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# House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, May 29, 1996, at 2 p.m.

# Senate

FRIDAY, MAY 24, 1996

The Senate met at 11:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for the gift of imagination that You have entrusted to us. With our imaginations You have enabled us to form, hold, and achieve images of what You can make possible. Coupled with the gifts of hope and expectation, You help us imagine Your best for us and for our Nation.

Now at the beginning of this new day, we form and hold a positive picture of this Chamber filled with Your presence. Knowing that we are accountable to You for every thought that we think and word that we speak, we contemplate how we should act and react under the guidance of Your spirit. We hold the image of how You want us to relate to each other as fellow Americans who believe in You and want Your vision for our Nation. We sense the civility and the greatness of character You want from us. Help us to express to others the same kindness, graciousness, and respect that we have received from You.

So renew our dedication to You. We are daughters and sons in Your eternal and inclusive family, and in loyalty to You we commit ourselves to work for Your glory and the good of our beloved Nation. I pray this in the name of Jesus. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able and acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

## SCHEDULE

Mr. LOTT. The Senate will be in for a period of morning business today until the hour of 1 p.m. with Senators permitted to speak for up to 5 minutes each. The Senate may also consider any legislative or executive items cleared for action. However, there will be no rollcall votes today.

As a reminder to all Senators, the next rollcall vote will occur on Tuesday, June 4, at 2:15 p.m. and be on the motion to invoke cloture on the motion to proceed to S. 1635, the Defend America Act. When the Senate completes its business today, it will stand in adjournment for the Memorial Day recess until Monday, June 3.

Mr. LOTT. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## BALANCED BUDGET AMENDMENT, WELFARE REFORM, AND THE MINIMUM WAGE

Mr. DOLE. Mr. President, since the American people put the Republicans in control of Congress, I think there has been a consensus—Democrats, Independents, Republicans—that we should balance the budget. We have succeeded now in making a balanced budget, which is supported by 80-some percent of the American people, a national priority. Perhaps no policy is more important than the personal economic future of Americans, the future of our children and the future of our Nation.

Last year, under Republican leadership, Congress did pass a budget that would be in balance by the year 2002. President Clinton vetoed that budget and denied America the brighter future that would have resulted in higher standards of living, more real economic growth, lower interest rates, reducing what Americans will pay for home mortgages, car loans, and student loans, and an increase in the savings rates, higher productivity, and relief from the crushing burden of debt.

But notwithstanding that, the President and his allies in and out of Congress who talk about a balanced budget say we ought to have a balanced budget. They may have a different way to arrive at one. So I think there is a fairly strong consensus at least that we should balance the budget. We just have not been able to come together on how we do that. We have tried private negotiations at the White House with myself and the Speaker and the majority leader in the House. They went on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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day after day, week after week, 55 hours of face-to-face meetings. We could not come together.

So my view is that since almost everyone agrees we should balance the budget at least by the year 2002, we should take the next logical step and do what it takes to make certain that we fulfill our commitment to pass a constitutional amendment to balance the budget.

Last year, we had a month-long debate. We talked about all the pros and cons of a balanced budget amendment to the Constitution. The final vote was 65–35. It was actually 66–34. Then I changed my vote to ''no'' so that I could use the parliamentary procedure to have a reconsideration of this vote, and I said sometime this year.

All we were doing, if you recall, was sending this to the States where three-fourths of the States would have to ratify the amendment before it became part of the Constitution. So we were, in effect, leaving it to up to the people or leaving it up to the legislative body closer to the people whether or not this particular balanced budget amendment to the Constitution should be ratified and be made a part of the Constitution.

I have made a number of statements both in the Chamber and in public that we would take up the balanced budget amendment again, and since my departure is imminent, I want to keep my word and keep my commitment, although I have no illusions about the outcome. So during the week of June 3, it is my intention to fulfill the commitment I made to hold another vote on the balanced budget amendment.

As I said, I am not under any illusions, but I think there is a great deal at stake. I think we have an obligation to future generations of Americans to make the effort. Only one man stands between the balanced budget amendment and the American people, and that is President Clinton. I hope President Clinton will change his position on the balanced budget amendment. I believe the upcoming vote will give President Clinton the opportunity to demonstrate the kind of leadership the American people want, but I am certain it will succeed only if the President lends his support, his unqualified support to the effort. Only the President can help encourage Democrats who voted for it in the past and then voted against it last year to give us the necessary 67 votes to send this to the States for ratification.

Again, let me make it clear. We are not making the final judgment when we send an amendment to the States for ratification. It takes three-fourths of the States. It would not be easy, but my view is we can send it back to the people, back to the people's representatives, closer to the people, and this also, of course, will give my colleagues who have supported the amendment in the past but voted against it last year another opportunity to come home again, an opportunity to do the most important thing we can be asked to do, and that is to make a positive difference.

So I hope that President Clinton could repair the damage. I know he urged and probably persuaded at least six of our colleagues to vote ''no.'' It is not very often we get a second chance to do the right thing, but we are going to offer that chance to the President and to others. I assume the vote will be the same, or maybe even one or two less, but this is a bipartisan effort.

I want to underscore that. One of the leaders in this effort has been Senator PAUL SIMON from the State of Illinois, who is retiring from the Senate at the end of this year. He has been working day after day, month after month, year after year for a balanced budget amendment to the Constitution. He did not dream it up last year or the year before. As long as I have known PAUL SIMON, he has been supporting a balanced budget amendment, and so has the Senator from Idaho, Mr. CRAIG, and they have worked closely together.

At one time, we thought we had as many as 72 votes, but when the vote was taken, it was only 66. So my view is it is bipartisan. It comes down to one simple question: Do we trust the American people? Do we trust the State legislatures? I think if we do, then we will send this amendment to the States and let them take a look at it. The Founding Fathers did not give Congress the power. They reserved that power to the States and the people. For most of us who say we are for a balanced budget, this is an opportunity to give our States, whether it is Kansas or some other State, members of my legislature, an opportunity to say, well, it is good; it is bad; it should not be done.

So, I will let my colleagues know, and I will advise the Democratic leader on the precise time. But it will be sometime, probably, I would guess, along about June 4. But I will let my Democratic friend, the leader of the Democratic Senate, Senator DASCHLE, know a precise time. As I understand, there is no debate. So any debate will happen before. There will not be any agreement on any debate, but bring it up, vote, and then move on to something else.

Let me also say that I was prepared last night—because the President made a statement in Wisconsin to send him the welfare bill and he would sign it—and I may later today ask unanimous consent to bring up the welfare bill and pass it, send it to the House. This is apparently a bill the President wants. I do not assume there would be any objection on the other side. But, if the President is serious, we are serious. We will get serious in a hurry.

I will ask consent, we will send it to the House, and the House, of course, with the Rules Committee, they do not have to wait 4, 5, 6, 10, 12 days on an issue like this, they can do it in 3 or 4 hours.

So, if the President is serious about this, if he will just notify my colleagues on the other side of the aisle not to object, we may pass a welfare bill here very quickly.

I have also been asked, and I have not discussed it with the majority leader—the majority whip, Senator LOTT, about when we would bring the minimum wage vote to the floor. I do not have a problem with bringing it to the floor at any time. In fact, we offered my colleagues on the other side an agreement which, had they accepted, we would bring it up as soon as we came back from the Memorial Day recess, but it was rejected.

It still seems to me that we ought to be able to bring it up; whenever they want to they bring up an amendment, we bring up what we want to bring up as an amendment. We do that frequently around here. We have two different views. I think there should be an increase in the minimum wage. I think we couple it with—we have talked about it some, about a teenage provision, where you want teenagers to work, the so-called training wage. We might increase those who are not covered, by a small amount, for businesses that are small businesses.

I have talked about this to Senator DASCHLE. I think there are a couple areas we may be able to agree on. There may be others who have other amendments we may not be able to agree to. But it seems to me, if we are serious about it, we ought to bring it up and do it very quickly. We have had enough debate on the action. We would be prepared to take care of that also on the week of June 3.

Mr. FORD. Will the distinguished majority leader yield for a question?

Mr. DOLE. I will be happy to yield.

Mr. FORD. When the majority leader says ''the minimum wage bill,'' does that mean the bill that was sent over to us from the House; that would be a stand-alone offer?

Mr. DOLE. We have the right to amend.

Mr. FORD. I understand you have the right to amend it, but it will stand alone, it would not be included in the package as in the debate we had here previously in the Senate?

Mr. DOLE. I would be happy to work out something along that line with the Senator from Kentucky.

Mr. FORD. Rather than have four or five votes and then have a vote on the whole package, including the coupling as the Senator said, that we could have the stand-alone votes—I think we are very close to making some kind of agreement.

Mr. DOLE. I would want to consult, obviously, with my colleagues. But my view is there will be a minimum wage increase. It will pass the Congress. It will have some amendments that maybe are not totally pleasing to everybody in the Senate on either side of the aisle. In fact, maybe even the minimum wage is not totally pleasing to everybody on either side of the aisle. But I think, given the strong bipartisan vote in the House, and I think there is support, bipartisan support, for

an increase on this side, the question is what do you add to it to get it passed?

Mr. FORD. The only question I was concerned about is that originally we had four or five individual votes and then that would have been included in a total package, with the coupling of maybe a poison pill or two there, that the President may not particularly like and said he would have to veto that with that pill. If we get the House bill and then that is a stand-alone, and we get the amendments and let the Senate work its will, I think we are getting very close to an agreement on minimum wage. I thank the majority leader.

Mr. DOLE. I will be happy to take it up with the leadership on my side and, hopefully, be able to go to the Democratic leader and the Senator from Kentucky with some proposal to be accepted.

I yield the floor.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Who seeks recognition?

The Senator from Louisiana.

## WELFARE REFORM

Mr. BREAUX. Mr. President, I think our Democratic leader is on his way. I will certainly yield to him at the time he comes for any remarks he would like to make. But I would like to just take some time in his absence to comment on one of the comments made by the majority leader, Senator DOLE, regarding welfare and welfare reform.

I think there is a growing consensus on behalf of both sides of the aisle that a welfare reform bill is achievable. It is achievable in this Congress this year. I think we are getting very, very close. The President of the United States has said some favorable things about the welfare plan that has been proposed by the Republican Governor of Wisconsin, Senator Thompson. I think the President made it very clear on the previous bill, the so-called Dole-Gingrich welfare reform bill that the President vetoed, that he vetoed it for a very specific reason. He vetoed it because it did not provide for adequate health care for children and he vetoed it because it did not provide for additional child care funding for children of welfare parents.

The President's stated position on welfare reform is that it should be tough on work but also should be good for children. I think that is the right approach. I do not think there is anyone in America who wants to be tough on welfare who wants to be tough and unfair to innocent children who did not ask to be born into this world.

Yes; be tough on the parents. Yes; put time limits on welfare. Yes; cut able-bodied parents off of welfare if they refuse to work. But let us make sure that this Nation, as great as it is, takes care of innocent children who did not ask to be born.

So I think the President made it very clear he would support his understanding of what was in the Wisconsin plan if it, in fact, took care of children by providing Medicaid or health care for those children and also additional child care funding. That is why he vetoed the previous welfare bill that had been sent to him, because it simply did not provide for those two major ingredients.

If the Wisconsin plan meets those standards, I think it is one that can be signed. I think the comments of the President yesterday while he was in Wisconsin really said exactly that, that he would support a welfare reform even if it's a Republican plan, or a Democratic plan; it doesn't make any difference who has authored it. But he also said, ''So, what I say, if this is Senator DOLE's plan''—meaning a plan that provided for health care for children and for child care funding for children, that, if that is in the plan, ''I think what he ought to do is pass his plan through this Congress before he leaves the Senate and I will sign it.'' That was a statement that I agree with, that, if a plan is presented that provides medical care for innocent children and if it is a plan that provides for child care funding so the parents can go to work, then it is a plan that, indeed, the President would want to sign.

So I think we are close. I commend the latest plan that I saw coming from our Republican colleagues for the closeness that it allows the two bodies to get together on an agreement. What I point out is that my review of what they are trying to do with their plan is, I think, very positive, in the sense that it does some things in the direction of providing more for child care, a very positive thing; it has tough new work rules in the Republican proposal, and that is good; it has a larger contingency fund for States in an economic downturn, and that is good. So there are a number of really good things in the new Republican plan that moves it closer to what we as Democrats have been trying to get accomplished.

But there are, I think, some deficiencies. I think these deficiencies are not such that they cannot be corrected, but the deficiencies, I think, are significant. For instance, they provide no vouchers for children after the parents have been cut off of welfare assistance.

What do you do, I would say to our colleagues, when you tell a parent you are not going to get any more assistance after 2 or 3 years—what are you going to say to a 2-year-old child, a baby, an infant, or a child that has no way to support itself and gets sick? Are we not going to have any help for innocent children? I think that is wrong.

Be as tough as we possibly can on parents and make them go to work and say, ''If you don't go to work, you are going to lose your benefits,'' and say, ''There is a certain time limit that you have to get to work if you are capable of doing it.'' But, unfortunately, there are going to be some who do not meet those standards and unfortunately they are going to be some children who are going to be innocent victims unless we find a way to take care of them. I suggest if we do not take care of them in the short term we are going to be spending a great deal more money in the long-term taking care of medical problems.

So I suggest that we ought to bring up the welfare bill as soon as we can. Do not tie it down with other things that are still in dispute, like Medicare or Medicaid or other controversial issues. Let us face it. If we can get an agreement on welfare, let us do it and let us quit arguing about who will get the credit. There is enough credit for everybody. Everybody will win if we come to an agreement that makes sense. But everybody loses if we continue to fight it from a political standpoint and not address it from a humanitarian standpoint. Let us be tough on reform, but help children.

I am encouraged we are getting closer on welfare reform. I will again say the new proposal from the Republican side is a very positive step. This allows us to sit and negotiate over just a couple of items and be able to say, ''Yes, we can produce a bipartisan welfare plan which will be good for the country.''

I hope we can do it very quickly. I think it can be a product this President will sign very quickly. So what if you have a signing ceremony and Senator BOB DOLE comes down and President Bill Clinton comes down and signs the same piece of legislation. Is that not good for this country? Is that not why we are supposed to be here? I think the answer is yes.

Mr. President, I yield the floor and suggest the absence of a quorum, since no one is apparently waiting to speak.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I see no colleagues on the floor today. We do not have record votes. I expect there are very few Senators here. I know we are in a period for morning business with a 5-minute limitation. I ask unanimous consent to be allowed to speak for 20 minutes in morning business.

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

Mr. DORGAN. If the minority leader or others come and need to take some time, I will be happy to accommodate them.

UNITED STATES TRADE RELATIONSHIP WITH JAPAN

Mr. DORGAN. Mr. President, I wanted to come to the floor of the Senate today and talk a bit about trade. The Senate last evening passed a budget, and there was a lot of discussion about deficits. Actually, we had three budgets considered by the Senate, none of which balances the budget in the year 2002, despite the fact it was alleged that all of them did. That is because the only way any of them—whether it was the President's, the centrist's, or the GOP budget—portrayed a balance in 2002 was by using the Social Security trust funds.

We do have a fiscal policy deficit, and there is reason to talk about that. But that deficit has been coming down and coming down rather substantially for a number of reasons. There is another deficit in the twin deficits we face in this country that no one talks about. Virtually no one talks about the trade deficit. I do not quite understand why no one talks much about this, but it is every bit as serious a problem for this country as the fiscal policy deficit. It relates to jobs and opportunity that are lost in this country. It relates to jobs moving from our country to other countries.

So I want to spend a little time talking about the trade deficit. Previously I did talk about it more generally. Today I want to talk about one portion of it. That is the portion of the trade deficit that relates to our trade with Japan. In future presentations I will talk about trade with China, Mexico and Canada and other aspects of the trade deficit as well. I want to talk today about the trade deficits we have had generally in our country and specifically about the largest deficit that we have, which is with the country of Japan.

This chart shows the merchandise trade deficit in our country, and it shows in 1995 it set a record of $175 billion. All of this is red ink. This is what the chart shows, massive quantities of trade deficits year after year. They are not accidental. They are the result of a trade strategy that is not working and a trade strategy that bleeds economic opportunity away from our country.

As I begin, I want to say the Clinton administration has been better than the previous two administrations in dealing with this issue, but it does not solve the problem. They are more aggressive with China and they have been more aggressive with Japan, but the fact is our trade strategy has not been working, under Republican or under Democratic administrations.

Here is what our trade deficit looks like. Our merchandise trade deficit hit $175 billion last year. The fact is, we need to take a look at our trade relationships. We need to develop long-term trade policies that make sense for our entire economy—business, labor, agriculture and industry. We need to bring new and, in my judgment, innovative approaches to this problem to try to figure out how do we eliminate these trade deficits.

The fact is, our Nation's trade deficit cannot be solved by a one-size-fits-all solution in the global economy. If we are going to solve this problem, we have to understand what causes these trade deficits. We need to understand the bilateral relationships we have with the other countries that make up these deficits.

I want to talk specifically about the largest trade deficit we have in the context of these trade deficits. It is our trade relationship with Japan.

Japan is our second-largest trading partner, but we have the single largest merchandise trade deficit with them. This issue is not just about theory. It is about baseball bats. It is about apples. It is about rock-and-roll music. It is about automobiles. It is about VCR's. It is about computer chips and about fair trade between us and Japan.

As the world's two economic powerhouses, the United States and Japan trade with each other. We have a joint responsibility to bring about some kind of economic balance between us. Trade and growth ought to be two-way streets. They are mutual, and they are reciprocal. Our trade relationship with Japan has not been mutually advantageous.

No Nation can benefit from a trade strategy in which you have recurring consecutive deficits year after year. Our trade balance looks like this: 37 percent of the merchandise trade deficit in our country comes from our relationship with Japan, nearly a $60 billion trade deficit.

The bottom line is that we must change that circumstance. Our country cannot continue to have a trade relationship with Japan that has these kinds of deficits. The only other country that approaches that is our deficit with China. We have a fairly large deficit with Canada and Mexico combined: over $30 billion. This cannot continue.

The next chart shows the yearly trade deficits with the country of Japan. If you take a look at this sea of red ink in our trade relationship with Japan, you can only conclude that our trade relationship with Japan has not been mutually beneficial. 1995 was the 31st consecutive year of trade deficits that we have had with the country of Japan. In fact, the last time we had a trade surplus with Japan was 1964.

This chart shows that last year was the third highest trade deficit we had with the country of Japan. This will not go away by wishful thinking. Oh, some months there is a story in the paper that says it has improved; some months there is a story saying it gets a little worse.

This chart shows exactly what our trade relationship with Japan is. It is a one-way relationship that substantially benefits them and hurts us by draining jobs and opportunity and economic growth in our country.

Our country cannot continue to have this kind of a structural trade deficit with Japan year after year after year. In the past 5 years alone, we have racked up a quarter of a trillion dollar trade deficit with one country.

You can make a case on the fiscal policy of the budget that is money we owe to ourselves. Really, that is only partially true. But, you cannot make that kind of case on the trade deficit. Any trade deficits we have in the aggregate are going to be paid for by a lower standard of living in America.

The next chart shows the trade flow between us and the country of Japan. This past year our imports from Japan include automobiles, vehicles, machinery, electrical equipment, VCR's, television sets, manufactured articles. $123 billion has been sent to America from Japan in the past year. That is right: $123 billion.

What are we sending back? We are sending grains, cereals, meats, food, wood, mineral fuels, coal, some oil, and some aircraft. There was $64 billion of goods shipped from America to Japan. So we purchase $123 billion from Japan, and they purchase $64 billion from us.

The important part of this relationship is that most of what we are purchasing from Japan represents manufactured goods, high-technology goods, the kinds of things that relate to jobs. Much of what they consume from us is not the product of manufacturing.

We appreciate very much the fact that they buy our grains, and I want them to buy a lot more. They have an obligation to buy a lot more. I appreciate that they buy our steak, our beef, our pork. They ought to buy more T-bone steaks and send it to Tokyo. The fact is, there is more demand for beef in Japan than can be served by the quantity of beef they now allow in.

But the fact is, we need some more balance in both the overall trade flow and also the kinds of goods that are moving between our countries. We need to also be sending to Japan the product of our manufacturing goods.

The next chart shows the market share that the United States has of selected industries in Japan. It is pretty interesting. It shows our market share in the world as a United States producer and then our market share in Japan. None of this is accidental.

Paper and paper board: We have a 14 percent world share; we have 2 percent of the Japanese market.

Aerospace: We are better than most, we have a 69 percent world share; 44 percent in the Japanese market.

Automobiles and vehicles: We have a 16 percent share of the world market; a 1 percent share of the Japanese market. Is that an accident? While we are driving Hondas and Nissans and Toyotas, is it an accident that we only have 1 percent of the Japanese market? No. I am going to talk about why that is the case. It is a deliberate restriction on American products going into Japan.

Machine tools: 6 percent of the world market; 1 percent of the Japanese market.

Pharmaceuticals: 27 percent of the world market; 7 percent of the Japanese market.

Office machines: 29 percent of the world market; 10 percent of the Japanese market.

The point from this chart is that the Japanese systematically keep from their marketplace the kinds of things that we are shipping around the rest of the world because they want to restrict what they buy from us. Yet, they want to continue to expand the amount they sell to us. What does it mean? It means that we have a very large trade deficit with the country of Japan.

The next chart reviews a little about the trade agreements that we have had. Some say, well, we have all these trade agreements. We have GATT, we have bilateral agreements, we have all kinds of agreements that are going to be opening up segments of the Japanese market.

During the past 3 years the Clinton administration has been very aggressive. They have negotiated 21 separate agreements with Japan. Included in these are two of the general framework agreements, and a variety of industry-based agreements with Japan. They contain everything from intellectual property to medical technology, from autos to auto parts and air cargo.

The purpose of these agreements is to try to make consistent and measurable gains in getting American products into the Japanese marketplace. I think President Clinton has been aggressive on this. I appreciate that. Former Ambassador Mickey Kantor has been the most aggressive of all of our trade ambassadors.

But at the same time, we ought to understand that this progress is painfully slow and terribly inadequate. We are not solving the problem. This was especially evident to me, at least, in a statement made by Japan's Vice Minister of International Trade and Industry about a month before President Clinton recently went to Japan. Yoshihiro Sakamoto told the Foreign Correspondents Club in Tokyo:

> It is no longer relevant to negotiate and have an agreement on issues related to global industries in a limited bilateral context between Japan and the United States. The era of bilateralism is over. Any such friction from now on will have to be solved in accordance with the World Trade Organization . . .

In other words, he is saying about this big surplus they have with us, or our big trade deficit with Japan, that the days are over when we are going to negotiate with them to get more of our cars into Japan or more of our electronics equipment into Japan. Now he says we are going to be dealing with the WTO under GATT.

The fact is, the World Trade Organization simply does not even address or relate to the kinds of barriers that we face in getting American products into Japan. I can understand why Japan really wants to deal through the World Trade Organization rather than bilateral negotiations. They have decided that it is the best route for them because we have painted ourselves in a corner with this thing called the General Agreement on Tariffs and Trade.

The WTO, the World Trade Organization, primarily deals with tariffs and quota barriers. The problem is that Japan has a whole range of non-tariff barriers that keep American products out. I am going to describe a few of them. These barriers have nothing to do with the WTO and GATT. We cannot solve them through the WTO and GATT. But nonetheless, Japan keeps a wide range of products out. It restricts dramatically a wide range of American products going into Japan.

Perhaps a couple of Japanese agricultural tariffs will best illustrate the circumstances that I am talking about.

Beef. I do not know if many have been to Japan. The Presiding Officer has been to Japan. If you go to Japan to buy a T-bone steak in Tokyo. It costs you $28 to $30 a pound. Why? Because there is not enough beef in Japan.

We negotiated with Japan to get more American beef into Japan. You would have thought when it was over you that we had won the Olympics. You had people doing cartwheels and praising Hosanna and doing feasts and fiestas. What a wonderful thing it was that we would get more American beef into Japan.

We have such low expectations of the trade relationship with Japan. When you strip away what is actually in the agreement, you find that there is a 50-percent tariff on all the beef that goes into Japan. In other words we were successful in getting them down to a 50-percent tariff applied to American beef going into Japan. And, there is going to be a reduction, they say, of that 50-percent, down 2 percent a year.

But, if you have 120 percent growth in the volume coming in the reduction does not happen. So, you still have a 50-percent tariff on beef going into Japan. All the folks that did cartwheels about the major breakthrough should take a second look. This was on the front pages some years ago as a major breakthrough in beef going to go into Japan. Guess what? We still have a 50-percent tariff on American beef going into Japan. Despite that the cattle organizations think it is great we are sending more beef to Japan and so do I.

But, what low expectations we have if we believe it is fair for a trading partner like Japan to say to us, ''You want to ship us hamburger or T-bone steaks, guess what? You have a 50-percent tariff.'' That is exactly the kind of thing they have done to us over and over and over again. It is exactly why our trade deficit with them has grown.

I will not describe the situation with pork but it is almost exactly the same thing. The implication was that we have solved a problem and we get more pork into Japan. Yet the fact is they put up a nontariff barrier.

In my judgment it is a fundamentally outrageous trade policy to say to us, ''We want to ship you all our cars, we want to ship you our VCR's, ship you what we produce, but when you want to send American goods to Japan we want to narrow your market and restrict your opportunities.''

The next chart shows some of these foreign trade barriers. I have a copy of the booklet put out by the U.S. Trade Representative offices showing trade barriers. It shows the trade barriers we face when American producers and workers try to send their products to Japan. This book says:

> Whereas previous administrations had reached bilateral and multilateral agreements with Japan, long-term access to Japan's markets for foreign goods and services has remained elusive. While Japan has reduced its formal tariff rates to imports to very low levels, invisible non-tariff barriers such as nontransparency, discriminatory standards and exclusionary business practices maintain a business environment protective of domestic companies and restrictive of the free flow of competitive goods into the Japanese domestic market.

That says we are losing American jobs and sapping America's economic strength. Our jobs are going overseas. Why? Because Japan is sending their manufactured products here and we cannot get enough of our manufactured products into Japan.

The next chart shows the barriers to getting the products into Japan. There are many of them. The intricate trade and customs bureaucracy that stalls products when they get to Japan. Then there is overregulation and excessive inspection, restrictive standards, discriminatory pricing and procurement, state trading authorities, and something called the Keiretsu system. Most Members of the Senate understand that this Keiretsu structure in Japan would be illegal in the United States. It is a whole series of integrated business relationships and cross ownership that simply prevents us from getting into and competing in the Japanese market.

There are plenty of examples of that. Automobiles, for example: If you do not have dealers or existing dealers who are licensed to sell your cars, you cannot get sell your cars. The nontariff barriers of getting goods into Japan is legendary even for companies constantly trying to do that.

I mentioned apples. It took us 20 years of negotiation and study and review before Japan would accept apples from Washington State—20 years. When it comes to accepting the international phytosanitary standards on fruits and vegetables the best the USTR can say is, ''Progress has been slow.'' That radically understates the circumstance, when it takes 20 years to get an apple into Japan.

Go to Japan today to Tokyo, and see some kids play on a high school playground. See if you see an aluminum baseball bat. You hear the ping of aluminum baseball bats in America these days. It seems a lot of the kids want aluminum bats rather than wood, but do you hear that sound hitting a softball or baseball. You will not hear it in

Japan because in Japan if a Japanese high school wants to buy a baseball bat, the bat has to have the Japanese Industrial Standard seal of approval.

While there are no formal prohibitions on aluminum baseball bats, no one has been able to get the Japanese Industrial Standard seal of approval on an aluminum baseball bat. That means there are no aluminum baseball bats in Japanese high schools. It does not relate to tariffs or quotas. It relates to something called the Japanese Industrial Standard seal of approval.

Now with all the international intrigue in all of the high-level negotiations, we run up a massive trade deficit with Japan and we are told, ''Well, our marketplace cannot accept enough T-bone steaks or any aluminum bats, or it take 20 years to get an apple through to be eaten by a Japanese consumer.''

Japanese do not recognize the copyrights on sound recordings made outside of Japan prior to 1971. Now, the Presiding Officer, being from Montana, knows that the best music in our country came in the 1950's and 1960's. Because of the circumstances of the nonrecognition of copyrights on sound recordings in Japan, none of this good old rock and roll music is protected in the Japanese market. All of it is available to be used for nothing. That is another example of a circumstance of doing business in Japan.

Even earthquakes do not seem to shake their resolve to prevent outside interests from coming in with goods and services. The Kobe earthquake prompted some Swiss dogs to be sent to help find people buried in the rubble. Those Swiss dogs were held up at the airport in quarantine. Special emergency equipment was delayed in customs to respond to the Kobe earthquake and foreign teams of emergency doctors came to Japan to help and could not practice because they did not have Japanese licenses. That is the kind of bureaucracy that we face in trying to get foreign goods and services into the Japanese markets.

Next, finally, I will talk about some myths about the United States trade deficit with Japan. The first myth is this is something we do not have to talk about and that it is self-correcting. It will go away.

It is not going away. It is getting worse. It is a deliberate managed trade strategy by Japan to enhance their economy at our expense. It means fewer jobs in our country. It means economic opportunity lost. It means a lower standard of living in America.

The second myth is that the trade deficit can be solved through the World Trade Organization. Anybody that believes that needs to go find some bridges to buy this afternoon. It will not happen. The World Trade Organization is not going to solve this problem.

Another myth is that bilateral trade deficits do not matter. It is only the aggregate that matters. That would be true for some other country that would have equal trade surpluses to offset against such a deficit. That argument has no relationship to this. We have a constant recurring trade deficit that is hurting this country and the largest deficit is with the country of Japan. It is deliberate. It is not getting better. It is getting worse.

It does not matter what we trade with Japan, some say. Nonsense. Japan is one of our largest trading partners. As I have indicated, for over 30 years, every single year, we have had a trade deficit. More importantly, they are sending us finished products, the product of labor and manufacturing and good jobs, and all too often they are unwilling to buy from us the product of our manufacturing. They are interested in buying our coal and other things that are not a product of manufacturing and do not create as many jobs in our country.

Another myth is that the deficit can be solved by macroeconomic policies. The deficit is not going to be solved by macroeconomic policies. Our trade deficit with Japan is a structural problem, and the imbalance in our economies is a result of a continuing trade deficit, not a cause of it.

We have cut our Federal budget deficit substantially in recent years. Yet, we have still seen a massive surge in Japanese imports during these years.

Some say, well, it is the currency exchange rate that caused the deficit. That is simply not true. As the currency exchange rate moved in one direction or another, our trade deficit has frequently moved exactly the opposite direction that you would expect. This trade deficit is not going to be solved by macroeconomic policies.

Some say that the Japanese market cannot absorb more American goods. That, of course, is the biggest myth of all. This is another version of the myth that we cannot compete in the Japanese marketplace because we do not understand the Japanese market. The fact is that the American products produced here do well whenever they are available to Japanese customers. The problem is getting into the Japanese marketplace to make them available to the Japanese customers.

Now, it is true that, on a per capita basis, the Japanese import as much from the United States as the United States imports from Japan. But that is one of those statistics that conceals rather than reveals. If we turn this around, we would find that, on a per capita basis, Japan exports four times more to the United States than we export to Japan. That is a statistic that just confounds an issue rather than clarifies an issue.

The fact is, whenever the Japanese market has been opened up to an opportunity to trade more and import more from the United States, the United States has experienced a substantial growth in sales to Japan. Our problem is that opportunity has not existed very often with Japan, and that is the reason for our recurring trade deficit.

The final chart talks about solving our trade deficit with Japan. What do we have to do to resolve this? First of all, you stop ignoring it. Do not have 200 days of discussion on the floor of the Senate about the fiscal policy deficit and then completely ignore a trade policy deficit that is even higher than the fiscal policy deficit. Don't ignore one that will inevitably be repaid some day by a lower standard of living in this country. This is another part of the twin deficits that hurt our country, and we have to deal with it.

We have to continue and expand bilateral framework talks with Japan, and push them hard. We have to say to Japan: You have a responsibility to us. A trade relationship is a two-way relationship, and we will no longer countenance a relationship in which you do well at our expense. We will not continue, in the next 30 years, a continuing trade deficit with Japan.

Second, we must monitor market access and enforce agreements, and do it aggressively. None of this talk and fluff. Go at this aggressively and insist on market access, demand market access for American workers and for the products of American businesses in Japan.

We need to involve and aggressively represent U.S. business, agriculture, and labor interests in trade disputes. We have been wallflowers in our trade relationship with these folks. We sit around and twiddle our thumbs and act nervous and sweat all day wondering what we can do. It is very simple.

What we say to countries like Japan is: We enjoy your products, Americans deserve to have opportunity to purchase your products, but we demand, as a part of that, that you open your markets to us. If you are saying to us, ''We want to ship our cars, VCR's, and television sets to America to sell, but we will not allow American products into Japan in any significant quantity,'' then we say, ''Sell your cars in some other country. Sell your cars in Kenya. See how many cars you sell in the Kenyan market.''

If you want to sell in this market, you are welcome to. Then we hold up a mirror and say, ''Treat us as we treat you. If you want access to our market, you will have it on the condition that we get access to your market.'' Anything short of that, in my judgment, is unacceptable to this country.

We also have to work with our trading partners to open Japanese markets. Other countries suffer the same problems. We have to work with them to respond.

We need to require full reciprocity and full market access. That is the mirror approach, saying, if you want to be in our markets, we expect and demand to be in yours.

Finally we have to make solving the trade deficit a national priority. I intend to offer, next week, a piece of legislation that would establish a commission to move quickly to develop national recommendations on how we aggressively involve ourselves in resolving this trade deficit and bringing this

trade deficit down. We need balanced trade, not just with Japan but with China, Mexico, Canada, and other countries as well.

I am not saying, in any way, that Japan is not a valued trading partner of ours. I am saying that our trade relationship with Japan has not been mutually beneficial. It is not helping this country. It is hurting this country. We ought to decide, as a country, that we want to have a strong manufacturing base that helps create good jobs here in our country. We ought to decide we do not want to put a wall around us. We want to be willing and able to compete with anybody who wants to ship their goods into our country, provided they are produced with a living wage paid somewhere else, produced under circumstances that do not pollute the environment, do not exploit child labor, and so on. Even while we do that, we as a country ought to insist that other countries allow us the same access to their markets.

It is interesting, if you go back to the Second World War and chart the 50 years since the Second World War, you will find that 25 years after the Second World War we won everything economically. And, we did it with one hand tied behind our back. Our trade policy was a foreign policy, and nobody made any bones about it. It was designed to help other countries. But we could beat other countries without any problem. We were the biggest, the strongest, the most, the best. We could outcompete and outsell and beat any country in the world on almost any level economically.

As a result, during those 25 years, American wages continued to rise and workers benefited from our economic opportunities and the economic strength that we had. In the first 25 years, wages went up like that. Then in the next 25 years, in that second half of the 50 years, wages began to stagnate for most Americans. What happened? What happened was that those we used to treat with a trade policy that was really a foreign policy have become tough, shrewd economic customers and tough competitors—Japan, Germany, and others.

What has happened was we began to bleed strength out of this country with these kinds of trade deficits that we have seen. These were recurring, consistent, yearly trade deficits that sapped this country's economic strength.

Our trade policy should no longer be a foreign policy. They ought to be economic policies that say to other customers and other trade partners in other countries, who are tough competitors, that we will give you certain access to our marketplace because we want to have a free and open marketplace. It should say we want to give consumers access to a wide range of products from around the world. But all of you—Japan, China, Germany, and others—have a responsibility in return. This responsibility finally is going to be one that America insists upon. The responsibility is to allow the American worker and the American producer into your marketplace to compete on the same basis as you compete in our country. We expect it, and, more importantly, we demand it, and we are going to do things necessary to enforce it.

I come from a State that requires that we find foreign homes for a lot of what we raise. I understand that. There is our grain, beef, and a lot of agricultural produce which move overseas. I appreciate the fact that we have trade relationships with countries that are willing to purchase these commodities. But it is not gratuity that suggests to me that Japan and China ought to buy more agricultural products, not less, from us.

When we run up trade deficits, or when Japan and China run up a trade surplus with us and then go elsewhere to buy grain or shop elsewhere to buy airplanes, there is something fundamentally wrong with our trade relationships. I hope that we will decide that this kind of trade strategy that we have had under Republicans and Democrats for three or four decades is robbing our children of the kind of economic future they ought to have in our country. It has been shifting our Nation from a high-wage nation to a low-wage nation. It has been a major contributor to our fiscal policy deficits because it has zapped our economic strength and it has slowed our economic growth.

I hope all of us will decide to do something about this. As I said, I want to introduce some legislation next week to form an emergency commission to try to deal with recommendations on how this country confronts this trade deficit. I am going to make presentations similar to this on our trade deficit with China, which is $34 billion a year and growing, and on our trade deficit with Mexico and Canada, which combined is also nearly $34 billion a year and growing.

I hope, perhaps at the conclusion, all of us will have some more information and some more facts about a problem that I think is a serious problem for our country and one that literally begs for attention. It demands a solution if we as a country are going to remain an economic power in the world in the decades to come.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## THE BUDGET

Mr. PRESSLER. Mr. President, I rise to say a few words about the budget that this body enacted last evening. I voted with pride for the Domenici-Dole budget because it places our budget in balance by the year 2002.

This budget is the first real budget, with real numbers in it that will lead us to a balanced budget, that has been passed since I came to the Congress in 1974. We finally have passed a real budget with real numbers in it that will lead us to a balanced budget.

Also, this budget contains welfare reform, real welfare reform, that will lead us to workfare following the Wisconsin plan. We passed the same thing last year. It was vetoed twice by the President. But even he now says he has endorsed most parts of the Wisconsin plan. So even though our budget last year was not enacted, it has had some dramatic results. Even the liberal Democrats are now talking about a balanced budget for the first time. They are at least pretending to be interested. The President gave his radio address on the need for welfare reform following the Wisconsin plan which, under Republican Gov. Tommy Thompson, has become a model to get people onto workfare.

So this is very, very important for our country. In fact, a balanced budget is the most important thing we can do because it will provide for low interest rates and a stable dollar, and that will help us export more. A balanced budget will help college students who have student loans because it keeps interest rates down and the payments can be less. It helps homeowners who have home mortgages in terms of their interest. It helps small business people because of lower interest rates and a stable dollar for exports. It helps agriculture. In fact, it may be the most important farm bill.

I supported the freedom-to-farm bill with pride, and I was a part of the leadership team that brought us the freedom to farm bill. But if we can export, commodity prices will take care of themselves. In fact, we have some of the highest commodity prices in history.

Mr. President, we have a serious problem with cattle prices at this time. I just finished a conversation about the need for the Clinton administration to enforce the antitrust actions and the price-fixing actions if American consumers are not getting the advantages of lower beef prices—and they are not. Some people say we need more investigations and studies. We do not need more investigations and studies. We need action by the Clinton administration and the Justice Department to enforce the antitrust laws and the price-fixing laws that we have in this country. That will help beef prices. That will help our cattle.

Mr. President, I grew up on a farm, and I used to raise cattle. We would go out to western South Dakota and buy 400-pound feeder calves and bring them back to eastern South Dakota, feed them for a year, and sell them. I kept records on my 4–H beef cattle, and I

know how tough it is to make a profit on feeder cattle. I know that a lot of our cattlemen today are losing money and are losing their farms because of low cattle prices. There have been a number of steps taken. But they have all been on the edge.

The real issue is price. I feel strongly that the great packer concentration is causing price-fixing, and we need antitrust action by the Clinton administration. They have the authority. The law is on the books. We should do it now.

So, Mr. President, in conclusion, let me say that I voted with pride for the Dole budget that passed the Senate because it has welfare reform in it that will lead to workfare.

It will fundamentally change the welfare system in our country to workfare. It will save taxpayers' money. It will mean that actual welfare recipients will do even better. This is a good budget that will lead us to $1 billion in 2002. I hope the House of Representatives and the White House accept the budget this year.

I thank the Chair, and I yield back my time.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## WELFARE REFORM

Mr. DASCHLE. Mr. President, before we leave for the Memorial Day recess, I wanted to make a couple of comments if I could with regard to the current situation on welfare reform. I did not hear all of his remarks, but I know that the Senator from South Dakota just made a reference to welfare in the budget. A number of colleagues on both sides of the aisle have addressed the issue this morning—Senator BREAUX, and I believe, the majority leader did so as well. I think it is fairly clear that Democrats and Republicans want welfare reform. I do not know of anyone who supports the status quo.

There has been a lot of talk about reform principles over the last several months. The President reiterated the basic principles just last weekend. And on Tuesday, my colleague, the majority leader, announced his principles. The legislation to reform welfare has come a long way in the last 12 months. Senator BREAUX and Senator CHAFEE have worked over the course of the better part of a year now to achieve a bipartisan compromise on welfare reform, and frankly I applaud them for their effort and for the contribution they have made to this debate.

On the House side, Representatives TANNER and CASTLE have done much the same thing, and for them, too, there has been a good deal of attention for the work product they have produced. On Wednesday, Republican House and Senate Members introduced legislation very close to those bills. So in large measure, many of the extreme provisions of the legislation offered in 1995 are no longer evident in the welfare reform proposals that are currently being considered. If you look at the proposals, what is remarkable is the degree to which there is common ground. That common ground is really based on a number of principles that apparently are shared now by the vast majority of Republicans and Democrats.

First, able-bodied welfare recipients ought to work. I do not think there is much disagreement about that. Second, welfare receipts ought to be limited in time. Now, there is some disagreement with regard to the length of time perhaps, especially on my side of the aisle, but I do believe there is a broad, bipartisan consensus in the middle that there ought to be a time limitation. Adequate funds for child care need to be provided as well. You cannot ask a family to go take that new job, to leave the security of the welfare infrastructure and then to expect them to leave children in the living room unattended. We talk about making sure that families have the ability to be families, to take care of their children. If they are going to work, somebody has to take that responsibility while they are gone.

I also recognize, and I think most colleagues do, that there is a broad consensus about how we treat illegal noncitizens. They should not receive welfare, period. I do not think there is much disagreement with regard to welfare receipt for illegal noncitizens. Child support enforcement laws need to be strengthened. There are still too many deadbeat dads out there who ought to be sought out and ought to be made to live up to their responsibilities.

We need to provide more flexibility to States. The President has provided now, I am told, over 60 waivers in States across the country. No greater level of flexibility has ever been given by any administration to States to find ways to address the welfare issue from their perspective more effectively than has this administration.

Finally—and I think there is some disagreement on this—there is a growing consensus that children, infants, and toddlers especially, those most vulnerable, need to be protected; that welfare reform should not be about punishing kids. It ought to be about giving them as much empowerment, as much opportunity to be cared for, to be educated, to be fed, to be clothed, and housed in a way that will ensure that they are not on welfare someday. We need to break this generational linkage. The only way we are going to do that is to empower children and find ways to ensure that they are not punished as we continue to find a more viable approach to our welfare system.

The President said yesterday that he would like to enact welfare quickly. In fact, he said he would like to see it happen before the majority leader leaves the Senate.

Mr. President, I think there ought to be bipartisan agreement to that effect. Let us try to do that. I listened carefully to the speech by the majority leader in Wisconsin, and he said, ''When I say real welfare reform, I mean requiring every able-bodied welfare recipient to find work within 2 years.''

The Republican bill introduced yesterday goes beyond that particular requirement for work, and it is something we are going to have to be able to address. There are no exceptions, except for mothers with children under age 1. What about disabled people? Should they be required to find a job in 2 years? What about those caring for a disabled child? What about those who are caring for a disabled spouse? Do we require the same of them that we require for able-bodied people in normal circumstances?

That is something I am sure in a bipartisan way we can resolve to everyone's satisfaction, but clearly those are a series of questions that in our view have to be addressed in a way that will allow us to pass meaningful legislation sometime soon.

I do hope we can act on it soon, but we also need to read the legislation that has been introduced. It was not available yesterday. We do not know if it will be available today. There may be other areas in the bill where the provisions do not match the principles that appear to be the common ground that binds Republicans and Democrats. But clearly there is a desire, and I think that desire is becoming more pronounced, more articulate in a more specific way than at any time in recent memory.

I agree with much of the majority leader's speech in Wisconsin, not just the quote to which I just made reference. He did not speak as an extremist partisan leader. He spoke of, and I quote, ''The American ideals of freedom and human dignity, opportunity and personal responsibility.'' He is right.

The President has articulated in much the same way what this ought to be about. Now it is our responsibility to ensure that welfare reform does not aim at the mother but hit the child.

Much has been said about reform. Little has been said about protecting children. We all want to make sure that they are protected, that they do not pay for the mistakes or the circumstances of their parents. Somehow there ought to be a way to protect children as we attempt in a positive way to construct a welfare infrastructure that allows us to make fundamental change.

If our Republican colleagues are serious about welfare, then we ought to schedule it. We ought to schedule it quickly. We could agree today to take that legislation up before the Senate as

early as June 4 when we come back. Let us set aside this so-called Defend America Act. Let us bring welfare reform to the floor and let us begin to address it. We can compare our provisions. We can agree on principles. We can decide how we answer the questions that I have addressed, but let us move it.

Let's drop the partisan ploy to combine welfare and Medicaid. There is no consensus on Medicaid. There is a consensus on welfare. Not proceeding on June 4 means that perhaps there are some who are not serious about whether or not we ought to move in an expeditious way, that we may not be able to get this bipartisan consensus in a timeframe that will allow the majority leader to demonstrate his leadership as he has in the last couple of days.

So I hope that we could get some agreement to take up welfare reform at the earliest possible date. I would be prepared to work with the majority leader to find a way to ensure that Senators have an opportunity to voice their objectives and their goals as well as their opposition to specific ideas that may be debated. That is what a good welfare debate is all about.

But I can guarantee this. There would not be any long, unnecessary, extended debate. We could resolve this matter. We could send it on to the President. We could find the President and the majority leader in agreement, and move on to other issues that may separate us and continue to require the debate that I know they will. Medicaid and Medicare may be two examples. But we can do welfare. We can do it the week we get back. We can do it in a matter of a limited period of time. That is possible. I hope we could find a way, in a bipartisan agreement, to make that happen sooner rather than later.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Montana.

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. We are in morning business with Senators allowed to speak up to 5 minutes.

Mr. BAUCUS. I thank the Presiding Officer, my colleague from Montana.

## MFN STATUS FOR CHINA

Mr. BAUCUS. Mr. President, I rise to discuss the question of most-favored-nation tariff status for China.

Our goals in China policy over the next 10 years are more important than our goals for the next 2 months. But we must begin with the next 2 months and MFN status, because we can not do much at all unless we avoid disaster in the short term.

We Americans should begin by understanding what MFN status is, and what it is not. MFN is not a special favor and it does not mean ''best country.'' It traditionally meant that we would give a country the same tariff rates everyone else got. But today, MFN is closer to ''Least'' than ''Most'' favored nation.

Only seven countries—Afghanistan, Cuba, Cambodia, Laos, North Korea, Vietnam, and Yugoslavia lack MFN status. And the House, as well as the Senate Finance Committee, has already passed a bill to get Cambodia off that list.

By contrast, 31 countries get tariffs below MFN through the Caribbean Basin Initiative, the Andean Trade Preference Act, the NAFTA, and the United States-Israel Free-Trade Agreement. And when we renew the Generalized System of Preferences, the total will rise to 151 countries and territories with tariffs below MFN.

So giving China MFN status is nothing special. Now look at revoking MFN. It raises tariffs from Uruguay Round to Smoot-Hawley rates. That brings our average tariff on Chinese goods from 4.6 to 40 percent. To choose some of China's largest exports, Smoot-Hawley tariffs raise the duty on silk blouses tenfold, from 6.5 to 65 percent. On radio-tape players, from 1 to 35 percent. On toys and stuffed animals, zero to 70 percent.

This would make trade with China impossible. China would lose about $44 billion of exports, nearly a third of its total sales to the world. China's inevitable retaliation would cost us $14 billion in direct exports, plus much of our $17 billion in exports to Hong Kong.

The consequences would be staggering. China would suffer a humanitarian crisis, as millions of workers in coastal export factories lose their jobs overnight. That is why the dissident Wei Jingsheng hopes we will not revoke MFN status, and says that ''the direct victims of such measures are the already poverty-stricken Chinese people.''

They would not be the only victims. The damage to Hong Kong would be tremendous. The United States would lose hundreds of thousands of export jobs. Retailers and the millions of people they employ would suffer a massive disruption of toy and apparel imports just as they are buying stocks for the Christmas season.

And although MFN is a trade policy, the malign effect of revoking it would go far beyond trade and jobs. It is hard to see how we could continue working with China in areas of mutual interest. And the consequences in politics and security—from our ability to manage the nuclear aspirations of North Korea, to preventing weapons proliferation in the Middle East, to the U.N. Security Council and beyond—would be immense.

That brings us to the larger and more important question—what we hope to achieve in China policy generally. And again, start with the facts.

China is the world's most populous country. It has nuclear weapons and the world's largest army.

It is a major industrial contributor to global climate change and pollution of the oceans. And it is the world's fastest growing major economy. So in the coming decades, China will have significant effect, for good or for ill, on economic, environmental and political developments in Asia and around the world.

If China is hostile—or, short of outright hostility, refuses to recognize the standards of behavior most countries accept, and approaches the world with an angry nationalism—hopes for peace and prosperity recede.

And as the first half of this century showed, a weak, poor, and fragmented China is equally dangerous.

It becomes a source of revolution. It sends refugees across the world. And it attracts the greed and aggression of its neighbors, as it did Bolshevik Russia and Imperial Japan.

So we should do what we can to avoid either extreme. That is a difficult foreign policy problem which requires patient, continuous engagement. We should work with China wherever possible. And issues from environmental protection, to adoption of Chinese orphans, to security in Korea show that it is often possible.

We also have disputes with China, on intellectual property protection, treatment of dissidents, and weapons sales. And we must address these disputes in a calm but serious way. The U.S.TR's announcement of sanctions for violations of the 1995 Intellectual Property Agreement today is a good example.

But whether we are talking about mutual interests, or disputes, there is really only one way to succeed. That is by staying engaged and remembering our long-term goal of a world a bit more peaceful and more prosperous.

Barring a cataclysmic event that makes engagement impossible—an unprovoked attack on Taiwan, for example—revoking or conditioning MFN will not help achieve that goal. Rather the reverse, to put it mildly. And if such an event were to occur, a policy based on MFN would be far too weak.

In fact, there is no situation to which revoking MFN status would be the appropriate response. And thus, after 6 years, it is time to end the debate. It has become simply an artificial, annual crisis at a time when we have all too many real ones.

So this year, the administration should show strength and confidence in its basically sound policy.

We should not revoke MFN status. We should not try a split-the-baby half measure like revoking MFN for state-owned industry or bringing China back to Tokyo round tariffs. Nor should we use new conditions to postpone the decision a few months or a year. We should just leave MFN alone.

And next year, we should move on. It is time to bring China out of the Jackson-Vanik amendment, extend MFN permanently, and close this debate for good.

VOLUNTARY ENVIRONMENTAL SELF-AUDITING

Mr. LOTT. Mr. President, this week the Senate Judiciary Subcommittee on Administrative Oversight and the Courts held a hearing on voluntary environmental self-auditing. The hearing was held to explore the State experience with laws to encourage self-audits and why it is necessary to enact Federal legislation to complement these State laws.

I want to take this opportunity today to share with you the importance of what was said at this hearing.

First, an explanation of what voluntary environmental self-auditing is; why companies do it; and what the problems are.

