain, one John Stetson. After the passage of the Guano Act in 1856, Captain Stetson recalled having seen guano on the island and deeded it to a firm by the name of A.G. Benson and Associates. In 1858 the firm sent to Christmas a ship commanded by a Captain Penleton, who purported to take possession of the island on behalf of A.G. Benson and on behalf of the United States.

Records of what transpired thereafter are incomplete and contradictory. It appears that the State Department refused to issue a guano certificate to A.G. Benson because of insufficient evidence of the quantity and quality of guano to be found. Another U.S. ship then visited the island and a certificate may have been subsequently issued, although in the name of the "U.S. Guano Co." One record says that this company mined the island for several years, another says that there is no record whatsoever of any occupation by that company. In 1872, it seems that three Americans were in fact working the island but on behalf of an entirely different company which had never filed a bond nor been granted a certificate. By 1879 the island was, in any event, abandoned.

In the early 1880s, there were several visits to the island by British ships attempting to establish commercial rights for private firms. In 1888, a British Captain Wiseman landed on Christmas Island and took possession of it for Great Britain. When the British inquired if the U.S. had abandoned its claim, the Secretary of State replied: "They (the company) are still considered to be entitled to the protection guaranteed by the laws of the United States, in their possessory right, so far as such occupation may be necessary to secure to the company or its assigns there" (sic). It is difficult to ascertain from these cryptic statements the precise juridical position of the U.S. on sovereignty over the island. At least one study concluded that U.S. actions at this point neither constituted a new assertion of a sovereign claim nor reserved whatever U.S. rights may have already existed.

Over the next several decades, Great Britain leased Christmas Island to various companies which met only indifferent success in establishing coconut plantations. In 1919, the island was made a part of the Gilbert and Ellice Islands Colony by an Order in Council, and Christmas Island was governed thereafter by a commissioner residing on nearby Fanning Island. A fairly prosperous copra business was established by the mid-1920s.

There is no record of any U.S. attempt whatsoever to challenge the British occupation of Christmas Island between 1888 and 1939, when the general U.S. claim to all 25 Pacific Islands was made.

During World War II the U.S., with British concurrence, occupied the island and constructed a number of facilities at a cost of several million dollars. The U.S. abandoned its facilities in 1948. Although the U.S. has formally reserved its claim to sovereignty over Christmas Island on a number of occasions since, it has generally acquiesced in the face of British administration.

Analysis: Had the U.S. wished to claim Christmas Island in the nineteenth century, it would have had a strong basis of discovery and occupation on which to do so. It is doubtful, however, that the U.S. ever made such a sovereign claim and questionable whether Christmas Island was even formally put under temporary U.S. jurisdiction for purposes of guano mining. Express disavowals by USG officials of sovereign rights

to any of the guano islands confirm the absence of a nineteenth century claim.

In any event, the U.S. had knowledge of British occupation from 1888 to 1939 and made no objection. Whatever the earlier U.S. rights, this long period of adverse possession almost certainly resulted in the establishment of an unchallengeable British claim. It is to be doubted that U.S. occupation during the war of an ally's territory, with that ally's express consent, and with a subsequent abandonment, in any way altered the legal status quo.

Finally, it may be noted that Christmas Island is intended to become the principal center of population of the new State of Kiribati. Resettlement from overcrowded other islands is already underway. Any residual claim the U.S. may have had must be regarded as effectively precluded by the exercise of self-determination by the island's inhabitants.

### 3. Hull Island

Hull was discovered by the U.S. Exploring Expedition of 1840. A guano bond was subsequently filed for Hull in 1859 or 1860, but there is no record of any guano actually having been mined there. Great Britain declared Hull to be a protectorate in 1892 and made it a part of the Gilbert and Ellice Islands Colony in 1937; the U.S. did not protest these actions. In the interim, a number of commercial enterprises were instituted there under British auspices, but they met little success and were abandoned. Hull is not occupied, but was used by the U.S. from 1971 until 1979 in connection with U.S. activities on Canton and Enderbury Islands.

Analysis: The U.S. claim to Hull Island is without substance.

### 4. McKean Island

McKean Island, like Hull, was discovered by a U.S. Expedition of 1840 and a guano bond was also filed for it in 1859. Fairly extensive mining operations took place from 1859-71. There is no record of any subsequent British occupation, and Great Britain incorporated the island into the Gilbert and Ellice Islands Colony in 1937.

Analysis: Great Britain's claim to McKean is among its weakest. In the absence of effective occupation, Britain would have to claim that only the repeated assertion of dominion is necessary to establish sovereignty over an uninhabitable island.

This is a tenable legal position, but not an overwhelming one.

The U.S. claim is, however, probably even weaker. This is another instance of an abandoned guano island with no U.S. attempt for nearly 70 years to reserve a claim and, with numerous disavowals over that period of any intention to establish sovereignty to any of the guano islands.

As between these two weak claims, the formal incorporation by Great Britain in 1937, two years prior to the assertion of sovereignty by the United States and exercise of the right of self-determination by Kiribati tip the balance against the U.S. claim.

Mr. PERCY. I urge my colleagues advise and consent to the ratification of these treaties. They are important to our valued ally New Zealand, whose distinguished Ambassador called me to emphasize the desirability of prompt ratification.

## MARIHUANA CULTIVATION

Mr. HAYAKAWA. Mr. President, the cultivation of marihuana in the United States is big business—big and illegal. I wish to place in the RECORD

articles which have appeared over the past 2½ years in major magazines.

These articles demonstrate that not only is the growing of marihuana very profitable, it is also relatively easy to do without fear of apprehension. Some law enforcement officials feel they are able to locate and eradicate less than 10 percent of the domestic crop. The apprehension of growers is very costly and time consuming for local law enforcement agencies.

The cultivation of marihuana on public lands is to be the topic of a hearing I chaired this morning in the Senate Agriculture Committee. Congress must begin to face this pervasive illegal activity. If we are willing to commit the needed resources, control of the situation is possible.

I ask unanimous consent that the articles referred to be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Time, Aug. 9, 1982]

GRASS WAS NEVER GREENER

(By Anastasia Toufexis)

San Fernando Ed. 35, paced in the balmy California night air and totted up the rewards of being a successful farmer. They included two Porsches, a Datsun, three four-wheel-drive pickup trucks, a redwood home perched on a hilltop in Northern California, a three-bedroom house with an outdoor Jacuzzi near the beach in Los Angeles and a custom-built vacation hideaway in Hawaii. Then he opened up a plastic bag and pinched out a sample of the crop that has made his fortune of nearly \$1 million: marihuana.

San Fernando Ed, it seems, is no isolated case. Today illegally grown pot is the nation's fourth largest cash crop. Law-enforcement officials insist that it ranks just behind corn, soybeans and wheat in market value. Last year's marihuana harvest had an estimated street value of \$8.5 billion; in each of more than 30 states, law-defying entrepreneurs produced crops worth at least \$100 million at retail. California's harvest, worth an almost unbelievable but reasonably documented \$1.5 billion at retail, led the list. Hawaii was second; its \$750 million crop rivaled the sugar-cane and pineapple harvest in value. In Oklahoma, the \$350 million harvest ranked just behind wheat. In Kentucky and Tennessee, each with a \$200 million yield, dope growing has replaced moonshine as the favorite illicit enterprise. Harvesting of this year's crop begins in August and September, and experts predict a bumper yield. Says Bill Keester of the Oklahoma state police: "We've had a lot of rain, and we're blessed with good crops of everything. Unfortunately that means a lot of marihuana as well as wheat."