In the past 10 years, the number of environmental statutes and regulations that impose compliance obligations, and the corresponding increase in civil and criminal penalties and sanctions for violations of those obligations, have dramatically increased. Furthermore, thanks in part to these laws, social mores that value environmentally responsible business practices also compel environmental awareness by businesses. In response to these developments, more and more companies use environmental self-audit programs as a tool to ensure compliance with this complex and litigious system.

Generally, an environmental audit is a means of reviewing a business in order to get a snapshot of its overall compliance with environmental laws and to troubleshoot for potential future problems. EPA defines an audit as a systematic, documented, periodic, and objective review by regulated entities of facility operations and practices related to meeting environmental requirements. Audits can include inspections of equipment to ensure that permit requirements are being met; assessment of future and present risks of regulated and unregulated materials used at the facility; and assessment of day-to-day operation of its environmental management structure and resources. Some companies have compliance management systems that can include day-to-day, even shift-to-shift voluntary activities to assure compliance.

No State or Federal law requires companies to undertake comprehensive environmental self-auditing. This is a voluntary, good business practice initiated by companies that are taking extra steps to be in full compliance with environmental law.

There are no guidelines or standard practices—audits vary considerably because they are done voluntarily and because they must accommodate the individual needs of companies or specific facilities to be most effective. They are typically much more extensive than an inspection by a State or Federal regulator because they are done more often and because companies simply know much more about their operations and permit obligations than the regulator can.

So, a company conducting its own audit can identify and correct a much wider range of potential violations.

Sounds like a great idea, doesn't it?

Unfortunately, many companies do not do voluntary self-audits because the information contained in the audit document can be obtained by regulators, prosecutors, citizens' groups, or private citizens and used to sue the company.

Remember that we have an incredibly complex compliance system. A recent survey by Arthur Anderson Environmental Services and the National Law Journal found that nearly 70 percent of 200 corporate attorneys interviewed said that they did not believe total compliance with the law was achievable—due to the complexity of the law, the varying interpretations of the regulators, the ever-present role of human error, and the cost. Because of this complexity, it is possible and logical that companies that take on the task of self-evaluation will find volations—that is what we want them to do. Find problems and fix them without waiting a year for a government inspection. Unfortunately, the audit documents are a vehicle for anyone to use to sue. Companies completing environmental audits develop documentation of their instances of noncompliance or areas of potential concern. These documents, if made public, are a roadmap for third parties or governments to use to sue the company even if the problem has already been corrected and no environmental harm has occurred.

Companies are already vulnerable to extensive liability under environmental laws. Under the Clean Air Act amendments of 1990, for example, the maximum civil penalty that may be assessed is now $25,000 per day per violation. EPA's fiscal year 1994 enforcement and compliance assurance accomplishments report shows that 166 civil judicial penalties were brought in 1994 totaling $65.6 million. On average, that is about $400,000 a case. Administrative penalty orders for the same year numbered 1,433 actions, which totaled $48 million.

That's a lot of money and a pretty powerful disincentive to self-auditing.

Seventeen States have recognized this disincentive to self-auditing and have enacted laws to fix the problem so more companies will self-audit.

Mississippi is one of those States that has acted on this issue.

These laws typically do two things:

First, provide a qualified evidentiary privilege for internal company audit documents, and second, grant penalty immunity to companies that conduct audits, voluntarily disclose any violations they discover in their audit, and promptly clean up or fix the violation.

In other words, if you are a responsible company that does self-auditing to find out where you have problems, and you tell the State authority that you found it and fixed it, you are rewarded by not having to pay a fine and by getting protection from use of an internal company audit in court.

Better environmental compliance using a voluntary flexible approach: this is what we all—both Republicans and Democrats alike—believe to be the new environmentalism.

This is common sense—companies have an incentive to find and fix their problems right away.

That's better for the environment: State officials benefit because they can establish cooperative relationships with companies instead of the current adversarial enforcement first system; Taxpayers get better return from their tax dollars because enforcement resources can be redirected toward the bad guys who are not following the law; and of course, best of all, we are all rewarded with greater compliance with environmental law.

These laws are not about secrecy and letting polluters off the hook—you'll hear that from the opponents of these laws.

Opponents will say that these laws make it more difficult to prosecute and that they will interfere with enforcement actions or compromise the public's right to know.

Not true. These laws protect only the voluntary self-audit document—they do not protect any information required by law to be collected, developed, maintained, reported, or otherwise made available to a government agency. The opponents are saying that protection of the audit document will allow bad actors to hide violations and endanger human health. Of course, that is not true: you gain nothing from these laws if you are using an audit for a fraudulent purpose, or if you find a violation and don't fix it, or if you have a pattern of repeat violations.

If you're cheating, you're out, as it should be. These laws are about a new way to do things with all the safeguards you would expect a State legislature would insist upon to protect its citizens.

Again, 17 States think this is a better way to get things done. And by the way, 25 other State legislatures are considering this voluntary self-audit legislation—that is a grand total of 42 States.

I'd say this is a definite trend.

We need to enact similar legislation on the Federal level to complement and assist these States with full and effective implementation of this concept. This is what the hearing was all about: the need for Federal legislation.

Why not let the States continue to show us innovative ways to achieve environmental progress? Because the way our system of environmental law is set up, EPA retains the right to enforce the law after it delegates program authority to a State. This means that without a Federal law granting a qualified privilege and immunity for voluntary self-audits, the EPA can take separate enforcement actions—or overfile—regardless of any State action. So, a company that wishes to

take advantage of a State audit law which provides it with enforcement protections from State action, is not protected from Federal enforcement actions.

Why would a company voluntarily disclose violations to a State when the feds can come after them for the same thing? It would be asking them to be hit with a lawsuit.

EPA has been very clear about its intent to scrutinize actions in States which have enacted laws and in States which are currently addressing audit bills in their legislatures. EPA has set up a task force to monitor the approval of State delegated programs under the Clean Air Act for States with voluntary environmental audit statutes. The Agency has indicated that approval of certain State programs may be delayed or denied because of their State audit privilege statutes. EPA has used this threat to withhold Federal program delegation in order to influence pending State legislation.

This is an astonishing breach of States' rights, if you ask me.

Threatening States because of laws their citizens' representatives have enacted. Governor Merrill of New Hampshire said it best in responding to EPA's opposition to that State's law:

> I reject the suggestion that States like New Hampshire must recognize the primacy of Federal laws in order to successfully design and implement effective environmental laws. In fact, States have proven time and time again that the Federal Government does not know best and does not get the job done for the citizens of the several States. I hope that the EPA does not intend to minimize the independent sovereign rights of States to adopt and enforce environmental laws that protect our environment and add to our quality of life.

Full use of these State laws will never happen in this adversarial climate and an opportunity to encourage this creative and cost-effective approach to environmental problems will be missed if we do not take action on the Federal level.

Even the Clinton administration has recognized the value of promoting environmental self-auditing, having issued a policy statement in December 1995. It is a good step forward by this administration; unfortunately, it does not really do the job.

Basically, the administration policy says if companies come forward and voluntarily disclose violations, then EPA will not prosecute them as aggressively as they could otherwise. Not a real bonus. No evidentiary protection, no protection against citizen suits, and it is only a policy, not a rule, so it does not have the force of law nor does it have any impact on what the Justice Department or the FBI can do.

A nice gesture but that's about it.

The hearing makes a compelling case for enactment of Federal legislation. Senators BROWN and HATFIELD have introduced legislation, S. 582, to encourage environmental self-auditing by setting up parallel protections and incentives on the Federal level that parallel those on the State level.

Enactment of S. 582 will allow these 17 States to fully implement their laws. We here in Congress can put our money where our mouth is by enacting the kind of flexible, voluntary environmental statutes that we have all been talking about for a year. And it presents the EPA with the opportunity to work with instead of against our States. This is the best reason yet to pass the Brown-Hatfield bill.

We all get better environmental compliance.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Thursday, May 23, 1996, the Federal debt stood at $5,120,583,551,676.66.

On a per capita basis, every man, woman, and child in America owes $19,329.45 as his or her share of that debt.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, I thank the Democratic leader for being here. We do want to engage in some unanimous-consent requests and hear his response. I am pleased that we are able to make these offers today.

## UNANIMOUS-CONSENT REQUESTS—H.R. 3415, S. 295, AND H.R. 3448

Mr. LOTT. Mr. President, I begin by asking unanimous consent that the majority leader, after notification of the Democratic leader, may turn to the consideration of H.R. 3415 regarding the gas tax repeal, and that it be considered under the following time restraints, 1 hour on the bill to be equally divided in the usual form, no amendments or motions be in order, and following the conclusion of time, the bill be read for a third time, and final passage occur without further action or debate.

I think, since we are entering the Memorial Day week, we could come together on an agreement on a number of unanimous-consent requests here, particularly this one. It would be very helpful to the American people if we could send this gas tax repeal to the President of the United States. He would be able to sign it right here at this critical moment as Americans are traveling all over our country. And, therefore, I make that unanimous-consent request at this time, Mr. President.

I further ask immediately following the disposition of H.R. 3415 the Senate turn to consideration of S. 295 regarding labor-management—that is the TEAM Act, cooperation in the workplace—that no amendments or motions be in order, and there be 2 hours of debate to be equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to third reading, and final passage occur all without action or debate. Again, that is the so-called TEAM Act, and it be brought up with no amendments.

I ask unanimous consent that following the disposition of S. 295, the Senate proceed to the consideration of H.R. 3448 regarding the minimum wage, and it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form, one amendment in order to be offered by the majority leader or his designee, one amendment in order to be offered by the Democratic leader or his designee; that the amendments be offered in the first degree and limited to 1 hour each, to be equally divided in the usual form, no motions be in order other than motions to table, and following the disposition of the amendments and the conclusion of time the bill be advanced to third reading, and final passage occur all without further action or debate.

Therefore, I ask unanimous consent for all of those I listed.

Mr. DASCHLE. Mr. President, the distinguished majority whip and I have had the opportunity to discuss these matters now on several occasions and I appreciate his candor and the opportunity we have had to discuss ways with which to bring these bills to the floor.

I have indicated to him that on several of these bills my Democratic colleagues hope to offer amendments. It is not our desire to extend debate, to my knowledge, on any of these bills. Our hope, however, is that on the gas tax bill we have the opportunity to offer an amendment which would ensure that consumers benefit from this reduction in the gas tax. This unanimous-consent agreement would not allow for that. We have other amendments that we would like to be able to offer.

Because of our desire to offer amendments and our difficulty in having that right under this unanimous-consent agreement, I have to object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Mr. President, if I could inquire of the Democratic leader, I know that the majority leader has indicated that he would be willing to work with the minority in developing the concept where the gas tax repeal would be subject to some amendments, including a technical amendment to be offered by the majority leader regarding previously purchased gas, an amendment to be offered by the Democratic leader or his designee, and then one to be offered by the majority leader or his designee. I know you have a

Senator that has been working on trying to come up with a way to guarantee the people actually get this gas tax repeal.

I am willing, on behalf of the majority leader, to modify that unanimous-consent request to include those amendments on the gas tax, if that would be helpful.

Mr. DASCHLE. I want to consult with a couple of my colleagues prior to the time we enter into that agreement at this time.

The majority whip has provided us, I think, with an opportunity here to reach an agreement, at least on that particular bill. If it were in concert with the minimum wage bill to be taken to the floor at approximately the same time—that is, within the same day or the day following—I think we might have an agreement that those two bills could be put on the calendar and brought up as soon as we come back. I would be interested in working with my distinguished colleague to see if that might be accomplished.

Mr. LOTT. If I could inquire of the Democratic leader, with regard to the gas tax, I know he would want to consult with others, the outline I offered, the technical amendment, and an amendment by either the Democratic leader or his designee or the majority leader or his designee with regard to the gas tax, that would probably be something?

Mr. DASCHLE. We have a couple of different approaches that our colleagues have considered with regard to ensuring that the benefit actually be provided to the consumer. One involved an accounting mechanism, that I would allow that to happen. Another involved a straight tax credit. I would have to make some determination that my colleagues have an interest in offering both amendments. If that were the case, I would have to come back with an alternative which would allow the consideration of at least those two amendments. This unanimous-consent agreement only allows for one amendment. That is something we would have to work through.

Certainly, the offer is—I take it in good faith. I think I would be in a position to respond in the not-too-distant future to that particular unanimous-consent agreement.

Mr. LOTT. I think we could probably work out the addition or another amendment if that would help us reach an agreement.

Mr. DASCHLE. I think it might.

Mr. LOTT. I want to emphasize again, and I know the Democratic leader understands this, it would really be good if we could get an agreement on this and find some way to move it quickly for the benefit of all American people. We would have liked to do it now before Memorial Day or as soon as we can. We think that would be a very, very positive thing for the American people and for the economy.

Now, on the TEAM Act, is there something more that the Senator from South Dakota would want on the TEAM Act? We do not include any amendments here, but we are anxious to have this issue considered. As the saying goes, ''Let's talk.'' We would like to see if we can talk about how we get this done and encourage talk between employers and employees. Do you have any alternative you would like to suggest with regard to the TEAM Act?

Mr. DASCHLE. As I say, I think there are a number of amendments, or perhaps just one substitute amendment that we would like to offer. We have not had the opportunity to come to closure on that. I do think that also could be agreed upon in the not-too-distant future, perhaps as early as the week we get back. That is the timeframe for the number of amendments we would want to offer. I suspect that one, perhaps a couple of amendments, would be all we have a need to offer, but we would certainly want to be able to amend the bill as it is currently presented.

Mr. LOTT. The Democratic leader will give us a response on that.

Mr. DASCHLE. I sure will.

Mr. LOTT. We will ask for a modification with regard to the minimum wage that would go something like this, if I could go over it. We will give this to the minority leader at the conclusion of our exchange here. We could also probably get approval from the majority leader. We ask consent for the following disposition of S. 295: That the Senate proceed to the consideration of H.R. 3448, which is the House-passed bill regarding the minimum wage, and it be considered under the following restraints. One hour on the bill to be equally divided in the usual form; one amendment in order to be offered by the majority leader or his designee; one amendment in order to be offered by the Democratic leader or his designee. That the amendments be offered in the first-degree, and 1 hour each to be equally divided in the usual form; no motions in order other than a motion to table, and following disposition of amendments and closing of time, the bill be advanced to third reading, and final passage occur without further debate occurring.

Again, I am trying to see if we cannot find a way to make all three of these very important issues be considered by the Senate. We could get the gas tax up, in a way that three or perhaps four amendments could be offered. The TEAM Act, if the Senator from South Dakota has a suggestion of an amendment on that, perhaps we could work it out, and we also offer this additional proposal with regard to minimum wage.

I think if this package is going to come up, actually, the majority members would like to have an opportunity to offer an amendment, perhaps, in that area. Before we got a complete agreement here, I want to make sure the majority leader is totally satisfied with the response that we get here, and also that our people are comfortable with that arrangement. Would that help with regard to the minimum wage?

Mr. DASCHLE. The distinguished Senator from Mississippi has given us an opportunity here, I think, to move the minimum wage bill. As he is fully aware, this minimum wage package includes quite an elaborate array of tax provisions for small business.

A number of our colleagues, as I understand it, on both sides of the aisle have expressed some interest in taking a closer look at those provisions, with an expectation that they may want to modify them or add to them. It is largely a concern for that aspect of the legislation that would cause me to be somewhat concerned about whether one amendment would allow an adequate opportunity for our colleagues to address the tax provisions.

So we will have to consult with our colleagues, and I am sure the majority whip may find the same need, as he just has indicated, to consult not only with regard to the minimum wage provisions, but the tax provisions as well. We are getting closer. Clearly, this is encouraging. I hope that in the not-too-distant future, we can come to some resolution. This is another step in the right direction. I appreciate the offer made by the whip, and we will respond as soon as possible.

Mr. LOTT. Mr. President, again, with regard to the minimum wage, of course, we do have an interest in the tax provisions passed in the House. I know members of the Finance Committee want to take a look at it. Hopefully, within the next 10 days they can do that.

The idea is, surely, to try to help the small businesses that could be impacted in such a way that their profit margin could evaporate, or they could wind up laying people off. We do not want that. We are worried about the human impact, people at the entry level in small businesses that could wind up losing their job, or not getting that first job. We hope these tax provisions help soften that blow. We would like to make sure that that, in fact, is what happens. As the minority leader suggests, we may want to consider adding some more or taking some out on both sides of the aisle.

Mr. President, again, we have some important work to do in the remaining three legislative months of this year. We are very anxious, now that we passed a budget resolution yesterday, to get that conference completed and move on to the reconciliation bill, so that we can have Medicaid and welfare reform and other spending savings, so that we can give some tax relief to the American people.

In order to get all that done, including defense authorization, I know we need to clear up these issues. I know the minority would be inclined to offer amendments that would wind up bogging down other bills, and if we can find a way to break the legislative

gridlock, in a cooperative way, and get the job done in the best interests of the American people, I think the American people would see that very positively. I want to see if we can find a way to make that happen.

Mr. DASCHLE. Mr. President, let me express enthusiastically my desire to work with the whip to make that happen. I only lend one small piece of advice if he is desirous of making that happen sooner rather than later. We could simply take the defend America bill off of the calendar for now—put it back on the calendar, I should say—or, obviously, we are back into a cloture vote at 2:15 on Tuesday. We can avoid that cloture vote and go right to these bills and debate them. I do not think there is any desire on our part to unnecessarily extend the debate. We do have some amendments, as I have indicated. I think we can resolve these matters one by one and have a very productive week when we get back. That might be time much better spent than to have additional cloture votes on the so-called Defend America Act. That is, obviously, a matter that my colleagues on the other side, the leadership, are going to have to decide. That would be a way with which to break the logjam and keep the process moving along. I look forward to working with the distinguished whip and the majority leader to see if we can resolve the matters in the not-too-distant future.

Mr. LOTT. Madam President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The distinguished majority leader is recognized.

## WELFARE REFORM

Mr. DOLE. Madam President, I will just say a word or two, and I will make a unanimous-consent request. Three days ago in Wisconsin, I outlined my welfare reform plan. Let me be as clear as I can about what it contains. There are five principal points.

I mean every able-bodied welfare recipient to find work within 2 years, or a shorter period of time if the State so desires.

I mean a real 5-year lifetime limit on welfare payments with few exceptions.

I mean making certain that illegal noncitizens are ineligible for all emergency benefits.

I mean giving States the ability to stop payments to unmarried teens.

And, above all, I mean trusting the Nation's Governors with the flexibility they need to establish the laboratories of our democracy.

I think it is fair to say that there are different approaches. Everybody wants welfare reform. I think the President and I have a different approach. It will be debated—maybe after my departure from the Senate—and I hope there is some way to work out welfare and Medicaid as a package and have that signed by the President.

We are witnessing in the inner cities out-of-wedlock births as high as 80 percent. Most Americans believe, I think, that able-bodied people on welfare should work if there are jobs, and the President indicated yesterday that, in effect, he said he would take our suggestions. I am not certain he has had an opportunity to read the bill. It was introduced a couple of days ago. If he does agree with my five positions, which I just stated—I do not think they are consistent with his views. In fact, I will indicate for the Record that he has a different view on almost each of the five.

Governor Thompson and four other Republican Governors wrote to President Clinton, ''Without national welfare reform for all 50 States, the cycle of poverty goes on—for instance, the number of single women head of households in poverty has increased by 175,000 since you, Mr. President, took office.''

No doubt about it, we must stop the plague of out-of-wedlock births in our inner cities, which is as high as 80 percent in some areas.

We must give all able-bodied Americans a chance at the American work ethic.

We must reform welfare. President Clinton is not doing this. As we all know, he has twice vetoed welfare reform passed by Congress. I wonder if he is willing to deny the American dream to another generation of Americans.

President Clinton yesterday suggested my five positions outlined above were very consistent with his. They are not. The President suggested that Congress pass my welfare reform plan and the he will sign it.

I am ready to move on my plan. I offer the following unanimous consent.

## UNANIMOUS-CONSENT REQUEST—WELFARE REFORM

Mr. DOLE. Madam President, I ask unanimous consent that the Senate turn to the immediate consideration of the bill, which I now send to the desk re welfare, and it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form; no amendments or motions in order; and that following the conclusion or yielding back of time, the Senate proceed to third reading and final passage to occur, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Madam President, reserving the right to object. The last time the Senate considered welfare reform, as you know and the majority leader recognizes, it took over 10 days. We had 200 amendments offered. The Senate conducted 42 rollcall votes in relation to that particular bill—all of this on a piece of legislation with close to 700 pages. I do not know if everybody had the opportunity to see the catalog effect that that bill has as you carry it to the desk. But this is the conference report from that bill. It is 693 pages long. There were a lot of amendments. Ultimately, as the leader recalls, there was a pretty broad bipartisan support for the bill, after all that work was done.

So I do not know that we might be able to agree to what he has suggested now.

But in light of what he has suggested, I ask unanimous consent that the majority leader amend his request to provide that the Senate turn to the consideration of the welfare bill as the first order of business on Monday, June 3, and that the motion to proceed to the missile defense bill be delayed until the completion of the welfare bill, so that we might finish it while he is still here.

The PRESIDING OFFICER. Does the leader modify his request?

Mr. DOLE. Madam President, I object to that. But I indicate that we have talked about minimum wage, we have talked about welfare reform, and we have talked about repeal of the gas tax, which we hoped to have done before the Memorial Day recess in order to save millions of Americans a lot of money. We did not quite get it done.

I am perfectly willing, if we can work out some agreement. My point is that the President says he likes this bill. He said, ''Send that bill down here and I will sign it.'' He is going to have a week to look at it—the Memorial Day recess. It will be printed, and it will be available. I believe the Democratic leader will find that there are even more generous provisions in the bill that passed this body by a vote of 87 to 12, and it would have been 88 to 12 except Senator HATFIELD from Oregon was ill that day.

So we have tried in this bill to accommodate many of the concerns the Governors raised, from both parties. We believe it is a good bill. The President said it is a good bill. At least that is what he said Wednesday in Wisconsin. I am just trying to accommodate his wishes. But I cannot agree with all of the other matters pending.

We may decide on the missile defense, if we can work out some broad agreement to put it back on the calendar. I think we could dispose of the other three next week—the week we are back, the last week I will be in the U.S. Senate. It would certainly be agreeable with me.

So I will try to work with the distinguished Democratic leader.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Mr. DASCHLE. Regrettably, we object at this time.

## MEASURE PLACED ON THE CALENDAR—S. 1823

Mr. DOLE. I ask unanimous consent that the bill which I introduced be placed on the calendar.

The PRESIDING OFFICER. Is their objection? Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. DOLE. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations en bloc on today's Executive Calendar: Calendar Nos. 534, 580, 581, 582, 583, 584, 592, 593, 599, and 600.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

*To be brigadier general*

Col. William Welser III, 000–00–0000, Regular Air Force.

PANAMA CANAL COMMISSION

Markos K. Marinakis, of New York, to be a Member of the Board of the Panama Canal Commission.

AIR FORCE

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

*To be lieutenant general*

Lt. Gen. Richard B. Myers, 000–00–0000

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

*To be lieutenant general*

Lt. Gen. John P. Jumper, 000–00–0000, U.S. Air Force.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

*To be lieutenant general*

Lt. Gen. Ralph E. Eberhart, 000–00–0000, U.S. Air Force

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

Maj. Gen. Carl E. Franklin, 000–00–0000, U.S. Air Force

ARMY

The following-named officer for reappointment to the grade of lieutenant general in the U.S. Army, while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

*To be lieutenant general*

Lt. Gen. Daniel W. Christman, 000–00–0000, U.S. Army

NAVY

The following-named officer for promotion in the Navy of the United States to the grade under title 10, United States Code, Section 624:

*To be rear admiral*

Rear Adm. (lh) James F. Amerault, 000–00–0000, U.S. Navy
Rear Adm. (lh) Lyle G.Bien, 000–00–0000, U.S. Navy.
Rear Adm. (lh) Richard A. Buchanan, 000–00–0000, U.S. Navy
Rear Adm. (lh) William V. Cross II, 000–00–0000, U.S. Navy
Rear Adm. (lh) Walter F. Doran, 000–00–0000, U.S. Navy
Rear Adm. (lh) James O. Ellis, Jr., 000–00–0000, U.S. Navy
Rear Adm. (lh) William J. Fallon, 000–00–0000, U.S. Navy
Rear Adm. (lh) Thomas B. Fargo, 000–00–0000, U.S. Navy
Rear Adm. (lh) Dennis V. McGinn, 000–00–0000, U.S. Navy
Rear Adm. (lh) Joseph S. Mobley, 000–00–0000, U.S. Navy
Rear Adm. (lh) Edward Moore, Jr., 000–00–0000, U.S. Navy
Rear Adm. (lh) Daniel J. Murphy, 000–00–0000, U.S. Navy
Rear Adm. (lh) Rodney P. Rempt, 000–00–0000, U.S. Navy
Rear Adm. (lh) Norbert R. Ryan, Jr., 000–00–0000, U.S. Navy
Rear Adm. (lh) Raymond C. Smith, Jr., 000–00–0000, U.S. Navy

RESTRICTED LINE

*To be rear admiral*

Rear Adm. (lh) George P. Nanos, Jr., 000–00–0000, U.S. Navy
Rear Adm. (lh) Craig E. Steidle, 000–00–0000, U.S. Navy
Rear Adm. (lh) James L. Taylor, 000–00–0000, U.S. Navy
Rear Adm. (lh) Patricia A. Tracey, 000–00–0000, U.S. Navy

SMALL BUSINESS ADMINISTRATION

Ginger Ehn Lew, of California, to be Deputy Administrator of the Small Business Administration.

[NEW REPORTS]

DEPARTMENT OF JUSTICE

J. Rene Josey, of South Carolina, to be U.S. Attorney for the District of South Carolina for the term of 4 years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## NOTE

On page S5598 of the RECORD of May 23, the statement of Mr. BOND on the introduction of S. 1816, the Wisconsin Works Act, was inadvertently attributed to Mr. GRASSLEY. The permanent RECORD has been corrected to reflect the following.

By Mr. BOND (for himself, Mr. COATS, Mr. ABRAHAM, Mr. GRAMM, Mr. ASHCROFT, Mr. CRAIG, Mr. COVERDELL, Mr. GRASSLEY, Mr. GREGG, Mr. SANTORUM, Mr. FAIRCLOTH, and Mr. NICKLES):

S. 1816. A bill to expedite waiver approval for the ''Wisconsin Works'' plan, and for other purposes; to the Committee on Finance.

THE WISCONSIN WORKS ACT OF 1996

Mr. BOND. Mr. President, I rise today to introduce a measure that will assist the President of the United States in carrying out a promise he made to the people of Wisconsin that he would approve the Wisconsin Works program. There have been some problems getting welfare actually acted on. I had a very nice letter from the President last year for the work that we did on the welfare reform bill. But that measure got vetoed and so did a subsequent measure.

Now, the President has said that he supports the welfare reform demonstration project in Wisconsin, known as Wisconsin Works. Well, today, on behalf of myself, Senators COATS, Abraham, GRAMM of Texas, ASHCROFT, CRAIG, COVERDELL, GRASSLEY, GREGG, SANTORUM, FAIRCLOTH, and NICKLES, I am submitting a very brief bill, which, in substance, says that when waivers are submitted by the Wisconsin Department of Health and Services to conduct a demonstration project known as Wisconsin Works, those waivers shall be deemed approved.

We have heard many stories about the need to reform welfare, Mr. President, and one of those stories that has been repeated recently is that of an experiment in Sedalia, MO, where applicants for food stamps were sent to an employer. Many of them took jobs, which is good. It moved them off public assistance. Those who were turned down because they were not capable could stay on public assistance. Those who refused to show up were taken off of the food stamp rolls. So there was an incentive for those who did not want to work. Two people went for the job, but they were turned down because they tested positively for drugs.

Under existing Federal law, the State of Missouri could not sanction those people, even though they were turned down for a job because they tested positive for drugs. The simple point of that is that that creates the most perverse of incentives—the incentive for people who are on public assistance and who do not want to have to take a job to get on drugs and they can stay on the public assistance rolls.

That is the kind of thing that needs to be changed. That is why we need welfare reform. Today, Mr. President, I am simply acting to expedite one of the many waivers now pending from the States, which has been delayed, I understand from the Governors, an average of 210 days. This measure, if and when adopted, will deem the waivers submitted by the State of Wisconsin to be approved.

## MESSAGES FROM THE HOUSE

At 12:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House had passed the

following bill, in which it requests the concurrence of the Senate:

H.R. 3448. An act to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles, and to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate and to prevent job loss by providing flexibility to employers in complying with minimum wage and overtime requirements under that Act.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HARKIN:

S. 1822. A bill to amend the Food Security Act of 1985 to permit the Secretary of Agriculture to waive the prohibition on the termination of conservation reserve contracts for certain lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE:

S. 1823. A bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence by requiring work, control welfare spending, and increase State flexibility; read twice and placed on the calendar.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM:

S. Con. Res. 63. A concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 1822. A bill to amend the Food Security Act of 1985 to permit the Secretary of Agriculture to waive the prohibition on the termination of conservation reserve contracts for certain lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION RESERVE PROGRAM CONTRACTS MODIFICATION ACT OF 1996

Mr. HARKIN. Mr. President, I am today introducing legislation to make a minor modification in the rules applicable to the early termination of Conservation Reserve Program contracts. This bill will provide greater flexibility in the management of CRP acreage and increase opportunities for livestock production using land that has been enrolled in CRP, while continuing to protect against soil erosion and to conserve the natural resource base.

The Federal Agricultural Improvement and Reform Act of 1996 established a new early termination option for holders of CRP contracts. Participants who entered into a contract before January 1, 1995, may terminate the contract at any time if the contract has been in effect for at least 5 years. Certain lands considered to be of high environmental value are not eligible for the early termination option. The act specifically disallows the early termination of contracts on land having an erodibility index of more than 15, a restriction that also was included in the rules for the early CRP termination option offered this spring through administrative action independent of the farm bill.

The restriction on early removal of the more highly erodible land from the CRP is obviously designed to reduce the potential for returning land to crop production where doing so presents a higher risk of damaging levels of soil erosion. Of course, a principal purpose of the CRP was to remove highly erodible land from production in order to conserve soil, so it is reasonable to ensure that early terminations of CRP contracts do not nullify the benefits of the CRP or negate the investment in conservation made by taxpayers through CRP payments.

While the prohibition against early termination of contracts on land having an erodibility index higher than 15 seems reasonable in general, it does not take much sense to livestock producers who would like to remove land from the CRP in order to use it for haying or grazing. The nationwide emergency release of CRP for grazing and haying has relieved a good deal of the concern regarding access to CRP acres for livestock feed—but only for this year. There is a real need for a longer term resolution of this matter.

My bill would simply allow the Secretary to waive the restrictions on the types of land that may be removed from the CRP under the early termination option if the Secretary determines that the land will be used only for haying, grazing or other use not involving the destruction of vegetable cover. By ensuring that the vegetable cover is not destroyed, protection against soil erosion will be maintained. In addition, any such waiver can be made only if the Secretary determines that the land will be used only in a manner that adequately protects the natural resource base. As discussed, the waiver authority contained in this bill is designed specifically to deal with the prohibition against early termination of CRP contracts on land with an erodibility index higher than 15. There may be some other instances in which a waiver meeting the requirements of this bill could be granted, but they would be tightly limited by the requirement that vegetable cover not be destroyed and that the natural resource base be adequately protected.

Mr. President, this bill is a commonsense solution that will provide more reasonable options to CRP contract holders for returning land to economic use while maintaining vegetable cover and protecting the natural resource base. I hope my colleagues will support this legislation and that it will be enacted at the earliest opportunity. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1822

*Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,*

**SECTION 1. TERMINATION OF CONSERVATION RESERVE CONTRACTS BY OWNERS OR OPERATORS.**

Section 1235(e) of the Food Security Act of 1985 (16 U.S.C. 3835(e)) is amended by striking paragraph (2) and inserting the following:

''(2) CERTAIN LANDS EXCEPTED.—

''(A) IN GENERAL.—Subject to subparagraph (B), the following lands shall not be subject to an early termination of contract under this subsection:

''(i) Filterstrips, waterways, strips adjacent to riparian areas, windbreaks, and shelterbelts.

''(ii) Land with an erodibility index of more than 15.

''(iii) Other lands of high environmental value (including wetlands), as determined by the Secretary.

''(B) WAIVER.—The Secretary may waive the application of subparagraph (A) to land if the Secretary determines that the land will be used only—

''(i) for haying, grazing, or other use not involving the destruction of vegetative cover; and

''(ii) in a manner that adequately protects the natural resource base of the land.''.

## ADDITIONAL COSPONSORS

S. 1386

At the request of Mr. BURNS, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1386, a bill to provide for soft-metric conversion, and for other purposes.

S. 1578

At the request of Mr. FRIST, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1714

At the request of Mr. BURNS, the names of the Senator from Kentucky [Mr. MCCONNELL], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1714, a bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum

driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes.

S. 1813

At the request of Mr. HELMS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1813, a bill to reform the coastwise, intercoastal, and noncontiguous trade shipping laws, and for other purposes.

S. 1818

At the request of Mr. FORD, his name was added as a cosponsor of S. 1818, a bill to amend the Employee Retirement Income Security Act of 1974 to provide for retirement savings and security.

S. 1819

At the request of Mr. FORD, his name was added as a cosponsor of S. 1819, a bill to amend the Railroad Retirement Act of 1974 to provide for retirement savings and security.

S. 1820

At the request of Mr. FORD, his name was added as a cosponsor of S. 1820, a bill to amend title 5 of the United States Code to provide for retirement savings and security.

S. 1821

At the request of Mr. FORD, his name was added as a cosponsor of S. 1821, a bill to amend the Internal Revenue Code of 1986 to provide for retirement savings and security.

AMENDMENT NO. 4038

At the request of Mr. FEINGOLD the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of amendment No. 4038 intended to be proposed to S. 1764, an original bill to authorize appropriations for fiscal year 1997 for military construction, and for other purposes.

## SENATE CONCURRENT RESOLUTION 63—RELATIVE TO THE SECRETARY OF AGRICULTURE

Mrs. KASSEBAUM submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 63

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF DISASTER RESERVE FOR ASSISTANCE TO LIVESTOCK PRODUCERS.**

In light of the prolonged drought conditions existing in certain areas of the United States, the Secretary of Agriculture should promptly dispose of all commodities in the disaster reserve maintained under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought.

# ADDITIONAL STATEMENTS

## HOUSE SMALL BUSINESS TAX INCENTIVES BILL

• Mr. ROTH. Mr. President, I rise to address the Senate on a bill that overwhelmingly passed the House of Representatives this week. The vote was 414 to 10. The bill I refer to is the Small Business Job Protection Act of 1996.

The bill is a collection of tax incentives for small businesses. As every Member of this body knows, small businesses create the lion's share of jobs in America. The bill will lift some of the heavy tax burden borne by small businesses. To the extent we lift the tax burden on small businesses, these businesses will be able to continue to create jobs for Americans. Included in the bill are some proposals that were contained in the Balanced Budget Act of 1995.

First, an increase in the amount of equipment a small business can expense; the current annual amount of $17,500 would be gradually increased to $25,000.

Second, a package of proposals to simplify the pension tax rules. These proposals will bring more small businesses and their workers into the pension system; in addition, these proposals will enhance pension security for millions of American workers and their families.

Third, a series of proposals to reform the subchapter S corporation tax rules. Almost 2 million small businesses do business as subchapter S corporations.

This package of small business tax incentives is fully paid for.

Mr. President, I congratulate Chairman BILL ARCHER for successfully shepherding this package of much-needed tax relief through the House of Representatives.

In recent days, many of my colleagues have asked me about Senate action on this bill. When the bill arrives from the House, I expect the bill to be referred to the Finance Committee. Once referred to the Finance Committee, I anticipate taking action on the bill shortly after the Senate returns from the Memorial Day recess.

Mr. President, the Finance Committee, including longstanding members on both sides of the aisle, has a tradition of sensitivity to the needs of small business. I intend to continue that tradition with a Finance Committee imprint on the small business tax bill.

In addition, Mr. President, I am also considering adding measures to help create economic growth, promote savings and investment, and enhance economic opportunities for all Americans.•

## A CRACKDOWN ON IMMIGRANTS IS RESTRICTING SCHOLARSHIPS

• Mr. SIMON. Mr. President, I cast one of the few votes against the immigration bill that passed the U.S. Senate recently. And I did it because part of the bill simply goes too far. We are in a period in which there is a great deal of mean-spirited and anti-immigrant sentiment, a mean-spiritedness and sentiment that does not serve the Nation well.

For example, my amendment to permit people who are illegal immigrants, and who are going to become citizens, to get student aid that is available to all American citizens, is just common sense.

We want these future citizens to be productive members of our society.

The bill that passed the Senate not only denies them that assistance, but can be the basis for deportation if they receive that aid for one year.

Two items have appeared recently that should cause us to reflect a little more.

One is an op-ed piece in the Chicago Sun Times, by a member of the editorial board, Tom Sheridan.

The other is an article titled ''A Crackdown on Immigrants Is Restricting Scholarships'' by Dirk Johnson that appeared in the New York Times. I ask that both articles be printed in the RECORD after my remarks.

Both suggest that we are being shortsighted in what we are doing.

I urge my colleagues to read these two items if they have not done so.

The op-eds follow:

FOREIGN TREASURES

(By Tom Sheridan)

First, an explanation. I'm half-Irish on my father's side. Third generation. My mother's ancestry is more muddled, though European. My wife is half-Italian (third generation), with the rest mostly German.

With that mix, our kids would be a diverse lot. But we also have children who are Filipino (first generation) Hispanic (second generation) and Asian.

What I've done to enrich the Sheridan family gene pool is nothing less than remarkable. It's the same way families—and Nations—are enriched: Each of us has ancestors who came from somewhere else.

All of which makes me very impressed with people becoming U.S. citizens these days. And damn glad I was born here and didn't have to take the citizenship test. I might not pass it.

A study question for the citizenship test: How many changes or amendments are there to the U.S. Constitution? Do you know? Without looking?

There's a lot of public yelping these days over immigration—legal and no-so-legal. Illegal immigration is just that—illegal—and should not be tolerated. Congress is right to clamp down on it.

But we seem to have confused the two. It has given us a sense of public schizophrenia. On one hand, the folks in Congress have passed legislation making it harder to immigrate—even legally. On the other hand, Immigration and Naturalization Service people are working doubly hard to help people become citizens.

Bills rolling through Congress would slow the immigration process. Included in the measure passed by the Senate this month are provisions to sharply limit federal benefits available to legal residents, even as they pursue the process of becoming citizens.

It means that legal immigrants couldn't apply for a student loan, a tuition grant (even based on merit) or federal job-training assistance. The penalty is deportation. Even if a legal immigrant gets help, and later seeks citizenship, the reward would be deportation.

Should we tolerate legal residents who perform acts of terrorism against the United States, or threaten its society with acts such as drug-smuggling? Of course not. But under the recent Terrorism Act, a legal resident who has been a successful member of society

for years and ran afoul of the law would be deported.

That's hardly a welcoming gesture. It would make me wonder whether our nation, which has traditionally embraced all classes of people, really wanted me.

It screams election-year propaganda: ''Look everybody; look how tough we are.'' Such tough talk is phony. But only three senators, including Illinois Sen. Paul Simon, saw it that way and voted against it.

All of which brings me to the act of becoming a citizen, which more than 19,000 people did through the Chicago INS office last year. Five times that many will take the oath to support and defend the United States this year.

Test question: What amendment addresses or guarantees voting rights?

Citizenship USA, an INS project, took over 18,000 square feet of the old Sears store on State Street on April 30. Workers are processing at least 800 people a day to work through a backlog of citizenship applications. In the 12-month period ending this fall, INS officials expect that an amazing 60,000 new citizens will have been naturalized in Chicago. That's wonderful.

The next celebration of citizenship will take place May 24 in the International Amphitheater, where 10,000 new citizens from scores of nations around the world will be sworn in.

Question: Why did the Pilgrims come to America?

Answer: For religious freedom. And a better life.

That's something we should keep in mind when we put up roadblocks to the process that enriches us as a nation. Immigration certainly enriched me.

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A CRACKDOWN ON IMMIGRANTS IS RESTRICTING SCHOLARSHIPS

(By Dirk Johnson)

EDGAR, WI, May 9.—Vying to attend a prestigious camp for patriotic young Wisconsin scholars, one student's résumé sparkled above the rest: a 16-year-old who earned straight A's, played violin, spoke French and displayed an interest in government.

But the girl, Pang Thao, a junior at rural Edgar High School, has been rejected by the camp's sponsor, the American Legion Auxiliary, because she is not a United States citizen, even though she will become one in a matter of months.

''Rules are rules, and unfortunately she's not a citizen,'' said Eileen Knox, a spokeswoman for the Auxiliary. ''There are lots of American-born girls who are still waiting in the wings, hoping they can be chosen.''

The rejection of Pang, who immigrated with her parents when she was two months old, follows a similar incident in Texas earlier this spring. The Houston Stock Show and Rodeo awarded a $10,000 scholarship to a Texas honors student, only to withdraw the prize after learning the winner was not a United States citizen.

When it comes to anger toward immigrants and their children, a growing sentiment by almost any measure, Americans usually complain about unskilled and illiterate newcomers putting a drain on budgets and services.

But the rejection of the two young scholars, immigration advocates say, illustrates a wellspring of resentment against those who can compete, perhaps too well.

''On the one hand, we encourage assimilation and achievement,'' said Lucas Guttentag, a lawyer who specializes in immigration for the American Civil Liberties Union, ''and we say we want immigrants to learn the values of American society. But then we turn around and exclude these people from the very institutions that imbue those values.''

The tough immigration bill passed overwhelmingly by the Senate, for example, would deny college financial aid to legal immigrants who are not citizens.

For Pang, the talk of policy and politics can be reduced to something very basic. ''There are a lot of people out there who don't like me,'' she said the other night, while on break from her job as a waitress at here parents' restaurant. ''They don't know me. But they don't like me.''

In fact, Mr. and Mrs. Thao were among the thousands of Hmongs driven by Communist forces from Laos for helping the United States in the Vietnam War.

Pang is an exceedingly polite teenager who seems to bend over backwards to avoid sounding like a complainer. But she hears plenty of the stereotypes about minorities: ''They get more welfare. They don't pay taxes. They're not loyal to America.''

She has found herself saying in a flash of defensive anger: ''Man don't you understand, I'm here because of you. I'm here because my relatives and my ancestors helped the Americans in the war.''

Her parents, Long, 38, and Chong Thao, 38, delayed starting the citizenship process until last year. ''It is hard to let go when you come from another country,'' said Mrs. Thao. ''It's a part of you. But over time, we understand. This is our home country now. We are Americans.'' They run the Thai Cafe in a strip mall in Wausau, a city of 37,000 in central Wisconsin with a sizeable Hmong (pronounced mung) population. Pang works nights and Saturdays.

Mrs. Thao also works full time as a caseworker for the Marathon County Welfare Department. In addition, the family raises ginseng in the fields around their farmhouse here, about 20 miles west of Wausau.

The family, with six children, struggles financially. But the parents remember life in the refugee camp in Thailand. ''The refugee camp was hell,'' Mrs. Thao said. ''Not enough food. Poor sanitation. Hot. A lot of sick children. Many died. We were lucky.

Pang and her parents have been careful not to criticize the American Legion. And they have expressed gratitude to the University of Wisconsin at Whitewater, which recently invited Pang to participate in an international conference there in June, as a consolation for her rejection at the Legion camp, Badger Girls State.

Those who defend the citizenship rule noted that favoritism for citizens goes back to the nation's founders. They point to the constitutional requirement that the President be born in the United States.

''Citizenship means something,'' said Mrs. Knox, of the Legion Auxiliary. ''On Election Day, you cannot go to the polls and say, 'Well, I'm going to be a citizen next week.'''

The disappointment in the Thao family has been keen, although Pang, the oldest child, bristles at the notion of people feeling sorry for her. ''I'm not complaining,'' she said. ''I'm not whining, and I don't need anyone's pity.'' More than anything else about the citizenship issue, she said, she is bothered by the views of those who believe being born in the United States is a virtue. ''I really dislike this idea of some people being superior over others,'' she said. ''Most of the people here are just a mix of nationalities from somewhere else. The difference between me and you is the color of our skin and our background. And that's it.''

At the time of the application for the camp, it appeared the citizenship approval might be granted in time. But the shut-down of some Government offices in the Washington budget dispute delayed citizenship applications and doomed those hopes.

''It's all right, Mom, it's really no big deal,'' Pang had said, knowing how badly her mother felt.

The students and teachers at Edgar High School, where minorities can be counted on the fingers of one hand, have supported Pang, said Mark Lacke, the school principal.

''She is a very bubbly, smart, popular girl,'' said Mr. Lacke, who had pressed the Legion to reconsider. If the Legion would not budge, Mr. Lacke asked if it would be possible for Pang to attend the camp as an observer, rather than as a delegate. The principal said he would drive the girl there himself, and the school would pay her expenses.

''They got back to me and said there was no latitude,'' he said. ''There should have been some forum for an appeal here.''

Pang, who will attend the University of Minnesota after she graduates from high school next year, plans to study architectural design. ''The best schools are in the East, but they're really expensive,'' she said.

As Pang helped her harried parents clear tables and deliver orders, she spoke of the financial pressures at home, vowing to claim a piece of the American dream.

''After college,'' she said, ''I'm going make big bucks, help my little sister get in to one of those Eastern schools—one of us has got to.''●

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## DEMOCRATS BLOCKING REPEAL OF THE GAS TAX

● Mr. ROTH. Mr. President, I am disappointed that again today, my colleagues on the other side of the aisle blocked efforts to start to relieve the tax burden on the American people by repealing the 1993 Clinton gas tax increase. I wish we would have been able to repeal this tax today before the American people set off to enjoy the Memorial Day weekend and the beginning of the summer driving season.

My colleagues on the other side of the aisle had agreed to pass the gas tax repeal if the House passed the minimum wage bill in a form acceptable to them. Well, Mr. President, the House did pass a clean minimum wage bill. Yet, rather than keep their promise and pass the gas tax repeal, my colleagues on the other side of the aisle have again blocked its passage. Time and again we have tried to accommodate them and time and again they have backed away from their promises. How are we to help the American people if my colleagues on the other side of the aisle continue to renege on their promises?

I would like to remind my colleagues, that when President Clinton raised taxes $268 billion in 1993, he said he was raising them on the rich. We knew then that that was not true. Now there is no doubt. President Clinton has raised taxes not only on the middle class but also on low-income families, and now my colleagues on the other side of the aisle are denying these low-income families tax relief. The truth is, Mr. President, that every person who drives a car, who buys groceries, who takes the bus, the train, or a plane has to pay this tax. These aren't all rich Americans. In fact, Americans who are hit the hardest by this regressive tax are people at the lowest income levels,

those making less than $10,000 a year. Repeal of this regressive tax, therefore, would benefit all Americans, especially those with modest incomes.

It is a well-known fact that the 4.3-cents-per-gallon motor fuels tax not only disproportionately affects low-income people, but it also hits people in rural areas harder than it does those in more metropolitan areas. President Clinton knows this. In February 1993, just months before he signed into law the largest tax increase in history, said, and I quote, ''For years there have been those who say we ought to reduce the deficit by raising the gas tax a whole lot. That's fine if you live in the city and ride mass transit to work. It's not so good if you live in the country and drive yourself to work.'' Despite this statement, the 4.3-cents-per-gallon tax increase was enacted. I agree with President Clinton's 1993 statement. People in rural areas should not be penalized because they live in areas that require them to use their cars and travel longer distances. For example, in my home State of Delaware, which contains many rural areas, the average family pays $463 in gas taxes per year. This figure includes both State and Federal gas taxes. When the 4.3-cents-per-gallon motor fuels tax is repealed, the average Delaware family's tax burden will be reduced by $48—a good first step.

The Clinton gas tax increase did not get a single Republican vote because Republicans believe in cutting wasteful Government spending, rather than increasing taxes to pay for more Government spending. So while in the scheme of Government programs the 4.3-cents-per-gallon gas tax may not seem to be a paramount issue, it represents what separates Republicans from the big Government spenders. While the President purports to favor balancing the budget, at best he would do so by matching big spending with high taxes. Our belief is that we should cut spending and lower taxes.

Mr. President, it is time to give Americans a break from taxes and big Government. I ask my colleagues on the other side of the aisle to allow the Senate to move forward, and stop blocking tax relief for working Americans.●

## AMBASSADOR ROBERT KRUEGER

● Mr. SIMON. Mr. President, our former colleague in the Senate, Ambassador Robert Krueger, has been nominated to be Ambassador to Botswana after serving as Ambassador to Burundi. A report that he sent around to some friends about Burundi is worth reading for anyone interested in that troubled nation.

I ask that Ambassador Krueger's report be printed in the RECORD.

The report follows:

### BURUNDI: AN OKLAHOMA CITY MASSACRE EVERY HOUR

(A Report by Ambassador Robert Krueger, April 24, 1996)

Summary: The situation in Burundi is more threatening to human life and democracy, with a greater chance for major conflagration, than at any time in the last two years. A European diplomat says that ''if the world gives up on Burundi . . . perhaps a million may die'' there. (End summary.)

On the weekend of April 19, Americans mourned again and reflected on the worst terrorist attack in our history: 168 people killed a year ago in Oklahoma City. Television cameras covered the scene; dignitaries spoke on the occasion; and citizens everywhere questioned how terror could strike so unexpectedly, shattering lives in an instant and a sense of security for years.

But if we adjust proportionately for the difference in populations, Burundi has an Oklahoma City-size massacre every hour of the day. Burundi's population is only about one-forty-second (1/42) that of the USA. Hence, 4 people being killed in Burundi are numerically equivalent to 168 killed in the USA. Regrettably, a reasonable estimate is that 100 people are killed daily in Burundi; or, four every hour, 24 hours a day.

Understandably, cameras in America focussed, on April 19, 1996, on Oklahoma City; or on Lebanon, where at least 75 were killed. And world attention naturally follows the camera. Yet, normally there are no international camera crews in Burundi. But the filling continues.

This cable is a reminder that in an obscure country in the heart of Africa, the killing is proportionately vastly heavier than what the cameras are covering; or, indeed, than in almost any place else in the world. And as the protagonist of Arthur Miller's play ''Death of a Salesman'' said, ''Attention must be paid.''

I recently sent a summary report (Secstate 80807) stating that I had perceived a steady destruction of democracy and an increase in mayhem during my almost two-year tenure as ambassador to Burundi. And the situation now seems to me worse than when the cable was first drafted several weeks ago. Even though I have not been in Burundi for the past 7½ months, and I must rely on the reports of various individuals whom I learned to trust when I was there, I am regrettably but firmly convinced that the situation in Burundi is at this moment more precarious, with a larger possibility of massive bloodshed, than at any time since my arrival in Burundi in June, 1994.

In 1994, and often in 1995, visitors would regularly ask, ''Will Burundi be another Rwanda?'' with, of course, all the fears of historically large genocide which the question carries. My response was ''I won't predict for more than two months or so into the future; but, no, we will not have a Rwanda-type disaster in that period.'' And that much proved true.

But today, I find that the president of the large political party, Dr. Minani of Frodebu, has openly written in official public documents, just two weeks ago, that the believes Burundi is in a situation like that of Rwanda before April 6, 1994, the onset of the deluge. Other Burundi leaders and foreign diplomats with whom I have spoken sound more ominous tones than anything I had heard in Burundi during my time there.

''The center will not hold; Mere anarchy is loosed upon the world.''—W.B. Yeats

While the international community and those who support democratic institutions in Burundi have both hoped that political centrists and moderates would gain greater control, the country has instead become increasingly polarized. As the poet Yeats said, writing of another revolution, ''The center will not hold.'' Certainly it has not held in Burundi, and the risk is increasing of mere anarchy being loosed—if not upon the world—then at least upon Burundi and other countries in Central Africa.