Pot patches have been spotted everywhere by overworked law-enforcement officials: between rows of corn on Iowa farms, in narrow strips along streambeds in the Ozarks, in cleared plots on timberland owned by giant companies, even on public lands. Says Ernie Anderson, the Forest Service's director of law enforcement: "We've had reports of marihuana cultivation on practically every one of the 154 national forests and grasslands."

The profit of growing pot has lured not only the leftover hippies of the 1960s but even well-educated professionals, including lawyers and stockbrokers, as well as many

laid-off workers or financially squeezed farmers. Few, though, are trying-to-make-ends-meet amateurs in the underground trade. Says a Kansas police official: "Most growers around here have a lot of pride, know-how and a college degree in agriculture." Not many demonstrate excessive guilt about their lawbreaking. Says an agent for the Drug Enforcement Administration: "People don't perceive growing marihuana as being really wrong, even though it's illegal."

The business bloomed in the late 1970s after the Nixon Administration pressured Mexico to spray its grass crop with paraquat, a potent weed killer. U.S. smokers, frightened of potential lung damage from tainted Mexican grass, turned to growing their own. That reliance on the domestic weed was further heightened when the DEA cracked down on the smuggling of Colombian marihuana into the U.S. Today, though many growers cultivate small quantities of pot strictly for their own or friends' use, 100,000 or so, according to NORML, the pot lobby group, are commercial growers. They supply about 20 percent of the grass consumed annually by the nation's 25.5 million smokers.

The preferred crop today is sinsemilla (a seedless marihuana produced through intensive cultivation of only the female plant) that has a very high concentration of tetrahydrocannabinol, or THC, marihuana's psychoactive ingredient. Sinsemilla produces a heady euphoria and sells for around \$2,000 per lb. This is roughly the yield from a single plant. The sinsemilla produced by U.S. growers is so prized that seeds have been smuggled into Mexico and Colombia to enrich crops there.

But for U.S. authorities this improved "American" has produced only headaches. Local police are often loath to arrest growers, especially when communities are dependent on pot income. Some even tip off planters to impending law-enforcement raids. In many states, the penalties meted out for growing grass often amount to little more than a wrist slap anyway. Even with stiffer sentencing, enforcement would remain difficult. Growers have become adept at hiding pot patches from airborne police. One farmer in Kentucky is growing plants on flatbeds that he can wheel into the barn at the first buzz of a light plane. Other growers protect their crops with armed guards, attack dogs, pit traps studded with sharpened sticks and trip with attached to crossbows. Farmers say the measures are taken to foil rustlers more than the police. Still, they present a menace to both. A deputy sheriff in Oklahoma was shot to death last fall by a guard who had mistaken him for a thief.

Officials admit that they are managing to seize only 5 to 10 percent of the domestic crop at best. The DEA contends that enforcement could become more efficient if the newly discovered marihuana fields were to be sprayed with paraquat. The state of Florida, in apparent agreement, has announced that it will spray some fields with the herb killer. The Florida plan has prompted critical editorials in local newspapers as well as a lawsuit from NORML. In addition, the Chevron Chemical Co., a distributor of paraquat, has fired off a warning letter to the U.S. Department of Justice and the DEA: "The product label bears the word poison and the skull-and-crossbones insignia, but terrifying people in order to modify behavior is not a registered use." Still, Florida officials remain committed to paraquat, in part out of support for the Reagan Administration's policy. Washington has urged Colombia to spray the herbicide on its mari-

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H.R. 6267

[From the San Jose Mercury News, Aug. 19, 1982]

**HON. W. HENSON MOORE**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. MOORE. Mr. Speaker, tonight I voted against the rule on the conference report on H.R. 6267 because it waived many points of order and rules of the House. One such rule waived was the right to object to nongermane provisions added by the other body in the conference. Such an objection would make in order debate and an opportunity to vote separately on those nongermane provisions. There were many such provisions adopted in the conference never considered by the House. I feel the House should have had the opportunity to debate and vote on those provisions.

Even though the rule was adopted over my objection, I was present on the floor at the time of the voice vote on the final passage of the conference report itself and noted "aye." I would have so voted had there been a recorded vote as I feel this legislation is necessary for the necessary evaluation and health of all of the financial institutions in our Nation.●

**REFUGEES ESCAPE VIOLENCE IN GUATEMALA****HON. MICHAEL D. BARNES**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. BARNES. Mr. Speaker, although there are around 20,000 Guatemalan refugees living in the Mexican Province of Chiapas, there has been minimal press coverage of this tragic situation. To my knowledge Correspondent Gordon Mott of the San Jose Mercury News is the first U.S. journalist to spend several weeks on the Mexican-Guatemalan border living with the refugees. I would like to include for the record a series of articles and editorials that resulted from Mr. Mott's experience and which constitute a first step in filling this informational void.

Needless to say I am very disturbed by Correspondent Mott's reports that Army activities in the countryside are resulting in the killing of innocent women and children, the burning of villages, and the forceful exodus of thousands of refugees. Immediately after the present Government came to power in Guatemala, there were some hopeful signals of an new commitment to human rights. Unfortunately, this commitment is now in doubt. I urge my colleagues to read these articles carefully.

**FLIGHT FROM GUATEMALA  
THOUSANDS POUR INTO MEXICO**

(By Gordon D. Mott)

IXCAN, MEXICO.—Thousands of Guatemalan peasants have fled into southern Mexico in recent weeks to escape what they say is a rampage of killing, looting and burning of villages by their own government's army.

Within the past six weeks alone, the devastation has forced more than 10,000 men, women and children to flee their small, isolated farming villages in this rugged border region, according to Mexican and Catholic Church officials and the refugees themselves. The peasants, most of whom are descendants of Mayan Indians, have settled in 16 makeshift camps established by the Mexican government and relief agencies along a 150-mile stretch of the Mexico-Guatemala border.

The exodus stems directly from stepped-up efforts in a nationwide campaign by the Guatemalan army to smash a 2-year-old leftist insurgency that has shown its greatest strength in the northern Guatemalan provinces. But Guatemalan officials insist that the guerrillas—not government troops—are responsible for the violence.

The victims tell a different tale. In more than 100 interviews conducted in late July and early August at five of the camps, relief officials and refugees who survived attacks or who fled blamed the soldiers of Gen. Jose Efraim Rios Montt, Guatemala's born-again Christian dictator.

The refugees told vivid stories of early-morning attacks by helicopter-borne soldiers firing machine guns, of the slaughter of women and children and of the systematic torching of entire villages. Mexican and church sources said that since late April, the army has burned at least 35 to 50 communities, most of fewer than 500 inhabitants.

"The soldiers surrounded our town at 5:30 a.m.," said Joel Tupue Velasquez, 22, who said that he, his wife and his six children had escaped from an army attack on the village of Santo Tomas in late April. "They burned all the houses and killed all the livestock. At least 40 people were tortured and then burned."

"We fled for three days with the army chasing us."

Reports of the attacks come at a crucial time. The Reagan administration, in testimony before Congress earlier this month, disclosed that the 5-year-old embargo on military aid to Guatemala might be lifted, "depending on what happened there."

President Carter cut off military aid in 1977 because of allegations of human-rights violations. A State Department source said the decision on whether to resume arms shipments would depend heavily upon whether the Rios Montt government could demonstrate progress in the safeguarding of human rights.

Guatemalan officials deny that the army is conducting a "scorched earth" campaign in the border provinces, either to deprive the leftists of their base of support or to interrupt supply lines for troops and materiel. But they say they believe that much of the aid for the insurgency flows into Guatemala from exile groups based in Mexico.

**The Cuban connection**

"Cubans have been involved in the Guatemalan insurgency for years," said presidential press secretary Rafael Escobar Arguello. "The guerrillas take sanctuary there and seek Fidel Castro's counsel. It is evident that the Cuban government collaborates with the guerrilla movement."

Escobar Arguello blamed the insurgents for the attacks and claimed that those who had fled into Mexico were rebel sympathizers fearful of government reprisal.

"The fact they are refugees in Mexico shows they are rebel supporters and their false accusations reveal the subversives' capacity to spread lies about the government," Escobar Arguello said. "There is an international campaign to discredit Guatemala."

Censored Guatemalan military releases have reported clashes between soldiers and guerrillas in the border zone, but nothing more. Escobar Arguello rejected the refugees' accounts of troops arriving in helicopters to burn the villages. Such accounts clearly would implicate government troops since the guerrillas have no helicopters.

**Guerrillas blamed**

"The guerrillas are burning all the towns because some people don't support them," Escobar Arguello said. "The army conducts the same anti-guerrilla campaign nationwide as along the border. There is no difference."

However, according to the refugees, there are significant differences between the border campaign and the drive to exterminate rebel forces elsewhere in Guatemala.

For example, soldiers never advised the border residents of an offer of amnesty extended to rebel supporters by the Rios Montt Government in June. Nor did they inform the peasant farmers about . . . reward government supporters with food or that sanctioned attacks on rebel sympathizers. Rios Montt promoted both policies before cracking down on the leftists by imposing martial law July 1.

Also, the crackdown started much earlier at the border, according to many of those who fled. They say the army began killing peasants and burning villages without warning in late April or early May.

**Flee by thousands**

Since then, at least 20,000 of the 50,000 inhabitants have fled their homeland, a 150-by-30-mile region that ranges from dense jungle to mountainous pine forest.

"Our main question is, what is the Guatemalan army trying to do?" said one senior Mexican Interior Ministry official. "We can only imagine that for some reason the Guatemalan army has decided to wipe out every potential base of support for guerrillas along the border."

Others who work more closely with the refugees on a day-to-day basis say the situation in Guatemala has intensified in recent weeks.

"Our only indication of the level of the repression is the number of people arriving," said Father Diego, the parish priest in Paso Hondo, a small Mexican village two miles from the border. "It's never been higher."

American officials said they hadn't heard of any special campaign focused in the border region.

"If they are burning villages," said one official familiar with Guatemala, "that is different from what we've heard in other parts of the country. We have no specific information to indicate that the army has focused a campaign in the border region."

"But something is obviously going on." Something, indeed.

**Tales of torture**

Interviews with peasants, Mexican officials and church sources produced detailed accounts of rapes, tortures, murders and unprovoked attacks by uniformed soldiers. The charred remnants of one of the villages, the town of Santa Teresa, is a short walk across an irrigation canal less than 50 feet from the Mexican border.

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Although the peasants find it hard to distinguish among uniformed soldiers, most blame the army for all of the violence. One common thread runs through virtually all of the stories: The troops arrived by helicopter. And only one refugee's story implicated guerrillas—in the murder of a store owner in La Trinidad, about 50 miles west of Ixcán. Other townspeople said the store owner had aided the army.

The peasants, who universally deny having given any support to the insurgents, express only confusion. They say they cannot understand why their own government has targeted them in its drive to wipe out the rebels.

"Why? Why are they forcing us into the mountains, killing us without a crime?" said Celestino Diaz, 63. "I ask, what crime have I committed?"

"Look at my shirt," he said, weeping and pulling at the tattered threads. "I have to talk with you in this because I don't have anything else. It's all back there in San Marcos. We fled so quickly 10 days ago when the army came, we couldn't take anything with us."

[From the Sunday Mercury News, Aug. 22, 1982]

#### GROUND THE HELICOPTERS

They come in helicopters, uniformed men with rifles and machine guns, to the isolated villages near Guatemala's northern border. They torture, rape and kill the Mayan peasants. They burn the houses and destroy the livestock.

The government of Gen. Jose Efraim Rios Montt blames leftist guerrillas for the violence, saying the rebels terrorize peasants who refuse support. But in more than 100 interviews in refugee camps in southern Mexico, Mercury News reporter Gordon D. Mott heard the same story over and over again: They came in helicopters.

Only one side in the conflict has that kind of equipment; the Guatemalan army uses U.S.-made helicopters bought before the Carter administration cut off military sales in 1977 in response to human rights violations. Now the Rios Montt regime wants to buy \$4 million in spare parts for the choppers, and State Department sources say the Reagan administration would like to make the sale.

Stephen W. Bosworth, deputy assistant secretary of state for inter-American affairs, told a House subcommittee this month that the administration wants congressional authorization for \$250,000 for fiscal 1983 to train Guatemalan military officers. That marked a departure from an earlier agreement between the Reagan administration and the House Foreign Affairs Committee that only economic aid would go to Guatemala in fiscal 1982 and 1983.

It's not difficult to understand the Reagan administration's nightmares of toppling dominoes in Central America. First Nicaragua falls to Marxist rebels, then El Salvador totters, now Guatemala begins to tremble. As in Somoza's Nicaragua and in El Salvador, a small minority owns most of Guatemala's arable land and employs death squads to murder anyone who might challenge the feudal system. The country is ripe for revolution. If Cuban-backed rebels prevail in Guatemala, the United States fears they will export communist revolution north to Mexico's oil provinces and south to Honduras.

When Rios Montt seized power in March, he vowed to end the government's role in hundreds of political murders. He also vowed to crush the left-wing insurgents. Political killings in Guatemala City and some parts of the countryside dropped dramati-

cally, but thousands of Indian peasants began fleeing across the border into Mexico, telling of helicopter-borne soldiers burning their villages and killing their families.

Apparently the scorched-earth policy is meant to "sanitize" the border, eliminating bases of support for the guerrillas, and to terrorize peasants sympathetic to the rebel cause. In recent years the guerrillas have attracted many Indians to their cause by offering land reform and promising to protect villages from the army.

The refugees in Mexico claim no political affiliations; they just want to be left alone. They say they fear the guerrillas as well as the army. But it's the army they blame for destroying their homes and their families. Only the army has helicopters.

No doubt the same sharp eyes that found "progress" in human rights in El Salvador in order to justify arms sales there are capable of spotting improvement in Guatemala. But the Reagan administration may back off from support of the Rios Montt government if the political cost is too high. Until now the massacre of poor, illiterate, unknown peasants has gone unreported; public outrage and congressional opposition could forestall U.S. military aid to the Rios Montt regime.

The real threat to Guatemala comes not from Cuba or Nicaragua but from the rigidity, brutality and corruption of Guatemala's rulers and the poverty and despair of Guatemala's peasants. The United States can do little to help, but it can refrain from supplying arms to a government that makes war on its own people.

Let's keep those helicopters from flying.

[From the San Jose Mercury News, Aug. 22, 1982]

#### UNITED STATES TRYING TO DOWNPLAY GUATEMALAN KILLINGS

(By Gordon D. Mott and Carl M. Cannon)

WASHINGTON.—Despite mounting evidence that Guatemala is waging a brutal military offensive against civilians along the Mexican border, the Reagan administration is trying to build support for a resumption of the arms sales that were suspended five years ago.

Reagan administration officials are cautiously downplaying reports of human rights abuses by the military government of Gen. Jose Efraim Rios Montt. The officials emphasize, instead, that in the five months since Montt took office there have been "dramatic" gains in the safeguarding of human rights. Among the gains, U.S. officials say, have been an end to death squads and tortures by the government.

"We are going to do what we can to help them," said Melvyn Levitsky, deputy assistant secretary of state for human rights and humanitarian affairs, who recently returned from Guatemala. "We know there is a plethora of military violence. But since March 23, there has been a significant change. There has been a 180-degree turnaround in the cities."