The president and prime minister no longer travel together, and are said to be openly at odds. The prime minister's party, Uprona, has renewed its periodic call for the president's resignation. Moreover, the divisions are not only inter-party, but intra-party. Many Hutu members of parliament are now more sympathetic with Nyangoma than with their official leadership. And divisions among the Tutsi community—in the army itself, within Uprona, within the various minor parties—are forcing people more and more to the extremes.

#### PRIME MINISTER TELLS THE POPULACE TO DEFEND ITSELF AGAINST ''ENEMIES''

As is well known, the prime minister several weeks ago called upon the population to defend itself against its ''enemies.'' But, as Dr. Minani pointed out in a recent Frodebu announcement, the Prime Minister did not define who those enemies were. That determination was left to the minds of the arming populace. Such calls to self-defense, it is reliably reported, have been repeated in the prime minister's visits to various locations in the countryside. Meanwhile, the FDD and other guerrilla groups have enlarged their attacks. And in face of an impotent civilian government incapable of protecting them, the majority of the population have sometimes given support to guerrillas even as they spread terror.

#### IMMOLATION AND MURDER

Consider some of the events of the last several weeks, reported to me from several sources that have proven reliable in the past.

(A) In an act of ethnic purification, over Easter weekend, 22 Hutu domestic workers were immolated in Nyakabiga quarter in Bujumbura by their Tutsi employers.

(B) Reportedly, 50 Hutus, including community leaders, were killed in the city of Gitega: all were members of Frodebu and related Hutu minor parties. The head of the agriculture department for that region and several teachers in secondary schools were among those murdered. The provincial governor has now fled, as have other Hutu political leaders from Gitega, the second-largest city in Burundi. To judge from recent government actions in other provinces, the civilian governor's departure will offer an excuse to replace him with yet another military governor.

(C) Even the national radio, known to favor Tutsi interests, and likely to underestimate the killing, has acknowledged that at least 300 people were killed in Gitega province between April 5–12.

(D) Tutsi extremists have driven the Red Cross from the city of Gitega so hat it will be unable to witness and possibly report on the carnage.

(E) The FDD attacked and killed a large number of Tutsi students in an urban center (the name of which I failed to record).

(F) After an attack by the FDD against the army, at Bukeye, on April 10 the army killed more than 30 Hutu civilians in revenge.

(G) An official in the security service has confirmed that members of the military are recruiting Tutsi civil servants and students, training them, and issuing them weapons for use against their ''enemies'' in the countryside.

(H) A university official has confirmed that a letter circulating now on campus has been signed by over 100 Tutsi students, urging their classmates to stop academic work and take up arms with them against

Nyangoma and his allies (i.e. Hutus) in the Bujumbura quartiers of Mutanga Nord, Kinama, and the countryside.

(I) Lt. Col. Nzeyimana Dieudonne, a high-ranking officer in the gendarmerie, was assassinated on 20 April (reportedly by Sans Echec) in Bujumbura.

(J) The Hutu parliamentarian Gahungu Gerard, from the Province of Cibitoke—a moderate with a Tutsi wife, was killed by a gunman in Ngagara.

(K) On 20 April, at least 7 (perhaps more) Hutus were killed in the Bujumbura quartier of Nyakabiga, having been kidnapped and brought there from other parts of the city.

(L) Over 30 Hutus were massacred in the commune of Rutovo by Tutsi militias, assisted by the army.

(M) A secondary school (lycee) in Kayanza was attacked with grenades; two students were killed, others injured.

''Perhaps a million will die. . .''—a European diplomat

The above are a few illustrations of what is happening. They form but a fraction of the total picture. I have received reports of fighting during the past two weeks in Bubanza, Gatumba, Ngozi, Mutare, Karuzi, Gitega, Rutama, Bururi, and other locations. One reliable source said that at least 75–80% of the country is currently shaken by violence. A respected Western diplomat told me that every province except Bujumbura was now subject to attack by guerilla forces.

Perhaps most poignantly, I was asked by a very experienced European diplomat who once served in the USA and now serves in Burundi, ''Please, I know the generosity of the American people. Do what you can to see that the USA remains concerned. I am afraid, (he continued) that most of the world is about to give up on Burundi. But if the world gives up, there is a risk that not just thousands, but perhaps a million will die in a rage that no one can justify.''

I am not suggesting that I expect a million people to die. I do not. And I would be shocked if Burundi suffered carnage on anything approaching that scale. Nor do I believe Burundi has yet arrived at a situation similar to Rwanda on April 6, 1994.

But when I observe that the president of the majority political party and an experienced and balanced European diplomat foresee such possibilities, it should give us pause. Two years ago, very few people in Burundi used such severe terms. These two would not have. Today, many others might do so.

If asked whether I am predicting the imminence of a major civil war I would say: no. But with qualifications. During the months I was present in Burundi, I said confidently that no such event would occur within the next two months. I can no longer confidently say that. I don't know if the probability of such an event is 5%, 10%, 20% or higher. I do know it is no longer an impossibility.

Reports from every quarter describe the situation as more precarious than in 1994 or 1995. The capacity of the Burundi populace to absorb horrendous punishment and yet to persevere is awesome, but not infinite. I don't know the trigger point of national rage. And I have only the reports of others, not of my own eyes. But all their eyes see the situation as deteriorating more rapidly than before.

An unclassified cable is not the place to explore suggestions for possible ways to address all these problems. Yet, as ambassador, I want without delay and without reticence to offer a partial account of some of the events and attitudes that now prevail in Burundi. They sound the most threatening and dangerous toward peace, justice, democracy and human life that I have heard during the period that I have been privileged to serve as ambassador to Burundi.●

## HOWARD STRINGER

● Mr. SIMON. Mr. President, recently Howard Stringer, chief executive officer of Tele-TV, received the First Amendment Leadership Award presented by the Radio and Television News Directors Foundation at their annual banquet.

In his remarks, he comments about the need for sensitivity and realism in dealing with the problems of television violence.

In working with television executives on this problem, I have found none superior to Howard Stringer. He is both sensible and sensitive.

I urge my colleagues to read his remarks, which I ask to be printed in the RECORD.

The remarks follow:

RADIO AND TELEVISION NEWS DIRECTORS FOUNDATION ANNUAL BANQUET AND CELEBRATION OF THE FIRST AMENDMENT

(By Howard Stringer)

This is an interesting moment for any broadcaster to accept an award attached to the 1st Amendment. Just weeks ago, President Clinton and a number of television executives assembled in The White House to collaborate on a ratings system which would measure and proclaim the intensity of sex and violence on their programs. The President endorsed the V-chip as a device that would, ''hand the remote control back to America's parents.'' It would be one small step for broadcasters, but a giant step for viewers. Some observers found the quid-pro-quo a little cynical—free use of the spectrum for digital compression on one side, election year political advantage for the other, but all in all, surely a positive gesture.

Some observers are concerned that the government has at least nudged its unholy way into content. Remembering President Nixon's use of the IRS as a weapon against political enemies, some day a President could recognize that in the digital future, whoever controls the chip not only controls V for Violence, but V for Voters.

In the near term, I'm more worried that this new political contract will do two things. Firstly, it will engender cynicism if it has no impact at all, and secondly, it will let programmers off the hook, especially if by gladly accepting the V-chip they abdicate further responsibility for content.

The cynicism factor is no small consideration. Since I came to America, successive governments have trumpeted a grand solution to whatever ails the country. The war to end communism in Vietnam, the war on poverty, the war on hunger, the war on racism, the war on drugs, all created a level of expectation, only to be followed by let down. After World War II, America became, in Robert Samuelson's words, ''a nation of enthusiastic problem solvers'' with the expectation that everything could be easily solved. When solutions fail, he observed, we sink into an atmosphere of ''free floating gloom.'' The ranks of the cynical grow ever larger.

In 1993 I attended hearings on Capitol Hill on the subject of violence. With the valiant exception of Senator Paul Simon, most of my interrogators clearly hadn't watched television, couldn't differentiate between network and cable, and weren't terribly interested in debating the issue on its merits. One Congressman told me that he was going to vote for the V-chip because he was fed up with network news reporters attacking Congressional junkets.

On the evening after the hearings, I received a telephone call from that remarkable reporter, Jimmy Breslin. He told me he'd just spent the night in Bedford Stuyvesant, where kids were out on the streets, armed to the teeth, dealing in drugs, joining gangs and dropping out of school. ''Trust me'' said Breslin, ''those kids aren't watching your network.'' Of course he was right. The street kids of urban America aren't glued to ''The Nanny,'' ''Friends,'' ''Touched by an Angel.'' We'd be a lot safer if they were. The gutter body count is more accurately represented in movies like ''Die Hard'' or ''Terminator,'' which are 'R' rated, than on television, though even in those movies at least the good guys win and the bad guys lose.

Ratings systems are valuable to the child with responsible parents. They're not much of an obstacle to the latch-key kid with nothing but time on his hands. So even if we accept that the V-chip will help some parents, let's not fool ourselves that it will diminish violence on the street. Otherwise, the letdown will, as I've said, promote yet more cynicism all round.

My second point is that all of us in the broadcasting or cable or telephone programming community have a higher responsibility that the government cannot and should not enforce. Instead of debating the issue of TV's relationship to violence, let's turn the question on its head. Can we help society fight violence? Can we do more? Bill Moyers said recently, ''What we need is a strategy of affirmation by society as a whole, from homes, schools, churches, synagogues and all the institutions that transmit values.'' What about from our entertainment institutions?

There has been violence in great literature and in great drama beyond Shakespeare to the ancient Greeks. Blood is the ink of much theatrical history, but great writers understand great consequences. Villains are doomed. Victims mourned. The audience is taught accountability, responsibility, sensitivity and compassion. It's not enough for the audience to leave the stage or screen just thrilled or amused. The true artist can teach us to care, and of course, to feel.

If the sociopaths who parade through our news clips show no remorse, then maybe our entertainment programs should. If the eyes of killers reflect only the chill of arctic wastes, then maybe we should offer warmer vistas. If dozens of people die unrecognized and unmourned in our movies, then maybe we should shed tears for them.

If we perceive the loss of life as unremarkable, then the absence of love will also be unremarkable. Death stings, pain hurts, loss devastates, fear terrifies. If we complain that television merely mirrors reality, then let us try to reflect our reality more skillfully and honestly. Violence is not poetic or balletic. It is ugly. Violence inspires more tears than cheers on the streets of our cities. True artists have the power to move not only their audiences, but also their times.

America won more than the Cold War. It's also winning the global infotainment war. We export popular culture to the world. With that victory comes some responsibility. We can give audiences only ''What they want'' and cynically wait for the cash registers to ring, or we can challenge our creative minds to reach further into their souls. We can certainly do more than shelter gratefully behind labels, and allow taste to evaporate.

In the end industry leaders must take personal responsibility for what goes on the screen. If we separate like church and state, our artistic values from our personal values, then we create programs for others we would not be willing to share with our own family

and friends. If we produce dreadful entertainment just because we automatically assume they, the viewers, will like it, eventually the viewers will turn on us, challenge our cynicism and demand not just the V-chip but the C-chip–C for censorship.

The greatest threat to all our hard won freedoms, whether freedom of religion, freedom of speech, freedom of the press or the right to petition is cynicism. I accept this award on behalf of my colleagues, my collaborators and my comrades, especially those of you I know in this room who are anything but cynical. If all of you are to be custodians of the new world cultural order, then you have a clear duty to try to protect and cherish its citizens.●

## COMMON SENSE, R.I.P.

● Mr. SIMON. Mr. President, Jeff Lyon had a brief observation under the title ''Common Sense, R.I.P.'' in the Chicago Tribune magazine, which I ask to be printed in the CONGRESSIONAL RECORD after my remarks.

It comments on the death of 7-year-old pilot Jessica Dubroff, but its real commentary is on our society and what we have permitted.

It is worth reading and reflecting upon.

The article follows:

COMMON SENSE, R.I.P.

(By Jeff Lyon)

Despite what legions of editorial writers have said, the real message in the death of 7-year-old pilot Jessica Dubroff is not that we're pushing our kids too hard, which, it goes without saying, we are.

It's that everywhere you look, the perishable human commodity known as common sense has died.

Of course, it's absurd that the FAA lets tots fly planes. But it's equally crazy that we can't get a ban to stick on guns that can kill a dozen people in a microsecond. Or that the government is allowed to spend more than it takes in for years, even though any imbecile know what happens when you charge up too much merchandise on your credit cards.

An entire generation celebrates sexual promiscuity, then is surprised when the harvest is AIDS, herpes, illegitimacy and marital erosion. An industry that makes billions selling a lethal, highly addictive drug like tobacco claims the stuff is harmless in the face of overwhelming evidence to the contrary and is allowed to get away with it.

We pile people into public housing, take the dignity of work away from them and are astonished when the result is a permanent underclass. We put our schools on short rations, then are shocked that our kids think like Beavis and Butthead. We let the rankest, foulest programming spew out over the airwaves and wonder why there is moral decay.

There was a time when people recognized that certain behaviors had consequences. It was a lesson that sank in the first time you got sick after Mom warned against eating too many potato chips.

But that kind of wisdom has become another casualty of modern life. Maybe moms and dads aren't dispensing it anymore. Maybe moms and dads aren't even home anymore.

Whatever the cause, as a society we've forgotten our umbrella and now it's started to rain. Isn't it time we reacquired the sense to go inside?●

## ORDERS FOR MONDAY, JUNE 3, 1996

Mr. DOLE. Madam President, I ask unanimous consent that when the Senate reconvenes under the provisions of Senate Concurrent Resolution 60 at 1:30 p.m., on Monday, June 3, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period for morning business not to extend beyond the hour of 3:30 p.m. with Senators permitted to speak for up to 5 minutes each, with the following exceptions: the first 90 minutes under the control of Senator COVERDELL, or his designee; the second 30 minutes under the control of Senator DASCHLE, or his designee.

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

Mr. DOLE. I further ask unanimous consent that at 3:30 p.m. the Senate resume debate on the motion to proceed to the Defend America Act.

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

## PROGRAM

Mr. DOLE. Madam President, I recap, for the information of all Senators, that a cloture motion was filed on the motion to proceed to the Defend America Act. That vote occur on Tuesday June 4, at 2:15 p.m., unless we can work out some overall agreement. We would want to add to that—I have discussed this with the Democratic leader—health care reform. That package is in conference. That is something which I very much would like to do that week. I talked to both Senators KASSEBAUM and KENNEDY, and others. Hopefully, we might add to the list three or four things that we might complete action on that week.

If there is not any change, then that rollcall vote will occur after the policy luncheons, I understand, at 2:15.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Madam President, I do not want to delay the distinguished majority leader, but I would also note that he and I have had the opportunity to discuss the issue of confirmation of judges, and I hope that we could continue to work on that and find some resolution. I know there is a great deal of interest on both sides in trying to figure out a way to break loose the logjam on what I believe are 17 or 18 judges that await some action here. A lot of families and a lot of futures are on the line. I am sure that the sooner we accommodate everyone's interest, the better it is for everybody concerned.

I appreciate the majority leader's interest in trying to resolve that matter as well. We will want to work with him to see that we get that done.

Mr. DOLE. I would say to the Democratic leader that if we cannot arrive at some agreement, I would be prepared to call them up one at a time. If someone wants to vote ''no''—and I understand that at least one may take some time, one of the nominees. For others, there may be rollcall votes. But it seems to me that the Democratic leader is correct. We should not be holding people up. If we need a vote, vote them down or vote them up, or whatever, but they ought to be voted on because they probably have plans to make and there are families involved.

So I hope we can reach some accommodation to dispose of those as quickly as possible when we return.

## ADJOURNMENT UNTIL 1:30 P.M., MONDAY, JUNE 3, 1996

Mr. DOLE. Madam President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of Senate Concurrent Resolution 60.

There being no objection, the Senate, at 1:47 p.m., adjourned until Monday, June 3, 1996, at 1:30 p.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 24, 1996:

PANAMA CANAL COMMISSION

MARKOS K. MARINAKIS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF THE PANAMA CANAL COMMISSION.

SMALL BUSINESS ADMINISTRATION

GINGER EHN LEW, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

J. RENE JOSEY, OF SOUTH CAROLINA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF 4 YEARS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

*To be brigadier general*

COL. WILLIAM WELSER III, 000–00–0000, REGULAR AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

LT. GEN. RICHARD B. MYERS, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

LT. GEN. JOHN P. JUMPER, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

LT. GEN. RALPH E. EBERHART, 000–00–0000, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

*To be lieutenant general*

MAJ. GEN. CARL E. FRANKLIN, 000–00–0000, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

*To be lieutenant general*

LT. GEN. DANIEL W. CHRISTMAN, 000–00–0000, U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE NAVY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

UNRESTRICTED LINE

*To be rear admiral*

REAR ADM. (LH) JAMES F. AMERAULT, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) LYLE G. BIEN, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) RICHARD A. BUCHANAN, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) WILLIAM V. CROSS II, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) WALTER F. DORAN, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) JAMES O. ELLIS, JR., 000–00–0000, U.S. NAVY.
REAR ADM. (LH) WILLIAM J. FALLON, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) THOMAS B. FARGO, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) DENNIS V. MCGINN, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) JOSEPH S. MOBLEY, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) EDWARD MOORE, JR., 000–00–0000, U.S. NAVY.
REAR ADM. (LH) DANIEL J. MURPHY, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) RODNEY P. REMPT, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) NORBERT R. RYAN, JR., 000–00–0000, U.S. NAVY.
REAR ADM. (LH) RAYMOND C. SMITH, JR., 000–00–0000, U.S. NAVY.

RESTRICTED LINE

*To be rear admiral*

REAR ADM. (LH) GEORGE P. NANOS, JR., 000–00–0000, U.S. NAVY.
REAR ADM. (LH) CRAIG E. STEIDLE, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) JAMES L. TAYLOR, 000–00–0000, U.S. NAVY.
REAR ADM. (LH) PATRICIA A. TRACEY, 000–00–0000, U.S. NAVY.

# EXTENSIONS OF REMARKS

## SECRETARY WARREN CHRISTOPHER'S ADDRESS TO THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY ANNUAL SOREF SYMPOSIUM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. LANTOS. Mr. Speaker, the Washington Institute for Near East Policy has for many years provided an invaluable forum for discussion of difficult issues facing the Middle East. Last Tuesday, the Institute invited Secretary Christopher to discuss the very urgent and ongoing problem of terrorism. As we rejoice at the magnificent progress in the peace process, we are saddened and frustrated by the vicious terrorist attacks which are carried out by an unyielding and elusive extremist minority.

Mr. Speaker, I invite my colleagues to read Secretary Christopher's thoughtful remarks and productive suggestions as to how the United States can play a stronger role in bringing these attacks to an end.

FIGHTING TERRORISM: CHALLENGES FOR THE PEACEMAKERS

Thank you very much, Mike. It is a real pleasure to speak again at The Washington Institute. Under the leadership of Mike Stein, Barbi Weinberg, and Rob Satloff, the Institute has continued to excel as an invaluable forum for the discussion of U.S. policy in the Middle East. I should say that the Institute has been a reservoir for talent as well. Any organization that could help cultivate the likes of Martin Indyk, Dennis Ross, and John Hannah has got to be doing something right. Sometimes I think that the State Department owes you a finder's fee.

As Mike mentioned, I last spoke at the Institute in October 1993, soon after Prime Minister Rabin and Chairman Arafat shook hands on the White House lawn and forever changed the course of Middle East history. Since then, much has happened. Israel and Jordan are at peace. Palestinians defied the Hamas call to boycott elections and in doing so gave their clear mandate for peace. Today, they govern themselves in Gaza and most cities in the West Bank. The Palestinian National Council voted overwhelmingly to make good on its commitment to cancel the egregious provisions of its charter. Economic summits have been held in Casablanca and Amman. Eight members of the Arab League have made official visits to Israel, and—with the exception of Libya, Iraq, and Sudan—every Arab League member has participated in some aspect of the peace process.

Had I predicted these events in 1993, you probably would have said that I needed a long rest. The scope and pace of change has truly been breathtaking. It has come so fast that what was previously unthinkable is now routine. In the face of difficult challenges, it is easy to forget how dramatically the peace process has already transformed the landscape of the Middle East. As we move forward, we must remember the enormous progress we have made.

None of the challenges we now face is more pressing than the fight against terrorism. Terrorism destroys innocent lives. It undermines a society's sense of security—and with it the very foundation upon which a lasting peace must be built. As such, terrorism is a threat to our national interests—not simply in the Middle East, but around the world.

President Clinton has rightly identified terrorism as one of the most important security challenges we face in the wake of the Cold War. As he said in his address to the United Nations last October, terrorism today is a world-wide phenomenon. No one is immune. Certainly not Israel. But also not Egypt. Or Japan. Or France, Britain, or Germany. Or Turkey, Saudi Arabia, Argentina, or Algeria. And, unfortunately, not America, where terrorists have struck from lower Manhattan to Oklahoma City.

As if the threat is not already severe enough, we now face an even more alarming danger: the terrorist armed with weapons of mass destruction. Last year's nerve gas attack on the Tokyo subway system was a grim omen. It was also a wakeup call for the world. The threat is real. We must act now to meet it.

the United States is leading the way. Last month, the President signed into law landmark anti-terrorism legislation. This bill provides law enforcement with new tools to stop terrorists before they strike and to bring them to justice when they do. It strengthens our ability to prevent international terrorists from raising funds in the United States. And while ensuring legal safeguards, it allows us quickly to expel foreigners who provide support for terrorist activities.

The United States has also spearheaded efforts to combat terrorism on a global level. We have imposed strong sanctions against states that sponsor or harbor terrorists. We have intensified our counter-terrorism cooperation with other countries, allowing us to apprehend key figures in attacks like the World Trade Center bombing. Last December, with our partners in the G–7 and Russia, we convened a ministerial meeting in Ottawa to develop common strategies for fighting terror. And in April, President Clinton joined President Yeltsin and other leaders in Moscow, where they agreed on new steps to prevent nuclear materials from falling into the wrong hands.

Nowhere in the world has America's leadership in the fight against terror been more evident than in the Middle East. We have maintained UN sanctions against Libya for its role in the bombing of Pan-Am 103. And we are working to increase pressure on Sudan for its support of last June's assassination attempt against Egypt's President Mubarak.

America's most critical role, however—and the one I want to focus on today—is defending the Middle East peace process and the peacemakers against the vicious attacks of their enemies. Terrorists and their supporters are now engaged in a systematic assault on Israel and the peace process. Their goal is clear: They seek to kill the very possibility of peace by destroying every Israeli's sense of personal security.

The enemies of peace are escalating their attacks for a very clear reason: the peace process is succeeding. With every step toward peace that Israel and her neighbors take, the enemies of peace grow more desperate and more determined to lash out. They must promote fear because they know that hope is their undoing.

The United States is determined to ensure that the enemies of peace do not succeed. We will never give in to their terror. We refuse to allow terrorists to undermine our resolve or divert us from our goal of a real, secure, and lasting peace for Israel and for all the peoples of the Middle East.

When Israel was terrorized by a wave of suicide bombings in February and March, President Clinton responded by organizing the Sharm el-Sheikh summit. Literally overnight, leaders from around the world answered his call to join Israel—not to celebrate another breakthrough in the peace process, but to defend the peace process at a moment of crisis. It was an unprecedented event that sent an unmistakable message: The enemies of peace are doomed. Their terror will only strengthen our resolve to complete the circle of peace and put them out of business for good.

Sharm el-Sheikh launched a process to expand joint efforts against terrorism throughout the region. Most recently, President Clinton and Prime Minister Peres signed a new anti-terrorism accord that will strengthen cooperation between our two governments. In addition, the United States is providing Israel with more than $100 million in anti-terrorism equipment and training.

We have also begun to bolster the counter-terrorism capabilities of the Palestinian Authority. With our support, Israeli and Palestinian security services are now cooperating in a joint campaign to root out the terrorist infrastructure in the West Bank and Gaza. Palestinian forces have intercepted many suicide bombers. They have uncovered explosives and arms caches. They have arrested, tried, and imprisoned perpetrators of acts and continue to hunt down others.

Chairman Arafat today clearly understands that he must give a 100 percent effort in the war on terror—and not just because his agreements with Israel require it. He is doing it because he knows that the bombs of Hamas and Islamic Jihad are trying to destroy Palestinian aspirations as much as they are Israeli lives. The United States will continue to insist that this increased Palestinian effort is sustained.

Like Hamas before it, Hizbollah's purpose in last month's attacks in Lebanon was also to kill the peace process. As hostilities escalated, America's responsibility and interests were clear: To use our influence to stop the suffering of innocent civilians, to end the crisis, and to create a new framework to limit the chances of it happening again.

The agreement that resulted from my shuttle mission achieved those objectives. Hundreds of thousands of Israelis and Lebanese have been able to return to their homes. New, written understandings have been reached to contain the dangers of any hostilities. An international effort will be mounted to assist in Lebanon's reconstruction. And we are organizing a Monitoring Group in which Israel, Lebanon, and Syria are being brought together for the first time to help prevent another crisis.

This recent campaign of violence has again shone the spotlight on a disturbing reality: When it comes to terrorism against the peace process, Iran is playing a leading role. Iran's leaders regularly use rhetoric that incites terrorism. President Rafsanjani called

Prime Minister Rabin's assassination ''divine vengeance.'' And just prior to the Hamas bombing spree, Iran's Supreme Leader, Khameini, preached that ''The power of Islam will ultimately bring about the end of the rootless Zionist regime * * * which must be destroyed.''

Iran has not stopped at rhetoric. It frequently meets with all the major terrorist groups—including Hizbollah, Hamas, Palestinian Islamic Jihad, and the PFL–PGC. It actively encourages these groups to use terror to destroy the peace process. It provides them with money—up to several million dollars a year in the case of Hamas, Islamic, Jihad, and others; and up to $100 million a year for Hizbollah. Iran also supplies them with arms and material support, training, and—in some cases—operational guidance.

The evidence has grown in recent months. In advance of Israel's elections, Iranian-trained terrorists have been sent to infiltrate Israel and the Palestinian territories. Some have been intercepted. Others narrowly failed in carrying out their deadly activities. Still others have succeeded in their murderous missions. We believe that an Iranian-backed group was responsible for last week's drive-by shooting of an Israeli-American yeshiva student in the West Bank. In another case, Belgium intercepted a shipment containing a mortar, which came from Iran and was probably intended for an attack on a Jewish target in Europe.

There should no longer be any debate about Iran's involvement in terrorism against the peace process. German Foreign Minister Kinkel left no doubt that in remarks he made here in Washington just two weeks ago. He said that Germany is ''fully aware of the evil things that Iran has been doing and is still doing.'' He went on to say that ''[T]he Americans and the Germans agree as to the general assessment of what Iran means by way of terrorism * * * support of Hizbollah, Hamas, and Jihad.''

While we and our allies now share a similar analysis of the facts, we differ when it comes to how best to deal with Iran. The United States believes that Iran will only change its behavior when the world makes it pay a sufficiently high political and economic price. We must deny Iran's leaders the resources to finance their dangerous policies. That is why the President decided last year to impose a comprehensive embargo on U.S. trade with Iran. And that is why we have been working with Congress on legislation to further tighten economic restrictions on Iran.

In contrast, some European nations continue to engage Iran in what they call a critical dialogue, while maintaining normal trade. The Europeans themselves acknowledge that their policy has produced no significant change in Iranian behavior. We remain convinced that no amount of dialogue will alter Iran's policies, unless it is coupled with real economic pressure.

Let me stress one point: We do not oppose the EU policy because we oppose the principle of speaking with Iran. The United States has long said that we are ready to conduct an open dialogue with authoritative representatives of the Iranian government, in which we could fully air our two major concerns: First, Iran's support for terrorism, especially against the peace process. And second, its efforts to acquire weapons of mass destruction. Iran, however, has never taken up this offer.

Our determination to contain Iran and to defeat the enemies of peace is clear. But so is our commitment to press ahead with negotiations on a comprehensive Arab-Israeli peace. Anything less would hand the terrorists the very victory they seek.

To close the circle of peace, agreements between Israel and Syria and between Israel and Lebanon are essential. Syria presents us with a unique challenge. On the one hand, we continue to have serious problems in our bilateral relationship with Syria. Syria remains on our narcotics list as well as our terrorism list.

Both President Clinton and I have consistently pressed our concerns with President Assad and other senior Syrian officials. We will continue to do so, and to make clear that these concerns must be met before the United States can build a mutually beneficial relationship with Syria.

Yet we recognize that Syria is different from Iran. Iran rejects the very notion of peace and has dedicated itself to Israel's destruction. By contrast, Syria has been negotiating directly with Israel to end their conflict. I have no illusions. Translating that willingness to negotiate into a peace agreement will be difficult. But the talks thus far have provided a solid foundation for progress when negotiations resume.

As long as we remain convinced that peace is possible, we must continue to work with the parties to achieve a breakthrough that would have far-reaching strategic consequences—not just for the Middle East, but for America's vital interests. A comprehensive peace will dramatically reduce the risks of another Arab-Israeli war. It will remove the final constraints on Israel's having normal relations with the entire Arab and Muslim world.

Finally, and perhaps most importantly, ending the Arab-Israeli conflict will allow us and our friends to harness our resources to meet the common set of strategic challenges that threaten us all—especially the rise of extremist movements that use terrorism and violence, and rogue states, like Iran and Iraq, that possess weapons of mass destruction.

These are the real dangers that we and our friends will have to address in the coming years. In pursuit of our national interests, we are determined to do so. A critical part of our strategy must be a continued effort to seize the historic opportunity that now exists to achieve a secure and comprehensive peace.

## TRIBUTE TO CHARLES A. KROUT ELEMENTARY SCHOOL

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. GILLMOR. Mr. Speaker, I rise today to recognize an outstanding school in Ohio's Fifth Congressional District. The Charles A. Krout Elementary School was recently chosen as one of the best in the State of Ohio by the Ohio Association of Elementary School Administrators. This is an honor very few schools receive.

When you walk through the front door at Krout Elementary, you cannot help but see that the staff works extremely hard every single day for every single student. One of the points stressed at the school is the high level of parental and community involvement. The education of the children is a collective effort. About 200 parents, grandparents, and retired people volunteer for different school functions. This level of dedication should be the standard for our children.

Mr. Speaker, quality education is at the heart of America's future. Krout Elementary has done enormous good for its community and the country through solid dedication to the power of learning and knowledge that our young people need.

This honor is a time to reflect upon past accomplishments. It is also a time to look toward new horizons. I ask my colleagues to join me today in recognizing the achievements of the Charles A. Krout Elementary School and encourage its faculty, parents, and students to continue to uphold its impressive legacy.

## TRIBUTE TO ERNIE BEDROSIAN

### HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. RADANOVICH. Mr. Speaker, today I would like to congratulate Ernie Bedrosian, founder of Raisin Bargaining Association. On Friday, May 24, 1996, in my district in Fresno, CA, the Raisin Bargaining Association will be honoring their founder, Mr. Ernie Bedrosian. He will be commended for his excellent work on behalf of the California raisin growers and packers.

Mr. Bedrosian founded the RBA at the age of 29 in 1966 and his work on behalf of California raisin leaders is legendary. I send to Ernie and the RBA my very best wishes for continued success.

## RED HOOK V.F.W. POST 7765 CELEBRATES 50 YEARS OF SERVICE

### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. SOLOMON. Mr. Speaker, it is my pleasure to commemorate the golden anniversary of Veterans of Foreign Wars Post No. 7765. This post, I am proud to say, is based in Red Hook, NY, in the heart of my congressional district, and is celebrating its 50th year of service. And this post personifies the outstanding efforts of the entire nationwide membership to promote a strong national defense and to help veterans and their families. That is one reason I was so pleased to be awarded the V.F.W. National Commander's Congressional Award several years ago.

The V.F.W., Mr. Speaker, has been an organization of exceptional merit and service to the needs of many veterans. It is only appropriate that those brave men and women who placed themselves in harms way overseas be represented by such an able organization. The members of Post No. 7765 have been receiving just such outstanding service for 50 years now. It is comforting to know that those who served the needs of our country and fought for the principles and ideals of America all over the globe can depend on the support of an organization like Post 7765 back home in upstate New York.

Mr. Speaker, the service of this post in Red Hook is worthy of significant recognition. This post, and others like it, are the reason I fought so hard to attain Department level status for Veterans Affairs. When Ronald Reagan signed that legislation into law, veterans were finally afforded the degree of national consideration they deserve. The efforts of V.F.W. posts like this one, Mr. Speaker, having served the

needs of veterans since 1946, assured veterans the assistance and recognition they deserved prior to approval of this Government department and continue to encourage fair consideration of veterans' issues. For this, Mr. Speaker, we owe Post 7765 a tremendous debt of gratitude.

The famous historian George Santayana once said, ''Those who do not remember history are bound to repeat it.'' V.F.W. posts all across America have not forgotten the past or those men and women who made the ultimate sacrifice for our country. I ask all Members in the House to rise in tribute to V.F.W. Post 7765 and join me in saluting all the members, past and present, on the occasion of their 50th anniversary.

## LIFEJACKETS: THEY FLOAT—YOU DON'T

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. COBLE. Mr. Speaker, each year an estimated 76 million Americans—more than one-fourth of our population—enjoy recreational boating as a means to forget the stress and pressure of everyday life. Fortunately, our Nation is blessed with vast water resources that provide a means of escape for those who just want to ''get away from it all.''

Tragically—and to a great extent needlessly—approximately 800 people die each year in boating-related accidents. Recreational boating is second only to motor vehicles in the number of transportation-related fatalities.

Since 1958, by sponsoring National Safe Boating Week and other activities promoting boating safety throughout the year, the United States Coast Guard has continuously worked to remind the American public of the importance of boating safety. ''Lifejackets: They Float—You Don't!'' is the slogan of this year's boating safety campaign. National Safe Boating Week is being observed this week, May 18–24, just prior to Memorial Day weekend which is the beginning of the traditional summer boating season.

Falling overboard and capsizing are the leading causes of boating accidents. In 77 percent of the documented recreational boating fatalities reported to the Coast Guard, the victim was not wearing a personal flotation device, more commonly referred to as a lifejacket. The Coast Guard considers wearing a lifejacket the single most important factor to ensure survivability in these accidents. It is unfortunate that, while hundreds of people die needlessly each year, the boating public still does not understand the importance of wearing lifejackets.

The most recent tragic example of the need for lifejackets was the drowning of former CIA Director William Colby. It is presumed that Mr. Colby drowned when he fell out of his canoe as he was boating in a tributary of the Chesapeake Bay. Unfortunately, Mr. Colby was not wearing a floatation device when found. Another tragic example is an incident that occurred in Arkansas in July 1993. A family of nine (two parents and seven children) went out on the Fourche LaFave River in a 14-foot flat-bottom boat designed for only three people. Although the weather was clear and the water was calm, the overloaded boat quickly began to take water, and within minutes of leaving the shore the boat went down. There were no lifejackets on board even though only two of the people could swim. Both parents and five of the children drowned. This incident is a textbook case of failure to observe basic boating safety rules.

So as Americans everywhere flock to our Nation's rivers, lakes, and oceans to enjoy the hot summer weather, remember ''Lifejackets: They Float—You Don't!''

## TRIBUTE TO THE LATE BILL HUGHES

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of a man of outstanding public service from my district who recently passed away—Mr. Bill Hughes, director of the Pleasantdale Park District.

Mr. Hughes, who battled colon cancer for 10 months, served the district for 5½ years. His tenure saw explosive growth in both the communities Pleasantdale served and programs the district offered.

Perhaps Mr. Hughes' greatest achievement was helping to guide the development of Flagg Creek Golf Course, a premiere 9-hole course, in conjunction with the city of Countryside.

Countryside Mayor Carl LeGant, who worked closely with Mr. Hughes said of his passing: ''It's sad. He was a good person to work with. He will be missed.''

Mr. Speaker, I join Mayor LeGant in mourning the loss of this community leader, and extend to Mr. Hughes' family my condolences.

## TRIBUTE TO THE ARAPAHOE LIBRARY DISTRICT

### HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. SCHAEFER. Mr. Speaker, I rise today to congratulate the Arapahoe Library District on its 30th anniversary. This is an operation that began back in April 1966 with a used bookmobile and 4,000 books borrowed from the State of Colorado. Now, the district operates 8 branch libraries throughout Arapahoe County and serves over 100,000 people annually.

The Arapahoe Library District is a shining example of a locally run organization that provides effective programs without appropriations and regulations from Washington.

Besides promoting the obviously worthy cause of literacy, the district also sponsors an annual photo contest and a children's summer reading program which focuses on a specific topic—this summer's suggested reading deals with the history of the West. It also provides an information center available to small businesses and technology classes on how to utilize the internet. Another mark of distinction is the Glendale branch's dual function as library and community center for the local population of Russian-Jewish immigrants. Here they receive vital classes in English and general life-skills.

The Arapahoe Library District is an example of how locally run institutions can contribute to the educational benefit of the surrounding communities. Thus, it is with great pleasure I join with my colleagues in the House in commending the board of trustees, the employees, and the over 100,000 patrons of the Arapahoe Library District on its 30th anniversary.

## END TELECOMMUNICATIONS FRAUD NOW

### HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. McCOLLUM. Mr. Speaker, I rise to alert my colleagues and the American people to the growing nationwide problem of telecommunications fraud. Last month, as chairman of the Subcommittee on Crime, I conducted hearings on telemarketing fraud against the elderly, and the tremendous toll that it takes. Telemarketing fraud is just one aspect of the telecommunications scheme and the elderly are not its only victims.

Telecommunications fraud can manifest itself in several forms including crimes like ''shoulder surfing,'' where criminals literally look over the shoulder of unsuspecting victims entering their calling card number on a payphone. These victims are often unsuspecting tourists in a crowded airport, hotel lobby, or shopping mall who use a pay telephone for a long distance call. The criminal then can use their calling card number himself/herself or it or sell it later, costing the victim or phone company hundreds or thousands of dollars.

Criminals have also been known to pose as law enforcement officials, and approach elderly citizens claiming they need to bill a call to a residential number as part of an investigation. As cellular technology has progressed, so has the criminal methods. For example, cloning devices are used to steal cellular phone serial numbers from the radio waves that carry the phone signal. These unique codes are used to charge thousands of dollars of calls to the accounts of innocent phone users.

Telecommunications fraud affects millions of Americans each year, and the damage done is appalling. This year alone telecommunications fraud is expected to reach $3.7 billion, an increase of $395 million from 1995. A survey of over 90 businesses who were victims of telecommunications fraud found that the losses ranged from a few thousand dollars to $4 million. The amount of long distance charges stolen through business equipment in the United States is around $1.5 billion. The cost to telephone users in ''800'' line charges, run up by thieves and attempted thieves, is estimated to reach a minimum of $215 million this year.

We must stop these criminals and protect Americans from this deceptively simple fraud. Mr. Speaker, in my home State of Florida many elderly citizens have come to retire comfortably, and many tourists visit our attractions, especially now as the summer season is about to begin. When they pick up the phone

and place a call, they should not have to worry about someone stealing from them. We must end telecommunications fraud and stop these criminals cold.

Twelve telecommunications companies have come together to fight this crime and to enhance public awareness through the Alliance to Outfox Phone Fraud. Their education efforts have gone beyond their service areas and reach out to make the national and international community aware of this problem and how to deal with it. Besides public service announcements, the alliance has launched a full campaign to include brochures, posters, and even a toll free number to encourage telecommunications customers to educate themselves and join the campaign.

We in Congress must learn from efforts like this to help Americans become aware of this problem so they can avoid becoming victims of crime.

## FAIRNESS FOR DISABLED VETERANS ACT OF 1996

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Ms. BROWN of Florida. Mr. Speaker, today I rise to talk about a very important issue that affects veterans in my district in Florida and veterans around the country. Right now, a veteran who has bravely served our Nation cannot collect VA disability payments while collecting payments for early separation from the armed services. Although a person may be eligible for both, under current law, a disabled veteran can't receive both. To me, that just doesn't make sense.

As a member of the Veterans' Affairs Committee, I am proud to introduce the Fairness for Disabled Veterans Act of 1996 to correct this injustice in current law.

The language of the bill is simple. The bill repeals the requirement that amounts paid to a member of the Armed Forces under special separation programs shall be offset from amounts subsequently paid to that member by the Department of Veterans Affairs as disability compensation. The repeal would be retroactive to the date this rule went into effect on December 5, 1991.

Here's how this works in practice. If an individual received an SSB payment of $30,000, he would not receive the first $30,000 of VA disability compensation to which he would otherwise have been entitled. This legislation would allow eligible individuals to receive the full amount of disability payments regardless of prior SSB or VSI payments.

In the early 1990's, Congress established early military separation benefits to help the Defense Department reduce the size of the Armed Forces. The Department of Defense [DOD] currently offers certain military personnel the opportunity to leave military service voluntarily in return for cash payments under two programs, the Special Separation Benefit [SSB] and the Voluntary Separation Incentive [VSI]. The SSB program offers a one-time cash payment, while the VSI program provides an annual payment over many years, depending on length of service. Servicemembers who leave service under these programs have the option of choosing either program.

When this law was passed, Congress also included restrictions on these programs preventing military personnel who receive early separation benefits from receiving disability compensation from the Department of Veterans Affairs until the separation benefits are repaid.

Today, thousands of the veterans who accepted the payment and left the military are suffering from service-connected disabilities such as gulf war syndrome and other health problems. These disabled veterans are unable to work and their families are faced with financial hardship.

SSB and VSI benefits are for services rendered as well as compensation for the veteran's participation in DOD's downsizing. Disability pay is compensation for mental or physical disabilities incurred in that service. These are two separate compensations. That's why I believe it is unfair to offset one payment with another. If the Department of Defense or the Department of Veterans Affairs offers a benefit to a retiring member of the Armed Forces, that person deserves to receive that benefit.

That's why I've introduced this bill. Let's tell our disabled veterans that we care about them and that we will fight for what's right. I urge my colleagues to support the Fairness for Disabled Veterans Act of 1996.

## RED COLEMAN CELEBRATES 50 YEARS OF BUSINESS

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate Mr. Red Coleman and his family on the 50th anniversary of operating a successful, thriving business in Dallas. Red Coleman, a good friend and consummate businessman, has used his resources of leadership and education to operate 12 Red Coleman's package stores and 19 Red-E Mart convenience stores throughout the Dallas/Fort Worth Metroplex.

Mr. Red Coleman and his wife, Frances, started their business in 1946 with one store on Forest Avenue. Since that time, his stores have grown and prospered. Throughout all of his business dealings, Red Coleman has operated his stores with adherence to the highest ethical standards and a commitment to customer service.

But Red Coleman's success in business is not only evident in the quality management of his stores, but in the community in which he lends his skills and time. He is someone who believes everyone has a responsibility to give back to our community—and he does it on a daily basis.

Mr. Speaker, Red Coleman is a truly exceptional businessman and an outstanding person in Dallas. He, Frances, and their son Ronnie, when he joined the family business, are responsible for making so many contributions to our community. I wish Red and his family another 50 years and more of success and happiness with all their endeavors.

## LIVERPOOL'S COACH JENSEN RETIRES WITH 89 PERCENT WIN RECORD OVER 33 YEARS

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. WALSH. Mr. Speaker, I want to ask my colleagues today to join me in saluting a man who has been a scholastic sports leader in central New York for 33 years. Now, he is retiring as the Liverpool High School cross-country, indoor track and field, and outdoor track and field head coach.

His name is Oscar B. Jensen, and he is known respectfully and affectionately as ''OBJ.''

He is a man who has been, as all good educators are, devoted to the academic as well as physical well-being of students. His extraordinary record of excellence and his exemplary guidance of young people is legendary in Liverpool, NY.

The memories students have of Oscar Jensen will remain vivid. Parents, teachers, staff, administrators, and Liverpool fans will recall his strong leadership in the athletic program for many years to come.

To relate his records briefly, in cross-country he won 207 meets, lost 99 and tied 1. He led the team to be section III champions three times and a State championship team in 1991. In indoor track and field he won 4804 and lost 500, tying 19. His teams were section III champions eight times. In outdoor track and field, he won 279 and lost only 43. His teams were OHSL Champions 14 times. He coached six State champions.

Coach Jensen's career winning percentage for all three sports is 89 percent, an outstanding tradition of excellence. Additionally, all his teams consistently finished with the top schools in the State in academic achievement.

This retirement follows his retirement 2 years ago as a physics teacher. It frees him to pursue clinics and other training of coaches and athletes, some of whom will eventually reach world-class levels of competition.

Oscar B. Jensen is an example of discipline, commitment and inspiration. He will be missed by the Liverpool community and respected for his accomplishments throughout school history.

## IN HONOR OF CYRUS KATZEN

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise and pay tribute to Dr. Cyrus Katzen who is the recipient of the 1996 President's Award from the American University in Washington, DC. An exceptional member of our local community, Dr. Katzen was recently honored for his dedicated service to the arts, education, and the Washington Metropolitan community.

In his life, Dr. Katzen has pursued many diverse interests in the business and the artistic communities. He received a dental degree from Georgetown University and then served as a dental surgeon at Providence Hospital, a

teacher of dentistry, and the organizer of the dental department of the DC Crippled Children's Society. But dentistry was only Dr. Katzen's first career. He also pursued an interest in banking by organizing and directing three separate financial institutions; he still serves on the board of directors for the Community Bank of Northern Virginia. As founder of the Culmore Realty Co. and president of the Mozel Development Corp. in Baileys Crossroads, VA, Dr. Katzen provided strong and continuous support for the revitalization of Baileys Crossroads and brokered real estate projects that transformed Tyson's Corner, Crystal City, and Rosslyn into the thriving commercial centers they are today.

Throughout the years, Dr. Katzen and his wife, Myrtle, have been avid collectors of art works by Picasso, Modigliani, and Sam Gilliam. They have generously supported the development of the arts at the American University, among others, and recently provided the school with a naming gift for a gallery and terrace in the university's new arts center.

Mr. Speaker, I know my colleagues will join me in saluting the imaginative vision and commitment that Dr. Katzen has given to the arts and to the economic development of our community. He is indeed well-deserving of this distinguished award.

## IN PURSUIT OF FULLEST POSSIBLE ACCOUNTING IN THE SOCIALIST REPUBLIC OF VIETNAM, JUNE 1994–JUNE 1995

### HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. PETERSON of Florida. Mr. Speaker, today I want to enter into the RECORD a very valuable, insightful personal experience monograph, titled, "In Pursuit of Fullest Possible Accounting in the Socialist Republic of Vietnam, June 1994–June 1995," prepared by Lt. Col. Melvin E. Richmond, Jr. This paper captures Colonel Richmond's unique experience while assigned as commander of Detachment 2, Joint Task Force—Full Accounting [JTF–FA], in Hanoi, Socialist Republic of Vietnam.

Colonel Richmond's account of his year of duty in Vietnam not only contains a factual record of the activities of his command, but also takes the reader on a historical review of America's efforts to reach fullest possible accounting of our missing servicemen in Vietnam. Woven throughout his monograph is an authentic description of the level of cooperation his unit experienced while working with the Vietnamese on a daily basis.

A sensitive review of this impressive paper will help many to better understand America's commitment to fullest possible accounting and to see first hand the rigors associated with our efforts to reach that goal.

ABSTRACT

Author: Melvin E. Richmond, Jr. (LTC), USA

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Some 2,157 Americans remain unaccounted-for as a result of the United States's involvement in the war in Indochina; 1,610 in Vietnam. In January 1992, the Department of Defense organized Joint Task Force—Full Accounting and began an intensive effort unprecedented in the history of warfare to account for its missing warriors. I was privileged to participate in this effort as the Commander of Detachment 2, JTF–FA from 10 June 1994 until 28 June 1995. The purpose of this paper is to describe the full accounting effort in Vietnam and my experiences during my tenure as Commander. The monograph provides sufficient background and historical information to acquaint readers with the issue. Most importantly though, it describes the progress the U.S. Government made in resolving the issue while I was there. Finally, I presented a number of lessons I learned as the Commander of Detachment 2, especially regarding hosting high level delegations, dealing with the media, cooperating with U.S. veteran organizations, interacting with the Department of State, and working with the Vietnamese Government and people.

When a soldier was injured and could not get back to safety, his buddy went out to get him, against his officer's orders. He returned mortally wounded and his friend, who he had carried back, was dead. The officer was angry. "I told you not to go," he said. "Now I've lost both of you. It was not worth it." The dying man replied, "But it was, Sir, because when I got to him he said, 'Jim, I knew you'd come.'"[1]

"I knew you'd come." If I were to summarize the efforts of the United States to recover, identify and repatriate to the United States its missing servicemen, these four words describe them best. Today there remain more than 78,000 Americans still unaccounted-for from World War II and over 8,100 from the Korean War. As of February 27, 1996, there were 2,157 Americans still unaccounted-for as a result of the United States involvement in the war in Indochina. Quite naturally, most of those losses are in the Socialist Republic of Vietnam, but there are also Americans unaccounted-for in the Lao Peoples Democratic Republic, the Kingdom of Cambodia, and the People's Republic of China.[2,3]

In January 1992, the Department of Defense (DOD) organized Joint Task Force—Full Accounting (JTF–FA) and assigned it the mission to "resolve the cases of Americans still unaccounted-for as a result of the Southeast Asian conflict through investigation, archival research and remains-recovery operations."[4] Thus began an intensive effort unprecedented in the history of warfare to account for a nation's unaccounted-for warriors.[5]

I was privileged to participate in this effort as the Commander of Detachment 2, JTF–FA from June 10, 1994 until June 28, 1995. The purpose of this paper is to describe the full accounting effort in Vietnam during my tenure as Commander. I have begun with a very brief history of the United States Government's (USG) effort to resolve this issue and a description of how the USG officially accounts for its missing. I will then outline the preparations I undertook to assume my duties, and describe the organization of JTF–FA in general, and Detachment 2 in detail. The final two sections of the body of the paper, contain an examination of the aspects of progress we made in resolving the unaccounted-for issue, and close with lessons I learned during my tenure that may be of use to other military officers as they prepare for duties in similar circumstances. The lessons concentrate on issues involving hosting high level delegations, dealing with the media, cooperating with U.S. veterans organizations, interacting with the Department of State, and working with the Vietnamese Government and people. For those who are unfamiliar with this issue, the annexes and the glossary contain information that explains the terminology associated with this issue.

To set the stage for the remainder of this paper, it is important to emphasize that as the Commander of Detachment 2, I was an operator, not a policy-maker. President Clinton "normalized" diplomatic relations with Vietnam in July 1995, because Vietnam had cooperated sufficiently in resolving the issue of Americans still missing in Vietnam. There are still many steps yet to be taken, however, before relations will be "normal." These steps are contingent upon continued progress by the Vietnamese toward resolving the issue of unaccounted-for Americans. The President and Congress will determine when the Vietnamese have progressed sufficiently to continue to move forward in our relations with Vietnam.

Any inferences you may draw regarding policy issues as you read this monograph are your own. I will lay out the developments as I saw them, but will try not to draw any conclusions regarding the level of progress. Where I state something as my opinion, it is exactly that. It does not reflect the official or unofficial positions of the United States Government, Joint Task Force—Full Accounting, the Defense POW/MIA Office (DPMO), or any other agency or individual.

Finally, participating in this effort is a tremendously emotional experience. Never before have I had such a strong sense of contributing to something so important. To a person, every member of JTF–FA has a single-minded purpose; to get the families the answers they so richly deserve. I cannot even begin to describe the flood of emotion we felt whenever we found a tooth during an excavation, because we knew that it would, in all likelihood, lead to an identification. I cannot explain the sense of satisfaction we got when we unearthed two gold wedding bands and human remains when excavating an aircraft crash site thought to be that of two missing Americans.

I believe Leslie Weatherhead's passage at the opening of this paper best describes why those of us in JTF–FA felt our mission was so important. I normally recited her quote privately to our participants before every repatriation ceremony to remind everyone of why we were there. Being in Hanoi and working this issue day in and day out, it was easy to become somewhat hardened to the importance of our mission. I believe the repatriation ceremonies were the heart and soul of what we did, and thought it was a good time to reflect on our mission. Each ceremony culminated years of work to find and recover each set of remains. And now, more than 20 years after making the ultimate sacrifice for their country, these soldiers, airmen, marines, and sailors—some of God's noblest people—were going home.

"War is always and will ever be obscene, but faced with a greater obscenity—slavery, I would fight. While war is obscene, those who go forward, who charge the machine guns, who bleed, who go down to the aid stations and are put in body bags—they are not obscene, their sacrifices have no measure—theirs has a purity where mankind shines and is beyond corruption. I am not blasphemous when I say that in the brutality and evil of war, soldiers who have offered themselves up so that their buddies may live, have in them the likeness and image of God. And damn those who debunk courage, valor, fidelity, love of country, love of home, family, hopes and dreams for a better tomorrow. Our soldiers give up much—that others

[1] Footnotes at end.

may live, not only in freedom but even luxury. They deserve our great, great gratitude and affection because they are willing to serve. They are some of God's noblest people.''

—General Cavazos.

EVOLUTION OF ACCOUNTING OPERATIONS

The United States Government (USG) efforts to account for Americans still missing as a result of its participation in the conflict in Southeast Asia have changed dramatically since initial operations began under the auspices of the Joint Casualty Resolution Center (JCRC). JCRC and its subsequent field activities came to being as a result of a joint agreement between President Reagan's Presidential Emissary for Humanitarian Affairs, General John Vessey (USA Retired), and SRV Acting Foreign Minister Tran Quang Co. General Vessey helped establish the ground rules for joint investigations, surveys, and excavations with the Vietnamese.

Joint field activities (JFAs) began rather humbly.[6] JFA 1 lasted ten days, from September 25, 1988 until October 4, 1988. The Vietnamese permitted only enough American personnel in-country to man two very small teams and restricted the duration of operations to only ten days. The team arrived at Noi Bai Airfield outside Hanoi aboard a single USAF C–141 and brought all their equipment with them, including four Jeep Cherokees. The conditions were spartan to say the least. With no helicopter support and only four Jeeps, travel overland was agonizingly slow, and travel time was included in the ten-day operations plan. The roads were poor, there were virtually no telephones and the teams were not allowed to bring radios into country. Each team included a Team Leader (civilian linguist), a team analyst (Military Intelligence specialist), and a Search and Rescue specialist. They had no permanent base of operations in Vietnam, limited non-temporary storage (one small room in the basement of the Ministry of Foreign Affairs [MFA] Reception Hall), and they carried everything with them. The first JFA required approximately three days' travel just to reach the first investigation sites north and northwest of Hanoi. The teams had only about four days of intensive investigations for a total of six cases. They then needed three days to return to Hanoi where they prepared to redeploy on Day 10. Needless to say, compared to today's JFAs, not much investigating took place.

Gradually, JCRC expanded the amount and type of equipment they maintained in Vietnam. On July 7, 1991, JCRC and the Central Identification Laboratory, Hawaii (CILHI), opened what was known as the U.S. MIA Office on the third floor of the Boss Hotel in downtown Hanoi. After the 15th JFA in January 1992, JCRC stood down. JTF–FA, the parent organization of Detachment 2 in Hanoi, replaced it. JTF–FA, under the direction of its initial commander, Major General Thomas H. Needham, expanded investigative and recovery operations exponentially.

By April 1993, teams were operating in numerous provinces simultaneously with virtually unrestricted access to travel between provinces as necessary. By the time of my arrival in June 1994, we were deploying well over 100 personnel into the country for each JFA using multiple military and civilian aircraft sorties into three airports: Noi Bai International Airport in Hanoi (northern operations), the Da Nang International Airport in Da Nang (central operations), and Tan Son Nhut in Ho Chi Minh City (southern operations). JTF–FA had expanded operations from JCRC's initial two teams in country for ten days, to up to eight teams in-country for 30 or more days. We had over 100 Mitsubishi Pajero 4-wheel-drive vehicles pre-positioned throughout the country, three helicopters (2 MI–8s and 1 MI–17) available for movement of personnel and equipment to sites inaccessible by vehicle, and had built three storage buildings in the Ranch for team equipment.

During the period 1988–1991, both the U.S. and SRV sides went through a mutual and rapid education on the capabilities and intentions of the other. The ''learning curve'' was steep. In the beginning, investigations and excavations proceeded at a crawl. Today, Vietnamese team leaders are active participants in planning and preparing for each JFA. During my tenure, at the suggestion of the VNOSMP, my specialists and Operations Officer met with the Vietnamese team leaders prior to each JFA to fully coordinate every aspect of the operation. Instead of halting operations in the middle of a JFA because an unexpected problem arose, the Vietnamese were now trying to anticipate problems and resolve them prior to the onset of operations.

Some have been critical of the rapid tempo of operations of JTF–FA, characterizing it as ''steam-rolling through Vietnam.'' They described the investigations as rushed and incomplete, with IEs concentrating on the number of cases they could close rather than the quality of their investigations. This is an unfair description of early JTF operations and current operations verify this. During its existence, JCRC–CILHI teams completed as few as 13 JFAs, 200 investigations, and 37 excavations. By the end of my tenure as Commander, Detachment 2, in approximately the same amount of time as JCRC had operated, JTF–FA had completed nearly 1,400 investigations and approximately 200 excavations. We did find that some of the early investigations could have been performed better, and we reinvestigated them; some numerous times.

The fast pace in the early days of JTF–FA allowed investigators and analysts to gather as much information as possible, about as many cases as possible, as quickly as possible. This is not testament to an ineffective JCRC. Rather, it clearly demonstrates the increased priority this issue had accrued with both the U.S. and SRV governments. Time is one of the JTF–FA's greatest enemies; witnesses get older and many pass away, and the effects of the environment continue to degrade the evidence it possesses. The fast pace allowed us to complete the less difficult cases, assess our position, and then concentrate on other more difficult cases.

ACCOUNTING PROCEDURES

The USG accounts for missing Americans in one of three ways. The first, and most obvious method is to discover a live American. A live unaccounted-for-American has surfaced since Operations Homecoming in 1973.[7] The second method is through positive and legally sufficient identification of remains. The last method of accounting for missing Americans is by presenting compelling evidence that indicates the USG will not be able to meet either of the first two criteria.

CILHI is responsible for identifying the remains returned to its facility. Today, its primary means of identifying remains is by matching dental remains to the dental records of unaccounted-for Americans. CILHI also has the capability to identify remains through DNA matching. It is currently doing this through the Armed Forces DNA Identification Laboratory in Maryland. DNA matching also has some practical difficulties in that it usually requires a piece of bone (approximately five grams) larger than the fragments teams normally recover at the excavation sites.

The third means of accounting for missing Americans is much less conclusive than the first two methods and to date, the USG has not used it to account for unaccounted-for Americans. Over-water losses are the classic example of cases that might fall into this category. In Vietnam alone, there are 449 unaccounted-for Americans believed to be lost over-water. The likelihood of finding a live American or identifiable remains (or even aircraft wreckage for that matter) in these over-water cases is extremely small. They would be prohibitively expensive to pursue as a matter of policy.

There are also numerous cases where identifiable remains are unlikely to be found. Today there are numerous sets of remains stored at CILHI that are associated with specific cases (i.e., teams excavated these remains from sites positively correlated to a specific loss, or the remains came to CILHI through unilateral refugee/turnovers that associated them with a specific individual), but the remains are insufficient for legal identification. At some point, the USG must determine whether further efforts, either joint or unilateral, to resolve the cases correlated to these sets of remains are likely to bear fruit. If not, accounting for these individuals using the third means of accounting may be the only reasonable option.

On November 13, 1995, the Defense POW/MIA Office (DPMO) published the results of its comprehensive review of cases. The purpose of the study was to review all unresolved cases so as to: ''(1) focus our (the USG) understanding on individual cases, (2) provide the basis for a sound investigations strategy, and (3) define next steps for achieving the fullest possible accounting of Americans missing in Southeast Asia.''[8] DPMO assessed ''each case, weighing all related information, including data collected through recent on-site American investigation and research in Vietnam, Laos, and Cambodia. We (DPMO) found that for any case it is exceedingly difficult to predict the extent to which evidence of knowledgeability by Vietnam, Laos, or Cambodia about some aspect of a U.S. loss could lead to an accounting of the individual.''[9] The report recommends the ''next steps'' for the remaining cases as listed below.[10]

1. Further Pursuit—The review identified further leads requiring investigation for 1,476 individuals still unaccounted-for. 942 of these individuals were lost in Vietnam.

2. Deferred—The review identified 159 individuals for whom the USG has exhausted all investigative leads, ''and no further avenues of pursuit can be identified. Although the investigation of these cases is not complete; we (the USG) require additional information to develop new leads.''[11]

3. No Further Pursuit—The review identified 567 individuals still unaccounted-for whom, ''regardless of any future effort by the U.S. Government and the governments of Vietnam, Laos, and Cambodia, their cases cannot be resolved through the repatriation of remains.''[12]

PREPARATION FOR ASSUMING COMMAND

At the time of my selection for JTF–FA, I was commanding 1st Battalion, 26th Infantry, a basic combat training battalion at Fort Jackson, South Carolina. Detachment 2 had two previous commanders prior to me, Jack Donovan and John Cray. All three of us were coming out of battalion command at the time of our selection. Additionally, each had been selected to attend Senior Service College which we had to defer for one year to command Detachment 2. I was not scheduled to give up command of 1–26 Infantry until June 10, 1994, but because John had to return to CONUS to attend the United States Army War College, I had my change of command on May 10, 1994. Since command of the Detachment is like no other job I had ever had,

time was of essence to assure a good overlap between John and me. I changed command at 0900 on May 10 and flew to Washington, D.C. at 1900 that evening. Luckily, my wife and I were able to spend some time together during two weeks of leave a couple of weeks before my change of command.

In Washington, my orientations included briefings by the Army Service Casualty Office,[13] the Defense POW/MIA Office (DPMO), and the Vietnam/Laos/Cambodia Office of the East Asia Pacific Office at the Department of State. I also spent half a day with a public affairs orientation team from the USAF at the Pentagon. My time with the USAF and USA Casualty Offices was extremely useful. The PAO orientation proved to be invaluable to me throughout my tenure.[14] The other offices I visited appeared unprepared for my arrival and provided very little information about the issue or my duties.

John Cray attended about six weeks of Vietnamese language training in Washington prior to departing CONUS. Because of the limited time available, however, I did not have the same opportunity. It was not absolutely necessary that the commander receive language training, but it would have been useful. Once I had my feet on the ground in Vietnam and had achieved a sufficient level of proficiency in my duties, I hired a tutor to teach Vietnamese to me. I met with him about twice a week for an hour and a half each day. It was amazing how much my Vietnamese counterparts appreciated the fact that I was trying to learn their language. Though I never became very proficient, I believe the very fact that I tried meant a lot to the Vietnamese.

After Washington, I flew to Honolulu, Hawaii for JTF–FA in-processing at Camp Smith. This included briefings from the PACOM staff and in-depth briefings by the JTF–FA staff. At the time of my arrival, Major General Thomas H. Needham was the Commander, JTF–FA. I had served as a company commander for 30 months under then LTC Needham in the 1st Battalion (Airborne), 509th Infantry in Vicenza, Italy, so we knew each other well. His in-briefing to me was characteristically brief and easy to remember. Despite the fact that General Needham gave up command on July 27, 1994 to Brigadier General Charles Viale, I found his guidance worthwhile to heed throughout my tenure. His guidance included:

1. If it ain't broke, don't fix it.
2. There can always be improvement in the quality of reports.
3. Work on the quality of chow at the Ranch.
4. Know the helicopter contract. When and what triggers increased costs?
5. Dealing with the press. Tone down the adjectives; i.e. ''Continue high level of support consistent with pre-embargo lifting.''
6. Read SOPs and Policy Letters, Command Letters and Trip Notes.
7. There is a folder for every past JFA—Read them.
8. Look at deficit repairs for the Ranch. See if they are really necessary.
9. Keep the boss informed.

Though I worked on all of these, there were three I tried to always keep uppermost in my mind and were instrumental in whatever success I may have had; keep the boss informed, watch my adjectives, and keep the boss informed.

After an intense schedule in Hawaii, I flew to Southeast Asia. My first stop was Bangkok, Thailand. I checked into what would become my ''home away from the Ranch,'' the Imperial Hotel. The Imperial staff had hosted JTF–FA teams for years and treated us all very well.

While in Bangkok, I had to in-process at the embassy and then received the Detachment 1 in-briefing from LTC Dave Geraldson (USAF), the Commander of Detachment 1. Because the Detachment 1 position was a three-year assignment, Dave had been with the JTF since its inception. He had a wealth of knowledge about the issue and was a good friend throughout my tour. While I was in Bangkok, the 29th JFA was redeploying out of Vietnam into Thailand. JFA report writing always occurred in Bangkok, so I was able to watch John go through the entire report writing sequence.

From Bangkok, I accompanied General Needham to Phnom Penh, Cambodia. We stayed there only three days (two nights), and Major Tony Lowe (USAF), the Detachment 4 Commander, briefed me on his operation. Things were pretty slow in Cambodia at that time. Two of our helicopters had been shot at and hit some months earlier (possibly by local bandits) and the Khmer Rouge had been active, so the CJTF–FA had suspended field operations in Cambodia out of security concerns. The last thing any of us wanted to do was to hurt or kill an American today while recovering the remains of an American who died over 20 years ago. Field operations in Cambodia did not resume until late-fall 1994.

With my in-briefings complete, I flew into Hanoi with General Needham and began 10 days of overlap with John Gray. I was able to do almost everything related to JFAs once with John prior to having to do it on my own after his departure. The only exception was deploying the teams into Vietnam from Pattaya, Thailand. I attended a Technical Talk with the VNOSMP, attended Provincial Coordination Conferences in Ho Chi Minh City, Da Nang and Hanoi, observed a Joint Forensics Review and a Repatriation Ceremony, and helped plan the next JFA that I would implement. The time with John was extremely valuable to me. Most importantly, John introduced me to most of the Vietnamese I would work with during my tour. In Vietnam, it is always better to have someone the Vietnamese knew well available to introduce you.

On June 10, 1994, after a month of in-briefings and travel, I assumed command of Detachment 2. The goodbyes were very emotional for John. He had become very close to the members of Detachment 2 during his tenure. I was extremely grateful to John Cray for his kindness as I tried to learn the ropes.

In July 1995, during my out-briefing with Lieutenant General David Bramlett, Deputy Commander in Chief, Pacific Command (DCINC), I credited much of my success to my predecessors; Jack Donovan and John Cray. I did not do that out of false humility, but out of the reality that it was their efforts that laid the groundwork for the progress we made during my tenure. They built the organization and set the systems in place. All I had to do was sustain their systems, tweak them here and there, take care of the troops, and continue to nurture our relationships with the Vietnamese. It was primarily John Cray though who positioned me well for success and I will always be grateful to him for the unselfish manner in which he prepared me to assume my duties.

COMMAND AND CONTROL

The command and control scheme for JTF–FA is, by design, very clean. There are very few intervening headquarters between the troops in the field and the highest level of the government. One very important ''agency'' not included in the command and control structure is the families of the unaccounted-for, but it is the families that are always uppermost in the mind of every member of the JTF. Although there is no direct contact between the families and the JTF personnel in the field, everything we did, everything we discovered, was shared with the families. The conduit between the JTF and the families is the respective Service Casualty Branches.

The CJTF–FA works directly for the CINCPAC. Despite having a very close relationship with the Defense POW/MIA Office (DPMO) and always being very conscious of their operations and influence, we were not in their chain of command. The CJTF seemed to take it as his and his staff's responsibility to shield the Detachments in the field from inquiries and directives from anyone except JTF–FA Headquarters and they did this extremely well. I rarely spoke directly with anyone involved with this issue who was not in my chain of command, and when I did, I always cleared it with the CJTF or DCJTF first.

Until about December 1994, our primary means of communication with JTF–FA Headquarters was via telephone conversations and fax. This was extremely expensive. In December, JTF–FA established an E-mail network between it and all the Detachments in the field. This cut costs dramatically and also made it easier to send correspondence between elements of the JTF.

As depicted in Figure 3, JTF–FA is organized into a headquarters element stationed at United States Pacific Command (USPACOM) Headquarters, Camp Smith, Hawaii, and Detachments 1 through 4 posted in Bangkok, Thailand; Hanoi, Vietnam; Vientianne, Laos; and Phnom Penh, Cambodia, respectively. Deteachment 1 is the administrative and logistical hub for the remaining three Detachments in Southeast Asia. Because we did not have a U.S. embassy in Vietnam, Detachment 1 was our link to the rest of the world. They purchased many of our groceries from the U.S. embassy commissary in Bangkok, and we flew them into Hanoi once or twice a month on a space available basis. Detachment 1 was also our postal connection. All mail for Detachment 2 went to Detachment 1, and they held it until someone came to Hanoi. Mail was extremely important to us, and the standing JTF rule was that nobody left Bangkok for Detachment 2 without picking up the mail. Even the CJTF helped us out in this regard by always picking up the mail when he passed through Bangkok en route to Hanoi. Likewise, nobody left Hanoi for Bangkok without taking our mail out.

The only other Detachment I had regular contact with was Detachment 3 in Laos. There was a lot of coordination involved with trilateral operations, and LTC John Twohig (my counterpart in Laos) and I spoke frequently to coordinate them.

The mission of Detachment 2 is to ''coordinate all United States Department of Defense efforts in Vietnam to achieve the fullest possible accounting for Americans still unaccounted-for as a result of the war in Indochina.'' The USG knows that it will never resolve every case, thus the requirement to provide the fullest rather than a full accounting. Detachments 3 in Laos and 4 in Cambodia have missions similar to Detachment 2 with the additional requirement of supporting the Ambassador's country team. During my tenure as Commander of Detachment 2, the United States and Vietnam did not have diplomatic relations. As a result, I did not have this requirement.

Work at Detachment 2 was essentially a seven-day-a-week proposition, but I endeavored to be as flexible as possible regarding individual schedules. Because the intensity of our work varied from time to time and section to section, I tried not to watch the clock. I expected Detachment personnel to work when they needed to work, but to take

some time off when their responsibilities allowed it. I did require them, however, to inform their supervisor of their whereabouts if they were not in their office in the event an issue arose. The high quality personnel assigned to the Detachment allowed me to exercise this level of flexibility without worrying about the quality of work degrading. As much as possible, I tried to give the Detachment Sundays off, but there was always some work members of the Detachment had to accomplish on Sunday, especially during JFAs. Since Monday in Vietnam was Sunday in Hawaii, we did not receive many calls from the Headquarters on Monday. This enabled me to give the Detachment Monday mornings off, thus giving them two evenings a week when they knew they would not have to work the next morning.

Much of our work schedule revolved around the time difference between JTF–FA Headquarters in Hawaii and our office in Vietnam. We were about 19 hours ahead of Hawaii. The CJTF prohibited the JTF–FA staff from telephoning us prior to 0730 Vietnam time unless it was an absolute emergency. This precluded us from being hounded at all hours of the very early morning about issues that were not urgent. Our work day began between 0700 and 0730 Tuesday through Saturday, and at 1130 on Mondays, and continued until our work was complete. During a JFA., we normally worked until about 2100 everyday.

Other than the normal day-to-day operation of the Detachment, we undertook seven basic tasks: 1) investigate live sighting reports, 2) conduct joint investigations and recoveries, 3) conduct historical and archival research, 4) interview witnesses and officials and analyze information and ''leads'' in the field, 5) coordinate and support teams in the field, 6) participate in technical meetings, and 7) represent the USG in repatriation ceremonies. To effectively accomplish each of these tasks, we organized the Detachment.

Historically, the Commander of the Detachment has been a combat arms lieutenant colonel who had successfully commanded at the battalion level, and was either a Senior Service College selectee or graduate. Some have argued that the commander should be a foreign area or intelligence specialist. The fact is, however, that the Commander is primarily an ''operator.'' The skills normally associated with a combat arms officer are the skills required of the Detachment Commander; i.e., motivate personnel, deal effectively with people, manage resources and people over vast distances, coordinate aviation assets, and resupply activities, etc.

The Commander serves in this position for 12–13 months. Once again, some believe that the turbulence associated with a one-year tour for the Commander is detrimental to the effort. I believe maintaining it as a one year tour is one of the keys to preserving the credibility of the organization. The unaccounted-for issue is a very emotional one, not only for the families, but also for those of us who worked so hard to resolve it as fully as possible. As one works the issue, it is very easy to develop strong personal opinions about it, and those associated with it. It is also not difficult to develop relationships, either positive or negative, with the Vietnamese officials with whom you work and this could effect negotiations. The bottom line is that individuals who work this issue for an extended period of time begin to develop an ''agenda.'' As soon as this happens you are likely to lose your credibility with the families.

One of the Commander's primary responsibilities is to ensure that personal opinions and agendas do not develop to such an extent that they cloud the facts. When a new officer assumes duties as the Commander, he views the issue with a new set of eyes, and this is desirable. For those who believe that a one year tour for the Commander is detrimental in terms of continuity, I must add that there are numerous experts available to the Commander who provide advice and expertise that more than compensate for this lack of experience.

Besides the Commander, there were normally five other long-term members of the Detachment (i.e., longer than one year). The Air Force provides the Detachment's Executive Officer/Operations Officer. This individual is normally a relatively senior, experienced and successful Air Force Major who had extensive experience in operational duties. I screened numerous files to identify a successor for the incumbent while I was there. When examining records, I focused on several professional attributes. First, was he/she capable of assuming full command of the Detachment? In the 13 months I commanded, I went on TDY over 40 times. During my R&R period at Christmas, I was away from the Detachment for two weeks. The Deputy had to be fully capable of assuming command of the Detachment in my absence. Second, I looked for operations experience. Operations at the Detachment run at a fast pace and the Deputy must be able to coordinate field activities, manage aviation resources, and coordinate and execute logistical resupply of the teams, with very little or no supervision.

Several of the officers the Air Force nominated for the Deputy position had intelligence backgrounds. I was very leery of accepting an officer whose record reflected this, as I was concerned that the Vietnamese might look at this assignment suspiciously. We worked very hard to convince the Vietnamese that our only purpose for being in Vietnam was to resolve the unaccounted-for issue, and that we had no interest in gathering other types of information. Mr. Le Mai, the Vietnamese Deputy Minister of Foreign Affairs, remarked to my Detachment Historian during a dinner toward the end of my tenure, that they had initially thought we had ''other purposes'' for being in Vietnam, but that now they knew that we were there for only one purpose, to resolve the issue of unaccounted-for Americans. I worked extremely hard not to violate that trust as I thought it would be extremely detrimental to the issue if the Vietnamese ever perceived that I was violating that trust. Assigning an officer with an intelligence background to the Detachment could have given that perception to the Vietnamese.

The Detachment had the normal administration, operations and logistic sections of any military organization. A long-term member of the Detachment directed each; Administration—an Army Staff Sergeant or Sergeant First Class, Logistics—a DA civilian under a two-year renewable contract, and Operations—an Air Force Major and Air Force Technical Sergeant or Master Sergeant.

The final section organic to the Detachment was the Casualty Resolution Section (CRS), Mr. Gary Flanagan, a retired USAF linguist/analyst, directed the operations of the CRS. Gary has been working this issue since October 1987, initially with the Joint Casualty Resolution Center and then with the JTF. Gary is one of those threads of continuity I spoke of earlier. For a new commander coming into the Detachment, much of what occurs doesn't always make sense, and dealing with such a different culture is often frustrating. Gary was extremely skillful in explaining the historical basis for various methods, and often kept me out of trouble by recommending techniques for getting things done with the Vietnamese.

Gary directed the efforts of the Research & Investigation Team (RIT). The RIT is a six-person team that deploys to Vietnam for a period of four months. the JTF manned the RIT with the most skillful Vietnamese linguists and analysts assigned to the JTF, and the team works its most difficult cases. It is responsible for archival research, oral history interviews, special remains and priority case investigations, and walk-in interviews.[15] As we near the ''fullest possible accounting'' and large-scale Joint Field Activities become less productive, the RIT will provide the organizational and operational design for continued efforts well into the future.

Though he returned to Washington, D.C. toward the end of my tour, Mr. Bob Destatte was an invaluable asset to me throughout my tenure. He was the Detachment's Research Historian, assigned to DPMO, but attached to Detachment 2 as DPMO's in-country analyst. I don't think there are many who are familiar with this issue who would argue against me when I say Bob is the most knowledgeable individual involved with this issue today. He is a fluent Vietnamese linguist and can totally immerse himself in the Vietnamese culture as required. He accompanied me to most meetings during delegation visits as he was one of the few people who both understood the issue and understood Vietnamese. He was able to convey some of the nuances of what the Vietnamese said during the meeting that others would miss. Bob was amongst the first Americans in-country in the early 1960's and has been in and out of Vietnam ever since. He was the single most important person to me as I was beginning to learn the issue. If Bob had a fault, it was that he is a perfectionist and sometimes got mired in the details of a particular issue. This said, his reports were always extremely detailed, complete, and authoritative. Bob knew the background of every aspect of this issue, and willingly shared it with anyone interested. It was a great loss to the Detachment when he returned to the United States. I always took great comfort in being able to walk downstairs to his office whenever I needed assistance.

At various times, additional personnel come under the command and control of Detachment 2. Whenever there is a live-sighting to investigate, Stony Beach, the Defense Intelligence Agency office in Bangkok, Thailand, dispatches an investigator to investigate the report. Though this investigator works directly for DIA, as soon as he enters Vietnam, he comes under Detachment 2 for the duration of his investigation in Vietnam.

The largest group of ''temporary'' personnel directed by Detachment 2 is the Investigation/Recovery Team (IRT) that enters the country every other month for Joint Field Activities. Each IRT consists of well over 100 specialists who fan out across the country to investigate leads and interview witnesses, and conduct recovery operations. For most of my tenure, the IRT consisted of two Investigation Elements (IE) and six Recovery Elements (RE).

The mix of IEs and REs varies depending upon constraints the Vietnamese impose and the work-load we had to accomplish. In the early days of the JTF, the Vietnamese limited the number of personnel it permitted into the country, however, they became much more flexible in adjusting these numbers to the needs of the mission. The JTF has investigated every case at least once, many numerous times. As such, in early 1994 it changed the IE/RE mix from three IEs and five REs to the current ration. The JTF has between 40 and 50 cases scheduled for recovery in Vietnam, and on average, an RE can complete two recoveries each JFA. To facilitate the backlog of recoveries, JTF-FA increased the number of REs to six.

During most JFAs, the IEs and REs were dispersed throughout Vietnam. The primary means of contact with them was telephone, if that was available, and HF radio when the teams were operating in remote sites. The Detachments in Laos and Cambodia communicated with their teams in the field via SATCOM radio, which was much more reliable than the HF. This was a major issue between the USG and the Vietnamese. We requested permission to use SATCOM continuously. We felt it was a safety issue with the teams (U.S. and Vietnamese) in the field. There were times when I was out to touch with teams by radio for up to four consecutive days. Communications between the Detachment and two teams in the field became so bad during one JFA that I had a helicopter fly to the site every other day to check on the team. This was a very expensive proposition, but work at remote sites can be very hazardous and I could not risk not knowing their situation. Every visiting delegation raised the SATCOM issue at the highest levels of the Vietnamese Government, but they never acceded to our request. Admiral Macke, CINCPAC, even assured the Vietnamese that we would use only unencrypted systems and went so far as to offer to provide the Vietnamese a SATCOM station to enable them to monitor our communications. We had nothing the hide. Their reasoning for denying our requests was that they did not have the regulations in place to control satellite communications. They posited that granting us the authorization opened the door for others to use it. While I never quite understood their position, I never made any progress in changing it.

I had a very direct and close relationship with the Vietnamese Government. Until the opening of the United States Liaison Office (USLO) in Hanoi, I was the senior USG representative in Vietnam. Even after it opened, I remained the primary point of contact in Vietnam concerning the issue of missing Americans. My direct counterpart in the Vietnamese Government was the Director of the Vietnamese Office Seeking Missing Persons (VNOSMP). During most of my tenure, this was Mr. Vu Chi Cong. The VNOSMP contained representatives of the Ministries of Foreign Affairs (MFA), National Defense (MND), and Interior (MOI). The MFA coordinated the operation for the Vietnamese as they are the ministry responsible for dealing with officials from other countries. The MND and MOI had representatives in the VNOSMP because they are the two ministries who would have collected and stored information during the war regarding U.S. service men; MND for obvious reasons, and MOI because they were responsible for the administration of POW camps and the prison system.

I found the VNOSMP to be very helpful and open to our effort. I had easy access to the VNOSMP. Mr. Cong even gave me his home telephone number in the event an emergency arose after normal duty hours.

In sum, the organization and command and control structure I worked under was very effective. I had one boss, the CJTF, and he and his staff never hesitated to run interference for me as necessary to keep other agencies from distracting our efforts. The CJTF never micro-managed my operations and allowed me great leverage in how I accomplished the Detachment's mission. This flexibility was very important to my credibility with the Vietnamese, as they knew that I was entrusted to make decisions and to follow through on those decisions. Despite the freedom of action he allowed us, the CJTF was always there to support us when necessary. I was well staffed with some of the best soldiers, sailors, airmen, marines and civilians I have ever worked with. The Vietnamese ensured that I had direct access to the necessary agencies in their government whenever necessary. The command climate truly provided an environment that ensured our success.

PROGRESS TOWARD THE FULLEST POSSIBLE ACCOUNTING

In March 1992, President Clinton validated former President Bush's four areas requiring tangible evidence of progress by the Vietnamese as a precondition to normalizing relations: (1) repatriation and identification of remains, (2) access to documents, (3) trilateral cooperation, and (4) progress in resolving priority cases and live sighting investigations, and support for joint field activities (JFAs). The President has continued to stress these areas even as the United States begins to engage Vietnam in other issues of concern.

I considered sufficient progress in the President's four areas our end state, despite the fact that tangible evidence of progress is a difficult end state to define. Although as a military officer I am much more comfortable when I have an end state that I can clearly enunciate, I soon discovered that when dealing with emotional that have great political consequences at the highest levels of the government, clarity of the ultimate objective is often difficult to define more precisely.

The press often asked the question; ''When will all this end?'' My answer to this was always that their question was one for the policy-makers; i.e. President Clinton, members of Congress, the Secretary of State, etc. I was merely an operator in the field. It is, however, my opinion that the effort will never *end*. *''End''* connotes finality, a ceasing of all efforts. Today, we are still finding remains of unaccounted-for-soldiers from World Wars I and II, and the Cold War. Task Force—Russia is searching the archives and records of the former Soviet Union in an effort to resolve losses from the Cold War era. We have yet to search the areas in North Korea where we lost America soldiers, and last year, a group in Canada even unearthed the remains of an American lost during the War of 1812. As long as we have Americans unaccounted-for in Southeast Asia, I do not believe our efforts will ever entirely cease. Rather, if at some point our efforts become less productive (i.e., a significant diminution in successful investigations and excavations) the means by which we seek to achieve our ends, the fullest possible accounting, may *evolve*.

By definition, JTFs are temporary. At some point in the future, it is reasonable to envision an organization such as CILHI controlling the entire accounting effort in Southeast Asia. There might be a small team of investigators such as the current RIT that remains in Vietnam to pursue leads as they develop. As the small in-country team discovers likely sites for excavation, an RE from CILHI could deploy to Vietnam to excavate that location. Whenever we have information that leads us toward resolving a case, I believe we will follow it.

The USG hinges future relations with the Vietnamese on progress toward the accounting effort. It is also critical to understand how the Vietnamese view their assistance in this endeavor. When negotiating with the Vietnamese and when speaking with the press, it is important to keep in mind the Vietnamese Government's official premise for cooperating. Vietnamese officials repeatedly reminded visiting delegations that they consider this issue a ''humanitarian'' issue and that they cooperate because it is the right thing to do. Their cooperation does not depend on closer relations, financial assistance, etc. This seemed to me to be a very important point with the Vietnamese. I felt it was the basis for their position that their cooperation would continue until we resolve the issue to the satisfaction of the USG.

As I said earlier, it was not my responsibility to assess the amount of progress we made; those were policy decisions. It was my job to identify means of effectiveness of joint and unilateral efforts. I endeavored to provide relevant facts pertinent to each of the President's four areas, and then left the assessment to the policy-makers. The discussions that follow are the elements of progress I deemed significant during my tenure. This was the information I presented to visiting USG officials.

RECOVERY AND REPATRIATION OF REMAINS

Since the end of our involvement in the conflict in Indochina in 1975, the remains of 428 individuals have been repatriated to the United States and positively identified.

Recovery and repatriation of remains showed strong progress during my tenure. On the surface, this indicator of progress is relatively easy to measure. Ostensibly, all that should be necessary is to count the numbers of remains we recover in the field and subsequently repatriate to the United States. Nevertheless in just about every aspect of this issue, you can look at the results in two ways. Executives of the National League of Families (NLF)[17] contend that the only meaningful way to measure progress in this area is by the number of unaccounted-for Americans that have been identified positively. Since January 1992 when the JTF began operations, CILHI has identified 110 previously unaccounted-for Americans. The NLF points to this relatively low figure when compared with the total number of unaccounted-for as evidence of slow progress in recovering and repatriating remains and a lack of cooperation by the Vietnamese. On the other hand, you can look at the number of remains that have been repatriated in that same period, consider that more than 20 years have passed the losses occurred, and develop entirely different conclusions regarding the success of JTF operations. I contend that the JTF and CILHI have been highly successful in recovering and repatriating remains.

The difficulty of locating remains was clarified for me when teams excavated the former Lang Vei Special Forces Camp in Quang Tri Province to search for five unaccounted-for Americans. The JTF had excavated this site twice previously without success. IN February 1995, we brought Major (Retired) Frank C. Willoughby to Vietnam to assist us in our efforts. Mr. Willoughby had designed and built the camp, and commanded it at the time of the incident in 1968. Upon his arrival at the recovery site, MAJ Willoughby reconnoitered the area our teams had excavated during previous JFAs as they tried to find the camp's Tactical Operations Center (TOC). It was in the TOC where one of the five missing Americans had been seen last.

Mr. Willoughby thought that given the old maps and descriptions of the area, the areas where we excavated were reasonable locations to dig. However, after a couple of days to orient himself on the ground, Mr. Willoughby suggested excavating for the TOC some 50 yards from the previous locations. He also confirmed the location of the camp's Observation Post (OP) and a 4.2-inch mortar pit where the four remaining service members were last known to be. After several days of excavating, we found the remnants of the TOC, one bone fragment and one possible bone fragment. Still visible on the concrete floor of the TOC were the scars made by hand grenades the attackers threw down the bunker's air vents.

Since the war, the local Vietnamese had used the site of the camp as a ''quary'' for

materials to build Highway 9, and dramatically changed the nature of the terrain. Mr. Willoughby thought that the remains of his soldiers had most likely been in the area of where the Vietnamese had quarried, and were thus irretrievably lost. I firmly believe that without Mr. Willoughby's on-site knowledge we would not have found the site.

During one of my visits to the site, Mr. Willoughby and I sat on a hill in the middle of the old camp and he recounted the day of the battle for me. As we looked west from the hill, we could see Laos which the attacking Vietnamese had used as a sanctuary. This battle was the first of the war when the Vietnamese used tanks to attack the American positions, and is the subject of a book by David Stockwell entitled, Tanks in the Wire.[18] We could probably see about two miles distant, and he said that at the time of the war, all that we were now surveying was triple canopy jungle. Today, the view encompassed only rice paddies between the camp and the Laotian mountains. He said that the hill we were sitting on was a good ten to 12 feet taller during the war, and that the bulldozing of the hill for road materials had changed its appearance dramatically.

This story clearly demonstrates the problems associated with time. More than 20 years passed since the incident of loss. Not only was it likely that the environment had eroded whatever remains the ground held, but it was obvious that ''man'' had changed the terrain. The terrain changes and the memories of witnesses fade. There is an element of luck involved every time we find remains. To be able to then identify the remains is even more fortuitous.

I need to digress from the subject of repatriation of remains to further elaborate on Mr. Willoughby's trip. Though I barely got to know him, Mr. Willoughby will always be one of my heroes. It was a very emotional trip back for him, but one which I think helped him close an open chapter in his life. During one of my visits to Lang Vei, I brought a television crew from KCRA television in Sacramento, California. While interviewing Mr. Willoughby, the commentator asked him why he returned to Vietnam to help us. Although I do not remember the exact wording, Mr. Willoughby replied by saying that he was the Commander at the time they evacuated the camp, forced by enemy action to leave five of his soldiers behind. During the war, he always felt it his duty to do everything he could to bring his soldiers home. The passage of time had not relieved him of his duty, for he was still their commander. Over 25 years passed since the incident, but duty to his soldiers still drove this great American—one of God's noblest people.

I also had the opportunity during this visit to learn about another aspect of this issue. After the television crew interviewed Mr. Willoughby, they turned to one of my VNOSMP counterparts, Senior Colonel Bien[19] asking him for his impressions of our efforts. SRCol Bien said that he had lost four brothers during their ''war for independence,'' one of whom was lost in the same area near Highway 9. Unfortunately, this brother is still missing. SRCol Bien said that many members of his family criticized his efforts to help the USG account for its missing, when he cannot even account for his own brother. The commentator then asked how he answered their reproaches. SRCol Bien replied very curtly, ''I tell them that I help because it is the right thing to do.''

*Unilateral Activities by the Vietnamese to Recover Remains*

During my tenure, delegations continually stressed that the Vietnamese needed to work more unilaterally to resolve this issue. Some stress unilateral action because they believe that the Vietnamese Government is withholding remains and information concerning missing Americans. Thus, they reason that only the Vietnamese can resolve these cases and they could do so by simply handing over the information or remains they possess. I am not in a position to conclusively state where the truth in this matter lies. I do know, however, that unilateral operations are a poor substitute for joint investigations and research. Unilateral operations do not result in near the quality of work joint operations do.

Another aspect of our requests for more unilateral efforts on the part of the Vietnamese that I felt was important was the lack of credence we sometimes attached to their results. Time and time again, I saw individuals both inside and outside the USG criticize the results of Vietnamese unilateral efforts simply (in my opinion) because their results did not coincide with the results they expected. In my opinion, if we ask the Vietnamese to investigate cases unilaterally, then when they do we have a certain obligation to accept the results of their efforts. I am not saying that we should unconditionally accept every report just because the Vietnamese say it is accurate. What I am saying is that if we are unwilling to accept their results whatever they might be, then maybe we should reconsider the value of requesting the unilateral activity in the first place.

We should keep in mind that unilateral work by the Vietnamese precedes everything we do. There is no way we could find witnesses to interview, documents to analyze or sites to excavate without prior work by the Vietnamese; never have—never will. Approximately ten days before every JFA, the Vietnamese team leaders begin to coordinate with provincial officials, reconnoiter sites, search for witnesses, and arrange for their presence. Thanks to their preliminary efforts, when American team members arrive, we can maximize the time in-country. Additionally, the Vietnamese provide unilaterally almost half of all remains that we obtain.

In June 1994, a Vietnamese citizen from Son La Province contacted Detachment 2 officials stating someone he knew in Son La had remains of an American service man. During the interview, he produced a dog-tag impression correlating to Case 0954 to the Casualty Resolution Section at Detachment 2. We sent an official from our office and one from the VNOSMP to Son La to meet the individual who allegedly had the remains. Although the individual in Son La denied having any remains, the witness who gave us the information in Hanoi insisted that this was the correct individual. At that time, we were unable to obtain the remains, but the Commander of the local Border Defense Forces pledged that he would continue to investigate this case and recover any available remains. In January 1995, we received the remains from the VNOSMP and in February 1995, we repatriated the remains to the United States.

This was an important lesson for me in dealing with Vietnamese authorities. When the Vietnamese citizen initially refused to give us the remains, I felt that the SRV officials should have searched his home and belongings and confiscated the remains. After all, it is against the law in Vietnam to hoard remains or demand compensation for them. I soon learned, however, that the Vietnamese continually stress that they prefer persuasion rather than force to entice Vietnamese citizens to turn remains over to U.S. or Vietnamese officials. They are concerned that force would discourage other citizens from coming forth with remains or information. Besides, the remains could have been anywhere, and if he had hidden them, the likelihood of finding them would have been very slim. Case 0954 is an example where the Vietnamese process of patient persuasion seems to have worked.

Nevertheless, I did get the impression that when persuasion failed, SRV officials were not hesitant to enforce the law. During the 32d JFA, SRV officials confiscated remains from an SRV citizen who demanded compensation for them. The officials later provided them to our team members. Seeking compensation for remains is not an uncommon occurrence. Vietnamese citizens will often approach team members in the field, or they will even come to ''The Ranch'' to offer remains or information in exchange for money, gold, or a visa to the United States for themselves or a relative. In all cases, our answer was that under no circumstances would we compensate them for remains or information. Rather, we encouraged them to provide the remains for information as an ''act of compassion to help resolve this humanitarian issue.'' In most cases, the citizen, seeing he was not going to receive anything in return, handed over the remains or provided the information anyway.

Refusing to ''buy'' remains or information was an important position for the Vietnamese Government as well as ours. Vietnam is an extremely poor country. If word spread that the USG was ''paying'' for remains, some Vietnamese, not realizing that we can differentiate between remains belonging to a Southeast Asian Mongoloid and an American, would begin ''robbing graves'' throughout Vietnam in hopes of earning money. Rather than helping our efforts, this would likely cause many Vietnamese to resent the results of our efforts.

During my tenure, there were several cases of individuals absolutely refusing to hand over remains they had without some type of reward. In some instances the Vietnamese were able to document repeated attempts by the same individuals to sell remains. I know of at least two successful prosecutions of ''remains dealers'' while I was in Vietnam.

The Vietnamese also appeared to act unilaterally in cases that might involve some sensitivity with the Vietnamese populace. During the 34th JFA, Vietnamese authorities in Ben Tre Province unilaterally excavated a site in a War Heroes Cemetery. Past investigations of this case led us to believe that the Vietnamese had buried an unaccounted-for American in the cemetery inadvertently. Provincial officials were very sensitive about the possibility of angering the villagers if they saw Americans excavating in their War Heroes Cemetery. The provincial officials disinterred several graves during the evening when they would not be observed by the villagers, and presented the remains to a JTF–FA anthropologist waiting nearby for examination. Unfortunately, he determined all the remains to be of Southeast Asian origin. The importance of this episode, however, is the level of cooperation it demonstrates. Could this have occurred in Arlington National Cemetery, the final resting place of many of our war heroes?

In another development regarding unilateral efforts by the Vietnamese to develop ''leads'' concerning unaccounted-for Americans, the Vietnamese government unilaterally tasked the Ministry of War Invalids, Social Welfare and Labor (responsible for accounting for the over 300,000 missing Vietnamese from the war) to coordinate their efforts with those of the VNOSMP. Now, before their investigators travel to the various provinces, they take with them a list of unaccounted-for Americans possibly lost in those areas. When they interview witnesses regarding Vietnamese missing, they also ask about our unaccounted-for individuals.

*Amnesty Program*

The Vietnamese Government actively publicizes their remains amnesty program[20] and the U.S. MIA Office. They allowed Detachment 2 to place an advertisement in the Hanoi Yellow Pages inviting Vietnamese citizens who might have information about unaccounted-for Americans to contact the VNOSMP or the U.S. MIA office in Hanoi. They also televised advertisements requesting information on specific cases and placed the U.S. MIA Office on tourist maps. Additionally, many of the remains we receive from Vietnamese citizens originate from remote areas of the country, thus indicating widespread word of the amnesty program.

One such case occurred during the 34th JFA. The VNOSMP notified us that villagers in Quy Nhon Town had discovered what they believed were remains of an American. A family in Quy Nhon found these remains while looking for the remains of one of their children in a local cemetery. When they removed the bones from the ground, they realized that they were much too large to be Vietnamese. They placed them back into the grave and notified local officials of their discovery. The local official called the VNOSMP offering to excavate the site unilaterally, and the VNOSMP then called me to request that I send an anthropologist to Quy Nhon Town to examine the remains. On March 7 and 8, 1995, a JTF–FA anthropologist reviewed the remains. The remains consisted of nearly three-quarters of an entire skeleton and 21 (possibly 22) teeth, five with restorations. The anthropologist determined the remains to be from a large male, over 40 years old, over six feet tall, and not Southeast Asian Mongoloid. We repatriated these remains to the United States.

*''Dog Tag'' Investigations*

Since 1979, the USG has received literally thousands of reports of remains associated with a set of ''dog tags'' in the hands of private citizens. About 97% of the Americans named in these reports were never unaccounted-for, while somewhat more than 100 Americans named in the reports are still missing. You must consider two facts regarding ''dog tag'' cases. First, during the war, many Americans lost their dog tags, gave them to their ''girl friends,'' traded them, etc. Second, when we evacuated the embassy in 1975, the machines used to manufacture dog tags remained behind. Budding ''entrepreneurs'' have been cranking out counterfeit tags ever since. The end result is that, whether real or counterfeit, a glut of dog tags is available throughout Vietnam, especially in stores and street corners catering to tourists.

Shortly after my arrival in Vietnam, a U.S. citizen visiting Vietnam contacted one of our EIs working in the vicinity of Ho Chi Minh City to tell them that she had 1,444 dog tags of missing Americans and a set of remains. She said that Vietnamese secret police and even the CIA were following her, and she feared for her life. The IE team leader agreed to meet with her and she related a fantastic story of intrigue. She said that a very ''reliable'' Vietnamese man had contacted her and offered to lead her to where he knew there were a number of dog tags and remains of missing Americans. She knew he was reliable because he did not ask for any money for the items, only some compensation for the time and travel. She recounted an escapade involving nighttime motorcycle rides disguised as a Vietnamese peasant to various locations. She further described crawling into a ''previously unknown'' tunnel in Marble Mountain, Da Nang (one of the most famous tourist sites in all Vietnam), and there, on top of the ground, lay 1,444 previously undiscovered dog tags. Then he took her by motorcycle to a cemetery where a small bag containing bones laid on top of the ground.

She believed she had solved the entire issue of unaccounted-for Americans, and told us that she planned to call a press conference as soon as she landed in Los Angeles (she claimed to be a journalist). Knowing that it is easier to discredit an inaccurate story before it comes out than to react to one after it hits the media, we thought it was critical to determine the veracity of her claims. Our first step was to send CILHI's best anthropologist to HCMC to examine the remains. He found them to be from a Southeast Asian Mongoloid. It was obvious to him that they were not American. For two days, analysts in Detachment 2 searched our database of missing Americans comparing it to the names on the dog tags. Not a single one correlated to an unaccounted-for American. As soon as we confirmed our findings, I immediately called the JTF–FA Public Affairs Officer (PAO) in Hawaii to inform him of the results of our investigation. I never heard of any news report or press conferences regarding this incident.

JTF–FA cannot afford to dismiss any of these claims without fully investigating them. Though the odds are slim, the possible benefit of discovering new leads far outweigh the amount of work involved chasing deadends. The Archival Research Team (ART) began investigating dog-tag leads during my tenure and the RIT continues this effort today. In October 1994, the ART received partial human remains and a set of dog tags that we tentatively correlated to two cases of unaccounted-for Americans. One set of remains contained teeth with restorations. A CILHI anthropologist confirmed that the remains were likely to be those of an American, and we repatriated these remains to the United States.

ACCESS TO DOCUMENTS

The USG believes that museum artifacts and archives, tradition houses (local museums), military historical files, prison records, etc., might contain information pertaining to Americans still unaccounted-for. Since its January 1992, members of JTF–FA have examined over 30,000 items correlating to over 820 unresolved cases. These include more than 2,000 photographs of former POWs, remains, crew gear, personal identification items, aircraft wreckage, sketches, maps, etc. During its existence, the ART had unrestricted access to museums and tradition houses throughout Vietnam, and interviewed many of the past museum curators. USG investigators, including DIA analysts, have visited several prisons throughout Vietnam and have discovered no evidence that the Vietnamese held U.S. prisoners after 1973. Additionally, the Vietnamese established the Joint Document Center (JDC) in a wing of their Central Army Museum in Hanoi. The JDC serves as a permanent location dedicated to the joint review of any artifacts or documents researchers might discover. Detachment 2 and VNOSMP analysts man the JDC on a daily basis.

Providing archival information to the USG presents an interesting dilemma to the Vietnamese. Prior to the arrival of CODEL Bond in the Fall of 1994, I attended a meeting between Mr. Jim Hall and Mr. Nguyen Xuan Phong, Director of the Americas Department, Ministry of Foreign Affairs.[21] During the meeting, Mr. Hall encouraged Mr. Phong to present any documents they may have uncovered during their unilateral research to the visiting delegation. Mr. Phong responded that they no longer thought it wise to hold documents they find to present to delegations. Rather, they preferred to hand them over to the Detachment immediately upon discovering and reviewing them. The Vietnamese were in an interesting Catch-22. If a delegation visited and the Vietnamese did not give them a document of some type, critics of their level of cooperation quickly claimed that the Vietnamese were withholding information. On the other hand, if they provided documents to visiting delegations, these same critics claimed that the Vietnamese had all the documents we were looking for and provided tid-bits to visitors to try to convince us of their cooperation. I could not argue Mr. Phong's logic because I saw it happen.

Although the number of items investigators have examined is large, access to documents and other items of archival research was one of the toughest areas for us to note significant and tangible progress during my tenure. Only late in my tour did our efforts begin to show concrete headway. One of our primary goals was to ''coach'' the Vietnamese to report their activities more effectively. We stressed that it was not good enough to simply perform research and then tell us that they did not find anything. We suggested to them that if they looked for documents in the archives of the Air Defense units in Military Region 4, for example, they needed to provide us the specifics of their efforts; what files did they look at, what time period did the records cover, where did they perform the research, when, who were the investigators, etc.?

During one of our Technical Conferences, General Viale, CJTF–FA, requested our counterparts improve the detail of their reports. In response, Mr. Cong, Director of the VNOSMP, tried to explain their problem. He said that when Vietnamese investigate a case, and find nothing, no report is necessary. Partly in jest, I told him that the American Government can write reams about what we don't find. Nonetheless, on a more serious note I explained that knowing the circumstances around which investigators found nothing may often be as valuable to an analyst as actually finding something. Mr. Cong concluded by saying that it was taking a ''cultural change'' for them to realize what we wanted, but pledged his support to continue to try.

Ms. Virginia Foote, the President of the US/Vietnam Trade Council and frequent visitor to Vietnam, offered another consideration regarding the detail of Vietnamese reporting. In mid-1995, the DASD for POW/MIA Affairs, General Wold, asked Ms. Foote to intervene with the Vietnamese to encourage them to improve the detail of their reporting. During a meeting with the Ministry of Interior official in charge of the U.S. MIA work by the MOI, Ms. Foote encouraged him to improve their reporting procedures. She received a ''very firm, and rather angry, answer that such reporting would expose their military intelligence filing and personnel system which they will not do.'' Ms. Foote advised General Wold and Ambassador Winston Lord that ''they might have set too high a reporting standard and that the Vietnamese are never going to issue reports explaining in depth their process for unilateral searches for the reasons given by MOI. In my view (Ms. Foote's), it is not reasonable for the USG to push this too far.''