U.S. officials, refusing to cite the basis for their conclusions, acknowledge that they have traveled only where they were taken by Guatemalan officials—usually by army helicopters. But the State Department dismisses suggestions that the Guatemalan army is conducting a "scorched earth" campaign in a 150-by-30-mile area along the Mexican border to destroy a 2-year-old leftist insurgency.

"In some of those areas, the guerrillas have been operating for 10 to 12 years," Levitsky said. "They have a lot of support there. There is bound to be dissemination of false information from areas like that. And the army says it only has attacked villages that support guerrillas."

But many of the thousands of Guatemalan peasants who have fled into southern Mexico in recent weeks tell a different story. Disputing Levitsky's contention that they are rebel sympathizers, the peasants contend that they fled their homeland to escape Guatemalan soldiers conducting a rampage of killing, looting and burning.

At least 10,000 refugees, many of them descendants of Mayan Indians, have flooded into Mexico within the past six weeks, according to Mexican officials and Catholic church sources. Those officials estimate that at least 35 villages have been burned and hundreds of people killed.

"Everybody has heard the same thing—except, it seems, the State Department," said Jan Shinpoch, a staff aide on the House International Development Subcommittee. The unanimity of the reports coming out of Guatemala, Mexico and Honduras are reflected in a report prepared by Amnesty International, the worldwide clearinghouse for human rights violations.

"In no known case . . ." the report noted, "has a campesino who has succeeded in reaching . . . safety supported claims that opposition forces have been responsible for massive extra-judicial executions of non-combatant civilians."

The report includes accounts of groups of men who were tortured, mutilated and beheaded; of pregnant women and children burned to death; of children, some of them infants, who were killed by smashing their heads against rocks; and of women raped while pregnant or just after giving birth.

Between March 24, the day after Rios Montt took over, and late June, a total of 2,186 peasants were killed, according to Amnesty International. The report says that the numbers of those killed escalated in late June, confirming the comments of refugees, Mexicans and members of the Catholic Church who were interviewed by the Mercury News.

Levitsky's comments about the improvement in Guatemala's human rights record were tempered with caution. "We do have some honest skepticism even though the change is so dramatic. Nobody is going overboard."

But critics charge that that caution is designed to deflate any potential congressional opposition to resuming the military aid that was suspended in 1977 by the Carter Administration.

"The (Reagan) administration would like to do as much as they can get away with," said Bill Woodward, a staff aide for the House Foreign Relations Committee. "They are not so naive as they let on. They know the army is still killing a lot of people. So, they are not ready to risk any political capital by pushing a big military aid package."

"But privately, while they are saying the Guatemalan government has its faults, they are also saying this is the best government we are likely to get down there. The attitude is if we fail to provide support now, then we run the risk of a right-wing coup or a guerrilla victory."

The State Department has asked Congress to approve \$250,000 in aid for military training of Guatemalan soldiers. So far, the Democrat-controlled House Foreign Affairs Committee has refused because of the reports of massacres in Guatemala's northern provinces.

Money for the military training was included in the 1982 federal budget. It has not been spent because of an informal agreement between the State Department and the committee that military aid to Guatemala would not be resumed until the committee agrees.

The Reagan administration discussed resuming military aid to Guatemala last year. But it was not until after Rios Montt, a born again Christian, seized power on March 23 that the administration began pushing the ideal seriously.

In April, Deputy Assistant Secretary of State Stephen W. Bosworth told the Senate Foreign Relations Committee: "In Guatemala, the military coup last month may have ended the political paralysis which had gripped that country. . . . Since the coup, violence not directly connected to the insurgency has been brought virtually to an end."

At the time, Bosworth was testifying in support of President Reagan's proposed Caribbean Basin Initiative, which calls for as much as \$10 million in aid to Guatemala. On Aug. 5, Bosworth was back on Capitol Hill, this time urging a House subcommittee to approve the \$250,000 for military training.

"The government has reduced political violence, particularly in urban areas, where it command and control is strongest," Bosworth said. "Political violence in rural areas continues and may even be increasing, but its use as a political tactic appears to be a guerrilla strategy, not a government doctrine."

That contention is sharply disputed by dozens of Guatemalans interviewed by the Mercury News in late July and early August at five of the 16 refugee camps established for them in Mexico. Almost unanimously, the peasants joined by Mexican and church officials—blamed the soldiers of the Rios Montt government.

Accounts of army atrocities against peasants also have been provided in congressional testimony. Angela Berryman, a Quaker who lived in Guatemala for six years, told the House International Development Subcommittee that she had visited the border region in mid-July and interviewed 25 campesinos at length.

"Based on what I heard from the refugees . . . it is the Guatemalan army itself which is causing the people to flee Guatemala, through its campaign of violence and terror in the countryside," she testified. "For the people in the countryside, there has been no improvement since the March 23 coup, and the violence against them has probably increased."

Berryman also quoted one peasant refugee as having said:

"We are here . . . only because of the massacres by the army. It is the government. If we ask them why, they are going to tell us it's because we are the guerrillas, but we don't know who the guerrillas are. If we were guerrillas, then they'd be finding us with arms, or attacking them back. But, no, we're sleeping in our houses . . . and they come . . . take the people out and kill them."

The Reagan administration wants to avoid becoming involved with another El Salvador, where the election of a right-wing government in March, the unsolved murders of four American nuns and continual reports of army violence have created a public relations disaster for the Reagan administration.

Nonetheless, Bosworth's testimony clearly shows that the administration sees Guatemala as an important opportunity to extend its Central America policy and to stem the tide of guerrilla activity by providing assistance to those governments that share American goals for the region.

"To fail to do so would ignore the security situation of Guatemala and abrogate our responsibility to help improve the human rights situation in all sectors of Guatemalan society," Bosworth said. "Depending on de-

velopments in Guatemala, we would be prepared to consider authorizing some military sales and additional security assistance to help meet that country's security needs."

[From the San Jose Mercury News, Aug. 22, 1982]

**TERROR IN GUATEMALA**  
REFUGEES WHO FLED TO MEXICO TELL OF  
ARMY'S ATROCITIES  
(By Gordon D. Mott)

**IXCAN, MEXICO.**—Heberto Augusto Gomez of Mayaland heard the screams of the dying in Piedra Blancas, two miles away.

"God gave us time to get away," he said. "We saw the smoke and heard the screams. We had time to grab our children and get away."

"The townspeople who escaped told us the army had come in and told everyone to gather in the square that next day," the farmer continued calmly. "They even gave out sweets to the kids so they'd go get their fathers working the fields."

"When everyone had gathered, the army said it had come to the town because they knew the townspeople were against the government, but not to worry, they were only going to tie up their hands to interrogate them. They led the women into one hut, the children into another and then tied their legs, and the men into a third hut."

"Then, they burned all three huts, shooting everyone that tried to get out. That's how Piedra Blancas died."

The story isn't unique. More than 100 interviews with refugees, relief workers and government officials over the past three weeks have produced detailed accounts of a systematic campaign of terror in Guatemala since April. Virtually all of those interviewed blamed the soldiers of Guatemala's born-again Christian president, Jose Efraim Rios Montt.

Since Montt intensified efforts to stamp out a 2-year-old leftist uprising, various sources said, upwards of 50 villages in northern Guatemala have been destroyed.

One was Santa Teresa, until seven weeks ago a community of 75 houses that brushed the Mexican border 30 miles north of Ciudad Cuauhtemoc. Andres Gaspar, 54, picked through the rubble that had been the town. His wife sat beneath the metal awning of the only building left, a concrete-block structure that had housed a store.

According to Gaspar and other former residents of Santa Teresa, the soldiers swooped down on the border village in helicopters on June 21. Most of the residents escaped over a footbridge across a small irrigation canal into Mexico. They watched as their huts went up in smoke.

"This is first time I've been back," Gaspar said. "We've been very cautious. We don't want to die here. The soldiers stayed in the area for a long time."

He leaned over to pick up a charred piece of pottery lying amid the shattered rubble of the house. The wooden corner poles of the houses stood like black silhouettes above the caked mud floors, now seared by the heat. Goey balls of blackened corn served as reminders of the heat's intensity.

Gaspar kicked at the rubble. "All we want to do is salvage what we can, then get out of here back to Rancho Tejas," he said, referring to the refugee camp two miles away in Mexico.

As the peasant spoke, another Guatemalan strode into the clearing around the burned-out hut. He wore a cowboy hat and slapped the side of his machete as he spoke. His name, he said, was Antonio Bartoleme.

"We've walked for two days to get here from San Miguel Acatan," the newcomer

said. "We are very sad. The army is burning thousands of houses all along the way."

"What should we do, senior? Should we go into Mexico? Should we stay here? Will the army kill us?"

Gaspar, the Santa Teresa resident, interrupted.

"We aren't coming back here," he said. "It's going to be tough for the next year, because we've lost everything we've had. But we are not coming back."

Virtually all of those who have fled Guatemala blame government troops for the destruction of their villages and the threats and violence. But most can provide little more description than that their attackers wore green uniforms, carried rifles and arrived in or were supported by helicopters.

One who tells such a tale is Joel Tupue Velasquez, 22, who said that he, his wife and his six children had escaped from an army attack on the village of Santo Tomas in late April.

"The soldiers surrounded our town at 5:30 a.m.," he said. "They burned all the houses and killed all the livestock. At least 40 people were tortured and then burned."

How did they escape?  
"Pure miracle of God," he said, shaking his head. "We fled for three days with the army chasing us."

Diego Figueroa Garcia, a farmer from Xachul, ran out of luck in late May. He carries more than the memories of his brush with death. A limp, a mangled ear, a slight lisp and deep scars on his shoulder and neck are his constant companions.

"I was walking back from my milpa (corn field) when the soldiers shot me without warning," he said. "They cut me with a machete as I lay on the ground and then shot me again."

Shot in the back and left for dead Garcia stumbled and crawled toward safety for eight days with the help of his wife and son. He arrived near death at La Cila, a refugee center near Ixcán that houses 2,300 Guatemalans in thatched-roof huts. He was treated by Mexican doctors working in the refugee relief program.

Each peasant had his or her own tale. Only the details varied.

"They burned Yuxquen."  
"They killed 15 in Alahambach and then burned down the town."

"They burned five houses a day in Ixtahuacan Chico."

One of the most chilling of the stories was related Aug. 2 by Sister Lucia, the coordinator of the church's relief program for the Guatemalan refugees. She said she had spoken with one of the survivors of a massacre in the town of San Francisco.

"We don't ask names, so I can't give you that," she said. "But he told me a horrible story. He said the army had come into town and asked for two cows. They ate the cows and then called all the men in town together."

"The children were taken away into the fields—he thought they'd been killed—and then they forced the men into a little church. Then, the soldiers grabbed the women and raped them before killing them while the men watched through the church windows."

The nun's voice quavered as she spoke. "Finally, they threw bombs into the church and fired machine guns through the windows. He was not killed and managed to lie quietly under a pile of bodies until after dark."

She said the man crawled out from beneath the blood-drenched corpses slipped through a window and "ran all night long until he got to Mexico." His clothes, the nun said, were still red with dried blood.

"This macabre idea of eliminating any potential support for the guerrillas is just terrible," she said. "And we are worried because some fleeing from this area said they saw the army surrounding another small town."

"We've heard nothing from anybody in that town."●

#### OVERCROWDED COURTS

**HON. CARROLL HUBBARD, JR.**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. HUBBARD. Mr. Speaker, I have received a timely and thought-provoking letter from one of my constituents, attorney Henry O. Whitlow of Paducah, Ky., with regard to H.R. 6816, the Diversity Jurisdiction Act of 1982. Mr. Whitlow urges that Congress must not enact a quick-fix for overcrowding in our Nation's Federal courts. Indeed, he believes, as do I, that the diversity question should be determined on its merits and not the state of the Federal court dockets. I believe my colleagues will be interested in my constituent's comments and I would like to share his September 16 letter to me at this time.

The letter follows:

WHITLOW, ROBERTS,

HOUSTON & RUSSELL,

Paducah, Ky., September 16, 1982.

Hon. CARROLL HUBBARD,  
House of Representatives,  
Washington, D.C.

DEAR CARROLL: I understand that H.R. 6816 (formerly H.R. 6691) relating to diversity jurisdiction of Federal Courts is again warming up. I can agree that many Federal Courts are overcrowded and need additional Judges or less work or both. If you will sit in a Federal District or Appellate Court for some time, you will be amazed at the amount of time required to dispose of trivial matters.

I am no expert and have made no study, but it appears that much of this trivia is the result of decisions of the Courts and acts of Congress which have caused much of this matter to be in Federal Courts.

The diversity question should be determined on its merits and not the state of the Federal Court dockets. As long as we have a Republic, certain counties and other political areas will be so constituted that citizens of foreign states at times cannot get a fair trial. Diversity jurisdiction does not cure but substantially improves this situation.

Our firm was fortunate enough to remove from Trigg County a case where a non-resident truck operator had an accident which killed a Mr. Broadbent just outside of Cadiz. Do you think the same verdict would have been rendered in State Court at Cadiz as was rendered in Federal Court at Paducah?

Some enormous verdicts rendered by computer selected six-person Federal juries have reduced diversity removals by our firm to special cases like the one above. In most cases now, we feel we can get a better result with a foreign defendant in State Court than before a Federal jury.

The diversity law has stood the test of time and has been a wise and effective institution. I am persuaded that it never has been a problem by itself and is not now a problem. Please use your efforts to prevent it from being a casualty of a quick-fix of some other real or apparent problems.

You Congressmen, too, have far too much work to do and too many problems. Usually, I realize this and rarely add to your troubles by writing letters like this. Best wishes to you and the family.

Sincerely,

HENRY O. WHITLOW.●

#### PLIGHT OF THE TRUCKING INDUSTRY

**HON. ROBERT A. YOUNG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. YOUNG of Missouri. Mr. Speaker, as a Member of Congress representing a State and metropolitan area with substantial trucking and carrier interests, I am deeply concerned by the severity of job loss and the disruption that has taken place in the trucking industry. The local unions have reported to me that in the St. Louis area, the trucking industry has laid off 30 to 40 percent of its employees since 1980. Ten Missouri trucking companies serving the State of Missouri have been subject to substantial employee layoffs. Nationally, 182 motor carriers have gone under during this time period and an additional 51 carriers have applied for chapter 11 reorganization.

These losses are convincing evidence of rapid deterioration in the trucking industry. Losses have permeated the entire trucking industry and are rapidly spreading to other areas of our economy. In my view, we simply cannot ignore this problem and the men and women who have invested years of hard work and money in building an industry so critical to our economy. Our concern also extends to the fact that the quality and quantity of service on which so many businesses and industries depend is rapidly deteriorating.

Precipitated by these concerns, I have written all of the members of the Interstate Commerce Commission asking that Commission to consider inquiries into the plight of the trucking industry in this country. Specifically, I have asked the Commission to consider the causes and impact of severe rate cutting.

Mr. Reese H. Taylor, Chairman of the Interstate Commerce Commission has informed me that, based on this request, he will approach the other members of the Interstate Commerce Commission with the idea of instituting hearings and inquiries into certain aspects of the trucking problem.