At least annually, President Clinton sent a delegation representing him to Vietnam to assess the level of progress we were making and the level of Vietnamese cooperation. The delegations normally thanked the Vietnamese for their past cooperation and encouraged more effort in various areas. The delegations often brought specific requests for information regarding specific cases of particular interest to the USG, and suggested ways of improving cooperation.

At the request of the July 1994 Presidential Delegation, the MOI and MND each formed a

small team to unilaterally research historical files and interview Vietnamese officials who may have information concerning missing Americans. They submitted an initial ''work-plan'' and asked for our ideas concerning the plan. The VNOSMP provided the teams' initial report to us in March 1995, and on May 15, 1995, Mr. Phong gave additional reports from the MOI and MND to me. On May 30, 1995, Mr. Tran Van Tu, Acting Director, VNOSMP, provided a report from the MOI to me detailing their research efforts in seven northern provinces.

At the time of my departure, Detachment 2 was receiving on a regular basis, reports from the VNOSMP and the special teams formed by the MND and MOI for unilateral research. In total, I received five written reports of progress from the VNOSMP. Though I did not see the final assessments of these reports prior to my departure, they did appear to have useful and previously unavailable information.

*Personal Dairies and Artifacts*

Though we have not received a large number of personal records, we did receive some, and it appeared that the Vietnamese Veterans Association was encouraging its member to provide more to us. Shortly after President Clinton lifted the trade embargo, a retired PAVN[22] Senior Colonel voluntarily shared information about unaccounted-for Americans that he had recorded in his personal wartime diary. In one instance, his diary confirmed that one aircraft and a crew of eight men who disappeared while on a mission in Laos nearly 30 years ago, crashed more than 140 km (nearly 100 miles) from the last known location noted in U.S. records. ''The Vietnamese Veterans Association, headed by General Quang, started an aggressive campaign to encourage Vietnamese veterans to come forward with information that might help account for Americans killed during the war. Materials have been coming in greater quantity since diplomatic relations were established.''[23]

TRILATERAL COOPERATION[24]

The most important aspect of Trilateral Field Activities is that the Vietnamese Government considered this an issue between the U.S., Laos and Cambodia, not Vietnam. This is important because Vietnam continually stated that they would support whatever requests the U.S. made regarding these operations so long as they were able to locate the witnesses and persuade them to participate. Their actions supported their promises. On December 1, 1994, U.S., Vietnamese, and Laotian officials met in Hanoi to lend structure to the way we conducted trilateral operations. All participants agreed that Vietnamese and JTF–FA investigators would continue to identify and then interview Vietnamese citizens who might possess information pertaining to unaccounted-for Americans in Laos. If, after the interview, Vietnamese and U.S. investigators concluded that the witness had pertinent information, Laotian investigators would travel to Vietnam to interview the witness. If, subsequent to their interview, the Laotians agreed that the witness possessed reliable information that could help resolve a case, they authorized their travel to Laos and participation in a JFA in Laos.

From this conference forward, it was apparent that the VNOSMP was working diligently to identify Vietnamese witnesses who could assist in resolving cases in Laos. During the first three JFAs following the trilateral agreement in December, the VNOSMP provided eight Vietnamese witnesses to assist investigations in Laos. The VNOSMP located all the witnesses unilaterally, made them available for the Laotians to interview, and escorted them to Laos. All this is in spite of several witnesses living in remote locations, short notices for passports and visas, and frequently difficult transportation and communication problems with local officials and witnesses. In one instance, the witnesses did not want to travel to Laos citing health and business. They did agree, however, to travel to Hanoi on short notice and spent hours studying maps with our specialists and describing their recollections of the incident.

Two cases exemplifying trilateral cooperation stand out most. The first trilateral case we investigated under the new guidelines involved the loss of 11 Americans at Phou Pha Thi in northern Laos. Phou Pha Thi was a ''secret'' radar site that vectored U.S. aircraft into targets over northern Vietnam during the conflict. During the war, a PAVN sapper unit scaled sheer cliffs in the middle of the night, surprised the defenders, and overran the site. 11 Americans remain unaccounted-for. After weeks of unilateral work, the Vietnamese located the best witness for the Phou Pha Thi site, Mr. Muc, a retired PAVN Colonel, who led the PAVN attack on the site. Our most experienced linguist and analyst, Mr. Bob Destatte, interviewed Mr. Muc and found that his recollection of the events that transpired the night of the attack confirmed that he had in fact led the attack. We nominated Mr. Muc to travel to Laos to help with the trilateral field activity.

In December 1994, Mr. Muc went to Phou Pha Thi and assisted U.S. and Lao investigators on site. Though their efforts were in vain, both the Vietnamese and Laotian governments had cooperated fully on the agreed upon trilateral procedures, and the process worked. We continued to use this model during all future trilateral operations.

The second case occurred shortly after our first trilateral operation. The Vietnamese unilaterally located a witness to a C–47 crash in Laos. The Vietnamese made him available for a joint interview on very short notice, and he provided three sketches of the area surrounding the crash site. These sketches included the relative locations of three mass graves and a mass burial site of eight U.S. air crew members. We nominated him to travel to Laos, and in January 1995 he and two other Vietnamese witnesses whom the Vietnamese located unilaterally traveled to Laos to help investigators on site.

Trilateral operations between the U.S., Vietnam and Laos progressed from being something out of the ordinary to being normal operations. Detachments 2 and 3, the Vietnamese representatives, and Laotian specialists all appeared to regard this as an integral aspect of operations in Laos and treated it as such.

PRIORITY CASES, LIVE SIGHTING INVESTIGATIONS, JOINT FIELD ACTIVITIES

*Priority Cases*

Priority ''Last Known Alive'' Cases.[25] These cases involve some of the USG's most sensitive cases in that they include cases where the USG has been unable to conclusively determine if the individual is dead or alive. Of the 196 individuals in this category, one is a foreign national, we have completely resolved and identified the remains of 27 individuals, and determined the fate of all but 50 of the individuals. Investigators have investigated each of the remaining Priority Cases at least once, some as many as seven or eight times.[26]

One priority case we investigated while I was in Vietnam was Case 0644. The last known location for 0644 was in a militarily sensitive area. The Vietnamese denied access to the site to us because they claimed that no aircraft ever crashed there. They would not allow our teams into that sensitive area unless there was a reasonable expectation that it would lead to success. We continued to request access to the site. The Vietnamese sent LTC Pham Teo, one of their most experienced investigators, to the site to unilaterally investigate the case. He found several witnesses who confirmed that the crash occurred outside the sensitive area in a neighboring province. LTC Pham Teo traveled to the location the witnesses identified to investigate their claims. He recovered a small amount of remains and some identification media. A joint U.S./SRV team investigated the new crash site during the October–November 1994 JFA. They found the crash site LTC Pham Teo identified and recovered small pieces of wreckage. The Joint Forensics Review in September 1994 accepted the remains LTC Pham Teo unilaterally recovered and we repatriated them to the U.S. in September 1994 for further analysis. CILHI's forensic analysis determined these remains were of an adult male, however, the remains were insufficient to permit determination of race. JIT–FA rescheduled this case for reinvestigation.

Special Remains Cases.[27] During my tenure, the 30th through 35th JFAs, we excavated sites associated with 13 special remains cases. We recovered remains from five sites and CILHI was able to resolve two of the cases through positive identification of remains (Cases 0951 and 1910).

Another case, Case 0037, was resolved after our investigation led to confirmation that the remains had been interred at Arlington Cemetery since the mid-1960s. This was a ''remains reportedly recovered but not repatriated'' case and proved very interesting. Case 0037 involves remains of an American civilian who was killed in Vietnam during the war. The Vietnamese claimed that they had recovered the remains and returned them directly to the widow during the war. Our government, however, did not have a record of the repatriation. Despite a unilateral investigation by Vietnamese authorities and two field investigations by US investigators, both of whom concluded the remains had been returned, our government continued to press the Vietnamese. Finally, DOS contacted the widow who confirmed the Vietnamese claims.

We have investigated every SRT case jointly with Vietnamese specialists at least once. JTF–FA and CILHI have resolved five cases fully. The field investigation teams have found no evidence that could sustain the belief that Vietnamese authorities have recovered remains for the Special Remains Cases that they have not yet repatriated which is the basic premise for the SRT list. Discussed below are a few cases we investigated from each category of SRT cases. The point I am trying to make by relating the circumstances of these investigations is that the results of these investigations led me to believe that our assumption that the Vietnamese still control these remains is not entirely valid. Our investigators determined through exhaustive investigations that there are at least 30 cases for which the remains are non-recoverable. There are another 14 cases for which we have evidence to believe that remains we have recovered and repatriated to CILHI are those of the unaccounted-for individual, but have been unable to conclusively identify them.

Case 0951 (Died in Captivity List). This case involved the loss of one American who the Vietnamese reported as having died on January 2, 1969 while in a jungle POW camp in what is now Quang Nam Da Nang Province. Six prisoners died in the camp. The Vietnamese claimed to have excavated and repatriated five sets of remains from the camp location following the war and that they were unable to find the sixth. Joint teams

investigating Case 0951 confirmed the Vietnamese claim. The sixth remained unaccounted-for.

The VNOSMP helped us find the old camp site. There, we found eight holes indicating that as the Vietnamese claimed, they had successfully found five graves, and had tried three times unsuccessfully to find the last American. In January 1994, CSM Davis, a former POW still on active duty in the Army, accompanied a joint investigation element to the site. He identified where he personally buried the unaccounted-for American associated with this case. After excavating the site for three weeks in August 1994, a joint team found a nearly complete skeleton, including 31 teeth (10 with restorations) at the site. CILHI confirmed the identification of this individual in April 1995. This demonstrates, at least in this case, that the Vietnamese never recovered this set of remains—contrary to what some might claim.

Case 1910 (Graves Registry Case). A joint team excavated the crash site on the side of a karst in October-November 1994.[28] It recovered material evidence and remains, including hundreds of possible human bone fragments, 16 teeth, eight with restorations, that led to a successful identification for this case. It is puzzling as to why the individual's name appeared on a graves registry unless villagers had buried the remains they found and left the majority at the crash site.

Case 0853 (Graves Registry Case). A joint team excavated this site in January 1995. We recovered material evidence and remains (including two teeth, one with restoration) that we were hopeful would lead to a successful identification for this case.

Case 0215 (Photo and Graves Register Case). Our investigators found a photograph of the unaccounted-for American, apparently severely injured, receiving medical care at a hospital. Vietnamese authorities helped us locate and interview the doctor and three of the four nurses in the photograph. Their information led us to other witnesses who confirmed the American died shortly after he arrived at the Quang Ninh Province Hospital, and was buried in the public cemetery behind the hospital. Notwithstanding that the only known firsthand witness to the burial died several years ago, Vietnamese authorities allowed us to excavate parts of that public cemetery to search for the remains of this American during the October-November 1994 JFA. Though the excavation inadvertently disturbed a few graves of local residents, local officials and citizens volunteered their support for the team's work. The team did not find the remains, however, local citizens volunteered new information that might lead us to a person who left the area years ago, but who helped bury this American.

Excavating this case also exemplified the compassion of our team members. While excavating a site at the cemetery, the RE unearthed the remains of a small child. Apparently, at the time of the burial the family did not have enough money to purchase a casket for the child. They simply wrapped the dead child in cloth and interred the body. Our team members went to the local village and purchased with their personal money a small casket in which they placed the child's remains. The RE then ceased their work and allowed the villagers time to reinter the child with the appropriate ceremonies. Our soldiers, sailors, marines and airmen are truly our best ambassadors.

*Live Sighting Investigations*[29]

Since the commencement of JTF operations in January 1992, the USG has investigated over 90 live-sighting reports. None reflected the presence of live unaccounted-for Americans. The USG has no evidence that live Americans are being held against their will in Vietnam. Neither does the USG have any evidence proving there are not—it is almost impossible to prove a negative. As such, we always devoted the necessary time, manpower, and resources to fully investigate each and every live-sighting as completely as possible.

The Vietnamese have been very forthcoming in granting access to sites we need to investigate as a part of an LSI. Later in this paper (beginning on page 51), I explain the manner in which we investigated normal cases in militarily sensitive areas. These procedures did not, however, apply to LSIs. Normal investigations during JFAs do not entail the sense of urgency and immediacy that LSIs do. When we investigate the incident site for an aircraft crash that occurred 20 to 30 years ago, it is unlikely that the site will change much more than it already has. However, the very nature of an LSI demands that we receive immediate access or the integrity of the investigation would be in jeopardy. The Vietnamese understand this. To my knowledge, and to that of the primary Stony Beach live sighting investigator, the Vietnamese have never denied JTF–FA or Stony Beach personnel access to any place we asked to enter as a part of an LSI.

The USG must take care not to endanger the unrestricted access the Vietnamese have allowed for LSIs. Many live sighting reports are credible, but some are not. The USG should take care not to allow ridiculous live sighting reports such as those by former Congressman Billy Hendon (see Annex A) to jeopardize Vietnam's support for the serious work U.S. and Vietnamese teams are conducting.

*Joint Field Activities*

JTF–FA has sent more than 11,700 notices of progress regarding their cases to over 2,200 families.

I always tried to stress to visitors and journalists that it is necessary to look beyond the ''statistics,'' and look at the overall progress. It would be easy to look at the number of provinces we operated in during the 35th JFA and compare that to the number in any of the other JFAs. Or, you could look at the number of cases we investigated and excavated during the 35th JFA and compare those numbers to the activities of the 28th JFA, immediately following President Clinton's decision to lift the trade embargo. By only looking at raw statistics, one could very easily conclude that the Vietnamese felt they had achieved their goal with the lifting of the embargo and that they now saw no reason to continue to cooperate with our efforts. Simply looking at the statistics could lead you to conclude there had been a diminution of cooperation. Nothing could be farther from the truth.

It is true we have operated in significantly fewer provinces during recent JFAs, but we consciously decided to concentrate our efforts in the central part of the country. This allowed us to maximize work-time and minimize travel time. In the early days, an IE could check into a hotel in Da Nang and fully investigate all its cases from that single location. Today, on the other hand, an IE may interview one witness in Da Nang one day, drive for two days to another province to interview another witness for the same case, and continue in this manner for a number of days. Several cases during my tenure involved treks by IEs through the jungle for two to three days just to investigate a single ''last known location.'' There was even a case in Song Be Province for which we contracted elephants to transport the IE to and from the site because the terrain was so treacherous and wild animals (tigers and snakes) were so prevalent. In the end, we were able to find a helicopter landing zone near the site, and did not need to use the elephants.

Like the investigations, excavations have become much more complex. Today, it is not unusual for a case to take two JFAs to complete. Once again in Song Be Province, we had a case that required three JFAs. During the 34th JFA, two cases, Case 0927 and 0911, were extremely difficult to excavate because of the clayey soil, mud and water. Though scheduled to be completed during the JFA, the excavation teams could not complete them in the allotted time. It was very important to finish them as soon as possible since the approching monsoons would likely destroy the work we had already accomplished and preclude further excavations. At our request, the Vietnamese extended the two excavation teams in-country an extra two weeks. This was a significant decision, and one that required approval from the highest level of the Ministry of Foreign Affairs.

During the 35th JFA, local officials in two provinces demanded exorbitant land compensation fees for alterations our excavation teams made to the terrain around two of our recovery sites. They made these demands after the recoveries were complete, despite repeated requests by us that they identify valid compensation fees prior to the start of the operation.[30] When Detachment personnel could not resolve the issue satisfactorily with the local officials, the Acting Director, VNOSMP, sent one of his most experienced specialists to assist in negotiations with local officials. Within one day, we had resolved the differing positions and agreed on a suitable level of compensation. Provincial officials also agreed to try to do better at identifying costs up front in the future.

*Investigations in Militarily Sensitive Areas*

One requirement of JTF–FA is to visit the last known location noted in U.S. records for each unaccounted-for American. Occasionally, this site falls within a sensitive military installation or area. Vietnamese authorities have worked with us to develop a method of investigating these cases that meets their security concerns and our need to try to achieve the ''fullest possible'' accounting.

First, Vietnamese specialists unilaterally investigate the case to try to confirm the facts of the case. If they find that the incident occurred outside the sensitive area, we follow with a joint investigation of the area outside the militarily sensitive area. If the joint investigation confirms the Vietnamese findings, there is no longer any need for U.S. investigators to seek access to the area.

If the Vietnamese determine the incident did occur inside the sensitive area, they unilaterally seek witnesses who can clarify the facts of the case, and then arrange for U.S. investigators to interview the witnesses outside the sensitive area. If they are unable to resolve the case through unilateral investigation, and if they confirm the incident occurred in the militarily sensitive area, Vietnamese authorities work with us to devise a ''case-specific'' resolution that has sometimes included giving American investigators access to the area. In short, the Vietnamese required that we follow every lead possible before requesting access to a militarily sensitive site. If the case was still unresolved and the only viable leads led us back to the restricted area, the Vietnamese were willing to negotiate a suitable solution.

During the 30th JFA the Vietnamese granted us access to three of five militarily sensitive areas vicinity the Cam Ranh Bay naval facility for which they had previously denied access. For the two remaining cases, they brought witnesses outside the sensitive area for our investigators to interview.

One of the remaining cases involved a drowning. The missing American had been on R&R and was swimming in the ocean. Witness reports at the time of the incident indicate that the individual was swept underwater and not seen again. As I said earlier, JTF–FA procedures require that we visit the ''last known location'' which, in this case, was within a secure area vicinity Cam Ranh Bay. The Vietnamese denied our teams access to the site, reasoning that we had controlled the naval facility for some years after the incident—if we did not find the body then, what made us think a visit to the site today would result in finding the remains?

During the 34th JFA, joint teams investigated two cases that occurred in militarily sensitive areas, Cases 0272 and 1895. Though the Vietnamese would not grant us access to the last known location as it was in the sensitive areas, they did investigate the case unilaterally and made several witnesses available for our interview.

MISCELLANEOUS INDICATORS OF PROGRESS

*Oral History Program (OHP)*[31]

The OHP has been a very productive program for JTF–FA. It amassed a large body of knowledge that helped us understand many aspects of Vietnamese operations during the conflict, most importantly the POW camp procedures. Numerous interviews with present and former high ranking Vietnamese officials have provided many insights into what might have happened to some of our missing.

The MND OHP cell unilaterally researches the information we provide to them for each OHP interview we request. Due to the limited communications and transportation capabilities throughout Vietnam, the VNOSMP two-man cell then travels to each potential location nationwide to locate each witness. Most witness searches require the VNOSMP members to coordinate with the province, district, village, and hamlet authorities consecutively. In some cases, when OHP leads are unclear, the VNOSMP spends days and weeks tracking down individuals. They might interview hundreds of people for leads before ever finding the individual in question.

One such case involved our request to speak to a Mr. Phap. Since May 1993, the MND cell of the VNOSMP has searched for Mr. Phap, a possible witness for a priority case. This continuing search spanned several provinces and included searches of the PAVN officers' registry, visits to local veterans groups, and queries with province officials. Despite the negative results so far, the VNOSMP continues to search for Mr. Phap even though the search is the equivalent of searching for some named ''Bill'' in Texas while only knowing that ''Bill'' served in a company during the war. This is only one example of unilateral efforts to find witnesses when the U.S. has very limited identification or location data for a witness.

During more difficult searches, the VNOSMP members seek members of local veterans groups, officials of the Ministry of Labor, War Invalids, and Social Affairs, local family registers, and public security agencies. Without these efforts prior to each OHP interview, the joint OHP team could spend several days on the road in order to conduct each interview. Their preliminary efforts save the joint OHP team a lot of time.

While I was in Vietnam, the VNOSMP produced two OHP unilateral reports of interview. Although these reports lacked the details we desired, they were full-page documents with far more details than the standard VNOSMP reports of the past. The VNOSMP has also produced reports on each round of joint OHP activities. The latest reports included a section on unilateral VNOSMP activities during the investigative phase.

The Vietnamese have worked diligently to assist us in the OHP. They dedicated some of their most experienced investigators to the effort and participate in all joint interviews with our analysts. They have also interviewed numerous officials unilaterally.

On January 20, 1995, a joint U.S./Vietnam Oral History team interviewed active duty PAVN Lieutenant General Tran Van Tra at the Ho Chi Minh City Veterans Association Office in Ho Chi Minh City. In addition to other duties, General Tra is the director of the Vietnam Veterans Association, Ho Chi Minh City Chapter. General Tra had refused several interview requests previously. His only requirement in granting this interview was for a ''high ranking American official to attend the interview.'' As I was then the highest ranking American in-country, I went to the interview along with Detachment linguists and analysts.

The interview began as a lecture with General Tra telling me that further progress in resolving this ''humanitarian' issue rested with the will of the people. If the USG could rally the Vietnamese people behind our effort, he said, we could make great progress. ''After all,'' said General Tra, ''we know what great obstacles can be overcome when the people are behind the effort.'' (I thought that was a fairly obvious reference to the ''Vietnam War.'') General Tra continued by emphasizing that we should show more compassion for the Vietnamese people's loss of over one million killed during their ''War for Independence,'' and the more than 300,000 Vietnamese still missing.

At this point, I spoke telling General Tra about the Vietnam Veterans of American Veterans Initiative.[32] I told him that the VVA's information led Vietnamese investigators to a mass grave containing the remains of approximately 95 missing Vietnamese. From this point forward, the entire tone of our meeting changed. Rather than a one way lecture from General Tra to me, the interview became a discussion of what measures the Vietnamese veterans organization could take to assist our work.

During the interview, General Tra also provided general information on PAVN channels that managed U.S. POWs during the war. He also stated his firm conviction that the Provisional Revolutionary Government's (PRG) delegation to the Four Party Joint Military Commission (FPJMC) ensured the release of all U.S. prisoners held in the South during the conflict. Pursuant to this interview, General Tra pledged that his organization would unilaterally collect information on unaccounted-for Americans.

As a result of our initial interview, General Tra's Chief of Staff, Brigadier General Nguyen Van Si, met with our VNOSMP counterpart Colonel Le Ky on January 22, 1995 to discuss specifics of how the Ho Chi Minh City Veterans Association Chapter could assist in the U.S. MIA effort. They decided Vietnamese veterans might provide the following types of information and he pledged his commitment to the effort: personal accounts of wartime incidents involving U.S. losses, POWs, and unaccounted-for personnel; personal wartime journals with information on U.S. losses, POWs, and unaccounted-for personnel; information on where POW/MIA related archival documents might be today; and names of other individuals with possible POW/MIA related information.

*Technical Conferences*

Prior to each JFA, we held joint meetings between JTF–FA and VNOSMP to coordinate our operations. General Viale was the senior U.S. representative and Mr. Vu Chi Cong, Director, VNOSMP, was the senior SRV representative. During these meetings, we assessed progress to date, reviewed the results of the most recent JFA, discussed our requirements for the upcoming JFA, and discussed any other issues pertinent to our efforts. In 1990, these technical meetings routinely lasted three or more days. The Vietnamese side deliberated and often contested each talking point. Today, the meetings last only two to three hours. The Vietnamese representatives come to the meetings well prepared and work with us to ensure well planned, efficient and effective JFAs.

*Vietnamese Veterans Assistance*

A Vietnam Veterans Organization delegation from Ho Chi Minh City Chapter accompanied visiting American VVA members to Tay Ninh in February 1995. In Tay Ninh, the Vietnamese host, BG Nguyen Van Si, introduced a retired PAVN colonel to the VAA group. The colonel gave his account of the 1972 shoot down of a U.S. jet. We received this information on February 26, 1995, and confirmed that Brigadier General Si was the same General Si who was General Tran Van Tra's chief of staff. We felt that the fact that General Si attended our Oral History interview in January and later introduced a retired officer with specific case information was a very positive sign that the Vietnamese veterans can locate witnesses for unresolved cases, and that General Tra was sincere in his pledge to help mobilize Vietnamese veterans to our aid.

Detachment 2 analysts tentatively correlated the veteran's account with that of a still unaccounted-for American. A joint team excavated a site they believed to be associated with this case in May 1993. They recovered a small amount of possible human remains, but CILHI was unable to identify them.

On May 29, 1995, the VNOSMP provided Commander, Detachment 2, with three letters from Vietnamese veterans groups providing information concerning cases within Laos. At the time of my departure, analysts were reviewing these letters.

LESSONS LEARNED

OFFICIAL VISITORS

Every Detachment Commander had to host numerous official visitors from the USG and I was no exception. During my predecessor's tour, the President considered lifting the U.S. trade embargo against Vietnam. This resulted in innumerable ''fact-finding'' trips to Vietnam, especially by representatives of Congress. During my tenure, President Clinton considered normalizing relations with Vietnam, and likewise numerous visits ensued.[33] Many have asked me about the utility of these visits expecting that their primary purpose was as a boondoggle by the various visitors. I must emphasize that it was my experience that virtually every visit by a USG official was tightly scheduled with official functions. Any sightseeing on the part of the visitors was normally en route to another Ministry or while driving to and from the airport. Meetings with Vietnamese Government officials began early in the morning and lasted until late afternoon. The only break they normally took was a working lunch hosted by one of the Vietnamese ministries, usually the Ministry of Foreign Affairs. An official reception or supper normally ended each day and lasted until about 2130 (Vietnamese official dinners were very predictable in their duration—two hours).

Throughout all the visits that occurred while I commanded the Detachment, only one, the visit of Congressman Dana Rohrabacher (R–CA) did not leave me with a thoroughly positive impression of the purpose and accomplishments of the trip. Mr.

Rohrabacher is a member of the International Relations (Asian & the Pacific) Committee and an outspoken critic of JTF–FA operations in Vietnam and U.S. policy toward Vietnam. He visited Vietnam at the same time as CODEL Spence, but did not join them in any of their meetings except to arrive uninvited at a working lunch at the Ministry of Foreign Affairs. The only reason he joined CODEL Spence here was that he needed a ride to the airport with the CODEL immediately following the luncheon. Despite our mission being the driving force behind relations between the U.S. and Vietnam, and despite his criticisms of our operations, I never met Mr. Rohrabacher. He refused our offer to update him on our operations. Whether or not he agrees with U.S. policy or JTF–FA operations, it seems to me he would want to gather information from every source possible in order to draw an informed conclusion.

Since the issue of unaccounted-for Americans was, and remains, the most important issue between the U.S. and Vietnam, official visitors normally began their visits with a visit to the Ranch. Here, we updated them on our current operations, and when asked, provided our assessment of progress to date. When assessing progress, I cited developments in each of the President's four areas requiring progress. I tried not to draw conclusions from these developments, but rather attempted to lay out the facts as I saw them, and let them draw their own conclusions. However, if asked point blank for my opinions, I was obligated to answer with my opinion.

During the CODEL Bond visit in late 1994, Senator John Kerry (D-Mass.) joined the CODEL for the Ranch briefing. Senator Kerry has been a driving force behind normalizing relations with Vietnam and he wanted to ensure the CODEL left the briefing fully aware of our operations and the level of Vietnamese cooperation. He asked me several questions during the briefing to emphasize points he wanted the CODEL to take away from the briefing. At one point, he asked for my opinion of how normalizing relations with Vietnam would improve the Vietnamese Government's cooperation in our efforts. I think he expected me to say that it would greatly improve cooperation.

I responded instead by saying that I did not believe it would affect the Vietnamese Government's cooperation very much, because I thought they were already cooperating at a very high level and there was not much more they could do. Where I thought the benefits of normalizing relations would make their greatest mark was on the level of cooperation we received from individual Vietnamese citizens. I thought this would be of significant benefit to our efforts. I said that as the U.S. and Vietnam increase contacts, and to the extent those contacts were positive, we would progress more quickly because we would receive even more grassroots support. I am a firm believer that Vietnamese veterans and average citizens possess information that could be useful to us; they just need some motivation to step forward.

I do not think Senator Kerry was entirely pleased with my answer and would have preferred for me to say that normalization would greatly increase Government cooperation. I knew that was what he wanted me to say, but it was not what I really believed.

Most delegations that visited Hanoi asked for issues we would like to see them raise with the Vietnamese. They would also tell us what they were going to discuss and asked for our opinions on both the issue and the manner in which they should approach the Vietnamese about the issue. They were especially interested in Bob Destatte's and Gary Flanagan's perspectives as they had worked with the Vietnamese the longest.

I would only ask them to raise an issue with the Vietnamese if both the CJTF–FA and I had been unsuccessful in resolving it at our respective levels. I cleared all issues with the CJTF–FA prior to recommending the delegation raise it to the highest levels of government. In Vietnam, as in many other countries, it is very dangerous to raise an issue above your counterpart's head without first giving him the opportunity to solve it. Then if it is still unresolved, telling your counterpart that you are going to recommend a high-level delegation raise the issue is normally a good idea. ''Face'' is very important to the Vietnamese and cooperation on difficult issues that may arise in the future often depends on how respectful you are of your counterpart's position. In short, there is nothing new here. Attempt to solve problems at the lowest possible level. Never ''back door'' your counterpart.

Many visitors also asked us how best to discuss issues with the Vietnamese. When Admiral Macke visited, I recommended that he begin discussions with the MND by talking about his experiences as a pilot during the war. I found that the Vietnamese senior military officials seemed to enjoy exchanging ''war stories'' with American veterans. This ''ice breaker'' often led to a cordial and informal discussion of issues following the introductory discussions. Admiral Macke began his discussions at the MND by remarking how much more pleasant his flight over Hanoi was that day than it had been some 25 years earlier. This led to a very friendly exchange between him and the Vice Minister of National Defense, General Bun.

We prepared visitors as best we could so that they would not be surprised by events during their visit. We provided each visitor with a folder containing the schedule of events, a tourist map of Hanoi, biographies of the Vietnamese hosts, as available, and sketches of meeting areas as best as we could determine. Biographies were often very difficult to get. We never wanted to give the Vietnamese the impression that we were ''gathering intelligence,'' so trying to collect biographical information about their government's leaders was a very sensitive proposition. We depended on public information and past encounters with the individuals to orient the visitors to their hosts.

Each folder also contained our ''best guess''[34] of what the physical layout of the meeting rooms would be, where to sit, where the interpreters would be, etc. Because we could not usually see the rooms prior to the actual meetings, we based our sketches on what we had seen in the past. Providing a sketch precluded awkward uncertainty in the beginning of the meetings as delegates tried to figure out where to sit. The beginnings of meetings were the times when photographers and other members of the media were present, so we did not want our representatives to appear hesitant or uncertain.

At the first meeting I attended with the July 1994 Presidential Delegation (my first high level visit), I entered the room after the visiting U.S. delegation had taken their seats. The only remaining seat at the table was on the Vietnamese side. The Vietnamese, always very gracious hosts, quickly ushered me to the empty seat. I soon learned that this was not a very good idea. Had I been aware of the protocol, I would have declined their offer and sat somewhere else, however, nobody had told me what to expect. This was a good lesson for me. We tried to prevent this kind of awkward moment for visitors by briefing them ahead of time.

We endeavored to do the same for receptions, luncheons and suppers. Most official dinners were held in the Ministry of Foreign Affairs guest house, the Le Thach Government Guest House, and they all followed a similar pattern. Items I always tried to verify before the delegates arrived were; which door should we enter through (there were two), the menu (if possible), the seating arrangement, and the English language proficiency of the host. If I could not determine the seating arrangement prior to arrival, I tried to slip into the dining area during the initial welcome at the door to at least determine which side of the table the key delegates would sit. I did not want them wandering around the table searching for their name plate.

Many of the Vietnamese officials spoke English extremely well, but would rarely speak anything except Vietnamese during official meetings. During receptions, however, they would often speak English. When Congressman Solomon Ortiz (D-Texas) visited, we told him that many of the officials from the MFA's America's Department spoke Spanish fluently. Within minutes at the luncheon, Congressman Ortiz and the Director of the Americas Department, Mr. Phong, were deeply engaged in conversation using Spanish. Mr. Phong, who had graduated from the University of La Havana and had been posted in Cuba in the past, also speaks English fluently, but I think he really enjoyed talking with Congressman Ortiz in Spanish.

At General Viale's direction, we also prepared folders that we gave to the delegation's principal(s) en route to each meeting location. This contained only information pertaining to the next meeting. Though the initial folder at the hotel was useful, we found the second folder ensured that the pertinent information for the next meeting was fresh in the visitor's mind and helped focus his thoughts.

*Translator Support to Delegations*

There were several linguists assigned to Detachment 2. We did not possess any interpreters, and I quickly learned that there is a huge difference between an interpreter and a linguist. Interpreters undergo specific training to become proficient in their skill and we simply did not have personnel trained in that manner assigned to the Detachment. TSgt Ron Ward, USAF, did, however, fill this void extremely well. When visitors came to Vietnam, we always linked-up Ron Ward and the visitors the evening before the initial meetings so they could discuss issues the visitors planned to raise during the meetings. If the visitors sent talking points to us ahead of their visit or provided them upon their arrival, Ron was always responsible for translating them to ensure he understood not only the literal meaning, but also the intent. Ron stayed ''glued'' to the visitors throughout their visit, including riding with them between meetings to explain nuances of discussions or to discuss any changes the visitor wanted to make for the next meeting. If space in vehicles when driving between visits was limited, I always deferred to Ron to ensure the visitor was comfortable with the translation.

Translating with the Vietnamese was not always an easy task. I believe it was a cultural trait of the Vietnamese to speak very softly. This made it very difficult at times for the interpreter to hear the principal. The Vietnamese officials always provided an interpreter, but we still tried to have Vietnamese linguists in every meeting to ensure our interpretation of the translation was the same as the interpreters. If necessary, our interpreter would interrupt the proceedings to either clarify a point or ask for an explanation. The Vietnamese did the same to us.

One rather comical instance occurred during our Trilateral Conference with Vietnamese and Laotian officials on December 1, 1994 in Hanoi. Vietnamese Vice Foreign Minister Binh was the senior Vietnamese official

present, and his interpreter was a Vietnamese VNOSMP team leader who spoke English excellently.[35] Vice Minister Binh made some introductory welcoming remarks in Vietnamese to the conference that lasted two to three minutes. The interpreter translated in the following manner, ''I would like to welcome the delegates to this very important conference, and all that welcoming stuff.'' The point here is that there is a huge difference between someone who fluently speaks another language and one who is a trained interpreter. Understand the difference, and accept the handicaps you bear when an interpreter is unavailable. I was always very comfortable with Ron Ward as an interpreter. He took his job seriously, understood the ramifications of his duties, and studied hard. He also understood the issue thereby ensuring the proper translation of our positions.

INTERACTION WITH THE MEDIA

''Watch your adjectives!'' As I said earlier, the CJTF's cautionary words stuck with me throughout my tenure. This forewarning came to mind on numerous occasions as I operated in what the media described as the ''center of a political typhoon. On one side are Americans who believe the U.S. government and military have been duped by the Vietnamese into spending millions of dollars on a wild-goose chase for remains that Hanoi already controls and cynically manipulates. On the other side are compatriots who accuse the first group of exploiting the families of MIAs by holding out false hope of information, or even survival of their loved ones in Southeast Asian jungles.''[36]

Before even leaving CONUS, I quickly became aware of the media challenges I would face as the Commander of Detachment 2. During my orientations at the Defense POW/MIA Office in Arlington, Virginia, I had a chance meeting with Ms Ann Mills Griffith[37], the Executive Director of the National League of Families, and a strident critic of U.S. policy toward Vietnam. When I was introduced to her, her only words were, ''Well, I hope we hear less from you in the press than we have your predecessor. He's the most quoted Army officer in the country. But * * * maybe we can get together prior to your departure and talk about the issue.'' I did not meet with her again until she came to Vietnam as part of the July 1994 Presidential Delegation.

When the Commander of Detachment 2 assumes his duties, he is immediately thrust into a position with great political sensitivity and media interest. There was an interesting discrepancy with the manner in which the Department of Defense (DOD) handles media access versus the way the Department of State (DOS) handles it. As I understood it, DOS personnel were not authorized to ''go on the record'' with the media unless they have prior DOS approval or have achieved a certain level of responsibility in the Department. When Mr. Jim Hall first arrived in Hanoi in January 1995 as the Chief of the United States Liaison Office, he did not have this authorization despite his years of experience in Asian and Vietnamese issues. Conversely, from Day 1 as the Commander, I was not only authorized, but encouraged to speak to the media. During his in-briefing to me, General Viale directed that I ''tell the JTF's story and include the media where and when appropriate.''

President Clinton's apparent desire to normalize relations with Vietnam was looming in the near future during most of my tenure. His decision hinged on Vietnamese cooperation on the issue I was responsible for coordinating in Vietnam, so the media was always keenly interested in our activities. Interaction seemed to run the gamut of media forums. The print media was in Hanoi in force. Permanently posted in Hanoi from the print and television media were John Rogers of Reuters, George Esper, Bruce Stanley and Kathy Wilhelm of Associated Press, Kristin Huckshorn of the San Jose Mercury News, Adam Schwarz of Far Eastern Economic Review, Jason Bleibtreu of Worldwide Television News, and Philippe Agret of Agence France—Presse. Ron Moreau, Newsweek's Southeast Asia correspondent, and Tom Mintier, Cable News Network's Bureau Chief in Bangkok also visit Hanoi frequently. There were also several foreign and American ''local'' television affiliates who visited including ''Der Speigel'' who produced an extensive documentary on Vietnam which included our efforts, and KCRA television from Sacramento, California. Though they never actually came in person, the British Broadcasting System called me several times and interviewed me twice on live radio while I was in Hanoi.

The 30th anniversary of the ''fall of Saigon'' also precipitated numerous press visits to Vietnam. Neil Sheehan[38] came to Hanoi to research an article published in the April 24, 1995 edition of The New Yorker magazine. Also from the print media came Steven Butler, U.S. News and World Report, and Frank Gibney of Time. From the television media came Jim Vance of WRC–TV in Washington, DC, Robin Smith[39] and her husband Bill Plant for a piece for ''Eye to Eye,'' and the crew of ''Larry King Live.''

The purpose of identifying all of these journalists and correspondents in this paper is not to impress anyone with our ''15 minutes of fame,'' but instead to display the magnitude of the problem. My preparation for working with the media consisted of one morning in the catacombs of the Pentagon where Air Force Public Affairs officers ran me through a number of scenarios I might face. These scenarios included an interview with a print journalist, an on-camera interview where the commentator was sitting in the room with me, an on-camera interview where the interviewer was in another location and I had only the camera to speak to, and a chance interview by a ''mob'' of journalists, both print and video. There was not a single scenario they presented me that I did not face several times as the Commander in Hanoi. Their preparations kept me out of trouble on several occasions.

Thanks in large measure to their efforts and advice from those at other agencies, to include the CJTF–FA, I deployed to Vietnam with a few ''rules of thumb,'' for dealing with the media:

Always tell the truth.

Watch the adjectives.

Talk only about what I know—don't speculate or guess.

Know the two or three most important things I want to get across and keep coming back to them—no matter what the question is; i.e., have an agenda—the press will.

Never assume video cameras or tape recorders are ''off.''

There is no such thing as a casual conversation with a member of the press.

Invite the press along on visits to the field.

When dealing with complex emotional issues (such as this) don't grant quick interviews with members of the press who I was not confident fully understand the issue.

Whenever possible, lean heavily on the organization's Public Affairs Officer.

*Always tell the truth*

Often, there were times when certain information was not ''releasable'' to the press, and I had to decline comment. This always seemed a better option than trying to mislead the press or give them an incomplete answer just to appease them. I developed a rapport with the Hanoi press such that when I declined comment, they understood that I would give them the information as soon as possible. That did not, however, always preclude them from continuing to press in hopes that I might slip up and divulge the information. In my opinion, George Esper and Bruce Stanley were the most skilled at asking the same question several different ways. The press always tried to get information concerning the success of our JFAs prior to the end of the JFA. We never wanted to provide that information until the Repatriation Ceremony, because it was not until then that we were certain about the number of remains our forensics specialists had agreed to repatriate. We did not want to publicize inaccurate information. The media also knew that I attended meetings between the Vietnamese and all visiting U.S. delegations. They often tried to get me to tell them what occurred during the meeting, but I felt that was an issue the leader of the delegation should provide, if he desired to do so. I always declined comment.

*Watch the adjectives*

The political sensitivity of this issue meant that individuals on all sides of the issue would likely dissect my comments to try to find any ''hidden'' meaning. Calling cooperation ''strong'' was much different than saying it was ''outstanding.'' I tried to measure my comments such that I was presenting facts, not speculation or opinion.

*Talk only about what I know*

Although operations in Vietnam were the focus of media coverage of the issue of unaccounted-for Americans, it was only one facet of the entire operation. Often, the media asked questions concerning operations in Laos or Cambodia and I would fend these off by simply saying that I stayed too busy in Vietnam to try to remain current with operations elsewhere. I normally referred them to the Detachment Commanders in those countries. Referring media to the JTF–PAO was also a very effective means of ''staying in my lane,'' and not talking about something in somebody else's realm.

*Know the two or three most important things you want to get across and keep coming back to them*

The first four issues listed below were recurrent themes with the press throughout my tenure. For on-camera interviews, the USAF PAO team at the Pentagon recommended a ''trick of the trade'' to get my themes across as forcefully as possible. Normally, the start of the interview began with the commentator welcoming me and saying hello. This proved to be a great time to strike first, by acknowledging the greeting and then beginning to hit at least the first two themes listed below before even being asked a question. The same technique worked at the close of most interviews, where I had the opportunity to close with key words such as ''highest national priority'' and ''committed to finding answers for the families.'' The themes I tried to emphasize were:

President Clinton made resolving this issue a matter of the ''highest national priority'' and was devoting the necessary personnel, resources, and funding appropriate to that level priority.

There were hundreds of dedicated young Americans working arduously in the field with one objective in mind—to find the answers the families of the unaccounted-for so richly deserve.

We were enjoying the continued support of the Vietnamese Government and people to resolve this issue.

Regarding what the U.S. policy toward Vietnam should be, I always stressed that I

was an ''operator'' in the field, not a policymaker and was not qualified to make policy recommendations or comments.

Regarding the issue of live Americans still being held against their will in Vietnam, I continually emphasized that the USG had no evidence to support the contention that live Americans are being held against their will, however, we also do not have any evidence to be sure there are not. Therefore, we devote the necessary time, people and resources to fully investigate each and every live-sighting report.

This last issue hit its apex when former Congressman Billy Hendon visited Hanoi in May 1995.[40] During his visit, another ''media theme'' I continually emphasized was that despite Mr. Hendon's claims, the Vietnamese had never denied U.S. investigators access to any location it requested to visit in conjunction with a live-sighting investigation.

*Video cameras and tape recorders are never ''off''*

One of the scenarios the USAF PAO instructional team covered during my orientation at the Pentagon involved an on-camera interview. At the conclusion of the interview, the commentator made some closing remarks and thanked me for the interview. The cameraman then walked away from the camera as the commentator began idle chit-chat. Unknown to me, the cameraman left the camera on and running. The commentator's seemingly innocent conversation regarding the issue we had been discussing on-camera was actually an attempt to draw me into saying things I did not want to say on-camera. I never noticed this occurring during my tenure in Hanoi, but I was always cognizant of its possibility.

*Invite the press along on visits to the field*

One advantage I had with the media in Hanoi that others may not enjoy in other assignments is that the media was very dependent on me for access to sites and information. I developed strong relationships with many of the correspondents and when an investigation or excavation was taking place that I thought might interest them, I invited them to ''hitch a ride'' with me when I visited the site. Many of our sites were inaccessible except by helicopter, so if they did not go with me, they did not go at all. I never used this advantage as a threat, but was able to pick and choose who I would invite to go along with me.

*No casual conversations with the media*

Though I did develop an excellent rapport with most of the Hanoi media representatives, I always kept in mind LTG Bramlett's[41] advice to me during a previous assignment that there are ''no casual conversations with a general officer,'' and applied that to the press. There were occasions where I went ''off the record,'' but these instances were only with journalists who I knew very well and trusted. During my entire tenure, I cannot think of a single instance where anyone in the media violated that trust, but I must emphasize that going ''off the record'' can entail great risk (and sometimes great stupidity).

*Ensure the media member understands the issue*

As is probably apparent by now, the unaccounted-for issue is very complex and emotional. I tried never to grant an interview with a new journalist/correspondent unless they would take the time for me to brief them on the issue. As I became more and more familiar with the issue, this became a very arduous requirement, with discussions lasting as long as three hours, but it paid off. To my knowledge, I was only misquoted once during my tenure, and even that was not a very serious case.

*Lean heavily on the PAO*

LTC Dave Fredrikson, the JTF–FA PAO was often the most valuable JTF–FA staff member for me. He deployed to Vietnam often, and whenever he did, he lifted a great load off my shoulders. He had been assigned to the JTF since its inception, and fully undertood the issue and its history. He had developed a personal relationship with the Hanoi press corps and understood their strengths and weaknesses. Often, Often, however, there were times when the press wanted to talk to the Commander, not a staff officer from Hawaii. In those instances, Dave became a close listener to both the press and me to ensure I did not inadvertently say something incorrectly. Prior to events when we knew a lot of press would be present, Dave also helped prepare and rehearse me for their issues.

When Dave wasn't in Hanoi, I sent information regarding all press contacts, no matter how insignificant, to him by fax or E-mail. In that way, he knew which media to watch to ensure they ''got the story right.'' The PAO cannot help unless he is up to speed on the issues. To be effective, the PAO needed to know everything that went on in the JTF, and the Commanders in the field were his best source of information for operations in their respective countries.

The only time I had difficulty with the press was when I tried to handle a ''press pool'' rather than giving the problem to the PAO and letting him handle it. This occurred during Mr. Hendon's visit. Once it came time to visit the ''live-sighting'' location, the Vietnamese allowed us to take along one member of the press. After consulting with Dave Fredrikson, I informed the press that because we could only take one member of the media with us, we would use the ''press pool'' technique, and that individual must agree to share his/her report with the others. My mistake was in designating the specific member that would accompany us. I chose John Rogers of Reuters who was the senior member of the Hanoi press corps. He was extremely knowledgeable of the issue, but was also what I would best characterize as ''quietly competent.'' His familiarity with the subject was the real selling point for me, but I also thought that John's low-key approach with the Vietnamese would best serve thorough and objective coverage of a very sensitive investigation. The Vietnamese never before allowed a member of the media to accompany an LSI. I did not want to betray their trust.

To make a long story short, Kathy Wilhelm (AP) did not agree with my decision, stating that it is the press who should decide who would represent them in the pool. In the end, and after much heated discussion and aggravation with Kathy, I referred her to Dave Fredriskson. I told her that I would defer to whatever he advised. After all was said and done, Dave recommended that I allow the press corps to decide. I did. Kathy Wilhelm represented the media, and she did a good job of covering the investigation.

In retrospect, it would have been a lot easier if I had deferred to the JTF–FA PAO from the outset. I was clearly delving into an area where I was unfamiliar, I was extremely tired (and short-tempered) after a week of responding to Mr. Hendon's shenanigans, and I had lost patience with many in the press corps who I felt were giving Mr. Hendon and his ridiculous accusations much too much coverage. I was also annoyed at their telephone calls at all hours of the day and night for the latest information. I had lost my objectivity, and hindsight has shown me that passing the ball to someone separated from the difficulties in Hanoi, i.e. Dave Fredrikson in Hawaii, would have relieved me of much needless aggravation.

INTERACTION WITH U.S. VETERANS GROUPS

During my tenure as the Commander of Detachment 2, delegations from several veterans groups visited Vietnam and requested a briefing at the Ranch. We always granted their requests as we felt strongly that their consitiuency needed to understand the extent of our efforts. I must admit that I was usually more nervous prior to briefing veterans groups than I was prior to Congressional delegations. For some reasons, I always expected a confrontation, but in fact, never had one. I found every veterans group delegation that visited us to be genuinely concerned about unraveling the truth surrounding the issue, fully supportive of our efforts, and absolutely devoted to taking home the facts to their members. This is not to say that all veterans agreed with U.S. policy decisions toward normalizing relations with Vietnam. Most did not, but that was not an issue that was of concern to me. My job was to convey to them the extent of JTF–FA's efforts in Vietnam, our dedication to finding answers for the families, and our commitment to achieving the fullest possible accounting. In their dealings with those of us in the field, my experience with the veterans organizations was uniformly positive.

The U.S. veterans program that was of most help to us in the field was the Vietnam Veterans of America (VVA) Veterans Initiative. As I said earlier, the Vietnamese claim to have over 300,000 of their own people still missing from their ''war for independence.'' The VVA has requested that their membership forward to the VVA any war memorabilia, artifacts, photographs, maps, etc.,that may help the Vietnamese resolve instances of their missing. Semi-annually, officials from the VVA travel to Vietnam to provide the items they receive to the Vietnamese veterans organization. This is a veterans-to-veterans program, not government-to-government, and the VVA closely guard this relationship. We helped them on occasion, but only by assisting them interpret maps or make sense of one document or another.

In the summer of 1994, the VVA visited Vietnam and one of the items they provided was a map indicating the location of a mass grave of Vietnamese. The map indicated that approximately 100 Vietnamese had been buried at the location marked on the map. Gary Flanagan, our CRS, helped the VVA officials refine the location on current maps, and the VVA traveled with Vietnamese veterans to find the site. The Vietnamese excavated the site and found the remains of approximately 95 individuals.

This program encouraged Vietnamese veterans to provide the same type of support to our operations. By us showing compassion for their loss, I believe the Vietnamese veterans who have diaries, photographs or other items in their private possession will be more likely to provide those items to us.

INTERACTION WITH DEPARTMENT OF STATE

The primary mission of the United States Liaison Office (USLO) was to promote additional progress in securing the fullest possible accounting on the issue of unaccounted-for Americans. In addition to their primary mission, the USLO performed several secondary tasks on behalf of the USG and provided other services similar to those other liaison offices, consular offices and embassies provide. These tasks included: assuring the protection and welfare of U.S. citizens, conducting human rights dialogue with the Vietnamese Government, promoting increased bilateral and multilateral ties with Vietnam, and promoting U.S. business and economic interests.

Although during my tenure we never had an ''officially sanctioned'' relationship, I clearly saw myself as part of the USLO

''Country Team,'' and, therefore, subordinate to the USLO Chief. However, I was the senior DOD official in Vietnam representing the Commander-in-Chief, Pacific Command (CINCPAC), who was directly responsible to the President for all matters pertaining to the issue of unaccounted-for Americans. I was entirely responsible for coordinating the full-accounting mission in Vietnam, and had only one boss, the CJTF–FA. Whereas we recognized the DOS commitment to the issue of accounting or missing American servicemen as its first priority, we insisted that the USLO and all Vietnamese Government agencies coordinate all POW/MIA business, correspondence, and reports with me as the Commander of Detachment 2.

I always tried to keep the Chief, USLO, Mr. Jim Hall appraised of all our official activities and provided him copies of all requests, correspondence and reports. Mr. Hall directed that his relationship with me be direct; I did not have to work through his deputy or anyone else in the USLO. I understood the importance of working with Mr. Hall to ensure he was fully abreast of all matters pertaining to the issue. Likewise, I always felt that Mr. Hall understood that CJTF-FA and CINCPAC were totally responsible for all aspects of our efforts, and that they held me responsible for in-country activities. Mr. Hall went to great lengths to support and facilitate our operations.