I encourage my colleagues to join me in seeking Commission action in this matter.●

#### COLUMBUS DAY

**HON. PETER W. RODINO, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. RODINO. Mr. Speaker, I want to take this opportunity to remind my colleagues that on Monday, October 11, the Nation will celebrate a most important holiday—Christopher Columbus Day.

Columbus Day is often called a holiday in honor of Americans of Italian heritage, but it is much more than that. It is a day when all Americans can take pride that our country is a Nation of immigrants, and Columbus' lasting accomplishment is his inspiration to those who have come after him—those people of every race, color, and creed who have landed on our shores and contributed to American folklore.

The life of Christopher Columbus serves as an excellent example for us as we pay tribute to the spirit of adventure and the ethnic diversity of America. Christopher Columbus conquered fear and ignorance as he sailed the Atlantic to discover a new land. Yet, if it not were for the Spanish queen who supported his venture, the Portuguese mapmakers who guided him, and the various other Europeans who manned his ship, the great Italian explorer would never have made his famous discovery.

The citizens of New Jersey will celebrate Columbus Day with their 12th annual Columbus Day Parade on Sunday, October 10, in my home city of Newark. The parade, sponsored by the Italian Tribune News, has become one of the richest cultural traditions of our State. I will be proud to join my friend, Ace Alagna, publisher of the Italian Tribune News, and the catalyst behind the parade, in this year's event. New Jersey Gov. Thomas Kean and Newark Mayor Kenneth Gibson will be among the thousands of participants and observers at the parade.

Mr. Speaker, when I first introduced legislation in 1949 to make Columbus Day a national holiday, I believed very strongly that it would proclaim America's great strength—this is, its ethnic diversity. I am proud that the Italian Tribune News parade gives us the opportunity to reaffirm that each heritage is a priceless strand woven into the rich resplendent tapestry of American culture.●

#### A DEVASTATING ATTACK ON ENVIRONMENTALISM

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 1, 1982

● Mr. YOUNG of Alaska. Mr. Speaker, I have long indicated that the envi-

the long-term changes necessary to compete. At the same time, it tries to acknowledge the need for a changing financial industry in a fair and equitable fashion. The bill has not solved all of the problems. It does represent an important step in accepting the need for change and accommodating it in a responsible fashion.

Importantly, the bill contains strengthened instructions to the Depository Institutions Deregulation Committee to hasten the phase-out of regulation Q, the limit on interest paid on deposits. It calls upon the committee to adopt a more competitive deposit instrument with which banks and thrifts can compete for deposits with money market funds. These changes are important for the long-term health of both commercial banks and thrifts.

Removing the limits on interest paid on deposits is also important in another sense. The limits on interests paid to the depositor have been a barrier to incentives to save. At a time when our capital needs are so great, it makes no sense to retain a regulatory barrier limiting the return to savings.

The bill includes many provisions necessary to assist the many thrifts caught in a grim liquidity crunch. It calls for more flexible authority for bank regulators to respond to the needs of institutions hard hit by poor earnings caused by the current high interest rates. It provides capital assistance to shore up the net worth of banks and thrifts to help them engage in a long-term restructuring of their lending activities. Most importantly for long-term health, the bill contains expanded commercial lending authority for thrifts. This is a major accomplishment. It is the key to allowing these institutions to make the management decisions necessary to find their niche in the changing financial marketplace.

I am particularly pleased that the conference has agreed to allow the participation of State-insured institutions in the capital assistance plan created by the bill. There are over 560 State-insured institutions in the United States. They hold the deposits of approximately 6½ million people totaling more than \$22 billion. These institutions have their deposits insured by State insurance funds created by State legislatures. Such institutions exist in Massachusetts, Ohio, North Carolina, Maryland, Pennsylvania, and Rhode Island.

Failure to include these State-insured institutions would have represented a large hole in the safety net Congress is designing to assure the soundness of our banking system. By covering these institutions we avoid the risk of undermining public confidence in all types of deposit institutions if a panic were to result from the failure of an institution which could not participate in the program.

Some Federal regulators have objected to such participation by State-

insured institutions. I feel the regulators' concerns are adequately addressed by the method adopted in this bill. The State insurance funds will continue to stand behind any losses incurred by the Federal insurance funds from the participation of a State-insured bank or thrift. Each State-insured institution will participate at the same cost as all other federally insured institutions.

I would also like to take this opportunity to thank the chairman of the Senate Banking Committee, Senator GARN, and the ranking minority member, Senator RIEGLE, for the manner in which they have conducted the crafting of this bill on the Senate side. It has been a truly bipartisan effort, and I feel they have been most responsive to the interests and concerns of other Members. I would also like to acknowledge the equally thoughtful treatment these concerns have received from the Members of the House.

This bill is still only a first step. There are many provisions not included here that were contained in the larger financial deregulation bill introduced in the Senate, the Financial Institutions Restructuring Act of 1981, introduced by Senator GARN, of which I am a cosponsor. The willingness demonstrated by my colleagues and the financial community to cooperate in passing this legislation makes me hopeful that we can continue the process. It remains crucial that we make the changes necessary to guarantee that the American public enjoys first-rate banking services, and that the entire economy has a reliable and efficient supply of credit to finance the many critical needs which exist.

I call upon all of my colleagues to begin work on the next step now.●

STATEMENT OF SENATOR PERCY ON LATIN AMERICA

● Mr. HELMS. Mr. President, the distinguished chairman of the Senate Foreign Relations Committee (Mr. PERCY), delivered an address on September 30, 1982, before the Inter-American Press Association in Chicago regarding U.S. relations with Latin America.

As chairman of the Western Hemisphere Subcommittee, I believe that the comments of the senior Senator from Illinois and his perspectives on Latin America would be of great interest to my colleagues. The Senator points out that we must work to reestablish relations that were frayed during the Falkland/Malvinas conflict. It is essential that we join other nations in helping to maintain the networks of constructive relationships that are necessary for peace.

I particularly hope that my colleagues will take note of Senator Percy's stand against the stationing of Soviet nuclear weapons in Cuba, and in favor of resisting efforts by Cuba to extend its Marxist-Leninist political

system in the hemisphere by force. Although some of us may disagree on the details of how to implement this worthy objective, I applaud the distinguished Senator's stand.

Like Senator PERCY, I too, wish to reaffirm to the Latin people my commitment to seek to preserve the independence and freedoms of all the countries of Latin America and insist that others do likewise. The United States has an opportunity to play a constructive role in helping these countries shape a better future.

I commend Senator Percy's address to my colleagues' attention, and I ask that the text of his remarks be printed in the RECORD.

The statement follows:

ADDRESS BY SENATOR CHARLES H. PERCY

It is a pleasure and an honor to be with you tonight. I thank John McCutcheon of the Tribune for his cordial invitation to share with you some of my thoughts on relations in the Hemisphere and the role of Congress in U.S.-Latin American affairs.

It was 160 years ago that the United States Congress first became involved in a significant way in the affairs of Latin America. In 1822, Congress appropriated \$100,000 to finance U.S. diplomatic missions to the newly independent nations of Latin America. Those missions resulted in the United States being the first nation outside of Latin America to recognize the independence of many of our fellow American states. A year later, President Monroe declared his now-famous Doctrine, which was intended to protect the independence for which Latin American nations had fought so hard. I wish we could find as productive a use for \$100,000 in 1982.

During the past 160 years, U.S. relations with Latin America have gone through periods of excessive intervention and harmful neglect. Relatively speaking, however, I believe we have good neighbors and, compared with other parts of the world, we in this Hemisphere have had unique relationships.