As a result of a statement by Secretary Christopher that promised Congress that a member of the USLO would have full-time responsibilities as the POW/MIA officer, my work was made somewhat more difficult. I felt this was unnecessary and counter-productive as the issue of accounting for missing Americans was my primary job. I worked on it all day every day. The DOS in Washington, D.C. insisted that Mr. Hall assign this duty to one of his personnel as, in my opinion, a political gesture—a decision somebody made without fully understanding the role of the Detachment Commander. It was not based on the realities in Vietnam. Albeit well intentioned, there was simply no way that anyone in the USLO would know as much about the issue as I did.

Because we worked in separate buildings, did not mean we did not talk. Mr. Hall and I had a very close professional relationship based on trust and mutual respect. He knew that I worked this issue everyday, all day, and that if he needed information on the issue, all he had to do was ask. Likewise, I was fully aware that Washington expected him to be fully knowledgeable of our issue, and I always tried to keep him appraised of everything we did.

I tried to ameliorate this directive from Washington by working mornings at the USLO and afternoons in my office, but this did not work well. I found it very difficult to work in two offices, especially when I had to carry my work from office to office. I continued to check-in with Mr. Hall daily, but gradually stopped going to the USLO in the mornings to work. I don't think anyone really minded, and I accomplished a lot more in my own office at the Ranch. Mr. Hall was very understanding of my predicament and chose to allow me to do what I thought best.

Overall, the establishment of the USLO was a very positive step. It was especially helpful during VIP visits. Previously, the entire Detachment's work would grind to a halt as we supported the visits with baggage handlers, escorts, etc. Now, the only one whose time is monopolized during these visits is that of the Detachment Commander, and there was no way to change that as I could not delegate that responsibility.

As I said, prior to the arrival of the USLO we were responsible for all aspects of VIP visits. Once the USLO opened, it assumed the responsibility of coordinating itineraries, providing transportation and lodging, customs/immigration clearance, baggage handling, etc., for all non-DOD officials visiting SRV. As previously, I continued to attend all meetings and other activities involving the visitors. I thought this was extremely important as the USG began to engage the Vietnamese on issues other than the POW/MIA issue. The Detachment Commander's presence in meetings served as a reminder to the Vietnamese that though we were talking about other issues, the issue of missing Americans was still the number one priority of the USG. I also provided all necessary briefings and reports concerning JTF-FA opeations, as requested by Mr. Hall or the visiting officials.

Regarding VIP schedules, I did not think some of the action officers at the USLO were as aggressive with the Vietnamese as experience had taught us we could be. When we coordinated a schedule for visitors, we always fenced the time the Detachment needed to brief the delegation (normally two hours) as their first order of priority. This ensured that they were as current as possible on our operations and progress. We then provided the remaining time to the Vietnamese for them to schedule the rest of the visit. It was my impression that action officers at the USLO took the opposite approach; give the Vietnamese the schedule, let them fill it in with the requested meetings, and then fill in the remaining time with our briefing. As a result, we never had quite the time available to prebrief incoming delegations that we had in the pre-USLO days.

I also learned that DOS and DOD cultures simply have different briefing ''styles.'' Some months later, this informal ''style'' was later confirmed to me as the normal operating procedure for DOS during a lecture by Ambassador Marc Baas to a War College seminar.[42] Once the USLO was established, we normally briefed visitors over lunch while we all sat on couches in Mr. Hall's office. It was my experience that DOS personnel rarely use briefing slides and brief in a much more informal fashion than does the military. In my opinion, nothing beat coming to the Ranch and sitting at the table for a formal briefing, but I also have come to realize that is very much a part of the military culture and not necessarily characteristic of other agencies. In support of that, I had several Congressional Staff delegations comment to me that it is always refreshing to have an Army officer brief them; they always get a hand-out, the briefing is normally to the point and clear, and we don't tend to dodge the tough issues. To this day, I believe it is much more difficult to do this when everyone is sitting in easy chairs eating sandwiches and drinking cokes.

My greatest concern about the USLO role in Vietnam came when Deputy Assistant Secretary of State for Counter-Narcotics, Mr. Gelbard, visited Southeast Asia. A red flag went up for me during his visit. I concluded from his visit that with the opening of the USLO, other governmental agencies were rushing to push their agenda with the Vietnamese and either downplay, or pay lip-service to the POW/MIA issue. I felt that these competing agendas would confuse the Vietnamese, and that they might lose focus on the issue. I must add that I was pleased that we were beginning to engage the Vietnamese on issues other than the issue of unaccounted-for Americans and knew that the Vietnamese also felt it a refreshing development. My only concern was one of emphasis and a fear that the our issue would lose its priority with the Vietnamese before President Clinton had determined that sufficient progress had been achieved to warrant improved relations.[43]

IMPRESSIONS OF VIETNAMESE PEOPLE AND CULTURE

Living in Vietnam was like nothing I ever expected. Prior to arriving in Vietnam, my only experience in a ''communist'' led country was in then East Berlin in 1982. I will never forget crossing from West to East Berlin. I can best characterize it as going from color to black and white. To me, East Berlin appeared cold, grey, and depressing. The people did not appear happy, merchandise in stores was shabby, and the store shelves were not well stocked. I expected much the same atmosphere in Vietnam and was therefore shocked by the environment I found. Hanoi, Ho Chi Minh City, and Da Nang (the only major urban centers in Vietnam) are vibrant cities. Construction is occurring everywhere, store shelves are well stocked (new American products were arriving on the shelves almost daily), the people appeared happy, and color was everywhere. Not everything is ''rosy'' in Vietnam, however. The people are very poor, the infrastructure is almost non-existent, and it is obvious that the country is struggling as it opens to the international community and moves toward a market economy. Through my readings and attendance at various meetings during the visits of U.S. delegations, I know that the Vietnamese have a long way to go to abide by United Nations standards regarding human rights, but it is not evident on a daily basis.

In short, I did not find the atmosphere oppressive as I did in East Berlin 12 years earlier. Most significantly to me was that the Vietnamese people appeared hopeful about the future and that their quality of life was destined to improve. I felt an atmosphere of optimism almost everywhere I went in Vietnam.

The most surprising thing to me was the friendliness of the Vietnamese, most especially toward Americans. Even in Hanoi, the people seemed to thoroughly enjoy talking to Americans and saw America as the land of everything good. My impression was that given the opportunity to choose, Vietnamese would much rather attend American universities, buy American goods, and model their future after the United States. It was interesting to find that if Vietnamese children called you a Russian, they normally meant it as an insult, not a compliment.

Vietnamese are probably the hardest working people I have ever encountered. Most Vietnamese work at least six days a week, many seven, with their only real vacation coming during Tet.[44] Our Vietnamese employees were extremely loyal, rarely complained, and always willing to go the extra mile for us.

The family appears to be the most significant aspect of everyday Vietnamese life. As I tried to learn Vietnamese, I found that the most valuable phrases to learn revolved around being able to talk about your own family and ask about theirs. Young unmarried Vietnamese usually still live with their family, and once married, the children will also often take in one or both parents. I found that beginning a negotiation with my counterpart normally got off to a better start if I began with small talk about his or my family.

I cannot remember a single instance of a Vietnamese talking derisively to me about someone else. I do not believe it is in their nature to talk badly about anyone else. Anyone dealing with the Vietnamese, whether officially or unofficially, should keep this in mind. I truly believe that the Vietnamese do not trust someone who speaks badly of others in public. It is probably a trait we could stand to emulate.

It was also a rare event for a Vietnamese official to flatly refuse a request of ours.

Now, this by no means meant that we always got what we asked for. Rather than saying ''No,'' I found that the Vietnamese used phrases such as, ''That would be very difficult,'' or ''We will have to study that issue more,'' or ''We would like to do that but we will have great difficulty getting the other ministries to support it.'' I soon learned that these phrases normally meant ''No.''

As I said earlier in this paper, ''Face,'' as some people call it is very important in Vietnam as it is in most Asian countries. I took every opportunity possible to publicly praise my counterpart during visiting delegations, and always tried to compliment lower level officials in the presence of their superiors. Praise goes a long way in Vietnam, as it does everywhere. Conversely, when I was having difficulty with someone, I would never criticize them in public or speak to their superior without first informing them of what I would do if we were unable to progress at that level. Vietnamese do not mind you going over their head, just don't do it behind their backs.

One of my goals upon assuming command of Detachment 2 was to improve the personal relationships between the Detachment and our Vietnamese workers and counterparts. Since my days as a lieutenant, I have always felt that it is helpful to nurture relationships with those with whom you work. I have found that it is much more difficult to decline a request from a friend, than it is to refuse a casual acquaintance. I have also found that subordinates work much harder for those whom they respect and ''like'' than for those who just pay their salary and do not care for them as an individual.

As I said earlier, we had several Vietnamese local hires who worked at the Ranch. Whether these individuals were our secretaries, our cook, our maids, drivers, guards or gardeners, I tried to make them feel a part of the Detachment. After all, without their efforts, we would not have been able to concentrate on our own duties. I began inviting them to Detachment social events such as Thanksgiving supper and though very shy in the beginning, they soon opened up to us and became lasting friends. We even had a farewell of sorts for one of our retiring guards. This elderly gentleman had guarded our compound since we first leased it, so we had a luncheon on the Ranch for him and presented him with a JTF–FA Certificate of Appreciation signed by me. I can almost guarantee that he has that certificate proudly displayed in his home. I am just as certain that when he speaks to his Vietnamese friends and family, his reflections on Americans will be positive.

We tried to do the same for our counterparts in the VNOSMP. Not too long after my arrival, we hosted a small party at the Ranch for Detachment 2 and the VNOSMP. It was a very relaxed atmosphere that included American and Vietnamese food. I believe this was the first time many of our VNOSMP counterparts had even been on the Ranch other than at the main office building.

I knew we had made great strides in developing trust and friendship when the VNOSMP invited us to a Tet party at the Le Tach Government Guest House. Like our invitation to them earlier in my tour, they included the entire Detachment. This was also a first in our relationship.

In the Spring of 1995, we decided to host a party at the Ranch for our counterparts. I asked Mr. Hall if the USLO would like to cohost it with us and he quickly agreed to help us. We wanted to make this an *American* event complete with hamburgers, hot dogs, potato salad, country music and rock-and-roll. Guests at the party ran the gamut from our guards and maids, to the Vietnamese Vice Minister of Interior, the Director of the Vietnamese Veterans Organization, senior officials in the Ministries of Foreign Affairs and National Defense, the Hanoi press corps (on the agreement that everything was ''off the record'' that evening), and a couple of American businessmen. Vietnamese officials rarely showed themselves to us in a casual atmosphere, but everyone seemed to relax and enjoy themselves. I think we spread a lot of good will during this party and gained much more than we gave.

These few instances of shared camaraderie served a very important purpose—they built trust between our organizations and between individuals. Becoming friends did not mean that I would always agree with my counterparts or them with me. Neither did it mean that I would push any less vigorously for issues I thought were important to achieving the fullest possible accounting. What I do believe it meant was that I understood the Vietnamese perspective and could usually find a way to honor their position while still accomplishing the mission I was bound to do. It meant that I was better able to read body language and recognize intent versus literal meanings of spoken words. It meant that I could better time my requests or frame them in such a way as to maximize my opportunities for success. In short, I think our friendships developed trust. Trust led to greater access an enhanced cooperation. And better cooperation led to progress.

CONCLUSION

When Sergeant Major of the Army Richard Kidd visited our troops in the field in Vietnam in January 1995, he asked me what message I would like him to take back to the United States. I wanted to repeat my reply to him here in my concluding comments, because I hope you have come to the same conclusions.

The President of the United States considers this issue one of the highest national priority and is resourcing it appropriately.

There are hundreds of great Americans working tirelessly under arduous conditions with only one purpose in mind—to provide the families the answers they so richly deserve.

There are hundreds of Vietnamese citizens working side-by-side with our specialists to help us find the answers, and the Vietnamese government is cooperating strongly in our efforts.

We are finding many of the answers we are seeking. No, we aren't finding all the answers, but we are making significant progress toward the fullest possible accounting.

Finally, I asked him to tell all the soldiers, sailors, airmen, and marines that he can that 20 years after the conflict in Vietnam, the United States is still trying to bring home its fallen warriors. Through all the reports of the circumstances of loss I read, I did not see a single case of our soldiers being ''abandoned'' on the battlefield. Our service men and women should continue their Service, knowing that we will come for them too.

One of the most important findings of DOD's ''Zero-Based Comprehensive Review of Cases'' is that if found ''no evidence that information is being deliberately withheld'' by the governments of Vietnam, Laos or Cambodia.[46] Could the Vietnamese Government do more? In my opinion, they probably could, but I also look at all the other difficulties they face as they try to rebuild their country. I believe they are providing a level of cooperation far exceeding what might be reasonable to expect of them, and that the Vietnamese Government is committed to continuing their current level of cooperation indefinitely. During a visit by one of the Congressional delegations to Vietnam, the Vice Foreign Minister of Foreign Affairs, Mr. Le Mai, said that he did not expect the USG to stop pressuring Vietnam for assistance in achieving the fullest possible accounting. He simply hoped that it could soon become just one issue of importance amongst many other issues discussed between two countries with normal relations. Though the issue of missing Americans is still one of America's ''highest National priorities,'' and it correctly remains the primary issue of discussion between Vietnam and the United States, Mr. Le Mai's expectations are being realized today albeit slowly.

During my tour in Vietnam, I received much more than I gave. The men and women of Joint Task Force—Full Accounting are an inspiration to us all as they endure the long hours, the elements, the heat, the humidity, the snakes, the unexploded ordnance, and numerous other hardships to do their job—and do so happily. The leadership of JTF–FA, Generals Needham and Viale and Colonel Frizell, provided the guidance and resources I needed to accomplish the mission, but allowed me the flexibility and authority I needed to operate confidently and effectively. I had the best command environment I could have possibly hoped for.

The JTF–FA staff worked tirelessly behind the scenes to make those of us in the field successful, and they did so without receiving many of the accolades and fanfare those of us who were in the field received. I also must acknowledge the efforts of those who went before me, Colonel Jack Donovan, Colonel John Cray and all those who served with them. It was their efforts that created the conditions under which I was able to operate, and they set the stage well. If at any point in this monograph I gave the impression that the accomplishments I cited were mine, it was unintentional and false. Progress on this issue was a team effort that included the Detachments in the filed, the JTF–FA and PACOM Headquarters and staffs, and the Defense POW/MIA Office. I privileged to be a small part of a great team.

There are other groups contributing to the fullest possible accounting that I believe also need a lot of the credit for the success of the operators in the field. The Vietnam Veterans of America, the Veterans of Foreign Wars, the American Legion, the National League of Families and many other groups are faithfully representing their constituency to get the answers they deserve. They too contribute to the overall effort. I also appreciated the open-minded approach the Congressional and Congressional Staff delegations took during their visits. Without the not always politically popular efforts of Senators John McCain, John Kerry, Kit Bond, and Sam Nunn, I do not believe we would be making the progress we are today.

I always enjoy talking about our nation's efforts in Vietnam, because I do not feel the American people or, more importantly, the men and women of America's Armed Forces are aware of the extent of our nation's commitment to resolving the very emotional issue of Americans still missing in Southeast Asia. This monograph has given me the opportunity to reflect on the most rewarding year of my 22 year career, and to offer some thoughts as to how we approached our duties. I hope this paper will be of some use to those who may follow in similar situations, and that it serves as a record of the impression of just one member of a very large team dedicated to pursuing and achieving the fullest possible accounting for Americans still unaccounted-for in Indochina.

I opened this paper with a quote describing why I think JTF–FA's mission is important. I will close with another quote. How can the contributions of JTF–FA best be summarized? I think Admiral Richard Macke, CINCPAC, said it best on February 10, 1995

when he presented the Joint Meritorious Unit Award to JTF–FA:

''What will be the legacy of Joint Task Force-Full Accounting? It won't be the sites searched, the witnesses interviewed, the tons of soil sifted. Your legacy will be the relief of the families of those we are able to account for. And your legacy will be the iron-clad faith that the men and women of our armed services have in each other. When we are next called upon to put ourselves in harms way, we can do so without hesitation, because we know you'll come. I can think of no greater legacy to leave to those who come after us.''

God's noblest people and their families must always know that we'll come—no matter how long it takes.

LIVE-SIGHTING REPORT—MR. BILLY HENDON

One of the most difficult periods of my tenure occurred in April 1995. Mr. Billy Hendon arrived in my office claiming to have information concerning live Americans being held by the Vietnamese.[47] He said that he had ''irrefutable proof'' that the Vietnamese were holding Americans in an underground facility beneath a mountain in a militarily sensitive area in Vinh Phu Province (northwest of Hanoi). Furthermore, he claimed that the Vietnamese had denied JTF–FA investigators access to this sensitive area for the purpose of live-sighting investigations.

I told him that if he would provide his ''intelligence'' to me, I would forward it to the necessary agency immediately, and we would investigate it. He said that he did not trust me to investigate it without first ''tipping-off'' the Vietnamese and would not give me the information. Rather, he suggested we gather all the press we could and all go investigate the case together.

While I was speaking with Mr. Hendon, I directed my Detachment NCOIC to contact the United States Liaison Office (USLO), as I thought they should be involved in this. The Deputy Chief of the USLO and the Regional Security Officer soon arrived at my office to assist me in my actions with Mr. Hendon. Once they arrived, I excused myself so that I could call JTF–FA Headquarters to inform them of the situation. I spoke at length with Colonel Frizell, the Deputy Commander, and received specific guidance regarding my interactions with Mr. Hendon. After our discussions, I returned to convey Colonel Frizell's guidance to Mr. Hendon. In Hawaii, Colonel Frizell immediately notified the Deputy CINCPAC, DPMO and other necessary agencies of our situation and actions.

Once back in my office, I told Mr. Hendon that I would not make a ''media circus'' of any live-sighting investigation as it would be inappropriate. Colonel Frizell also spoke to Mr. Hendon telephonically twice. He explained our position to him in what I am sure were much less politically correct terms than I had used. A distinguished career in the United States Marine Corps, which included his aircraft being shot down over northern Vietnam during the conflict and three years as the Deputy CJTF–FA, did not exactly endear the likes of Mr. Hendon to Colonel Frizell.

Mr. Hendon responded that he would not give me the information until his conditions were met. We reached an impasse that neither of us was willing to skirt.

We concluded our meeting when Mr. Hendon asked if he could stay on the Ranch as he feared for his life. He claimed that Mr. Nguyen Xuan Phong (Director of the Americas Department) and Mr. Vu Chi Cong (my counterpart in the VNOSMP) had threatened his life. After speaking with Colonel Frizell, I denied Mr. Hendon's request for the following reasons; the Ranch was not U.S. property (as embassy property is) and therefore cannot provide the protection to U.S. citizens that embassies can, we did not have facilities to support such requests, and finally, we were confident that his claims regarding the threat to his life was baseless and ridiculous. I did, however, make arrangements for him to stay in a room in a small six-room hotel immediately adjacent to the Ranch. Several of my personnel were also living in the hotel for a short time, so I thought that would ease his concerns for his safety (if he really had any). As I walked Mr. Hendon from my office building, he asked what would happen if he refused to leave. I did not directly answer his question, but made it clear that I would not allow him to stay on the Ranch.

As Mr. Hendon left the Ranch, he locked himself to the outside metal gate of our driveway with a set of handcuffs. Since it was cloudy, beginning to sprinkle, and threatening thunder and lightning, I got some bolt cutters to free Mr. Hendon from his handcuffs. I also did not want the press to arrive with Mr. Hendon chained to my gate. As I was cutting the handcuffs (from the inside of the gate with Mr. Hendon on the outside), Mr. Hendon was taking pictures of me. In any event, Mr. Hendon had another pair of handcuffs and re-locked himself to the gate a little later.

As we watched Mr. Hendon throughout the day, we found that his efforts lacked a certain amount of integrity and sincerity. Locked to the gate, he entertained members of the press with his intent to remain locked to the gate until such time as I was willing to investigate his claims of live Americans. Yet, after the departure of the press, and as necessary, he unlocked himself from the gate to return to his hotel room to use the bathroom, or he would pay young Vietnamese children to bring him food and sodas and even managed to get a chair to sit on outside the gate. Needless to say, however, in the heat and humidity of Vietnam, Mr. Hendon soon decided that chaining himself to the gate would not bring him much progress compared to the discomfort he was experiencing. Soon he was only appealing at the gate during selected press intervals.

Later, I called the DFCJTF to ask permission to call Stony Beach in Bangkok and request they send a live-sighting investigator to Hanoi. In this manner we would be immediately ready to respond to any valid information we might receive from Mr. Hendon. He agreed, and the Vietnamese approved his visa within a few hours of our request. This quick approval was extremely rare in Vietnam. It normally took ten days for a routine request and two to three days for an emergency request. This told me the Vietnamese understood the urgency of our request.

I reviewed our actions with Mr. Jim Hall, the Chief, United States Liaison Office, Hanoi, and the DCJTF in Hawaii several times each day during this ordeal to: 1) keep them informed of the situation, and 2) receive their guidance. I continued to refuse to meet with Mr. Hendon again unless it was at the USLO with Mr. Hall. I also continued to deny Mr. Hendon further access to the Ranch. We remained willing to meet with Mr. Hendon whenever he decided to provide his information to us in the proper environment; i.e., in a relatively secure environment on U.S. property such as the USLO and not in the middle of a press conference.

As time went on, Mr. Hendon decided to hold a press conference to give the press the details of his ''intelligence.'' During this conference he claimed that we refused to meet with him (we did not—we only insisted that we meet in the proper forum), that we refused to investigate this case (we did not—we were awaiting his information) and that the Vietnamese had denied us access to this site for investigation. He said that I had lied when I said the Vietnamese had never denied us access to any site for the purpose of a LSI.

Mr. Hendon did a skillful job with the press of mixing apples and oranges regarding access to the site. His claims of being denied access to the Vinh Phu military reservation implied that the Vietnamese had denied access to the site for the purpose of investigating a live-sighting. We had not. As I discussed earlier in this monograph, the Vietnamese did deny us access to the reservation, but that was during our investigation of Case 0644, not an LSI. It is important to stress that to my knowledge, and to the knowledge of the primary Stony Beach live sighting investigator, JTF–FA and Stony Beach investigators have never been denied access to any location anywhere in Vietnam as a part of a live sighting investigation. I clarified this point with the press on several occasions, but I do not think this was ever made completely clear in the articles I saw.

For almost two weeks, Mr. Hendon lived in the hotel next door to the Ranch, occasionally sending a fax to me imploring me to meet his conditions so he could provide his ''intelligence'' to me. He was also in obvious contact with his associates back in the United States. We soon became the object of several ''National Vietnam P.O.W. Strike Force'' newsletters written by Mr. Joe L. Jordan, the Strike Force Commander. Mr. Jordan is one of the more vocal critics of U.S. policy in Vietnam regarding POW/MIA efforts. His newsletters made statements about me such as:

''Not only does Richmond refuse to go, he demands that Hendon give him the data so he can turn it over to the communists.[48]

''Will some other U.S. Army scumbag like LTC Richmond help the communists hide his [future U.S. POWs] whereabouts [*sic*] 30 years from now after he has been captured?[46]

''Your little panty-waisted, snot-nosed faggot commander of the ranch, U.S. Army Lt Col Melvin Richmond whined, 'We might be out there for months looking in each and every little cave.[50]' ''

But my favorite passage was when Mr. Jordan described Mr. Hendon's situation:

''He [Mr. Hendon] was last seen running down a dark alley in the red light and bar district near Le Nam De street with the KGB in hot pursuit. A caucasion [*sic*] American of 6½ feet in height like Hendon will not go unnoticed for long and he is believed to already be in secret captivity, his exact whereabouts unknown.[51]''

Mr. Hendon was in a very comfortable, but conditioned hotel room next door to the Ranch, meeting with the press everyday. The only hardship I noticed with Mr. Hendon was that the top of his head became very sunburned.

Finally, Mr. Hendon's visa expired and the Vietnamese refused to renew it. Before leaving, Mr. Hendon gave is the information he had via a fax, and we began the LSI process. He left Vietnam proclaiming victory.

When we finally investigated Mr. Hendon's information, the results were as we suspected they would be. The location he provided was some 50 kilometers outside the Vinh Phu military reservation. It was in the middle of expansive rice paddies—not a mountain in view. And there was no evidence of live Americans ever having been held in that area. As a matter of fact, Mr. Hendon had been to that very location a couple of years previous.

It is unfortunate that individuals such as Mr. Hendon are able to manipulate the press and manipulate the hopes of families the way he does. At one point I told Bruce Stanley of AP that I thought they were giving Mr. Hendon entirely too much attention. I said that they were allowing Mr. Hendon to build a story where none exists. Bruce agreed

with my assessment, but said that they had to follow him . . . just in case he did something newsworthy.

There are hundreds of great Americans working tirelessly, often in very inhospitable conditions, to try to resolve this issue. There are other organizations such as the National League of Families and U.S. veterans groups who disagree with U.S. policies concerning Vietnam, but I always felt that their motives were pure and their intentions the same as ours—to find the truth for the families of the missing. I strongly resented individuals such as Mr. Hendon and Mr. Jordan who manipulated the press, manipulated the truth, misrepresented me, and misrepresented those devoted to finding the truth. I believe they cloud the issue, develop distrust amongst the families of the missing, and Americans in general, and do so for (in my opinion) personal gain.

GLOSSARY

Americas Department: The department of the Vietnamese Ministry of Foreign Affairs responsible for relations between Vietnam and the Americas (including Cuba). During my tenure, the Director of the Americas Department was Mr. Nguyen Xuan Phong.

Amnesty Program: The Vietnamese established the Amnesty Program to encourage Vietnamese citizens to provide any remains and information they possess concerning unaccounted-for Americas to the Central Government without fear of punishment. My experience indicated that the Vietnamese Government was genuine in this offer. The only instances I knew of where the Government prosecuted Vietnamese citizens regarding remains involved ''remains trading.''

Archival Research Team (ART): The Archival Research Team worked with the VNOSMP to find SRV records containing information about unaccounted-for Americans, and jointly researched and investigated reports that private citizens had remains of unaccounted-for Americans. SRV records included war-time film footage, military and government records, and national museum and library holdings. Established in October 1992, the ARTs had access to all civilian and military museums, public security houses, tradition houses and newspaper and magazine offices in Vietnam. In May 1993, the VNOSMP and JTF–FA established the Joint Document Center (JDC) in the Central Army Museum in Hanoi. The JDC served as a repository for all documents, books, and reports that Vietnamese and U.S. investigators uncovered. Three ARTs deployed to Vietnam organizing their efforts along the lines of already established Vietnamese Military Regions (MRs); ART 1 operated in MR1, MR2, and MR3, all in northern Vietnam. ART 2 operated in MR4 and MR5 in central Vietnam, and ART 3 operated in MR7 and MR9 in southern Vietnam. In February 1995, the RIT assumed the duties of the ART as it was no longer necessary to have a single team dedicated entirely to this effort.

Anthropologist/Archeologist: Each RE has an anthropologist assigned to it. The anthropologist/archeologist provides the scientific control for the recovery site and ensures that every aspect of the recovery operation conforms with scientific standards that can withstand the closest legal and scientific scrutiny. Most anthropologists/archeologists assigned to CILHI are under contract to the Army Corps of Engineers. The anthropologists/archeologists working in the field are highly respected and among the world's most accomplished scientists of their fields. Within the elite group, CILHI certifies certain anthropologists/archeologists as being able to turn away remains. If a team recovers what they suspect to be a bone at a recovery site they cannot dispose of that piece of remains (even if it has a beak on it or is an obvious animal bone) unless a certified anthropologist/archeologist authorizes the team to do so.

Died-in-Captivity Cases (DIC): Of the 84 SRT cases, 27 cases representing 29 individuals are DIC cases. Since these cases involve individuals who died while in Vietnamese captivity, U.S. Government officials believed it reasonable to assume that the Vietnamese should have control of the individuals' remains or know of their whereabouts.

Discrepancy Cases: Another name for Priority Cases.

Dog Tag Reports: Since 1979, the United States Government has received thousands of reports of remains associated with dog tags in the hands of private citizens. About 97% of the Americans named in these reports were never unaccounted for. A little more than 100 Americans named in the reports are still unaccounted-for. The Archival Research Team began investigating these cases in July 1994.

Excavate: If an IE discovers credible information (i.e.; witness testimony, wreckage, etc.) that allows it to narrow the scope of work at a location to a reasonable size location, it will recommend that an RE excavate the site to try to find remains.

Explosive Ordnance Specialist: An EOD specialist is assigned to each IE and RE. It is a common occurrence for our teams to encounter live ordnance remaining from the conflict in Vietnam. The EOD specialist ensures the safety of the team during its operations.

Fate Determined: A normal IE team can make three recommendations after investigating a case; reinvestigate, excavate, or pending. In the case of Priority Case Investigations, the team may make one other recommendation, fate determined. This means that although the case is still unresolved, the team did conclude that the unaccounted-for American died, thus his ''fate has been determined.'' Further investigations will continue as necessary or until the case is resolved.

Graves Registry Cases: Of the 84 SRT cases, 39 cases representing 46 individuals are SRV Graves Registry cases. The names of these 46 individuals appeared on provincial graves registries, therefore the USG position is that since the registries reflect that the Vietnamese knew of the burial location during the war, they should still know the whereabouts of the remains.

Incident Location: Site where the unaccounted-for American was last seen or thought to have been; e.g., crash site, burial site, site of an ambush, etc.

Investigation Element (IE): Each IE is composed of a Team Chief, an Assistant Team Chief, two analysts/linguists, two Mortuary Affairs Specialists, a medic and an EOD Specialist.

Investigation/Recovery Team (IRT): The IRT includes all members of IEs, REs and any other support personnel deployed to Vietnam for approximately 30 days to conduct a single Joint Field Activity.

Joint Document Center (JDC): The Vietnamese established the JDC in a wing of their Central Army Museum in Hanoi. It serves as a location for U.S. and Vietnamese specialists to examine and store archival information such as films, photographs, artifacts, documents, etc.

Joint Field Activity (JFA): JTF–FA conducts six JFAs annually in Vietnam. Teams deploy by U.S. C–130 and commercial aircraft into Vietnam from U'Tapao Air Base, Thailand into Noi Bai International Airport, Hanoi (for teams operating in northern Vietnam), Da Nang International Airport, Da Nang (for teams operating in central Vietnam), and Tan Son Nhat International Airport (for teams operating in southern Vietnam). From these initial staging areas, IEs and REs deploy by ground or helicopter to their initial operating location. Each JFA lasts approximately 30 days.

Joint Forensics Review: At the close of each JFA Vietnamese and U.S. forensics specialists examine all remains the joint IRT obtained during the JFA and any Detachment 2 may have obtained since the last review. They study the remains to scientifically ensure they are likely to be remains of a missing American.

Last Know Alive Cases: Another name for Priority Cases.

Last Known Location: The last known location is very similar to the incident location; the site where the unaccounted-for American was last seen or thought to have been (e.g., crash site, burial site, site of an ambush, etc.). IEs are always required to visit the last known location (unless during the course of their investigation they find evidence that categorically refutes the last known location). Even for over-water cases, the IE will go up to ten miles out to sea to investigate the last known location.

Life Support Technician (LST): An LST is assigned to every RE. He has two primary missions; (1) confirm that the aircraft wreckage at the site correlates to the aircraft of loss, and (2) determine if the crew members were aboard the aircraft at the time of impact. They did this by analyzing the wreckage, identification media, crew member life support equipment, etc.

Live Sighting: Contrary to popular opinion, this does not always mean a current report of a live American either living freely or being held against his will in Vietnam, though this could be the case. Every day, analysts in Hawaii and Washington, DC pore over historical documents and reports searching for information pertaining to an unaccounted-for American. Should they uncover a report of a live American during their research (e.g., an analyst finds a previously undiscovered notation indicating a captured live American was being led through a village in South Vietnam in 1967), this discovery could result in the initiation of a live sighting investigation.

Live Sighting Investigation (LSI): These receive the highest priority of any other operation involved with resolving this issue. Investigators from the Defense Intelligence Agency (DIA) office in Bangkok, Thailand, Stony Beach, investigate all live sightings. JTF–FA, DPMO, JTF–FA and the VNOSMP go to great lengths to assure the integrity of each LSI. DPMO receives all live sighting reports either from the field, their analysts, or any other source. They analyze each report, and prepare draft requirements before tasking Stony Beach to investigate the sighting. Though DPMO can notify Stony Beach of the requirement via secure means of communications, Detachment 2 has no such capability. To minimize the opportunity for anyone to accuse the Vietnamese of ''rigging'' the investigation or ''rehearse'' witnesses, the only information that passes to the Detachment is that DPMO has initiated an LSI and a Stony Beach investigator needs an entry visa into Vietnam. It is not until the investigator arrives in Vietnam and sits down with the Commander of Detachment 2 and VNOSMP officials that anyone in Vietnam knows the specifics of the case. There have been many instances where immediately following the initial meeting with his Vietnamese counterpart, the Stony Beach investigator and his counterpart depart immediately for the site. The Vietnamese have never denied access by the Stony Beach investigator to any site involving an LSI. Once the investigator completes his investigation, he debriefs the Commander, Detachment 2 and returns to Bangkok, where

he files his report with DIA. An interagency board in Washington, DC reviews the report and votes to resolve, reinvestigate, or develop additional information for the case.

Mortuary Affairs Specialist: Specialists assigned to USACILHI whose Military Occupational Skill (MOS) involves proficiency and knowledge in wartime/combat burials.

Oral History Program (OHP): The Oral History Program began in 1979, when analysts from the Defense Intelligence Agency (DIA) began interviewing refugees from Vietnam to try to uncover information regarding unaccounted-for Americans in Vietnam. From 1988 to 1992, Vietnam allowed limited access to Vietnam for OHP analysts. In May 1993, JTF–FA presented what became known as the ''List of 83'' to the Vietnamese Government. This list contained the names of 83 former and current PAVN officers and government officials who the USB believed could have information regarding unaccounted-for Americans. Between May and December 1993, OHP team members from Detachment 2 interviewed 74 of the individuals from the ''List of 83.'' This included 14 flag officers and 36 field grade officers and led to the accumulation of information concerning over 40 cases involving 21 unaccounted-for Americans. Between January and June 1994, JTF–FA continued to press the Vietnamese for access to the remaining nine individuals, but for a variety of reasons, could not gain access to them, and the OHP essentially ground to a halt. Some inside and outside the USG felt the program had failed because we were denied access to the remaining nine individuals despite our success in interviewing 89% of those we requested to interview. In July 1994 we proposed to the VNOSMP that we reinvigorate the OHP by approaching the program differently. We recommended that we get away from concentrating on a ''List of 83'' and instead concentrate on the product we gain through the program's interviews. The Vietnamese agreed and we began providing the Vietnamese with a list of individuals we would like to interview during a specified ''investigation period'' (normally concurrent with a JFA; 30 day period), and then interviewed all they made available. For those who we felt strongly that we needed to interview, but were not agreed to by the Vietnamese, we continued to resubmit the names. The bottom line is that in August 1994, we began a new interview phase. In September 1994 we reinterviewed Military Region 4 Graves Registry compilers and in October 1994 held a series of interviews in Quang Nam-Da Nang Province. The OHP continues a strong program today.

Over-Water Case: 470 unaccounted-for Americans are known to have been lost at sea. Most of these cases involve aircraft that were hit and tried to escape to the relative safety of the ocean before crashing. Other include losses of individuals when their vessels sank, or who were swept overboard. In Vietnam alone, over-water cases account for 449 of the more than 1600 unaccounted-for.

Pending: If an IE investigates a case and exhausts all leads without finding enough information to recommend a site to excavate, the team leader recommends placing the case in the pending category. This does not mean the case is closed as many contend. Instead, pending means that there are no further leads to pursue, and until such time as someone develops a credible lead, the JTF will not actively investigate the case. However, should an analyst uncover new information or questions regarding the pending case, JTF–FA will reactivate the case and schedule it for reinvestigation. This has occurred on several occasions.

Photo Cases: of the 84 SRT cases, 11 cases representing 12 individuals are Photo cases. In many instances, either for historical or propaganda purposes, the Vietnamese photographed bodies and body parts of dead Americans. We have correlated several such photographs to 11 cases, 12 individuals who are still unaccounted-for. The USG position is that since the Vietnamese photographed the bodies or remains, they should still control or know the whereabouts of these remains.

Priority Case: Also known as Discrepancy Cases, Last Known Alive Cases, or even Priority Last Known Alive Discrepancy Cases. When General Vessey became the President's Special Envoy to resolve the issue of Americans still unaccounted-for in Southeast Asia, one of his first steps was to direct analysts to review all existing cases and determine the cases where the individual is thought to have survived his incident of loss and may still be alive. (Hypothetical Example: Two aircraft were attacking a target and a surface-to-air missile impacts one of the aircraft. That aircraft's wing man sees the pilot eject, and descend to the ground under a good parachute. The wing man might even have observed the pilot being captured and led away. This is one type of Priority Case. We know the individual survived his incident of loss, he did not return to the United States during Operation Homecoming, and it is possible that he is still alive.) JTF-FA and the VNOSMP formed a joint Priority Case Investigation Team to make a focused effort to determine the fate of the Priority Cases in Vietnam. Operations began on 11 June 1993 to determine the fate of 92 individuals associated with 73 cases. Eventually, this list grew to 196 cases. To date, teams have investigated every Priority Case at least once, some seven to eight times. Of the 196 individuals, one is a foreign national, and 27 have been resolved completely. There remain 50 individuals whose fate has not yet been determined.

Priority Case Investigation Team (PCIT): The U.S. and Vietnamese governments deemed investigating the Priority Cases to be so important that they formed a special team dedicated solely to investigating these cases. The U.S. manned the team with a DIA/Stony Beach investigator to ensure the highest quality investigation.

''The Ranch'': The Ranch is the small compound located in the northwestern corner of Hanoi that houses Detachment 2, JTF-FA. It has three buildings, a team house, a TDY building, and an office building. JTF-FA leases this facility from the Vietnamese. The original Detachment 2 tenants named it the Ranch as it was a truly American name.

Recovery Element (RE): Each RE is composed of a Team Chief, a Non-Commissioned Officer in Charge (NCOIC), an anthropologist or archeologist, a photographer, four Mortuary Affairs Specialists, two analysts/linguists, an EOD Specialist, a Life Support Technician (LST), and a medic. The Team Chief is normally an Army Quartermaster Corps Captain. Most of the RE comes from USACILHI. The analysts/linguists and LST are assigned to JTF-FA. The EOD Specialist and medic can come from any Service, normally from a unit assigned to PACOM.

Reinvestigate: If, after the end of a JFA or investigation period, the investigators have not completed investigating the leads they were assigned or have developed new leads that they were unable to pursue, they recommend a team reinvestigate the case in the future.

Remains Not Recoverable: IE teams can recommend three categories for cases they investigate, excavate, reinvestigate, or pending. PCIT and SRT investigators can also recommend ''Remains Not Recoverable.'' This recommendation means that the investigator has fully investigated the case and is confident that the remains of the unaccounted-for American have either decayed beyond hope for ever being found, been destroyed, or otherwise beyond the capability of ever being recovered. Example—In one SRT case we found a Vietnamese villager who had actually buried an unaccounted-for American. When he led investigators to the site, he saw that what had been a small stream during the war, had swollen to be much wider. He pointed to where he had buried the American in what he described as a shallow grave, but it was now completely submerged. The investigators classified this case as ''Remains Not Recoverable'' as the remains had certainly washed away over time, and the likelihood of recovering them was very remote.

Remains Obtained: Obtaining remains includes receiving and recovering remains.

Remains Received: To receive remains means to gain possession of them when a Vietnamese citizen or official gives them to a U.S. official.

Remains Recovered: To recover remains means to gain possession of them through an excavation.

Remains Recovered But Not Repatriated Cases: Of the 84 SRT cases, seven cases representing 11 individuals are Remains Recovered But Not Repatriated cases. IAW the terms of the Paris Peace Accords ending our involvement in the conflict in Vietnam, the Vietnamese provided a list of remains they had recovered and were repatriating to the United States. These 11 individuals correlate to remains the Vietnamese reported that they had recovered, but that the USG claims it did not officially receive.

Remains Trading: Selling or trading remains or information. We know that many Vietnamese citizens possess remains; every JFA the IRT receives remains from Vietnamese citizens. It is not uncommon for a Vietnamese to offer to provide the information/remains in exchange for monetary compensation or a visa to the United States. In a few cases, what we called ''remains dealers'' approached our investigators. These ''remains traders'' differed from the average citizen requesting ''compensation'' in that they made their living from this endeavor. Neither U.S. or Vietnamese officials will pay for remains or information.

Repatriation: To return remains to the United States. In the case of Vietnam, teams must provide all remains obtained to their Vietnamese counterparts. At the end of the JFA, Vietnamese and U.S. forensics specialists from USACILHI examine all remains obtained to assure they are likely to be those of an American. If they conclude they are not America, the U.S. specialists do not accept them for repatriation to the United States.

Repatriation Ceremony: Ceremony at Noi Bai International Airport, Hanoi, SRV, where the Commander, Detachment 2, on behalf of the United States Government officially accepts remains from officials of the VNOSMP, and loads them on a U.S. aircraft for return to the United States.

Research & Investigation Team (RIT): The RIT is a six-person team that deploys to Vietnam for a period of four months. It is manned with the most skillful Vietnamese linguists and analysts assigned to the JTF and works its most difficult cases. It is responsible for archival research, oral history interviews, special remains and priority case investigations, an walk-in interviews.

Resolved: To legally identify the remains as being those of an unaccounted-for American.

Scope Loss (or Off-the-Scope Losses): In many instances during the conflict, American aircraft simply disappeared from the ''radar scopes'' of ground monitoring stations, or the individuals were ''never heard

from again after embarking on long-range ground or air reconnaissance missions or after their aircraft were last seen visually on radar heading toward a given target.'' In these instances, IEs use the point at which the aircraft or patrol went ''off the scope'' as the last known location, or they will extrapolate from that point using the direction and speed of travel to try to determine possible location of the loss. Scope losses involve the loss of 308 individuals. DPMO has determined that it cannot resolve the cases of 54 of these individuals.[52]

Special Remains Case: Unlike the Priority Cases where the USG believes the unaccounted-for individual might have survived, we know that the individuals associated with Special Remains Cases died. However, because of photographic evidence, names appearing on graves registries, POW camp records, or other Vietnamese records it is reasonable to assume that at one point the Vietnamese had control of the individual's remains, and should now be able to produce those remains. There were originally 84 Special Remains cases.

Special Remains Case Team (SRT): This team's mission was to work with the VNOSMP to resolve the 84 SRT cases for which the United States Government had reason to believe the Vietnamese should be able to provide a full accounting.

Stony Beach: Stony Beach is the Defense Intelligence Agency (DIA) office in Bangkok, Thailand. Stony Beach analysts investigate all live sightings and provided the primary investigator on the PCIT.

Tri-Lateral Operations: During the war in Indochina, the Vietnamese controlled major portions of Laos and Cambodia. As such, when we investigate cases in Laos and Cambodia, it is very likely that Vietnamese citizens (former PAVAN or VC) would have more information concerning the incidents of loss than any Laotian or Cambodian citizens. If we can identify a Vietnamese citizen who possesses such information, we will coordinate between Vietnam and the third country (Cambodia or Laos) to bring that witness into their country to visit the site during a JFA in that country. These are called Tri-Lateral Operations as they are joint U.S./SRV/KOC or U.S./SRV/Laos operations.

Unilateral Research & Investigations: Many people both inside and outside the USG believe that the only way we can resolve this issue fully and rapidly is for the Vietnamese Government to increase their unilateral research and investigations. It is my opinion that some emphasize unilateral research because they believe the Vietnamese are purposely withholding archival information and even remains. They stress ''unilateral'' research in a round-about way of demanding the Vietnamese release these items. My experience does not lead me to believe the Vietnamese are withholding anything, and that as they find documents and remains, they are submitting them to Detachment 2. I believe our investigations are most fruitful when performed jointly with the Vietnamese; the investigations are always more thorough and the reports of investigation are uniformly more detailed. For those instances where the Vietnamese deny access to an American, and unilateral research/investigation by Vietnamese officials is the only other option, then, and only then, should we accept unilateral research as a viable option.

United States Central Identification Laboratory, Hawaii (USACILHI or more commonly CILHI): CILHI has a world-wide mission to search for, recover and identify U.S. service men missing from all conflicts.

Vietnamese Office Seeking Missing Persons (VNOSMP): The VNOSMP is Detachment 2's counterpart organization in the Vietnamese Ministry of Foreign Affairs. It is responsible for coordinating Vietnamese efforts to resolve the issue of unaccounted-for Americans. It is not involved with Vietnamese efforts to seek its own missing from the war. My direct counterpart during my tenure was Mr. Vu Chi Cong.

Walk-In Interviews: We always kept a skilled linguist at the Ranch in case a Vietnamese citizen arrived offering to provide some information, remains, artifacts, etc., to us. As noted earlier, our office was depicted on tourist maps and an advertisement for our office was in the Hanoi Yellow Pages. We normally had a couple of walk-in interviews each week.

ABBREVIATIONS/ACRONYMS

AP: Associated Press.

ART: Archival Research Team.

CILHI: More common reference to the United States Army Central Identification Laboratory, Hawaii than the more accurate USACILHI.

CINCPAC: Commander-in-Chief, United States Pacific Command. Admiral Macke was the CINCPAC during my tenure.

CJTF-FA: Commander, Joint Task Force-Full Accounting. Major General Thomas H. Needham was the initial CJTF-FA. His command extended into the first month of my command at which time Brigadier General Charles Viale assumed command (27 July 1994).

CODEL: Congressional Delegation.

DIC: Died-in-Captivity.

DPMO: Defense POW/MIA Office.

EOD: Explosive Ordnance Disposal.

IE: Investigation Element.

IRT: Investigation & Recovery Team.

JCRC: Joint Casualty Resolution Center.

JDC: Joint Document Center.

JFA: Joint Field Activity.

JTF-FA Joint Task Force—Full Accounting.

KOC: Kingdom of Cambodia. Normally referred to only as Cambodia.

LSI: Live Sighting Investigation.

LST: Life Support Technician.

MFA: Vietnamese Ministry of Foreign Affairs.

MND: Vietnamese Ministry of National Defense.

MOI: Vietnamese Ministry of the Interior.

OHP: Oral History Program.

PACOM: More common reference to the United States Pacific Command than the more accurate USPACOM.

PCIT: Priority Case Investigation Team.

RE: Recovery Element.

SRT: Special Remains Team.

SRV: Socialist Republic of Vietnam.

STAFFDEL: Congressional Staff Delegation.

UPI: United Press International.

USACILHI: United States Army Central Identification Laboratory, Hawaii.

USLO: United States Liaison Office.

USPACOM; United States Pacific Command.

VNOSMP: Vietnamese Office Seeking Missing Persons.

FOOTNOTES

[1] Leslie Weatherhead, ''Comradeship,'' quoted by Admiral Richard Macke, CINCPAC, in a speech awarding the Joint Meritorious Unit Award to JTF–FA, February 10, 1995.

[2] NOTE: Other names I will use for these countries throughout the text are Vietnam or SRV, Laos, Cambodia or KOC, and China or PRC, respectively.

[3] Unless otherwise noted, statistics used throughout this monograph are current as of February 27, 1996 and were provided to the author by the Public Affairs Office, JTF–FA, Camp Smith, Hawaii.

[4] JTF–FA mission statement.

[5] Unaccounted-for or missing are the correct terms when referring to the individuals we were searching for. POW, MIA and KIA are legal terms DOD uses to classify wartime losses and help determine benefits for the next-of-kin and the actual service member. There are no remaining POWs or MIAs from the conflict in Southeast Asia. Colonel Charles Shelton was the last service member carried as a POW. The USG continued to carry him as POW after it had reclassified all other missing service men so that he might serve as a national symbol that the unaccounted-for ''would not be forgotten.'' Colonel Shelton's family recently requested that the USG change his status to killed in action, body not recovered, and DOD concurred with their request.

[6] See Glossary for a complete explanation of the nature of today's Joint Field Activities.

[7] Bobby Garwood's return does not count in this first category as he was never ''unaccounted-for.''

[8] Department of Defense, ''A Zero-Based Comprehensive Review of Cases involving Unaccounted for Americans in Southeast Asia,'' (November 13, 1995), p. 1.

[9] Ibid.

[10] Ibid, pp. 4–7.

[11] Ibid, p. 6.

[12] Ibid.

[13] I met with the USAF Casualty Office in San Antonio, Texas prior to changing command. I was scheduled to meet with the USN Casualty Office, but nobody from their office showed up for the appointment they scheduled with me.

[14] See Interaction with the Media for a discussion of the training I received.

[15] See the Glossary for explanations of these terms.

[16] Table 1 reflects the number of remains repatriated during this period. Not all have been identified.

[17] The National League of Families is very active in trying to resolve this issue. Though I believe they, like all members of JTF-FA, are committed to achieving the fullest possible accouting, the NLF and its Executive Director are often critical of USG policy toward Vietnam. The NLF did not support either President Clinton's decision to lift the trade embargo against Vietnam, or his decision to normalize relations between the United States and Vietnam.

[18] Just as a note of interest, Mr. Willoughby did not think very highly of the accuracy of this book.

[19] SRCol Bien was a 45 year PAVN veteran. He fought the Japanese, the French, the Americans, and the Cambodians. He is the MND representative to the VNOSMP.

[20] See Glossary.

[21] At the time, the USLO had not yet opened. Mr. Hall was the Chief of the Vietnam/Laos/Cambodia desk, East Asian & Pacific Affairs, DOS.

[22] Peoples Army of Vietnam.

[23] Virginia Foote, President, U.S./Vietnam Trade Council, ''Progress, Problems and Suggestions to MIA accounting,'' memorandum for the March 1996 Presidential Delegation to Vietnam, 29 February 1996.

[24] See Glossary for an explanation of trilateral operations.

[25] See Glossary.

[26] See Glossary for an explanation of ''Fate Determined.''

[27] See Glossary.

[28] A karst is a relatively small peak jutting straight out of the ground. They are extremely steep, sometimes with sheer faces, and are normally a few hundred feet tall.

[29] See Glossary.

[30] We do not pay for remains or cooperation, however, we do pay landowners for alterations we inflict on their property; e.g. if we excavate a site in the middle of a farmer's rice paddy, it is only right that we compensate him for his lost crop.

[31] See Glossary.

[32] See page 72 for an explanation of this program.

[33] From June 1994 until June 1995, the following delegations visited Hanoi; two Presidential delegations headed by Ambassador Winston Lord and DSD for Veteran Affairs Herschel Gober, CODEL Bond (Senators Kit Bond, Sam Nunn, John Glenn, David Pryor, William Cohen, and Barbara Mikulski), CODEL Kerry (Senator John Kerry), CODEL Spence (Congressman Floyd Spence), CODEL McCain (Senator John McCain), CODEL Simon/Murkowski, STAFFDEL Record, STAFFDEL Stetson, CODEL Rohrabacher, DASD for POW/MIA Affairs James Wold, DASS Peter Tomsen (2), Admiral Zumwalt, and Sergeant Major of the Army Richard Kidd.

[34] We based our assumptions on what we had seen in the past. Each ministry had a normal way of operating, and seldom deviated from it.

[35] He had worked with JTF–FA teams for several years, understood American slang as well as most Americans, and was very comfortable in the presence of Americans. He is currently attending American University in Washington, DC on a Ford Foundation grant.

[36] Steven Butler, ''A painful search for the missing,'' *U.S. News and World Report*, 118, no. 17 (May 1, 1995); 62.