Problems in the region are the result of differences over redistribution of once-concentrated political power and economic wealth, complicated by an aggressive Cuban foreign policy which seeks to use these new opportunities to spread its own repressive form of government. We in the Congress have sought to deal with both causes of this bloody strife and, thus, bring peace to the region.

With regard to the first cause, Congress has supported political and economic reforms—especially in El Salvador—and has dealt successfully with the foreign aid portion of the President's Caribbean Basin Initiative.

The first significant Congressional action concerning reform in El Salvador became Section 728 of the International Security and Development Cooperation Act of 1981, which made U.S. assistance to El Salvador contingent upon the Presidential certifications that El Salvador:

Is making a concerted and significant effort to comply with internationally recognized human rights;

Is achieving substantial control over all elements of its armed forces, so as to bring an end to the indiscriminate torture and murder of Salvadoran citizens by these forces;

Is making continued progress in implementing essential economic and political reform, including the land reform program;



Is committed to holding free elections at an early date, and

Is making good faith efforts to investigate and prosecute the murderers of six United States citizens in El Salvador.

I believe the United States has the right, and in this case the obligation, to set such conditions for foreign aid, just as a bank has the right to set conditions for loans. The President has made two such certifications thus far and several more are required. I also believe that these conditions have had a moderating impact in El Salvador. Progress is being made in many of these areas, and since this legislation passed Congress, elections have been held in El Salvador.

The second significant congressional action concerned the specific question of land reform in El Salvador. Earlier this year, the land reform program appeared to be endangered because of actions of the El Salvador Constituent Assembly. The Foreign Relations Committee decided to freeze aid to El Salvador at last year's level until it becomes clear that the land reform program is back on track. Since our Committee's action, and possibly because of that action, renewed progress has been made in the El Salvador land reform program. I believe that land reform is crucial if the people of El Salvador are to be convinced that the government provides them with a viable alternative to the Cuban supported guerrilla movement.

A third congressional action intended to deal with the economic problems of Central America was agreed to a few weeks ago when Congress voted to override the President's veto on the supplemental appropriations bill and thus voted to provide \$355 million in economic aid to the Caribbean Basin. Consideration of this measure on the Senate floor provided a difficult decision for me because in order to assure that these vital funds reach the region in time, I had to offer an amendment to the appropriations bill which had the effect of limiting the jurisdiction of my own authorizing committee. I decided that the President's effort in this region was too important to be blocked by concerns over committee jurisdiction and so my amendment was adopted, paving the way for these funds to be released to the Caribbean Basin. The situation in the Caribbean is also extremely important to William Hewitt, our new Ambassador to Jamaica, who recently chose to give up his position as Chairman and Chief Executive Officer of John Deere and Company so that he could help the President implement these policies.

The major portion of the President's Caribbean Basin Initiative relating to trade and investment incentives also has my full support. It remains frozen in the Finance Committee, however, and I believe a strong personal effort on the President's part will now be required to enact that legislation.

Congress has also acted to restrain Cuba's efforts to use economic and political problems in Central America to its own advantage. In August, I introduced a Committee amendment reaffirming the United States' determination to prevent the stationing of Soviet nuclear weapons in Cuba and to resist efforts by Cuba to extend its Marxist-Leninist political system in the Hemisphere by force. My amendment modernized and updated another introduced by Senator Symms which I believed went beyond a warning to Cuba and constituted an authorization for the use of military force against Cuba. The Senate adopted the Symms amendment, but after an extended debate, also accepted by a vote of 97-2 the provision of my amendment making clear that Congress was not authorizing the use of force against Cuba at this time. In addition, the

Committee has sent an additional warning to Castro by authorizing Radio Marti.

With this combination of economic assistance to the region and warnings to Castro in place, the United States must now encourage all legitimate parties in the Salvadoran conflict to begin good-faith negotiations for the purpose of bringing an end to the hostilities and achieving a peaceful and democratic solution to that conflict. I am particularly pleased at the Costa Rican initiative to open communications between the government of El Salvador and political forces aligned with the guerillas, negotiations which show some signs of progress.

#### RELATIONS AFTER THE FALKLAND/MALVINAS CONFLICT

The second fundamental problem that we face is to re-establish relations that were frayed during the Falkland/Malvinas conflict. I supported the U.S. decision to denounce the initial use of military force by Argentina on the islands and in fact I helped manage the Senate resolution which almost unanimously declared that the United States could not stand neutral on this issue. The Senate took this position because of the strong belief that international disputes should not be settled by force. But I do recognize that our policy did damage relations with many Latin American countries. These relations are now in need of repair, but I believe the damage is limited and repair is possible. Many Latin leaders still recall the heroic efforts of former Secretary of State Alexander Haig to prevent bloodshed. In addition, Argentina's military leadership itself has recently rejected those who led Argentina to war. It is my hope that Britain will now be more accommodating on the question and that both sides can agree to reopen meaningful negotiations to find a speedy resolution to this territorial dispute.

The United States must seek to strengthen its relations with not just the governments, but also with the people of Latin America. To do this, I believe we must develop an adequate program of economic assistance to the region, provide sufficient but not provocative levels of military assistance to individual countries, and maintain our strong position against human rights violations from whatever source.

The Congress has taken action in all three areas to encourage better Hemispheric relations. With regard to foreign aid, in 1980 the Senate Foreign Relations Committee authorized the entire amount of the most recent Inter-American Development Bank replenishment—\$2.8 billion in capital stock and \$700 million for the Fund for Special Operations. When the Congress unwisely cut some of those funds, I successfully worked to restore all the cuts in 1981. At the same time, we have approved bilateral economic assistance to Latin America of roughly \$400 million in fiscal 1982, not counting the CBI.

With regard to U.S. arms sales, the Reagan Administration is clearly prepared to provide Latin American countries with sufficient weapons to meet their legitimate needs. I believe, however, that some restraint must be exercised. The Declaration of Ayachucho and the Treaty of Tlatelolco are just two examples of Latin America's own desire not to become embroiled in a regional arms race. U.S. arms sales policy must be sensitive to this desire. Therefore, the Foreign Relations Committee carefully reviewed and some Senators were critical of the F-16 sale to Venezuela. I believe the proposed sale of F-16/79 aircraft to Peru—as reported in the press—will also be carefully reviewed.

Another aspect of U.S.-Latin American relations that will be particularly important

in the coming years in human rights policy. United States concern over human rights is a fundamental aspect of our foreign policy and is clearly defined in our legislation. If used too bluntly, we have seen this policy become counter-productive. If used carefully, it can promote the democratic process and save lives. Legislation in this area should attempt to provide incentives for appropriate behavior; and that is what Congress did last year when it agreed to lift the arms embargoes against Chile and Argentina if the President determines that the human rights situation in those countries has significantly improved.

#### THE ECONOMIC CRISIS

I turn now to the third issue that I listed at the outset, the growing economic crisis among Latin America's most financially powerful countries. In the past month Americans have read not only about Latin American political issues in the front section of the newspaper, but also about Latin American financial problems in the business section. The economic crisis in Mexico came as a shock to many. Americans had only recently begun growing accustomed to the idea that Mexico was an oil-rich country on whom we were becoming rapidly dependent for our oil imports. Now we are suddenly faced with a neighbor that has run out of money.

The troubles in Mexico have called attention to the large amount of external debt held by the United States from the entire Latin American region. In fact, the United States holds a bit more than one-third of the \$250 billion Latin Americans owe the rest of the world.

The major debtor countries are of course Mexico and Brazil, which each have debts of over \$80 billion, of which in both cases roughly \$20 billion is owed to the United States. Argentina owes another \$37 billion in debts, of which about \$10 billion is held by the United States. It is thus not surprising that our business community is concerned. While some journalists have focused primarily on the exposure of our major international commercial banks, it is noteworthy that in the case of Mexico more than 1,000 United States banks have lent money to Mexico. Thus, any indication that Mexico might have trouble meeting its obligations will send tremors not only down Wall Street, but down the Main streets of many small towns across this country.