[37] Ms. Griffith's brother is still unaccounted-for as a result of his aircraft crashing. In her role as the Executive Director of the NLF, Ms. Griffith is an ardent supporter for the families of the unaccounted-for. Her knowledge of the totality of the issue is, in my opinion, second to none. Though I strongly disagree with her on many of her interpretations of the facts, I have never disputed her strong desire to fully resolve this very difficult and emotional issue.

[38] Author of *A Bright Shining Lie.*

[39] Ms. Smith is the daughter of a pilot still unaccounted-for at the time of my departure. She came to Vietnam to try to find the crash site of her father and to bring some type of closure to her loss. Ms. Smith was able to visit the site we had identified during past JFAs and seemed satisfied with her findings. Shortly after her visit we excavated her father's crash site (the excavation was scheduled prior to her visit, and was not a result of her visit). Excavators found what they believed to be her father's Naval Academy ring in the excavation.

[40] See Annex A for a complete explanation of the Mr. Hendon live-sighting claims.

[41] I had worked for then BG David Bramlett in the 25th Infantry Division (Light). During most of my tenure in Vietnam, LTG Bramlett was the DCINCPAC.

[42] Discussion led by Ambassador Marc Baas to the Asia-Pacific Regional Strategic Assessment class on 23 February 1996.

[43] In his actual meetings with the Vietnamese, by the way, Mr. Gelbard fully supported the issue of missing Americans as the USG's highest priorities, so my concerns regarding that particular visit were possibly somewhat unwarranted. Overall, however, I think the concern was (and may still be) a valid one.

[44] Oriental New Year.

[46] ''A Zero-Based Comprehensive Review of Cases Involving Unaccounted for Americans in Southeast Asia.''

[47] Personal Opinion—Mr. Hendon is a former Congressman from North Carolina. I believe that he makes unsubstantiated claims concerning the POW/MIA issue to fan the emotions of families and veterans in America. It is my opinion that he manipulates this issue to win support for election activities and to earn a living.

[48] Joe L. Jordan, ''National Vietnam P.O.W. Strike Force'' Newsletter. June 4, 1995.

[49] Ibid.

[50] Joe L. Jordan, ''National Vietnam P.O.W. Strike Force'' Newsletter. June 9, 1995.

[51] Joe L. Jordan, ''National Vietnam P.O.W. Strike Force'' Newsletter. June 4, 1995.

[52] ''A Zero-Based Comprehensive Review of Cases Involving Unaccounted for Americans in Southeast Asia.'' p. 10.

## MINIMUM WAGE

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. SAXTON, Mr. Speaker, earlier today in my remarks during the debate on increasing the minimum wage, I mentioned over 100 studies that unanimously agree that raising the minimum wage has a detrimental effect on employment. I also mentioned that the ''Card-Krueger studies'' are erroneous in their conclusion that raising the minimum wage increased employment in New Jersey.

This summary of the academic research—100 studies—on the minimum wage is designed to give nonspecialists a sense of just how isolated the Card-Krueger studies are. It also indicates that the minimum wage has wide-ranging negative effects that go beyond just unemployment. For example, higher minimum wages encourage employers to cut back on training, thus depriving low-wage workers of an important means of long-term advancement in return for a small increase in current income. For many workers this is a very bad tradeoff, but one for which the law provides no alternative.

Last year I placed into the RECORD the complete list of these 100 studies. If you are interested in reviewing the complete list, please refer to page E387 of the February 16, 1995, issue of the CONGRESSIONAL RECORD.

Also, for a better understanding of why I believe an increase in the minimum wage will hurt those it's intended to help, I am putting into the RECORD a Joint Economic Committee Report entitled ''Raising the Minimum Wage: The Illusion of Compassion'', April 1996.

RAISING THE MINIMUM WAGE: THE ILLUSION OF COMPASSION

*''[B]ut as Clinton himself explained two years ago, hiking the minimum [wage] is 'the wrong way to raise the incomes of low-wage earners.' ''*—(*Time,* February 6, 1995, p. 27).

Once again, we hear the cries to raise the minimum wage. The rhetoric is familiar; ''the minimum wage isn't a living wage,'' and ''we need to ensure that work pays.'' However, raising the minimum wage is a misguided passion. All the valid research shows that raising the minimum wage destroys jobs. It hurts exactly those workers it intends to help—the poor, the unskilled, and the young. Everyone wants to see income growth boost the economic well-being of the working poor, but throwing many of them out of work is not the solution.

SAWING OFF THE FIRST RUNG

The major way the minimum wage hurts the poor is by cutting off the first rung of the employment ladder. Raising the minimum wage destroys jobs. This statement is incontrovertible. Economists have consistently proven the job-destroying effects of higher minimum wages. But more importantly, higher minimum wages destroy entry-level jobs. Without entry level jobs, low-skilled and young workers cannot start jobs and gain valuable work skills.

BLOCKING WORK TO WELFARE

The rhetoric of raising the minimum wage has been linked to welfare. Proponents of higher minimum wages argue that a higher minimum wage is necessary to encourage welfare recipients to enter the work force. Tragically, as the minimum wage encourages welfare recipients to search for employment, it makes it more difficult for them to find work. First, with fewer jobs available, it is more difficult for all workers to find employment. Second, a higher minimum wage makes work more attractive to many people. This expanded pool of job applicants allows employers to be more selective. Employers pick applicants with more skills from this pool. Welfare recipients suffer because there are fewer jobs and more competition. The result of higher minimum wages is to keep welfare recipients dependent on the government for a longer time.

DESTROYING HUMAN CAPITAL

It is increasingly apparent that the key to a prosperous life is education. Sadly, incomes of high-school drop-outs are failing to keep pace with the incomes of college graduates. Dropping out of high school is almost a guarantee of a difficult life. Public policy should take careful pains to encourage students to stay in school. Unfortunately, raising the minimum wage encourages high-school students to drop out. By altering the rewards to work, some students leave school for minimum wage jobs. However, without a high school degree, advancement is more difficult.

THE ARGUMENT FOR HIGHER MINIMUM WAGES: THE SANDY FOUNDATION

*''Now, I've studied the arguments and the evidence for and against a minimum wage increase. I believe the weight of the evidence is that a modest increase does not cost jobs, and may even lure people back into the job market.''*—President Bill Clinton, State of the Union Address, Jan. 24, 1995.

The argument against raising the minimum wage has a long and noble history. Several of the most prominent economists have argued against minimum wages. Yet, the Democrats continue to argue for higher minimum wages. Labor Secretary Robert Reich and Laura D'Andrea Tyson held a press conference to laud several studies that claim that higher minimum wages have no deleterious effects on employment. The whole argument of the press conference was based on a study by Dr. David Card and Dr. Alan Krueger of Princeton University. Drs. Card and Krueger examined the differences between New Jersey, which imposes a statewide higher minimum wage, and Pennsylvania, which kept the federal minimum wage. The research, on which the Administration has based its arguments, has collapsed under its own Height.

Card and Krueger interviewed fast-food restaurants on both sides of the Delaware River. They posited that any differences between New Jersey and Pennsylvania could be explained solely by the minimum wage. What they found was that New Jersey restaurants hired more employees over the period of the study than Pennsylvania restaurants.

The results of the study were extraordinary. Card and Krueger seemed to have discovered a refutation of the law of demand. Economists were stunned. Because of the extraordinary results, they debated the results. Many economists argued that the differences between New Jersey and Pennsylvania were more than simply differences of minimum wage rates. Other economists argued that the study design was flawed.

Other economists were able to review the study using better data with devastating results for the Card-Krueger study and the Administration argument. Card and Krueger gained their data by asking one question. ''How many full-time and part-time workers are employed in your restaurant, excluding managers and assistant managers?'' Depending upon the answer, they interpolated employment trends. It is clear from this question that their report was deeply flawed.

First, the person answering the phone was allowed to interpret this question differently. Did they mean how many people this week, this month, this shift? Who is a part-time worker? Varying interpretations of this question allowed different answers from the same restaurant over the period of the study. The data Card and Krueger collected show incongruous results. For example, a Wendy's restaurant went from 35 employees (zero full-time, 35 part-time) to 65 employees (35 full-time, 30 part-time). Other restaurants show strange results as well.

Second, they simply divided the number of part-time employees by two and added them to the number of full-time employees. This method of estimating employment effects cannot accurately estimate the effects of higher minimum wages. Restaurant managers simply could have responded to a higher minimum by forcing employees to accept fewer hours.

The best data Card and Krueger could have obtained from these restaurants were hours worked. However, they did not obtain that data. Another set of economists, Dr. David Neumark and Dr. William Wascher, obtained the payroll data from the restaurants Card and Krueger surveyed. When Neumark and Wascher calculated the numbers, using the identical statistical methodology of Card and Krueger, they found the exact opposite of Card and Krueger. Card and Krueger found that restaurant employment in New Jersey rose, while restaurant employment in Pennsylvania fell. Neumark and Wascher found that employment in Pennsylvania rose more rapidly than employment in New Jersey. A

Presidential Commission found in 1980 that teenage employment fell one to three percent for every ten percent hike in the minimum wage. The difference between Pennsylvania and New Jersey was exactly within that range.

The Card and Krueger study has collapsed. The foundation of the Administration's argument for higher wages has fallen apart. Raising the minimum wage destroys jobs. Only by doing sloppy research can economists arrive at another answer. The Card and Krueger fiasco is an example when inadequate research is used to buttress unwise policy.

The minimum wage is an example of misguided compassion. It is a policy that hurts those it is intended to help. We have too many policies from Washington that are detrimental to America's citizens. Effective compassion requires a government that assists its citizens in acquiring the skills necessary to provide for themselves and their families. It requires a government that allows workers to keep more of their income through lower taxes. It requires a government that encourages economic growth through less government spending and less regulation. It is time to measure compassion by our efforts to minimize the number of Americans receiving federal aid—not by the amount of government largesse. Raising the minimum wage fails to live up to its promise of assisting the poor.

## TRIBUTE TO KEYSTONE FUTURE FARMERS OF AMERICA

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. GILLMOR. Mr. Speaker, I rise today to recognize an outstanding student organization within my congressional district. Members of the Keystone Future Farmers of America captured fifth place in both the national poultry contest and national nursery-landscape contest held in Kansas City during the National FAA Convention last November. A total of 44 nursery-landscape State championship teams and 33 poultry State championship teams entered the competition.

In nursery-landscape the team posted 2,264 points and was edged out of the national title by Bear Creek, NC, who posted a winning score of 2,558. Individually 2 members were in the top 20 with Matt Kappan placing 18th with 779 points and Keith Diedrick scoring 771 points for 20th place. Brad Smith scored 713 points to round out the team scoring.

Members of the poultry team placed 3 members in the top 20 posting a team score of 2,409 and was edged out the by national champion Latrina, TX, who scored 2,570 points. Individually, team member Julie Aldrich scored 805 points good for 15th place, Anna Pickworth scored 803 to place 16th. Any Holcomb scored 771 points and placed 36th in overall competition. A total of 176 individuals entered nursery-landscape while 132 took part in the poultry contest.

For teams to qualify for national FFA competition they must win the State contest. In the past 4 years, six teams from Keystone FFA have qualified for the national competition.

I ask my colleagues to join me in honoring the talent and hard work of these students, who under the able direction of Larry Lokai, have set the standard for FFA excellence in Ohio.

## SMALL BUSINESS JOB PROTECTION ACT OF 1996

SPEECH OF

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 1996*

Mr. MENENDEZ. Mr. Speaker, I have been a supporter of small business but I rise in opposition to H.R. 3448, the Small Business Job Protection Act. While I support the small business provisions of the bill, I strongly object to the Ways and Means Committee not holding hearings on this bill.

I was an original cosponsor of the targeted jobs credit extension bill, which has been included in H.R. 3448, but I was disappointed when the Republican leadership chose to not accept a majority of the Ways and Means Committee's vote to strike from the bill a requirement that employer-paid education benefits be limited to undergraduate schooling. H.R. 127, a bill I sponsored, would have extended employer-provided educational assistance for graduate as well as undergraduate tuition.

These provisions of the bill will hurt businesses and workers. Thousands of workers will not be able to benefit from employer-provided educational assistance since the Republican leadership chose not to extend tax-free-employer-provided tuition assistance for graduate level education.

Most of the tax cuts in this bill result from the elimination of section 936 of the Internal Revenue Code. The procedure leading to the elimination of this section is highly suspect. This is a major change in the Tax Code that will have an overwhelming effect on Puerto Rico.

The Commonwealth of Puerto Rico has not been consulted regarding the elimination of section 936. Members have not been given an opportunity to hear about the consequences of this on the Commonwealth of Puerto Rico. It is unfair to place the burden of the tax cuts this bill provides on the Commonwealth of Puerto Rico, which has no vote in Congress, and to eliminate section 936 without holding hearings on its impact. I do not agree with the precedent that has been set.

Members may not realize the adverse consequences of eliminating section 936 without providing a substitute program to stimulate job creation. Eliminating section 936 without any effective substitute will lead to job loss first in Puerto Rico, then in the United States and will finally hurt businesses in America. Without section 936, unemployment and poverty would increase dramatically in Puerto Rico. Where will workers in Puerto Rico look for jobs?

Job loss in Puerto Rico means that residents of Puerto Rico may migrate to areas like my congressional district, where the unemployment rate is already above the national average. People of Hispanic descent have strong family ties and in times of adversity their families will reach out to help them. With unemployment rates in my district over 10 percent, a major influx of unemployed workers will exacerbate a problem which is already intolerable. So you can see the unintended consequences of this legislation not only on Puerto Rico but also in New Jersey, New York, and other areas where Puerto Ricans have settled in the United States. Many Puerto Ricans living in the States are economically disadvantaged but their generous nature compels them to try to help those who are at even greater economic peril. This doubly disadvantages the disadvantaged.

Finally, it is just bad policy for the Republican leadership to not provide an opportunity to learn about the impact of eliminating section 936 without providing any alternatives. This further disenfranchises the people of the Commonwealth of Puerto Rico while imposing an unfair financial burden on them. Whether intentional or not it is invidious that this legislation singles out an individual ethnic group.

## WAITING TO HEAR FROM THE SECRETARY OF THE ARMY

### HON. JOHN CONYERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. CONYERS. Mr. Speaker, the United States has the best intentions in Haiti but right now it is engaged in an obstruction of justice of the most egregious kind. When a multinational force restored democracy to Haiti the United States Military seized thousands of documents from the Haitian Military headquarters and from the headquarters of FRAPH, a violent paramilitary organization. Over a year and a half after they were taken, the Department of Defense still has not returned them, and the State Department is still supposedly negotiating their return. The seized documents are desperately needed today to collect information about human rights violations that took place while the elected president, Jean-Bertrand Aristide was in forced exile.

On December 1, 40 Members of Congress wrote the following letter to President Clinton, calling for the release of the documents:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, December 1, 1995.*

President WILLIAM JEFFERSON CLINTON,
*The White House.*

DEAR MR. PRESIDENT: Just over a year ago, we celebrated the restoration of democracy to Haiti with the return of its duly elected President, Jean-Bertrand Aristide. Your role as president was crucial to this occurring. The re-establishment of the legitimate government of Haiti followed three years of a murderous military regime. Recent press accounts have discussed how the Pentagon is now holding tens of thousands of pages of documents taken during the restoration of government, and has yet to return them. We seek a complete account of all documents and their immediate return to the Haitian government. This is not only normal and appropriate, but expected in the relations between the two friendly nations. The documents should include any and all that may pertain to the Central Intelligence Agency, the Defense Intelligence Agency, or any other part of the United States Government.

There is absolutely no justification why these materials should be in the hands of our government now that the legitimate government of Haiti has been restored. The fact that these documents have been withheld obviously raises questions about the level of collaboration between elements of the American government and the former military regime.

These documents are necessary to the government of Haiti if it is to make sense of

what happened during the three years of President Aristide's forced exile. We should be comforted by President Aristide's enlightened policy of reconciliation that has been the hallmark of his new government. Nevertheless, Haitian investigators must have full knowledge about the sources and causes of the pain and bloodshed during the rule of the military junta if Haiti is to be reconciled and to move forward.

The United States must satisfy its responsibility to meet the Haitian government's right to the ownership of these documents. To deny President Aristide the official documents of his insubordinate military is an insult to this new democratic nation. Anything short of a complete return of all documents also undermines our policy's goals of supporting a thriving, stable, and peaceful democracy in Haiti. It would also undermine the integrity of open democracy in our nation. We might add that history has taught us repeatedly that democracy is not strengthened by concealing what may be embarrassing or what may be inconvenient.

We expect that you will facilitate the immediate return of all the aforementioned documents.

Sincerely,

John Conyers, Jr., Carrie Meek, Julian Dixon, Alan Mollohan, Jim Traficant, Marcy Kaptur, Nancy Pelosi, Eva Clayton, Kweisi Mfume, Barney Frank, Ron Dellums, Joe Moakley, Paul Kanjoriski, Cardiss Collins, Dave Bonior, Sheila Jackson-Lee, George Brown, John Lewis, Louis Stokes, George Miller, Maurice Hinchey, Bennie Thompson, Martin Sabo, Peter DeFazio, Joe Kennedy, Henry Gonzalez, Victor Frazer, Neil Abercrombie, Bobby Rush, Eliot Engel, Major Owens, Eddie Bernice Johnson, Earl Hilliard, Ed Towns, Donald Payne, Sam Gibbons, Chaka Fattah, Bernard Sanders, Vic Fazio, Nita Lowey.

A few days later, Members of the Congressional Black Caucus had a meeting with the Haitian Ambassador Jean Casimir. Then we met with the State Department Haiti Coordinator, Ambassador James Dobbins, who has since moved on to the National Security Council. At both briefings, we learned that the administration intended to return the documents and materials. Soon thereafter, the U.S. government offered the Haitian Government incredibly onerous terms for return which the Haitian Government rejected.

On January 30, two dozen members of Congress joined me in writing to President Clinton again and demanding the release of these documents. That letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, January 30, 1996.*

The PRESIDENT,
*The White House.*

DEAR MR. PRESIDENT: We are writing to you regarding the Haitian documents and materials still in possession of the United States Government. The restoration of democracy in Haiti has been a hallmark of your foreign policy success and we are enthusiastic supporters of this policy and your ongoing attention towards Haiti. We applaud the release of some of the documents, but the continued retention of those remaining troubles us because it is frustrating the judicial process in Haiti. Therefore, we urgently request a meeting with you as soon as possible.

Many of us first wrote to you about this matter on December 1, 1995, and were encouraged by your administration's announcement that the documents would be released. Nearly two months later, they still have not been returned. Surely this is far longer than is required to resolve any logistical requirements necessary for the secure transfer of such materials. The Government of Haiti needs these documents if it is to understand what happened during the years of President Aristide's forced exile, to continue the process of disarmament, and to fully investigate the crimes of paramilitary groups such as FRAPH. Return of the documents is especially urgent in light of the pending extradition of FRAPH's leader, Emmanuel Constant.

In your eloquently delivered State of the Union address, you pointed out that ''in Haiti the dictators are gone, democracy has a new day.'' The inauguration of a new president in Haiti on February 7 promises a new era of peaceful transition of power. However, the challenges of disarmament and judicial inquiry remain. An important way of assuring that these processes continue is to return the Haitian documents and materials. There is no excuse for the intransigence of elements of the United States Government who are obstructing the rule of law the United States and the Multinational Force helped restore to Haiti. Doing so interferes with the young spirit of democracy and reconciliation in Haiti and contradicts the old tradition of democracy and openness in America. We look forward to meet with you to discuss these matters in full detail.

Sincerely,

John Conyers, Major Owens, Cynthia McKinney, Harold Ford, Barbara-Rose Collins, Bennie Thompson, Ronald Dellums, Louis Stokes, Carrie Meek, Eleanor Holmes Norton, Donald Payne, Alcee Hastings, Sheila Jackson-Lee, Earl Hillard, Sanford Bishop, Albert Wynn, Corrine Brown, Bernie Sanders, Victor Frazer, Jim Clyburn, George Miller, Xavier Becerra, Peter DeFazio, George Brown, Barney Frank, Luis Gutierrez.

But the seizure of the documents took on a whole new meaning when the New York Times reported on February 6 that during the invasion American troops were told by superiors that FRAPH was a legitimate opposition group. They were told this despite the fact that Pentagon and State Department officials knew that FRAPH was a group of bloodthirsty thugs, and that it had been linked to thousands of murders.

This raised a number of troubling questions. For example, why were US troops deliberately misinformed? Why was there such a stark contrast between stated policy and action? Why were the documents taken in the first place? If the documents were taken to protect our troops, why haven't they been returned since, and why weren't they shared with other troops? I decided to put some of these questions to my good friend, the Honorable Togo West, the Secretary of the Army. I am submitting my letter to Secretary West for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 12, 1996.*

Hon. TOGO D. WEST, Jr.,
*Secretary of the U.S. Army, The Pentagon, Washington, DC.*

DEAR TOGO: I know you are aware that our relations with haiti are of great concern to me. I have traveled there many times over the years, most recently with Ambassador Madeleine Albright to witness that nation's first peaceful transfer of power as the democratically elected Rene Preval was sworn in as president. While this was cause for celebration, difficult challenges for Haiti remain.

One of the most pressing issues facing Haiti is to establish security among the people and confidence in the new justice system by investigating human rights crimes and continuing the disarmament process. I am concerned that the United States is not doing everything it could to advance these goals. While the Republican Congress is preoccupied with a few select murder cases, new gangs and paramilitary organizations threaten a new surge of vigilante violence because their weapons have not been taken away. News reports from Haiti indicate as many as ten armed anti-democratic gangs are currently operating.

During the restoration of democracy to Haiti in the fall of 1994, the U.S. military seized photographs, thousands of pages of documents, and other materials from the Haitian Army (the FAH'd), the headquarters of the Front for Advancement and Progress of Haiti (FRAPH) and other locations. I am well aware of the ongoing discussions between the United States Government and the Government of Haiti to arrange for the return of the Haitian documents.[1] I have written two letters to President Clinton about this matter, signed by a cumulative total of 50 members of Congress. I believe that a return of these materials could make an important contribution to the establishment of peace and justice in Haiti.

This letter, however, is a request for information about the directives that were given prior to the seizure of the documents and materials and what happened in the period after they were taken. Since the U.S. Army constituted a large proportion of American involvement in the multinational operation in Haiti, I thought you would be able to provide me with some details about the actual seizure of the documents and the decisions leading up to that action. Specifically, I would like to know (1) generally what troops were told to look for by commanding officers before the searches; (2) which locations were searched and if a complete list of these sites is available; (3) if SALUTE forms or other inventories are available describing everything that was found; and most importantly, (4) what the established priority intelligence requirements and information requirements were.

I understand that captured enemy material is an important element of intelligence, and that seizure of CEM is vital to gaining information about the adversary. In meeting that requirement, it seems to me that the armed forces involved in the seizures did an admirable job. The seizures in Haiti are a special case because they occurred during a multinational operation. The ''Joint Doctrine for Intelligence Support to Operations'' (Joint Pub. 2–0) notes in its chapter on multilateral operations that ''. . . nations should share all relevant and pertinent intelligence about the situation and the adversary to attain the best possible common understanding of the threatened interests, determine relevant and attainable objectives, and achieve unified efforts against the adversary.'' I am a strong supporter of the United Nations and the UN is of course facing increased skepticism in the United States. Therefore my fifth and final request is to hear—from the Army's perspective—how information contained in the seized materials was shared with other

[1] I commissioned a Congressional Research Service study by the American Law Division which determined that according to the Foreign Relations Law of the United States and international law as interpreted by the United States, the seized documents clearly belong to the legitimate government of Haiti. The opinion also noted that their seizure and retention is a departure from these norms.

members of the multilateral forces and how that contributed to the successful prosection of the overall mission.

The restoration of Haiti's legitimate government was a great success for the cause of democracy in general and the foreign policy of President Clinton in particular. UN Secretary General Boutros Boutros-Ghali, who I met with yesterday, agrees with me and I know you do too. For that reason, I hope you will assist me in my effort to learn more about our operation in Haiti. I look forward to hearing from you, and I hope you will personally contact me if you have any questions.

Sincerely,

JOHN CONYERS, Jr.,
*Member of Congress.*

I will have a copy of today's CONGRESSIONAL RECORD for May 24, 1996, delivered to his office in case my letter was lost before. I look forward to my good friend's response.

[From the New York Times, Feb. 6, 1996]

CABLES SHOW U.S. DECEPTION ON HAITIAN VIOLENCE

(By Larry Rohter)

PORT-AU-PRINCE, HAITI, February 5.—In the months after the United States invasion of Haiti, American officers repeatedly told their troops that the country's most dreaded paramilitary group was actually a legitimate opposition political party. ''They're no different from Democrats or Republicans,'' soldiers in Haiti dutifully echoed when asked about their instructions.

But a review of classified cables sent by the American Embassy in Haiti to the Defense and State Departments shows that for a year before the invasion in September 1994 the Pentagon knew that the official version was not true.

Within weeks of the founding of the Front for the Advancement and Progress of Haiti, the papers indicate, American intelligence agencies had concluded the group was a gang of ''gun-carrying crazies'' eager to ''use violence against all who oppose it.''

''All over the country, Fraph is evolving into a sort of Mafia,'' a cable from the office of the American military attaché in Port-au-Prince warned in the spring of 1994, using the group's acronym. ''Its use of force to intimidate and coerce is sanctioned by the local military, which derives both political and especially material benefits from their relationship.''

With United States troops now in Bosnia pursuing some of the same objectives as in Haiti, the documents raise questions about the soliders' mission, the information they are given by superiors and the action they take in the field.

Human rights observers and others who have seen the papers say they also raise the question whether the military ordered American troops to ignore human rights abuses committed before they arrived.

What remains uncertain is why the Pentagon took a public stance clearly at odds with the classified information it had collected in Haiti.

A Pentagon official denied today that there was any conflict between the official position and the inside information: ''If daylight is perceived between our public and private perceptions, that's wrong. We agreed on what Fraph was. Fraph was a political movement, but clearly a political movement with a substantial thug element to it. It was clear to us that Fraph represented a potential threat. That didn't change. There were efforts, clearly, in the initial weeks of the intervention to calm the rhetoric and reduce the likelihood that there would be violent confrontations—and that was relatively successful.''

Ira Kurzban, an American lawyer who has reviewed the cables on behalf of the Haitian Government, said, ''There is absolutely no ambiguity in these documents with respect to the fact that Fraph was an instrument of repression under the control of the Haitian military.''

In a telephone interview from the Maryland jail where he is being held for deporatation, Emmanuel Constant, the founder of Fraph, said that from the moment American troops landed he was under pressure from the United States military to help it maintain ''a form of balance in Haiti'' between groups supporting President Jean-Bertrand Aristide and those opposing him.

Mr. Constant said he was told by the American military early in October 1994 that ''I should ease up the tension and avoid confrontation'' by ''giving a speech in which I promised to be a constructive opposition to Aristide.'' That speech was delivered soon afterward, and Mr. Constant maintained it ''was approved by the U.S. Government, by the embassy people'' in advance.

In the interview, Mr. Constant acknowledged that he had been an informant of the Central Intelligence Agency before the American invasion but said he now feels betrayed ''They have the wrong man in jail,'' he said.

Haitian Government officials and foreign diplomats here said it appeared the Defense Department and American intelligence agencies were acting to weaken Mr. Aristide, whom they had long distrusted. These officials suggested that United States Government agencies may also have been trying to protect Haitian informants who might be useful in the future but had been discredited by the collapse of the military dictatorship that overthrew Mr. Aristide.

In separate raids on the headquarters of Fraph and the Haitian armed forces after the invasion, American troops seized more than 150,000 pages of official documents, which were taken to the United States. Haiti has demanded their return.

Several hundred pages of United States documents relating to Fraph were obtained last year by the Center for Constitutional Rights for a suit filed in Federal Court in Brooklyn by Alerte Belance, an Aristide supporter now living in New Jersey. She says the group abducted her in Haiti in 1993 and attacked her with a machete, cutting off one of her arms, an ear, and parts of her nose and tongue before leaving her for dead.

Human rights groups say such brutality was typical of Fraph, which they hold responsible for many of the more than 3,000 deaths during Mr. Aristide's exile, from 1991 to 1994.

The Center for Constitutional Rights has filed a motion for a default judgment against Fraph, which has failed to respond to the suit. But Ms. Belance's lawyers have asked the presiding judge to delay any award of damages until their client obtains additional documents, including tens of thousands of the pages seized by American troops from Fraph's headquarters.

''These documents are relevant to establish that Fraph was acting under color of official authority when it carried out the torture of Alerte Belance, and therefore violated international law,'' the Center for Constitutional Rights contended in court papers filed last month.

Cables that have already been declassified by the Defense Intelligence Agency as part of the suit indicate that American intelligence agencies had a broad network of informants both within the Haitian armed forces and Fraph. In public, however, all parties denied that they were connected.

Soon after Fraph was formed, a State Department cable on Oct. 28, 1993, concluded, ''Their effectiveness is a function of the willingness of their patrons'' in the Haitian Armed Forces ''to use intimidation and violence (carried out by armed civilian attachés) to 'enforce' their political initiatives.''

By December, the military attaché in Port-au-Prince was warning the Pentagon that repression by Fraph in Haiti's southern peninsula ''has increased considerably.''

When in the spring of 1994 American officials began interviewing refugees who had fled by sea, they obtained an even clearer picture of Fraph's violent methods. Some testimony came from Fraph members who said they had fled in disgust.

''When they kill and rape people, we (new members) are forced to sit and watch,'' a cable quoted a former Fraph operative as saying, adding, ''He also related that later in the initiation process you are forced to participate in the killings and rapes.''

But that information was apparently withheld from American troops after they intervened on Sept. 19, 1994, to restore President Aristide and his Lavalas movement. Radio broadcasts to Special Forces units in the Haitian countryside, for example, described Lavalas and Fraph as competing political parties equally dedicated to the country's well-being.

The documents suggests that the American military's willingness to work with Fraph began to diminish only after a radio conversation between Mr. Constant and other leaders of the group was intercepted. According to a cable sent on Oct. 3, 1994, they were ''threatening to break out weapons and begin an all-out war against the foreigners'' and ''named an American official as their first target.''

By January 1995, the State Department was denying that the United States had ever treated Fraph as anything but thugs. The Secretary of State's office said of Fraph in a cable to the American Embassy in Haiti, ''We viewed it as basically a rent-a-mob group financed by the military for recruiting purposes and dependent upon the military leaders' ability to punish/reward.'' In addition, the unclassified cable said, ''we appreciate the embassy's consistent hard line on Fraph and strongly endorse the embassy's latest clarification of our position.''

## TRIBUTE TO NELSON ''NELLIE'' HAGNAUER

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to a great American, a dedicated public servant, a devoted family man, and a good friend, Nelson ''Nellie'' Hagnauer of Madison County, Illinois.

Nellie passed away last Saturday, May 18, at his home in Granite City. In the days ahead, the thoughts and prayers of Nellie's friends are with his family—Bernie, Nip and Mary, Susy and Ron, Jamie, Molly, Ched and Janet, Ruth, and other relatives who loved and will always love Nellie Hagnauer.

Nellie was an outstanding public servant. He served on the Madison County Board for 41 years, 24 as its chairman. He was also the Granite City Township Supervisor, serving in that position since 1961, and was elected chairman of the Madison County Transit District, serving in that position since 1988.

He was always humble about his accomplishments and service, but his legacy to the

people of Madison County and the entire region is enormous. Nellie spent most of his life in public service—or as he called it, ''politics''—and he loved every minute of it.

He knew what Tip O'Neill knew, that all politics is local. He was proud to be the Democratic Committeeman in his precinct, proud to be the county board member from his district, and to serve the people of Granite City as their township supervisor.

Nellie was recognized throughout the state by leaders in government, politics, and business as a man with significant power in the state, county and region. People wanting to run for national and statewide office came to Nellie to seek his advice and counsel. I know—I was one of them.

Nellie always used his power to help other people, and his influence can be seen throughout this entire region. As he often said, it was his desire to be firm, but fair.

It was Nellie's vote on the East-West Gateway Coordinating Council, where he had served as Chairman, that helped bring MetroLink light rail to the region. It was Nellie's willingness to get involved that helped us save Scott Air Force Base and keep the Charles Melvin Price Support Center open in Granite City. And, it was Nellie who pushed me to bring Federal funds ''home'' for a new Clark Bridge in Alton.

Locally, Nellie's leadership was responsible for the new county Administration building, and a new county jail in Edwardsville. And, because of his dedication as head of the transit district, we have excellent transit service for the people who need it in Madison County.

And, let's not forget the Township Building. He was so proud that he was able to bring a new building for the people of Granite City Township—particularly for the senior citizens—they held countless events in it since its opening in 1978.

I guess what I admired about Nellie Hagnauer as much as anything was that Nellie was always Nellie. If he was being inducted into the Softball Hall of Fame, sitting at his desk in his Edwardsville or chairing a county board meeting, he never changed. Not even in a meeting at the State House, or at the White House with President Clinton, or for that matter, needling his friends at a local get-together—Nellie was always Nellie.

The only thing he loved more than public service or politics was his family and friends, in that order. He never forgot where he came from or the people who helped him along the way. We will remember him for who he was, as a public servant, husband, father and grandfather—and as a good friend.

Mr. Speaker, several of my colleagues in the Illinois congressional delegation knew Nellie Hagnauer as well, and I know they join me in asking the other members of the United State Congress to recognize the contributions of one decent, honorable and hardworking man—my good friend, Nellie Hagnauer.

## DAVID ANTHONY BERONIO

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. MILLER of California. Mr. Speaker, on rare occasions there are individuals who so distinguish themselves over their lifetime that it is appropriate and fitting to take a few moments to recognize them and the contributions they have made and continue to make to the great American experience. David Anthony Beronio of Vallejo, CA, is just such a distinguished American. Let me share a few insights and thoughts on this man who recently celebrated his 75th birthday, a man who has led a life filled with the fascinating spirit of adventure and contributions to his community and country.

As many of my colleagues know, Dave Beronio is a renowned sports reporter, illustrator, and motivational speaker. Over the past 57 years he has honed his combination of crafts into an art form without peer or rival. He is a teller of stories about sports and life which has enriched the lives of countless others.

Picture, if you will, that very special area of the famed Candlestick Park where a few giant white stars are painted. This is alumni corner, but for the die hard fans of the San Francisco Forty-Niners it may as well be the hall of fame. It is the place where the greats of the game are remembered, the hall of famers, all pros and other outstanding players who have made a major impact on the team and the fans. There is only one name on that great wall, Mr. Speaker, one name that was never sewn on the back of a jersey. One name that was not assigned a number in the program. Yet there it is on a giant white star—Dave Beronio.

The early indications of a great reporter showed in Dave Beronio during his high school years in Vallejo where he excelled in academics and sports—especially football, track, and his real passion, boxing. It was during this time that he began working part time for the Vallejo Times Herald, a job that would become full time after graduation and a lifetime vocation for the next 57 years.

World War II interrupted Dave's budding career and in 1942 he joined his fellow Americans in service to his country. As might be expected in a life such as Dave's one of his early assignments in the military was to the famed Hollywood Canteen with young starlets of the day such as Veronica Lake and Ava Gardner.

It wasn't long, however, before Dave was assigned as a gunner on a newly formed B–17 crew and shipped to England to become part of the 94th Bombardment Group, 8th Air Force. After completing an extraordinary 35 missions, he was awarded the Distinguished Flying Cross. His crew was returned to the States and Dave was assigned to an Army Air Crops base located near Phoenix, AZ.

It was here that he met Katherine Rentinelli of Akron, OH. They were married in 1945, when Dave was discharged. Later that year, he and Kay returned to Vallejo, CA and his job at the Vallejo Times Herald. Together they began a loving family that would eventually include sons David, Ronald, and Barry.

Dave was soon promoted to the position of sports editor and began his now trademarked style of not only reporting on the event but also drawing a sports portrait of not only reporting on the event but also drawing a sports portrait of the week's outstanding athlete. He retained his athletic talent over the years and became a speed partner in sparing drills with such boxing legends as Joe Louis, Archie Moore, Joey Maxim, and Ezzard Charles. A good reporter as well as a good boxer, Dave would have these champions sit after the workout for interviews and to be sketched.

That kind of hands-on reporting, Mr. Speaker, is what separated Dave Beronio from his peers. He not only observed, he did. And in doing so, he gained the respect and appreciation of both athlete and reader. He has a unique insight into the mind and emotions of the sports champion, and it has shown in his writing, illustrating, and story telling for over half a century.

Dave Beronio has taken this talent around the glode to Olympic Games, Super Bowls, World Series, and Rose Bowls, and he has always brought the spectacle and feeling home to the reader and listener. He is, after all, a teller of stories.

Dave Beronio illustrations of the sports legends of this century each tell a story. They appeared in numerous national publications and have been lithographed into prized limited editions. Always the lover of community, Dave frequently donates these limited editions to charities for auction where they have raised thousands of dollars.

To this day Dave Beronio remains in demand as a motivational speaker, energizing his audience with the excitement and spirit of his life. He should know, for he has lived life to the fullest.

Mr. Speaker, I ask my distinguished colleagues to join me in wishing the very best to Dave Beronio on his 75th birthday, a man who has given his very best for so many years, enriched the lives of so many, and contributed so much to our American culture.

## DOCTORS WITHOUT BORDERS REPORT ON CHECHNYA

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. SMITH of New Jersey. Mr. Speaker, I noticed in the news that President Yeltsin has vowed to go ahead with a trip to Chechnya some time before the Presidential elections in June. As our colleagues are aware, Moscow has tried to reestablish control over the breakaway North Caucasus region by unleashing a brutal war against not only combatants, but also against thousands of noncombatants, Chechen and Russian, alike.

Mr. Yeltsin says that he intends to go to Chechnya despite assassination threats. I truly hope there won't be any such attempts, but it must be admitted that the people of Chechnya have reason to be bitter about the fate of their homeland. While Chechen irregulars have committed their share of atrocities, there is emerging from Chechnya a frightening picture of the Russian Army degenerating from an organized military force into a band of barely controlled brigands.

The Commission on Security and Cooperation in Europe, of which I am proud to serve as chairman, held congressional hearings on the situation in Chechnya earlier this year. At these hearings, Russian Duma member and prominent human rights advocate Sergei Kovalev described the continuing depredations by the Russian military against civilians. In his words, ''45,000 innocent persons'' killed in the war is ''too high a price to pay for punishing [the late Chechen leader Dzhokar] Dudaev.''

Mr. Speaker, in this connection, I would note that the Commission on Security and Cooperation in Europe recently received a disturbing report from the well known international humanitarian organization Doctors Without Borders, drawing attention to the deteriorating human rights situation in Chechnya. This report, ''Civilians Targeted,'' documented the systematic bombing and killing of civilians by the Russian military in Chechnya, which, according to the report, has actually increased following President Yeltsin's announced peace initiative in March.

I would list a few of the activities engaged in by the Russian military, as witnessed by Doctors Without Borders teams.

Whole villages, including hospitals, schools and mosques, continue to be targeted, in blatant violation of the Geneva Conventions and other international agreements, to which Russia is a signatory.

The Russian military extorts money from Russian civilians in exchange for safe passage out of villages under attack.

Newly secured towns and villages are systematically looted and cattle are either killed or stolen.

Civilians are systematically denied the right to humanitarian assistance and humanitarian relief organizations are denied access to the areas in greatest need, often long after a military offensive is over.

The Russian military has consistently failed to respect the neutrality of hospitals and clinics, both in areas of intense military activity in the center of the country and in the capital Grozny, where the Doctors Without Borders hospital is under regular sniper fire.

These are a few of the blatant violations of accepted rules of warfare and humanitarian conduct cited in the report.

I think we can safely assume that Mr. Yeltsin's advisors have not provided him with a Russian language copy of the Doctors Without Borders report on his army's actions in Chechnya. There certainly have been indications that the President's advisors and military commanders have not been supplying him with entirely accurate information regarding the state of affairs in that war-torn region.

However, I have yet to hear anyone doubt Mr. Yeltsin's personal courage. Perhaps he will leave the secure confines of the Severny airport on the outskirts of Grozny and see what sort of peace his military is promoting in Chechnya.

I wish him a safe and instructive trip.

## MEMORIAL DAY, 1996

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. STUMP. Mr. Speaker, Memorial Day leaves few hearts unmoved in recalling the sacrifices made by brave men and women who died in the defense of freedom and democracy. Memorial Day is not about war or peace, nor is it about a battle or an armistice. Memorial Day is about people—those who have lived, and those who have died.

There are no words to adequately describe the supreme sacrifice made by brave Americans who have died in the defense of our country. Words in the context of why we honor their memory, pale in comparison to the ultimate deeds that men and women have done for those of us now living in a free world.

What we can do for them, is to sustain the memories of their heroism—with respect, with reverence, and with our heartfelt admiration. Humble words can never repay the debt we owe these brave men and women, yet we can strive to keep faith with them and to uphold their vision of righteousness, which led them into battle and to their final sacrifice. We are, after all, the caretakers of their memory.

The determination and courage shown by countless Americans who have fought and died in battle, is symbolized in a myriad of monuments and memorials, each commemorating the deeds of untold Americans whose remains sanctify the soil throughout the world. Those who have died and those who are still missing deserve our perpetual contemplation.

President Lincoln knew this when he dedicated those hallowed grounds at Gettysburg on that cold November day in 1863.

We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that a nation might live. It is altogether fitting and proper that we should do this. But in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but they can never forget what they did here.

In World War I, America made the world safe for democracy and helped create a promising new world from the ashes of defeat. In World War II, faced with the single greatest threat to civilization the world had ever known, magnificent young Americans fought to extinguish the flame of tyranny throughout the world. America provided freedom loving people mired in a dark sea of despair, a beacon of hope and faith sustaining their anticipation of victory over oppression.

In Korea and Vietnam, Americans helped stem the tide of totalitarianism, which directly led to the demise of Communism and our ultimately victory in the cold war. Today, America is the guardian of democracy. Americans continue to demonstrate our resolve as the sentinel of freedom in Lebanon, Grenada, the Persian Gulf, Haiti, Somalia and the Balkans.

It is up to us the living, the beneficiaries of their sacrifice, to commemorate the deeds of those whom we confer the epithet of patriot.

Those who have served in combat understand the unique experience of war. Each has seen the devastation of property and the horror of death. Each has experienced the sadness of the loss of a friend and understands the grief of families who have lost a loved one. To this day, many share in the anguish of those who don't know the fate of a friend or a loved one missing in action. We all stand together as comrades in arms.

How can we convey our appreciation for the meaning of this day to those who have never served?

Education connects future generations of Americans with the battles fought by their parents and their grandparents. Each generation must be taught that the willingness of some to sacrifice their lives so that others might live in freedom, is the eternal legacy of all who have honorably served our country in wars past.

For it is this history which teaches us that brave Americans who were willing to give their lives for freedom and democracy, did so for a cause they considered infinitely more important than life. None volunteered to die. Each volunteered to defend the values which brave men and women have always been willing to die for. Those values passed on to each generation of Americans are to advocate honor, to strengthen the family, and to defend our country and our flag.

Memorial Day is a national day of respect. As we honor the memory of our Nation's veterans and war heroes who are no longer with us, let us pledge that their lives and their sacrifice shall not have been offered in vain, but will be remembered by us all forever.

## TRIBUTE TO RON PETERSON ON THE OCCASION OF HIS RETIREMENT

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of Ohio. After 30 years of dedicated service delivering the U.S. mail in Port Clinton, Ohio, Letter Carrier Ron ''Pete'' Peterson is hanging up the mail bag for good. I am especially thankful for Ron's dedication because he has been delivering to my family and friends along Sand Road for almost 28 of his 30 years.

We have often heard that America works because of the unselfish contributions of her citizens. Ron is an Air Force veteran, serving for 7 years. He has continued this service for his country through the United States Postal Service. Over the years, Ron has set the standard for dedication to duty and he is an example to others.

Anyone who knows Ron Peterson knows he is an avid fan of the Buckeyes, Indians, and Cavaliers. His enthusiasm for sports is matched by his knowledge and appreciation of jazz music. He has been extremely helpful to scores of colleagues and residents alike and has always provided positive leadership for the Post Office.

Sometimes the only compensation you get for the extra time and effort put into your career is the thanks and appreciation you receive from the community. By that standard, Ron Peterson is indeed a wealthy man. I ask my colleagues to join me in extending a special thanks to Ron Peterson and recognize the example he has set for others. I know his friends and family are proud of his career and wish him well as he enters this new chapter of his life.

## FUNDRAISER ADMITS MISHANDLING OF ILLEGAL CAMPAIGN CONTRIBUTIONS FOR INDIAN EMBASSY

### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. CRANE. Mr. Speaker, on Thursday, May 9, 1996, the Baltimore Sun ran an article reporting that Lalit H. Gadhia, a major political

fundraiser in Maryland, confessed to laundering over $46,000 in illegal political contributions from the Indian Embassy. Gadhia, former campaign treasurer for Maryland Governor, Parris Glendening, and a Baltimore immigration lawyer, confessed to the scheme in the U.S. District Court in Baltimore, according to the report. According to the report, Mr. Gadhia used money provided by the Embassy through an operative named Devendra Singh to reimburse friends and associates for campaign contributions to pro-India members of Congress and a political action committee known as the Indian-American Leadership Investment Fund. It is illegal for anyone who is not a citizen to make a political contribution, and it is illegal to falsify the name of the contributor. Yet Indian Embassy spokesman Shiv Mukherjee is quoted in the article as saying that ''the Indian Embassy operates fully within the bounds of diplomatic propriety.'' The words of the Embassy are clearly at odds with its actions.

The Embassy officials in charge of the scheme, former Ambassador S.S. Ray and former Embassy staffer Devendra Singh, have both returned to India. Mr. Ray was a losing candidate for Parliament in the recent elections and Mr. Singh holds a high-ranking position with the Rajasthan state police. The new ambassador, Naresh Chandra, brought his brother, Girish Chandra Saxena, to the Embassy with him. Girish Saxena is a former head of India's Research and Analysis Wing [RAW], which infiltrated Sikh temples throughout Punjab, Khalistan, in June 1984, in which over 20,000 Sikhs were killed. Ambassador Chandra himself has recently been implicated in illegal smuggling of CFC's from India to the United States, according to published reports. CFC's have been banned in the United States since January 1. According to the Customs Service, CFC's are now the No. 2 problem after illegal drugs.

In a press conference on February 19, 1995, Indian foreign Minister R.L. Bhatia said, ''There is a strong anti-India lobby in the United States. We are spending large sums of money through Ambassador Ray to neutralize it.'' Now we know how the regime was spending that money. While the Members who received these contributions did not know that they were illegal, they know now, and I call upon those Members to return the money. I urge you to cosponsor House Concurrent Resolution 32, which calls for self-determination for Khalistan, and H.R. 1425, which will cut off U.S. aid to India until human rights are respected.

These illegal political activities are just one more demonstration of the moral bankruptcy of the recent regime. Some of us spoke out when former Ambassador Ray was caught endorsing a candidate in the South Dakota Senate race and attacking one in New Jersey. Once again the Embassy is inappropriately involved in U.S. politics. I know I speak for many members of this House when I say that I hope the new Indian Government will correct these practices. I am introducing into the RECORD articles from the May 9 issues of the Baltimore Sun and the Washington Times about the Gadhia case.

[From the Baltimore Sun, May 9, 1996]

CAMPAIGN FUND-RAISER ADMITS GUILT

(By Jim Haner and Mark Matthews)

A prominent fund-raiser for Maryland Democrats pleaded guilty yesterday to election fraud in a scheme to launder at least $46,000 in illegal campaign contributions he received from an official at the embassy of India in 1994.

Lalit H. Gadhia—a 57-year-old immigration lawyer and former campaign treasurer to Gov. Parris N. Glendening—confessed in U.S. District Court in Baltimore to his role in the scheme to influence congressional lawmakers involved in foreign-policy decision affecting India.

An immigrant from Bombay, India, who was active in Baltimore's early civil rights movement, Gadhia now faces up to five years in prison and $250,000 in fines. Sentencing is scheduled for this summer.

Prosecutors say the case against Gadhia is one of only a handful of cases in which foreign citizens or governments have been linked to illegal campaign contributions in a U.S. political race, and may be the first time an official of a foreign embassy has been implicated.

''The fact that the money came from the Indian Embassy and that so many people were manipulated into participating in the scheme takes this case to a higher level than we normally see in these kind of investigations.'' said U.S. Attorney Lynne A. Battaglia. ''Obviously, we have not seen a case like this in Baltimore before.''

Among those who received the illegal funds were four members of the Maryland delegation and congressmen in Pennsylvania, New York and Ohio. According to documents filed in the case, federal authorities could find no evidence that any of the recipients was aware of the true source of the contributions.

''The campaign assumed that these were appropriate contributions,'' said Jesse Jacobs, press secretary for Sen. Paul S. Sarbanes, the Marylander who is the third-ranking Democrat on the Foreign Relations Committee. Mr. Sarbanes received $4,500 of the questionable contributions.

Other Maryland Democrats who received $3,000 contributions each were Reps. Benjamin L. Cardin and Steny H. Hoyer and former Rep. Kwesi Mfume.

In all, 19 Democratic candidates nationwide got the money shortly before the 1994 elections through a network of prominent Indian-American businessmen in Maryland, their families and employees of their companies. The donors then were reimbursed by Gadhia, who admitted yesterday that he used money from a minister at the Embassy of India in Washington.

Under Federal Election Commission rules, it is illegal for noncitizens to make political contributions or for anyone to make donations in another person's name. But Gadhia never informed donors that the money was coming from India—or told them that it was a crime to accept reimbursement for a donation.

''The vast majority of people in the Indian-American community nationally are going to be appalled by this,'' said Subodh Chandra, 28, a Los Angeles lawyer who heads a political action committee that unwittingly received at least $31,400 of the illegal contributions for Gadhia.

''We can only hope at this point that these were the acts of a lone bumbler or group of bumblers and not some sort of international intrigue involving the Indian government. Whatever the case may be, it has harmed an immigrant community in this country that has worked hard for political recognition,'' Chandra said.

The scheme first came to light last year after a two-month investigation by The Sun into Chandra's PAC, the Indian-American Leadership Investment Fund. Federal campaign finance records showed that almost all of the group's money came from Baltimore donors with ties to Gadhia, who then was Glendening's campaign treasurer.

Donating mostly in $1,000 and $500 increments, contributors ranged from prominent Indian-American engineers and doctors to cooks, busboys, students and secretaries who never before had made a political donation.

A half-dozen contributors interviewed said they were paid by Gadhia or his nephew to write the checks, but had no idea the practice was illegal.

Satish Bahl, a part owner of the Akbar Restaurant on Charles Street—where kitchen employees made $13,000 in bogus contributions—echoed other Baltimore donors in saying he now feels badly used by his former friend.

''I had no idea—absolutely no idea,'' he said yesterday. ''We were not aware of the consequences. We were only involved third-hand. We never thought about how far this could go.''

Gadhia denied the allegations at the time of The Sun's investigation. But the case against him continued to build last summer as FBI agents issued subpoenas to those who gave to the PAC or who attended fund-raisers held by Gadhia for Maryland congressional candidates, Baltimore Mayor Kurt L. Schmoke and presidential aspirants Bill Clinton and Michael S. Dukakis.

FORMER MD. OFFICIAL

Gadhia was at the height of his political influence, having been rewarded by Glendening with an $80,000-a-year post as his deputy secretary of international economic development. Within days, the governor demanded his resignation.

The allegations of wrongdoing stunned Baltimore's close-knit Indian-American community because Gadhia was its de facto political leader—the man with the golden Rolodex who could produce thousands of dollars in contributions with a round of telephone calls.