We obviously have a strong interest in making sure that no calamity occurs, not only because of our immediate financial interests, but, more importantly, because of our long-term interest in seeing Latin America become a more prosperous, politically stable region. The United States has always been a major source of capital for Latin America. In the early Sixties, the Alliance for Progress resulted in a major increase in assistance to other larger Latin American countries. As their economies grew stronger, we decreased concessional assistance, but, at the same time, commercial bank lending increased sharply. Meanwhile, we have concentrated our official assistance on the poorer Latin American countries, particularly in Central America and the Caribbean.

I certainly believe the United States must continue to provide both commercial lending, and, where necessary, concessional assistance to Latin American countries. Our Government must facilitate commercial lending and provide concessional assistance. For this reason I have strongly supported such institutions as the International Monetary Fund, the World Bank and the Inter-American Development Bank. While there may be differences of opinion as to whether

the IMF always prescribes the right medicine for the patient, it is clear that without some tough internal economic measures such as those usually required by the IMF before agreeing to a standby, commercial lending will also dry up. And it is also true that institutions such as the World Bank and Inter-American Development Bank have played important roles in helping build the infrastructure and social institutions needed for sustained growth. During the past week, the Committee has held two hearings to probe the magnitude of these financial problems and to assess the ability of existing financial institutions to deal with these problems. I anticipate that there will be a series of consultations between the Administration and the Congress from now through the Spring as the Executive Branch formulates its position on how to increase the resources of the IMF and on the size of the Seventh Replenishment of the International Development Association (IDA VII).

There is, of course, another dimension to our economic relations, and that is investment. I realize foreign investment has been a controversial issue in Latin America. Latin American countries and United States companies suffered through some stormy times in the Fifties and Sixties, as both countries and companies tried to adjust to new conditions. Now, however, many countries in Latin America have learned that they can benefit substantially from foreign investment, and many American companies have adapted to new conditions and requirements of contemporary Latin America.

I believe that increased equity investment in Latin America, in which investors tie their future to the long-run future of their host countries, is one important alternative to the short-term commercial borrowing too many countries have relied on to finance long-term development objectives. For that reason I have urged that the Caribbean Basin Initiative sponsored by the President have a strong private sector focus. I strongly encouraged our Agency for International Development to respond positively to an initiative taken by the Chicago Board of Trade to work with AID in stimulating United States investment in the Caribbean region, and I am pleased that their project is being favorably received by AID.

#### CONCLUSION

All three of the themes that I have discussed this evening have a common principle, and that is the principle, recognized by the United States 160 years ago, of respect for the independence of all the Republics of the hemisphere. We seek to maintain the independence and freedoms of all the countries of Central America and insist that others do likewise. We must restore the confidence that existed between the United States and the independent nations of Latin America before the Falklands/Malvinas war. And we must assist with the economic and social development of Latin American countries so they may become full and independent partners in the world economic system.

In reviewing United States-Latin American relations, it is clear that our problems are many and complex. Yet solutions exist. I am relatively optimistic about relations in the Hemisphere because I believe steps are being taken to find these solutions.●

#### SALE OF FEDERAL LAND

● Mr. TSONGAS. Mr. President, yesterday the Conservation Law Foundation and two other environmental groups filed suit in Federal district

court against the Reagan administration's massive new land sale program. This initiative by the administration is an attempt to change radically the Government's policy toward our public lands.

The program's purpose is to sell up to 35 million acres of Federal land, most of it to private interests. Discounted transfers to State and local governments and other eligible bodies would virtually cease. Proceeds for the land sales would be used solely to reduce the national debt.

This land grab could result in private ownership of a resource which is every American's heritage; the public lands. It will benefit developers and large land-owning interests. It will not benefit the average American who can now use public lands for recreation, camping, fishing, nature observation, and aesthetic enjoyment. Local communities will no longer be able to buy much-needed open space at affordable prices. And the proceeds will no longer be used to buy more parkland. Our limited resources are simply too scarce to squander for short-term monetary gain.

The program would be especially detrimental to Massachusetts and New England. Twelve New England parcels have already been targeted for sale, including 756 acres in Hingham abutting Wompatuck State Park and Whitney Woods. This is the 13th largest tract currently targeted and its sale could have an enormous detrimental impact on what is now a large undeveloped area easily accessible to many urban dwellers.

Neither the environmental, the cultural, nor the social impacts of this program have been analyzed. I urge the Reagan administration to undertake these essential analyses before proceeding with this drastic policy change.●

#### PROMOTION OF A. ERNEST FITZGERALD

● Mr. HATCH. Mr. President, the Air Force announcement yesterday to promote celebrated whistleblower A. Ernest Fitzgerald to the highest Government service level, that of GS-18, is to be applauded by all of us who firmly believe that truth in Government should always prevail. Air Force Secretary Vernon Orr assured me in meetings this spring, he would personally review this case. This he has done, and more. Significantly, he has had the courage to go beyond what was required and arrived at the conclusion that Mr. Fitzgerald's input into cost savings and accounting should be given the credibility clearly deserved. Secretary Orr did not simply do what was required, he promoted a valued expert to his proven position.

The Reagan administration, particularly Air Force Secretary Vernon Orr, is to be commended for this unmistakable signal it has sent thundering through Air Force's entrenched bu-

reaucracy. This November will mark the 14th anniversary of Mr. Fitzgerald's battle with the military and civilian hierarchy, through four previous administrations, that have stubbornly and arrogantly refused to enforce or honor the findings of the Civil Service Commission and the courts to fully reinstate him to his post as Deputy for Management Systems, the chief cost-evaluation post.

In November of 1968, Mr. Fitzgerald properly testified before a congressional committee, identifying an estimated \$1 billion in unnecessary cost-overruns by the defense contractor of the C-5A military transport. His offense of "committing truth" set in motion a frenzied reaction by those Pentagon officials threatened or embarrassed by the disclosure. First in illegal and secret investigation by the Air Force into Mr. Fitzgerald's character that ironically produced a clean bill of health. When that failed, a scheme was hatched to eliminate his job through a bogus reorganization that would conveniently result in the loss of one position; A. Ernest Fitzgerald's. That firing was found by the Civil Service Commission, in a 1973 ruling, to be "punitive, improper, and for reasons personal to him." That ruling prevailed in spite of outrageous attempts by Air Force officials to influence the Commission's ruling.

These blatantly sordid events did not end with this civil service ruling. When Mr. Fitzgerald was reinstated it was in a considerably diminished capacity.

Mr. Fitzgerald fought back in a long series of civil suits which resulted in the court ordering the Air Force to fully reinstate him. Again, the military and civilian Air Force officials stubbornly chose to ignore a Federal judge.

Secretary Orr's personal intervention and thorough review has finally shocked open the Air Force's "blue curtain" revealing all the lead actors and bit players on record the past 14 years in covering up and perpetrating these improper and illegal activities.

Secretary Orr not only fully reinstated Mr. Fitzgerald, a few months ago, but has since found merit in promoting the most celebrated cost cutter to the highest level, clearly demonstrating the administrations' commitment to eliminating waste from Federal spending.

Mr. President, there is, however, one final matter that we should pursue to fully explain to the American public the saga of A. Ernest Fitzgerald. The court's orders, the Civil Service Commission's rulings, and Secretary Orr's reversal of previous Air Force conduct bring into focus serious questions regarding the Justice Department's judgment, during the same period, to competently or earnestly investigate allegations of conspiracy involving Government officials. Not until all of their actions are reviewed by a panel