Then, on May 8, 1995, FBI agents seized documents from Gadhia's Charles Street office that quickly expanded the investigation beyond the PAC contributions: copies of 66 personal checks attached to an Airborne Express bill of lading.

According to records released yesterday by the U.S. attorney's office in Baltimore, the courier bill was addressed to a minister named Devendra Singh at the ''Embassy of India'' and it contained checks not only to the PAC but to 12 Democratic lawmakers.

The records enabled the FBI to trace some $46,000 in illegal contributions back to Singh at the embassy, Battaglia said.

Singh, who now is a high-ranking police official in Rajasthan state in India, was minister for personnel and community affairs at the embassy at the time. Among his duties was to reach out to prominent Americans who had immigrated from India and seek their support for the government.

NO ''SUCH CONTRIBUTION''

The current minister for community affairs, Wajahat Habibullah, denied that the embassy is involved in trying to influence U.S. foreign policy through campaign contributions.

''I have not made any such contributions,'' he said, adding that diplomats at the embassy have a budget for entertaining dignitaries but not for political donations. ''Certainly it is not part of our work.''

But it is not the first time the issue has come up.

India's current ambassador has been in Washington only since April. But his predecessor, Siddhartha Ray, who is now running for Parliament in India, drew harsh criticism from Indiana Republican Rep. Dan Burton for his statements backing certain members of Congress who were known to be strong supporters of India.

''We are very concerned about political activities at the Indian Embassy,'' Burton's chief of staff, Kevin Binger, said of the Gadhia guilty plea. ''We feel very strongly that it should stay out of political races. Any allegation that this is going on should be investigated and made an issue with the Indian government.''

Said embassy spokesman Shiv Mukherjee: ''The Indian Embassy operates fully within the bounds of diplomatic propriety.''

Officially, the State Department had no comment. Privately, however, officials chalked up the illegal contributions that were funneled through Gadhia's Maryland political network to a lack of sophistication in how to influence the American political system.

One official said the Indians had made a fumbling start in their attempt to copy the formidable clout wielded on Capitol Hill by such countries as Greece and Israel, which are aligned with powerful and well-financed Washington lobbies.

India and its supporters in Washington have been extremely vocal in trying to limit U.S. military assistance to India's longtime adversary, Pakistan—most recently, the sale of 38 F–16 fighters.

As the Clinton administration has tried to improve trade and political ties with India while not damaging relations with Pakistan; much of this debate had played itself out before the Senate Foreign Relations Committee and House International Relations Committee.

Federal Election Commission records show that the committee members have become magnets for campaign contributions from Pakistani and Indian immigrants living in the United States—and for Gadhia's laundered contributions.

In addition to Sarbanes, other Democratic committee members targeted were Sen. Charles S. Robb of Virginia, $2,000; Rep. Gary L. Ackerman of New York, $3,000; Rep. Sherrod Brown of Ohio, $3,000; Rep. Lee H. Hamilton of Indiana, $3,000; Rep. Eliot L. Engel of New York, $3,000; Robert E. Andrews of New Jersey, $3,000; and Rep. Howard L. Berman of California, $2,800.

State Department officials said yesterday's revelations were unlikely to do serious damage to U.S.-Indian relations. Nor does the Gadhia case appear to rise to the level of other campaign financing scandals involving foreign nationals.

The Justice Department is investigating the campaign finances of Rep. Jay Kim, a California Republican and the first Korean-American member of Congress.

Since December, four Korean companies—Hyundai Motor America, Korean Air Lines, Daewoo International (America) Corp. and Samsung America—have paid a total of $1.2 million in fines in connection with illegal campaign contributions to Kim that were laundered through company employees.

In 1994, a number of Japanese citizens and corporations paid a $162,225 civil penalty to the FEC for making more than $300,000 in illegal contributions in Hawaii during the 1980s.

Perhaps the most famous episode of foreign intervention in recent history was the Korean scandal of the 1970s, in which a wealthy South Korean businessman funneled hundreds of thousands of dollars in bribes and contributions to U.S. politicians.

Among those caught in the scandal, which implicated more than 30 members of Congress, was Hancho C. Kim, a Maryland businessman. He was sentenced to six years in prison in 1978 for accepting $600,000 in funds from the Korean government to influence members of Congress.

HOW THE MONEY MOVED

Aug. 16, 1993: Indian-American Leadership Investment Fund registers as a political action committee (PAC) with the Federal Election Commission. In first 13 months, it raises $700.

October 1994: Lalit H. Gadhia sends 41 checks totaling $34,900 written by various individuals to the PAC. Between Oct. 30 and Nov. 3, the PAC sends $34,800 to 14 congressional candidates and to the Massachusetts Democratic Party's Victory '94 fund. Federal prosecutors say that Gadhia selected the candidates to receive contributions and that he reimbursed the authors of most of the checks, suing money obtained from an official at the Indian Embassy in Washington.

October-November 1994; Another $15,000 in contributions from individuals is made directly to 12 candidates, including eight who also received money from the PAC. The contributors are reimbursed by Gadhia, using money from the Indian Embassy official.

Dec. 1, 1994: Gadhia sends a report on the use of the campaign funds to the embassy official Devendra Singh.

May 3, 1995: Gadhia resigns as Gov. Parris N. Glendening's campaign treasurer following a report in *The Sun* describing his fundraising activities. He also takes leave of absence from his $80,000 post as assistant secretary of international economical development in the Maryland Department of Economic and Employment Development.

May 8, 1995: FBI searches Gadhia's law office and finds evidence of the scheme to launder illegal campaign contributions.

June 30, 1995: Gadhia resigns his state job.

Yesterday: Gadhia appears in federal court and admits his role in the scheme.

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[From the Washington Times, May 9, 1996]

DEMOCRAT GUILTY OF LAUNDERING CONTRIBUTIONS

(By Mary Pemberton)

BALTIMORE.—A Democratic Party activist pleaded guilty yesterday to devising a scheme to funnel $46,000 in illegal contributions to a political action committee and several federal election campaigns.

Lalit H. Gadhia, 57, who had been Gov. Parris Glendening's campaign treasurer, pleaded guilty in federal court to one count of causing a false statement to be made to the Federal Election Commission, U.S. Attorney Lynne A. Battaglia said. He faces up to five years in prison and a $250,000 fine at sentencing Aug. 6.

None of the money in question went to the governor's campaign. But Maryland Republican Party Chairman Joyce Lyons Terhes said Gadhia's activities are indicative of the type of people Mr. Glendening surrounds himself with.

''I think it is one more example of the flawed administration of Glendening,'' she said.

But a state Democratic Party spokesman said it has nothing to do with Mr. Glendening and, if anything, reflects positively on the party.

''It is very unfortunate that he became overzealous, but the Clinton administration does not back off...even though this guy has been a strong supporter of Democrats,'' David Paulson said.

The FBI said Gadhia approached the Indian-American Leadership Fund in the fall of 1994 and persuaded the New Mexico PAC to contribute to candidates other than Indian-Americans, as long as he did the fund raising.

For three weeks in October 1994, Gadhia presented the PAC with checks totaling $34,900, which he said were contributions from a number of individuals. He also provided names, addresses and occupations for those individuals so that the PAC could file the required reports with the FEC.

The PAC, in return, made political contributions to federal candidates selected by Gadhia in the November elections.

For the most part, the money donated to the PAC did not come from the contributors, prosecutors said. At least $31,400 of the funds provided to the PAC were laundered by individuals who issued checks to the Indian-American Leadership Fund and then were reimbursed in cash for their contributions by Gadhia or his intermediaries, according to the FBI.

Prosecutors said Gadhia used the same type of scheme to launder $15,000 in illegal contributions that he provided directly to a number of federal election campaigns.

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## TRIBUTE TO JOHN N. KRAMER

### HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. GUNDERSON. Mr. Speaker, many retire with impressive records, but few could boast of surpassing the extraordinary career record of a prominent constituent of Wisconsin's Third Congressional District, John N. (Nick) Kramer of Fennimore, WI.

Kramer, age 83, recently stepped down after serving almost 60 years as the city attorney for Fennimore. As one of the State's premier municipal and school attorneys, he is also retiring from the law practice he first established in Fennimore in 1938, after having been in a prior practice in Lancaster, WI. In addition to serving many communities as legal counsel, he also served as president of the League of Wisconsin Municipalities for three consecutive terms. He was also recognized statewide for helping school districts consolidate during the late 1950's and 1960's.

One of his finest achievements to benefit southwest Wisconsin was getting a technical college located in Fennimore. During the late 1960's, the State was developing vocational districts and southwest Wisconsin was to be included in either the Madison or LaCrosse vocational district. Kramer, who served on several State committees, was instrumental in convincing the State that there should be a separate vocational district in the southwestern part of the State. Kramer was recognized for this achievement by Southwest Tech in 1992 and the administration building on campus was renamed the Kramer Administration Building. During that time, the city of Fennimore also named and dedicated a park in Nick's honor.

Kramer has also worked on boards of three of Wisconsin's main railroads to maintain rail service in the State.

Nick is a faithful and dedicated member of the Republican Party of Wisconsin and the Third Congressional District, having served as the Third District chairman for several years, as well as chairman of the Grant County Republican Party, a position he still holds.

His many accomplishments, statewide and locally, have earned him many friends and much respect through the State. Although he plans to keep in contact with long-time clients and serve on a couple of committees, he is honoring the wishes of his wife, Katherine, sons John, Jr. and Mark and daughter Joellen, in retiring form his practice.

Mr. Speaker, on behalf of the constituents of Wisconsin's Third District, I wish him a well-earned happy retirement.

## ERMA BOMBECK—AN AMERICAN LEGEND

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. LAFALCE. Mr. Speaker, in 1990 I had the pleasure of meeting Erma Bombeck when she visited Buffalo and spoke at the commencement exercises for Canisius College, on whose board I now serve. She was just the same in person as most found her in print: witty, funny, down to Earth. Yet she was also one of the most sensible and reasonable people I've ever met.

No one attains the huge successes that Erma did without hard work and a strong sense of self. Yet despite her fame, the acclaim did not go to her head. She remained that wonderfully boisterous, self-deprecating humorist who inspired us all with her wonderful stories. As Canisius said in the citation accompanying the honorary doctorate they gave her on that occasion, ''she is a troubadour of the late 20th century, the chronicler of our American domestic habits.'' The citation went on to note that she viewed herself as an ''ordinary person,'' and that it was ''that 'ordinariness' to which we pay tribute * * *, for in her writings we hear EveryNeighbor, the voice of someone we all know, someone who recounts universal experiences.''

Perhaps the closest parallel to Erma was another American original, Will Rogers. And what distinguished them both was the common ingredient they brought to their observations of humanity and human beings: common sense. To see human fallibility and absurdity through that prism is itself a recipe for having an enjoyable time in life, but to be able to convey those observations to others is a gift indeed.

Mr. Speaker, I rise in tribute to one of our Nation's true originals, Erma Bombeck. I salute her for the joy she brought to so many of her fellow Americans, and for the courage with which she faced the cancer which took her from us last month.

Let me quote again from the Canisius' citation:

> As any clown can tell you, it is far easier to make people cry than it is to make them laugh. In a world full of sadness, Erma Bombeck espouse[d] a simple philosophy: ''If you can't make it better, you can laugh at it.'' But in helping us to see the humor in our stress-filled lives, she has made it better, indeed.
>
> For making us more aware of ourselves and each other, for staunchly maintaining her affirmative view of God's creation, and for sharing the precious gift of laughter, Canisius College proudly awards Erma Bombeck the degree of Doctor of Humane Letters, honoris causa.

A few days ago the Buffalo News printed a remembrance written by Erma's husband, Bill Bombeck, along with another beautiful piece by free-lance writer Christina Abt. Bill Bombeck's and Christina Abt's words said it all, and I ask consent to insert those two articles at this point in the RECORD so our colleagues can share in their thoughtful words.

Erma, you will be sorely missed. Thanks for everything.

[From the Buffalo News, May 13, 1996]

### ERMA BOMBECK AND THE RIDE OF HER LIFE

(By Bill Bombeck)

In 1989 my wife, Erma Bombeck, began to experience a series of painful medical problems, but she disdained letting her readers know most of the details. She usually brushed aside rumors and inquiries with a joke and a plea that her purpose was to write humor and make people smile. Health reports are not funny. Her greatest fear was that she would become a ''poster child'' and people would feel sorry for her.

Throughout these assaults she remained unbelievably optimistic. Erma always knew that there was a pony in their someplace. Not only did the research and writing of her book ''I Want to Grow Hair, I Want to Grow Up, I want to Go to Boise'' provide a nation with the heroics of kids surviving cancer, but it also helped give Erma the courage to face her many trials, including her last one.

I have met astronauts, war heroes, firefighters and police officers, but I have never known anyone with more courage than Erma. Courage has been called grace under fire. I would propose we call it Erma under fire.

Erma would not have approved of my words. But for this one time I will do what Erma admonished all who challenged her words, and that was to ''go out and get your own column.''

I have searched for a way to show my family's gratitude to the thousands of fans and friends who have shown so much love and compassion toward her. I'd like to share with you a personal recollection I read at the family services that were held before the funeral.

In 1947, three or four couples were outside the Lakeside Ballroom in Dayton, Ohio. We were too early to be admitted for the big-band dance, so we all wandered over to the adjoining amusement park.

Not far from the ballroom was the roller coaster. All of the boys began cajoling their dates to ride with them. The girls giggled and said no. It was too frightening, and it would mess up their hair and dresses.

I looked at my date and asked her if she wanted to go. She didn't hesitate. She said, ''Sure, I'll go.'' I was surprised and looked at her again. She was slight, narrow-shouldered, with tiny hands and feet. But she had the greatest smile and laugh. Her smile had a charming space between her two front teeth. I thought, this is some kind of girl.

The Lakeside roller coaster was a rickety old leftover from the Depression. The frame was mostly made of unpainted 2-by-4s. No modern inspection by OSHA ever would have approved this for man's use.

The cars were linked together with what looked like modified train couplers. They were mostly red painted wood with metal wheels and a coglike device that clicked loudly. The seats had worn black leather padding. There were no belts, but there were worn steel bars that had to be raised and lowered by the attendant.

The attendant was an old man in oil-stained bib overalls. He said little, but raised the bar and she entered the seat first, and I followed by her side.

There were two tapered 2-by-4's on the platform, angled away from each other. He moved the one closest to the car to an upright position. The car moved forward, slowly picking up speed. The metal wheels on the metal track made so much noise you had to yell to your partner to be heard.

The car left the level starting track and began a slow ascent. In 20 or 30 seconds, when the track became steeper, the cog device engaged the car. Then there was a district rhythmic clacking sound as the cog device labored to overcome the near-perpendicular angle of the track. You felt as if it wouldn't make it, but just when it reached a point that forced the passengers to stare, not at the car ahead or the track, but only at the night sky, it plunged downward, a wild, almost free-fall. Maybe whatever controlled the speed was now broken.

She made her first sound since she had said, ''Sure, I'll go.'' She screamed and clenched my arm. I said, ''Hang on to the bar.'' She kept hanging on to my arm. Suddenly we were at the bottom, and we both were so relieved that we laughed, and I saw that smile again.

The ride continued, with bone-jarring twists and turns, dizzy heights and abrupt plunges. Sometimes we would enter a dark tunnel, so dark the sparks from the wheels and tracks made it look like it was on fire.

She kept hanging on to my arm. I was gripping the metal bar so tightly I thought I would bend it. This was some ride. We were thrilled and exhilarated, scared and breathless.

We had been in and out of many tunnels. Each time they ended with almost blinding light in our eyes, and then on to another straight-up climb.

We started in a tunnel that seemed to plunge deeper than all the others. It kept dropping. We both sensed this one was really different. Finally, instead of the bright lights, we were back at the platform.

We looked at each other. We didn't speak, but we sensed the ride had changed. The man in the bib overalls was standing by the tapered 2-by-4s. He started to push one from its angle to a straight-up position. The car stopped. I told him the ride was great, but it was too short; we wanted to go on. He raised the bar. She smiled again. I looked at the attendant again. He said, this is April 22, 1996—your ride is over. I looked over at her seat. She was gone.

[From the Buffalo News, May 14, 1996]

### ERMA BOMBECK WAS COMPANY FOR STAY-AT-HOME MOMS

(By Christina Abt)

The unthinkable happened to me last month. A member of my family died, and I didn't even know she'd been sick. Worse than that, no one called to inform me of her passing. I had to hear about it on the news.

The cold, hard reality of death was dealt to me in a 30-second sound byte courtesy of a well-known antacid and a lite beer.

I'm angry, hurt and confused all at once; but most, I'm so incredibly sorry that I never let this lady know how much I enjoyed her company.

Without fail, her realistic and refreshing view of life always gave me hope. She was a lady of great intelligence, compassion, sensitivity, insight and most importantly, ''on the mark'' humor.

She was Erma Bombeck, whose column I read in The Buffalo News.

Why did she touch me so much? Because her life was so like mine, like those of so many women. She was a career woman, a writer, but a woman who chose to devote herself to marriage, family and community as well.

And she always made us feel as if the fact that we are human was not only acceptable but something to be cherished—warts and all.

From diapers and toilet training through high school proms and college graduations, over the peaks and valleys of marital bliss, and even on social issues, this lady's unique perspective on the frustrations and triumphs of life as it really happens could make me laugh, cry, understand a new point of view and always feel better about the daily grind.

Erma Bombeck's career as a columnist spanned an era when women began leaving the kitchen for the board room and experiencing corporate heartburn rather than labor pains. The message that we should ''have it all'' was everywhere. A heretofore-unknown body of womenhood was developing a thousand new and different dialects with no translator. There were new battlefields of full-time motherhood versus full-time personhood.

A grudging understanding and bridging of these gaps among women came about, partly through the written work of this clever lady and her sharp pen.

She spoke the language of women everywhere, a language of the heart. Every story she told seemed to reach a part of our sense and sensibility no matter what the topics. People saved the stories, underlined them, sent them to relatives, read them to friends over the phone.

And what made it all so effective was that this woman was a part of all of our families. She knew your mom, your Aunt Rose, your husband, your child.

Her stories were her own, but to me, as to other readers, it almost seemed as if the text were taken from a hidden camera set up in my own house—with words used verbatim.

In February, my daughter sent me a Bombeck columns as a valentine. The topic? ''Having It All.''

The content could have been taken directly from the life my two children and I experienced as I tried to be a 48-hour-a-day mom to them while still cooking, cleaning, washing clothes, car-pooling, shopping, pretending to be an intelligent life form, healing the sick, raising the dead—woman will understand. The last few lines of the column gave hope that someday the child will realize the mother-to-slave ratio and actually express gratitude, even if it is 20 years later.

And that's what my daughter did. She wrote at the bottom of the column, ''Thanks, Mom. I love you,'' Hallmark never said it better.

Coming as my twenty-something children are on their way to productive lives and I confront the ''what now?'' crisis, this column felt like a testimonial.

Erma, friend, I will miss you.

## SMALL BUSINESS JOB PROTECTION ACT

### HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. DURBIN. Mr. Speaker, I voted in favor of the Small Business Job Protection Act yesterday because it provides several advantageous new tax benefits for small businesses and their employees. By creating simplified retirement plants, extending the tax exclusion for employer-provided educational assistance and encouraging employers to hire workers from economically and otherwise disadvantaged groups through the Work Opportunity Tax Credit, this legislation can contribute to the vitality of small businesses.

Despite the positive attributes of this bill, two provisions trouble me. First, by repealing section 956A of the Tax Code, Congress is reinstating an incentive for U.S. companies to move operations and jobs to foreign tax havens, accumulate unlimited passive assets, and avoid paying U.S. income taxes.

Congress put section 956A in the Code in 1993 to curb the ability of controlled foreign corporations to accumulate excess passive assets and shelter them from U.S. taxation. By repealing this provision, we are giving yet another tax break to multinational corporate giants and a paid-for-ticket to run to tax havens. And oddly enough, we're doing it in a ''small business'' bill.

Secondly, I do not favor the wholesale repeal of the Section 936 tax credit which encourages economic investments in Puerto Rico. This action would have a detrimental impact on American citizens in Puerto Rico. I do endorse reform of the credit, focused on establishing effective mechanisms to foster and improve job creation, and using the projected revenue savings for social and employment and training needs in Puerto Rico.

I urge House conferees to carefully reassess these provisions and seek alternative revenue sources to pay for the valuable small business tax reforms in this legislation.

## IN SUPPORT OF THE MINIMUM WAGE

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. KLECZKA. Mr. Speaker, I rise in strong support of raising the minimum wage.

The minimum wage is a critical earnings floor for the working men and women of our Nation. I have supported the necessary periodic increase in the minimum wage since I was first elected to Congress, introducing my own bill for this purpose in 1986. In 1989, I voted in favor of adjusting the minimum wage to its current level of $4.25.

It is abundantly clear that $4.25 is no longer an adequate minimum wage. Since 1991, the wage has lost $0.50 in value. An individual working full time at this rate makes less than $9,000 per year—not nearly enough to support a family.

Even the proposed increase of $0.90 over 2 years will only compensate for half the value lost in inflation during the 1980's. However, it is a critical step.

Nearly 12 million workers across our Nation are working for minimum wage. Of these, close to 75 percent are over 20 years of age. Fifty-eight percent of these adults are women, many of them single mothers. In Wisconsin alone, about 9 percent of our workforce—over 200,000 people—is earning less than $5.15 per hour.

This is simply not sustainable. If we are going to reform welfare, cut the earned income tax credit, and reduce other benefits for the poor, we must guarantee them a livable wage. We cannot cut all the legs off the table and then wonder why it does not stand. The minimum wage is a crucial safety net for the working poor, ensuring that we do not return to the sweatshops of the past, where unscrupulous employers preyed upon the desperate.

I would also like to express my opposition to the Goodling amendments, which represent nothing more than a cynical attempt to scuttle the minimum wage increase. The first of these amendments would discriminate against new hires and tipped employees, two of the groups most likely to be earning the minimum wage. These provisions would allow employers to pay subminimum wage levels to these workers.

The second Goodling amendment would exempt small businesses with less than $500,000 in gross annual sales from minimum wage laws. This would effectively excuse two-thirds of all American businesses, employing over 10 million workers, from providing a modest wage floor. This is outrageous. I hope our colleagues in the Senate will recognize these provisions for the cynical ploy they are and reject them outright.

Mr. Speaker, I urge all of my colleagues in the strongest possible terms to vote in favor of increasing the minimum wage.

## NEW BEDFORD STANDARD TIMES SUPPORTS SUPREME COURT'S COLORADO DECISION

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. FRANK of Massachusetts. Mr. Speaker, I was very pleased to read in the New Bedford Standard Times, on Thursday, May 23, an excellent editorial in support of the recent Supreme Court ruling striking down the anti-gay and lesbian law in Colorado. As the editorial cogently points out, what the Supreme Court said is ''that this is still the United States of America, people are still entitled to equal protection under the law. All people. Even ones we may misunderstand or, as in the case of Colorado voters, despise. The Supreme Court understands that, even if many other people do not.'' I am very grateful to the editorial board of the New Bedford Standard Times for coming to the Supreme Court's defense on this important occasion when they have reaffirmed basic American constitutional principles. And I ask that this excellent, temperate, well reasoned editorial be printed here.

COURT'S RULING ON GAYS WAS STRICT READING OF CONSTITUTION

The U.S. Supreme Court made a profoundly conservative decision this week when it voted 6–3 to strike down a Colorado measure that sought to deny homosexuals any ''special treatment'' under the law.

That's always the charge when gays in the United States make any attempts to appeal to the government to stop people from discriminating against them. They're looking for ''special treatment'' that no one else gets.

But the Colorado constitutional amendment turned that logic on its head, giving homosexuals ''special treatment'' no American would want, and in the process ran afoul of the equal protection clause of the Constitution.

The six justices who made that conclusion haven't lost their minds. They haven't subscribed to some subversive liberal agenda. They merely read the words of the amendment in question and took them literally. And what they meant, literally, that one group of people was to be singled out for a single trait and systematically denied any specific civil rights protection in the State of Colorado.

''It is not within our constitutional traditions to enact laws of this sort'' was the tart understatement of Justice Anthony M. Kennedy, who wrote the majority decision. To better understand what he meant, try substituting the words ''black'' or ''elderly'' or ''handicapped'' for the word ''homosexual'' and try talking about denying those groups protection under the law when they have

been discriminated against. To put it simply, in those cases where communities have instituted laws protecting gays from discrimination in housing, banking, employment or whatever, it is because of the fact that without such protections it remains legal to discriminate against them in many instances. The discrimination does happen. As we see in Colorado, that's the way a lot of people would like it.

But thanks to the fact that this is still the United States of America, people are still entitled to equal protection under the law. All people. Even ones we may misunderstand or, as in the case of Colorado voters, despise. The Supreme Court understands that, even if many other people do not. We've got a long way to go in this country, don't we?

## SEYMOUR H. KNOX III

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. LAFALCE. Mr. Speaker, I rise today to salute a man who was a friend of mine, a friend of his community, and a friend of our Nation. Seymour H. Knox III, who passed away this week, was a leader in Western New York whose contributions were known to all.

Mr. Knox was best known as the co-owner, with his brother, of the Buffalo Sabres hockey team. But he was more—much more—than a sportsman, important as that role was in our community. He followed his father's footsteps as a patron of the arts. He was a successful businessman. And the list of his other civic endeavors is too long to list.

Seymour Knox's last contribution to our region may be the longest-lasting. It was his drive and dedication, perhaps more than anything else, that ensured the development of his beloved hockey team's new home, Marine Midland Arena. And that new facility will help spur the continued redevelopment of downtown Buffalo.

Mr. Speaker, Buffalo and the entire Western New York area will miss Seymour Knox, and I know that all of his neighbors and mine join in paying tribute to one of our finest.

At this point, I ask unanimous consent to introduce a Buffalo News' editorial about Mr. Knox into the RECORD:

[From the Buffalo News, May 23, 1996]

SEYMOUR KNOX III LEAVES LEGACY TO THE COMMUNITY HE CARED FOR

Seymour H. Knox III was born to wealth, and he put it to good use for his community. Like his father before him, Knox left Buffalo an institution that will forever bear his mark. In his father's case, it was a nationally known art gallery. In his case, it is a nationally famous sports team. Buffalo is richer for both of them.

To say it simply, Buffalo needs more people like Seymour H. Knox III. His death Wednesday, from cancer, came a few days after the public got its first look at the Marine Midland Arena, which Knox worked arduously to bring into being. It will be the new home of the Buffalo Sabres major league hockey team, his hard-won creation and his enduring contribution to his home town.

More than one friend and more than one fan will express regrets that Knox did not live to see the day when his team would skate onto the ice of the new arena. But at least he knew it would happen.

Though the efforts of Knox and his brother, Northrup, the Buffalo franchise in the National Hockey League was secured in 1969. From the beginning to his death, Seymour Knox III was chairman of the partnership that owned the team. Most of the time he was also president of the team.

Titles aside, the hockey-loving public knew Knox simply as the one who got the team for Buffalo and served as its head man through the years. He was the guy in the gold seats a few rows above the Sabres' bench.

Knox also kept the team here. In an age when professional owners change cities at an alarming rate, Knox was loyal to Buffalo even though its comparatively small market might have made other pastures seem greener. The point of the new arena is to make the team financially strong, securing it for Buffalo for the foreseeable future. Knox's vision made the Marine Midland Arena possible. His legacy will be the exciting hockey games of the future—games that will help make Buffalo a better place to spend the winter.

Knox was also important to Buffalo for numerous other civic endeavors. Those included the chairmanship of the Buffalo Fine Arts Academy, governing body of the Albright-Knox Art Gallery, which, to a great degree, was his father's gift to Buffalo. The gallery's most distinguishing feature is its modern art collection put together with care by the late Seymour H. Knox Jr.

His son's contribution is less genteel, but a community needs many aspects to its life. It is richer for both of these gifts.

From the start, the hockey team has played at Memorial Auditorium, Buffalo's aged indoor sports place, now slipping into retirement.

At the last Sabres game in the Aud a bit more than a month ago, Knox was given a prolonged ovation by a capacity crowd. Fans know why the Sabres exist. They let is show. Knox give a short speech, closing with the words: ''Farewell, old friend.''

Buffalo people can repeat those words today.

## HONORING MARVIN GRAVES

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Ms. NORTON. Mr. Speaker, I am pleased to rise today to recognize the achievements of a very talented and gifted athlete who is also a Washingtonian. Marvin Graves is a 6′1″, 195-pound athlete who is an exceptional football player and a responsible citizen who has dedicated himself to community service and lived up to the respect and admiration he has won from fans.

Marvin Graves was born in Washington, DC on February 7, 1971, to Melvin and Katrina Graves. He attended Archbishop Carroll High School in the District where he lettered in football, basketball and baseball. Upon graduation from high school Marvin Graves entered Syracuse University on a four-year football scholarship and majored in child and family studies.

During the course of his spectacular collegiate career, he was a four-year starter and holds 16 of the 31 passing records at Syracuse, including 6 of the 11 total offense records. His records also include: a four-time bowl MVP, AP second team All-American, Eastern College Athletic Conference [ECAC] Player of the Year, second team All-Big East, and a finalist for the Daley O'Brien National Quarterback Award.

In 1994 Marvin Graves graduated from Syracuse University. He is now the star quarterback for the Toronto Argonauts of the Canadian Football League. After an incredible comeback performance on Sunday, October 2, 1994, Marvin Graves' coach Bob O'Billovich had this to say about his star player: ''You saw one of the greatest quarterback performances in a fourth quarter that you'll ever see in your life * * * Nobody in this league has played a quarter like that.''

Mr. Speaker, it is truly a pleasure and honor to recognize the great achievements of my constituent, Marvin Graves. I salute his remarkable career as an athlete and commend his presence and activities in the community. He has spoken at high schools, hospitals, and group homes eager to stress the importance of education, and urging our young people to never engage in drug activity. I ask my colleagues to join me in recognizing this outstanding young man.

## INTRODUCTION OF A BILL

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. GILMAN. Mr. Speaker, today I am introducing legislation that will help this Nation struggle more effectively with the scourge of illicit drugs, and those who engage in this deadly trade.

It has recently come to my attention that many illegal criminal aliens in our State and local prisons for drug related offenses had often previously been transported—after they had served their prison time—by air by our fine local National Guard units to Federal deportation centers for eventual processing out of our Nation.

There were many important benefits to these controlled National Guard military flights, including security, because many of these criminal aliens involved with drugs and facing deportation often had histories of violent behavior and conduct.

In addition, the cost of transporting these aliens individually along with Immigration and Naturalization Service [INS] officers accompanying them on commercial carriers is expensive. It also exposed these criminal aliens to an unsuspecting public in our civilian airports and on commercial flights.

Current limits on the number and the already broad and difficult responsibilities of our dedicated and hardworking INS personnel, and the costs of commercial travel for and with these criminal aliens facing deportation, often makes it impossible to ensure that these individuals when their time served in jail was completed will ever be taken to or show up at deportation centers. Ultimately these limitations bear heavily on whether in fact these criminal aliens are ever eventually removed from the United States.

In some cases, absent INS ability to effectively transport and move these aliens facing deportation, we may be letting these criminal aliens—pending eventual deportation—merely back into our local communities to engage in more drug related crime and violence.

In the past State and local authorities often had consolidated a number of these individual aliens for a group flight under INS and National Guard control at the same time to these

deportation centers. These National Guard flights made sense as a tool in our arsenal against drugs and those who would engage in their possession, use or distribution, as well as serving the Guard's training needs and requirements.

However; these effective and cost efficient National Guard flights were I am informed, ended several years ago because there was questions raised about the legal authority for the National Guard to engage in this activity, only indirectly drug related.

My bill, which I introduce today, makes the local National Guard's authority clear in this area; if it desires to promote its training and antinarcotics function and role in this fashion as part of its antidrug plans, it may clearly do so. It also limits those cases where the National Guard may assist the INS in transporting aliens to those criminal aliens, who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.

It is a reasonable use of the National Guard's air assets, pilots, and personnel incidental to training by the Guard. It also serves our national interests in the battle against drugs. As we well know, drugs and those involved in the deadly trade in these poisons, cost our society more than $67 billion annually, and threaten our cities, schools, youth, and future generations.

The bill is simply authority for those local National Guard units that want to engage in assisting INS to transport these criminal aliens involved in drugs for deportation purposes. It will help this Nation get a handle on the many foreign born individuals in our prison system who have engaged in drug related criminal activity and face deportation spirited out of this country as soon as possible.

We should do all we can to get these criminal aliens involved in drugs and related violence out of our Nation as soon as possible and not allow them back on our streets to affect our communities, schools, and childrens' futures and very lives and well being.

I ask that the full text of the bill be printed hereafter:

H.R. .

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY FOR NATIONAL GUARD TO ASSIST IN TRANSPORTATION OF CERTAIN ALIENS.**

Section 112(d)(1) of title 32, United States Code, is amended by adding at the end the following new sentence: ''The plan as approved by the Secretary may provide for the use of personnel and equipment of the National Guard of that State to assist the Immigration and Naturalization Service in the transportation of aliens who have violated a Federal or State law prohibiting or regulating the possession, use, or distribution of a controlled substance.''.

## CELEBRATING 50 YEARS OF SERVICE BY VFW ROMANOWSKI POST 6896

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. DINGELL. Mr. Speaker, it is an honor to rise today to mark 50 years of dedication by the Sgt. Stanley F. Romanowski Post 6896 of the Veterans of Foreign Wars. The ideals embodied in the Post membership stand as a model of public service.

In exemplary fashion, the Romanowski Post has served its members and the community at large. I am proud to be associated, as a member, with an organization whose fierce camaraderie is only outshone by its firm commitment to serving Dearborn, the 4th VFW district, and Wayne County, MI.

To list all of the ways Post 6896 serves the community would be near to impossible, yet it is important to recognize a few of the programs which the Post has established: the Post Blood Bank, serving both members and the public; spaghetti dinners supporting muscular dystrophy research; and the Christmas Needy Basket Program providing food for families enduring hard times. These are just three examples of the selfless charity central to Romanowski's mission. The additions of the Ladies Auxiliary and the Dads Post have increased the number of people who have the opportunity to participate in a positive way in Post activities while also expanding the resources available to be dedicated to charitable pursuits. The numerous clubs and leagues which operate within the post have helped to create a supportive and congenial atmosphere.

On May 12, 1946, when the Post was humbly instituted in the gymnasium of the Munger Intermediate School, its members could not have foreseen the success that was ahead. Romanowski has been the largest Post in the Department. It has long held the Drill Team title of Department Champions (first captured in 1965), and twice hosted the VFW National Convention. Throughout the years, the Post has gained a well-deserved reputation for hospitality and generosity.

Mr. Speaker, it is with honor and personal pride that I congratulate my home Post for 50 years of dedicated service in southeast Michigan.

## BROWARD COUNTY LIBRARY SYSTEM WINS AWARD

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. SHAW. Mr. Speaker, I rise today to recognize a south Florida institution which has recently received the highest honor in its field. The American Libraries Association and the Library Journal have named the Broward County Library System, the ''1996 National Library of the Year.''

The Broward County Library System has consistently provided the residents of south Florida with excellent service, valuable resources, and vital information. The library system has become a fixture within the community, and the community support is extraordinary. The library draws more attendance than all the Florida sports teams combined. The Miami Herald proclaimed the library to be ''one of the Broward County Commission's most important achievements.'' Support such as this illustrates the Broward County Library's successful pursuit of excellence and innovative approaches to library service.

In our growing age of technology and telecommunications, the Broward County Library System has provided state of the art resources which are in high demand. The library volunteered to pilot the FreeNet System to enhance access in providing the South Florida community with electronic mail, a public forum to exchange ideas, and internet service to research data bases. During its expansion in service and information, the library system has proven its commitment to develop a service that will meet the technological standards of the 21st century.

Through its program of service and dedication, the Broward County Library System has kept the taxpayer in high regard. For example, the library system formed a partnership with Broward Community College in order to consolidate financial resources for operational and construction services. This partnership has saved taxpayers $17,000,000—which is the total cost of building and operating two libraries. Both the public and private sectors have enabled the Broward County Library System to provide essential service, as well as a commitment to education.

The Broward County Library System has provided educational standards that have been adopted and practiced by educators. The library has teamed up with local schools, colleges and universities in providing its coveted resources for all age groups.

Mr. Speaker, throughout this country there are many individuals who are dedicated to strengthening our community spirit, one such individual is Mr. Samuel Morrison, Director of the Libraries Division of Broward County. I ask my colleagues to join me in extending congratulations to Sam Morrison and the staff of the Broward County Library System on the receipt of the 1996 National Library of the Year Award.

## MEMORIAL DAY 1996

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. LANTOS. Mr. Speaker, I rise today to commemorate the observance of Memorial Day. This day we pause from our busy schedules to honor those who have given their lives defending our freedom in the line of duty. A small stone market at Omaha Beach Cemetery echoes our gratitude with this simple but powerful acknowledgement. ''To these we owe our highest resolve, that the cause for which they died, we shall live.''

The efforts of the men and women who valiantly served our country here and abroad to preserve peace and liberty deserve our highest recognition. Whether we observe this occasion through ceremony or prayer, Memorial Day leaves few hearts unmoved. From the remote places of Argonne, Normandy, Inchon, Da Nang, and Kuwait City, Americans have shed their blood so that others might live in peace, without fear of tyranny and aggression. We have an obligation to remember the names and the deeds of the Americans who paid the price for our freedom.

The courage and valor shown by the men and women who have served our country is symbolized by the plethora of monuments and memorials, each commemorating the deeds of untold numbers of Americans who made the ultimate sacrifice for their country. For those

who have died and for those who are still missing, we pause to reflect and hopefully to learn.

For us, the living, the beneficiaries of their sacrifices, the responsibility rests in our hands. History teaches us that those who were willing to give their lives for freedom and democracy, do so for a cause more important than life.

We are proud of those who have served our Nation. Today we remember so that future generations will never forget.

## THE 275TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF VOLUNTOWN, CT

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. GEJDENSON. Mr. Speaker, I rise today to commemorate the 275th anniversary of Voluntown, CT. Like so many communities across eastern Connecticut, Voluntown has a proud history which spans nearly three centuries.

In 1698, Lt. Thomas Leffingwell of Norwich and Sgt. John Frink of Stonington petitioned the assembly in New Haven for a plantation for the volunteer settlers who carved a community out of the forbidding wilderness of remote eastern Connecticut. Several years later the assembly approved the petition. The petition reads in part:

Granted unto the inhabitants of Voluntown the power and privilege of choosing their own town officers and carrying on their own town affairs, as other towns in this Colony by law impowered to do so. All volunteer rights or lots in number of acres, within the original grants are hereby taxed at eight shillings per year for five years, for the support of a minister and building a meeting house in said town. The committee for the proprietors of the old Voluntown are hereby impowered to act jointly in settling a ministers salary.

I am proud to fly a flag over the Capitol to mark this special occasion. The residents of Voluntown are rightfully proud on this landmark anniversary.

## WE ACTUALLY BUILD BRIDGES TOO . . .

### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. TALENT. Mr. Speaker, I rise today to share with my colleagues a thoughtful article on regulatory issues affecting small business written by Mr. Tom McCrackin, a constituent of mine from St. Louis, Missouri:

I recently received a letter from Rep. Jim Talent (R-Mo.), asking if I wanted to testify before the House Small Business Committee's Subcommittee on Regulation and Paperwork.

The purpose of the hearing was to discuss regulatory issues of concern to business owners, testify about the burdens of government and tell Congress what specific regulations should be repealed.

In trying to decide if I had anything worth testifying about, I did a little research. By signing the contract and bond for our Route 47 Warren County Project, I agreed to:

1. be governed by the following 15 acts:
Clean water;
Endangered Species Act;
National Historic Preservation Act;
Farmland Protection Act;
Comprehensive Environmental Response, Compensation and Recovery Act;
Work Hours Act of 1962;
Surface Transportation and Uniform Relocation Assistance Act of 1987;
Public Works Employment Act of 1977;
Federal-Aid Roads Act;
Clean Air Act;
Federal Water Pollution Control Act;
Contract Work Hours and Safety Standards Act;
Americans with Disabilities Act of 1990;
Copeland Act; and
Davis-Bacon Act.

2. abide by 16 sections in six titles of the Code of Federal Regulations;

3. be bound by three Executive Orders (11246, 11738, & 12549);

4. obey nine sections in six titles of the United States Code;

5. fill out Standard Form LLL (Disclosure Form to Report Lobbying) and Form PR–1391 (Federal Aid Highway Construction Contractors Annual EEO Report) and Form WH–347 (Certified Payroll);

6. comply with provisions of OSHA, Equal Employment Opportunity, Disadvantaged Business Enterprise, Unmarked Human Burial Sites, Missouri Solid Waste Management, Nationwide Permit (NWP) No. 26, Section 404 Permit, NWP No. 4, Standard Grading Rules for West Coast Lumber, Hometown Plan, Non-Discrimination in Employment, Missouri Seed Law, Workman's Compensation Insurance, General Wage Order No. 38, and prevailing wage, community block grant development programs and other public laws and revised statutes of Missouri; and

7. deal with and meet the requirements of the following 12 agencies:
National Register of Historic Places;
State Historic Preservation Office;
United States Fish and Wildlife Service;
National Marine Fisheries Service;
United States Army Corps of Engineers;
Office of Federal Contract Compliance, United States Department of Labor;
Federal Highway Administration;
Occupational Safety and Health Administration;
Wage and Hour Division, Employment Standards Administration;
Missouri Department of Labor and Industrial Relations, Division of Labor Standards;
Employment and Training Administration, Bureau of Apprenticeship and Training, United States Department of Labor; and
Missouri Department of Natural Resources.

I'll let you know how my testimony goes. All I really wanted to do was build the bridge.

## CHURCH ARSON PREVENTION ACT OF 1996

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. HYDE. Mr. Speaker, today I am introducing the ''Church Arson Prevention Act of 1996,'' legislation which will give Federal authorities the tools necessary to prosecute and bring to justice people who burn, desecrate, or otherwise damage religious property. I am pleased that the Committee's Ranking Member, JOHN CONYERS, is joining in sponsoring this bill.

The arson of a place of worship is repulsive to us as a society. When the fire is motivated by racial hatred, it is even more reprehensible. There is no crime that should be more vigilantly investigated, and the perpetrators more vigorously prosecuted, than this.

Earlier this week, on May 21, 1996, the Committee on the Judiciary held hearings on the very troubling increase in church burnings, and particularly those occurring in the southeastern United States. Since October 1991 there have been 110 incidents of church arson reported to Federal authorities; 33 of these occurred in the first five months of 1996. The victims of these crimes are not confined to a particular religious group—the burnings include synagogues, mosques, and church congregations both African-American and Caucasian. But, of the 51 fires reported since January 1995, more than half involve African-American congregations.

Although Federal authorities have been somewhat successful in prosecuting these cases, the Federal statutes which grant jurisdiction over fires and acts of vandalism at houses of worship make it difficult to bring Federal cases if the culprits are acting alone. My bill will eliminate these impediments, thereby giving the Attorney General an effective weapon with which to fight these heinous crimes. The bill amends section 247 of Title 18, United States Code, which makes it a crime to damage religious property or to obstruct persons in the free exercise of religious beliefs, by requiring only that the offense ''is in or affects interstate or foreign commerce.'' In using this formulation, Congress will be granting jurisdiction over all conduct which may be reached under the interstate commerce clause of the Constitution. The parameters of this jurisdiction are left to the Courts to define, in accordance with Constitutional principles.

In addition, the Hyde bill decreases the dollar value of destruction which must occur in order to prosecute a crime under section 247. Current law requires that the loss from the defacement, damage or destruction involved be more than $10,000. This means that when the damage from a fire is minimal, or when hate is expressed, not through fire but through desecration of defacement of houses of worship, 18 U.S.C. 247 is not an available source of jurisdiction. My bill reduces the dollar requirement to $5,000, an amount which will allow Federal prosecution of more cases, while ensuring that the Federal government is not becoming involved in cases that because of their de minimum effect, are best left to State authorities.

I dare say that we in Congress are unanimous in our condemnation of those who would express their hatred by destroying or damaging religious property. While we may not be able to legislate this problem away, we can ensure that those who commit these crimes are swiftly and firmly punished. I invite my colleagues to join me in this goal by co-sponsoring the ''Church Arson Prevention Act of 1996.'' Should you wish to do so, or should you need further information, please contact me or Judiciary Committee counsel Diana Schacht, at extension 53951.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S5635–S5655*

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 1822–1823, and S. Con. Res. 63. **Page S5649**

Nominations Confirmed: Senate confirmed the following nominations:

Markos K. Marinakis, of New York, to be a Member of the Board of the Panama Canal Commission.

Ginger Ehn Lew, of California, to be Deputy Administrator of the Small Business Administration.

J. Rene Josey, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

5 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

19 Navy nominations in the rank of admiral.

**Pages S5648, S5654–55**

Messages From the House: **Pages S5648–49**

Measures Placed on Calendar: **Page S5647**

Additional Cosponsors: **Pages S5649–50**

Additional Statements: **Pages S5650–54**

Adjournment: Senate convened at 11:30 a.m., and, in accordance with S. Con. Res. 60, adjourned at 1:47 p.m., until 1:30 p.m., on Monday, June 3, 1996.

### Committee Meetings

No committee meetings were held.

## House of Representatives

### Chamber Action

The House was not in session today. The House will next meet at 2 p.m. on Wednesday, May 29.

### Committee Meetings

LEGISLATING IN THE 21ST CENTURY

*Committee on Rules:* Subcommittee on Rules and Organization of the House held a hearing on Legislating in the 21st Century Congress: Assessing the Impact of Information Technology on the Legislative Process. Testimony was heard from Representative Ehlers; Patrick Flahaven, Secretary of the Senate, State of Minnesota; Stephen Frantzich, Chair, Department of Political Science, U.S. Naval Academy; and Jeffrey Eisenach, President, Progress and Freedom Foundation.

CONGRESSIONAL PROGRAM AHEAD

Week of May 27 through June 1, 1996

Senate Chamber

Senate will not be in session.

Senate Committees

No committee meetings are scheduled.

House Chamber

*Monday and Tuesday,* the House is not in session.

*Wednesday, Thursday, and Friday,* Consideration of H.R. 3322, Omnibus Civilian Science Authorization Act of 1996 (open rule, 1 hour of debate);

Consideration of H.R. 3517, Appropriations for FY 1997 Military Construction (subject to a rule being granted); and

Consideration of a privileged resolution.

NOTE:—Conference reports may be brought up at any time. Any further program will be announced later.

## House Committees

*Committee on Agriculture,* May 30, Subcommittee on Resource Conservation, Research, and Forestry, to consider the following: H.R. 2670, to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, MI; H.R. 2023, to provide for a land exchange between the Ironton Country Club of Ironton, OH, and the Secretary of Agriculture involving Wayne National Forest; H.R. 3387, to designate the Southern Piedmont Conservation Research Center located at 1420 Experimental Station Road in Watkinsville, GA as the ''J. Phil Campbell, Senior Natural Resources Conservation Center''; H.R. 3464, to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, MO, to exclude a small parcel of land containing improvements; and a measure to provide for the Rockwell Ranch Land Exchange, 2 p.m., 1300 Longworth.

*Committee on Appropriations,* May 29, to mark up the Foreign Operations, Export Financing and Related Programs appropriations for fiscal year 1997, 3 p.m., 2360 Rayburn.

May 30, Subcommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies, to mark up appropriations for fiscal year 1997, 9:30 a.m., H–140 Capitol.

*Committee on Commerce,* May 30, Subcommittee on Health and Environment, hearing on Contract Issues and Quality Standards for Managed Care, 10 a.m., 2123 Rayburn.

May 30, Subcommittee on Oversight and Investigations, hearing on the Federal Government's Role in Promoting Natural Gas Vehicles, 10 a.m., 2322 Rayburn.

May 31, Subcommittee on Energy and Power, to continue oversight hearings on the Status of the International Global Climate Change Negotiations, 9:30 a.m., 2322 Rayburn.

*Committee on Economic and Educational Opportunities,* May 30, to mark up H.R. 3268, IDEA Improvement Act of 1996, 10 a.m., 2175 Rayburn.

May 31, Subcommittee on Postsecondary Education, Training and Life-Long Learning, hearing on H.R. 2428, to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law, 9:30 a.m., 2175 Rayburn.

*Committee on Government Reform and Oversight,* May 29, Subcommittee on National Security, International Affairs and Criminal Justice, Hearing on Ballistic Missile Defense: Responding to the Current Ballistic Missile Threat, 10 a.m., 2154 Rayburn.

*Committee on International Relations,* May 30, hearing on the U.S. Role in Iranian Arms Transfers to Bosnia and Croatia, 1:30 p.m., 2172 Rayburn.

May 30, Subcommittee on Asia and the Pacific, hearing on Southeast Asia Regional Security: Dragons, Dominoes, and Dynamos, 10:30 a.m., 2172 Rayburn.

*Committee on National Security,* May 29, to mark up H.R. 2754, Shipbuilding Trade Agreement Act, 4 p.m., 2118 Rayburn.

*Committee on Resources,* May 30, Subcommittee on Energy and Mineral Resources, oversight hearing on the mineral resources survey programs of the United States Geological Survey, 2 p.m., 1324 Longworth.

May 30, Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following: H.R. 3487, National Marine Sanctuaries Preservation Act; and the Federal Oceanographic Coordination Improvement Act of 1996, 10 a.m., 1324 Longworth.

May 30, Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 3147, to provide for the exchange of certain Federal lands in the State of California managed by the Bureau of Land Management of certain non-Federal lands; H.R. 2135, to provide for the correction of boundaries of certain lands in Clark County, NV, acquired by persons who purchased such lands in good faith reliance on existing private land surveys; and H.R. 2711, to provide for the substitution of timber for the canceled Elkhorn Ridge timber sale, 10 a.m., 1334 Longworth.

*Committee on Rules,* May 29, to consider H.R. 3517, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, 5 p.m., H–313 Capitol.

*Committee on Transportation and Infrastructure,* May 29, Subcommittee on Aviation, hearing on High-Performance take-offs by Military Aircraft at Civilian Airports, 2 p.m., 2253 Rayburn.

May 30, Subcommittee on Aviation, to mark up the following: H.R. 3267, Child Pilot Safety Act; the Airline Pilot Hiring and Safety Act; and the Federal Aviation Authorization Act, 10 a.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* May 30, Subcommittee on Education, Training, Employment and Housing, to markup the following bills: H.R. 2851, to amend title 38, United States Code, to provide for approval of enrollment in courses offered at certain branches or extensions of proprietary profit institutions of higher learning in operation for more than 2 years; and H.R. 3459, to amend title 38, United States Code, to extend the enhanced loan asset sale authority of the Secretary of Veterans Affairs; followed by a hearing on USERRA, Veterans' Preference and the VA education services draft legislation, 9:30 a.m., 334 Cannon.

*Permanent Select Committee on Intelligence,* May 29, to receive a briefing on IC21-Intelligence Community in the 21st Century, 2:30 p.m., H–405 Capitol.

May 30, executive, hearing on Bosnia/Iran Arms, 9 a.m., H–405 Capitol.

*Next Meeting of the* SENATE

1:30 p.m., Monday, June 3

Senate Chamber

Program for Monday: After the recognition of certain Senators and the transaction of any morning business (not to extend beyond 3:30 p.m.), Senate will resume consideration of a motion to proceed to consideration of S. 1635, Defend America Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

2 p.m., Wednesday, May 29

House Chamber

Program for Wednesday: Consideration of H.R. 3322, (Open rule, 1 hour of general debate).

## Extensions of Remarks, as inserted in this issue

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