strengthen Central Asia non-Russian Muslim states, and to move them in the direction of democracy and free enterprise. There was a tacit strategic purpose in separating Kazakhstan from Russia's historical imperial linkages (an exercise in futility). Kazakhstan is the most Russified Central Asian state, with close to 30 percent of its population Russians who serve as the main scientific, industrial and business elite.

However, the Clinton administration sank into the pool of oil that inadvertently led to the most serious corruption of the Nazarbayev dictatorship by failing to resist the dictatorship. One of the administration's major foreign policy goals was humanitarian intervention to help bring an end to former communist dictatorships in the former Soviet Union and the Balkans.

In fact, the administration conducted a ''humanitarian war'' in Kosovo. The idea of a humanitarian and exemplary intervention, i.e. support of opposition groups in Kazakhstan, free press, and democracy was sacrificed, unfortunately, to the pool of oil.

The administration was not directly involved in support of the dictatorship. But it failed to vigorously resist the Nazarbayev violation of human rights, dissolution of the Kazakh parliament on two occasions and above all closing the only two opposition papers and the rigging of the 1999 elections.

In defense of the administration you could say diplomatic gobbleygook and securing unfulfilled promises from Mr. Nazarbayev was unfortunately subordinated to oil and nuclear strategic policies. The embassy in Kazakhstan continuously reported to the U.S. State Department on Mr. Nazarbayev's violations of human rights.

In fact, the OSCE, human rights groups, non-government organizations (NGOs), and other groups have warned the administration and continuously protested Mr. Nazarbayev's dictatorship and suppression of freedom in Kazakhstan. Leon Fuerth, Vice President Al Gore's national security adviser, and his assistant, Richard Brody, met on Sept. 15, 1999, at the Old Executive Office Building to discuss the upcoming visit of President Nazarbayev to the United States. Attending were several people from the State Department, regional and human rights bureaus, as well as the Human Rights Foundation, and the Kazakhstan 21st Century Foundation.

Mr. Fuerth was on the defensive throughout the meeting, as the various representatives pressed hard the argument that the meeting was a mistake at that time, since Mr. Nazarbayev would interpret it as an endorsement of his behavior. According to one of the participants, Mr. Fuerth was unpersuasive and ineffective in defending the purpose for the visit of Mr. Nazarbayev to the United States.

The issue at stake was Kazakhstan's MiG sales to North Korea and the failure of democracy. When Mr. Nazarbayev promised Mr. Gore the next election ''would be better,'' the OSCE report on the 1999 elections in Kazakhstan were still pending. Mr. Fuerth said at the meeting, ''We will adopt its [OSCE's] findings as leverage on Nazarbayev.'' Mr. Fuerth continued, ''Our government has been saying repeatedly, and the vice president personally, pay attention to what the monitors are saying about your, i.e. Nazarbayev's, elections.'' Mr. Fuerth said Mr. Nazarbayev is ''not your poster boy'' for democracy and freedom. Mr. Fuerth said, ''Gore sees his personal relationship as essential to prodding Nazarbayev toward democracy.''

America's goals include, says Mr. Fuerth, ''carrying Kazakhstan to a modern self-sustaining state at every level of societal concern. . . . We are into their affairs at a fantastic level of detail, and that is only possible with the political support of Nazarbayev and this [Gore-Nazarbayev] commission and the commitment of the United States to a face-to-face meeting with the vice president.

Mr. Fuerth continued to say the United States must persuade them to ''more and more perfect democracy,'' and he is ''perfectly aware of the imperfections.'' According to Mr. Feurth, Mr. Gore's message is ''Democracy is on the agenda. Democracy is not our idiosyncrasy.'' He describes Mr. Gore's agenda as follows: ''Democracy and elections are essential parts of the relationship Nazarbayev wants with the U.S. Gore will explain why a valid election is indispensable if he [Mr. Nazarbayev] wants the relationship he seeks.''

After meeting with the president, Mr. Nazarbayev went back home and continued in his oil-mired practices, human-rights violations and the creation of his position as president for life.

Since Mr. Gore was given the portfolio on Russia and the independent states of the former Soviet Union, the essential difference between what the Cox Report finds in the case of Russia and the administration policy toward Kazakhstan is that in the case of Russia it was mired with good intentions for reform that turned sour because of support for Boris Yeltsin's corrupt, undemocratic government. You cannot tell Russia, a major power, what to do, while the situation in Kazakhstan was totally different.

Not only was the United States in the position to help implement the recommendations for democracy and freedom in Kazakhstan, it coddled the dictator and made no impact whatsoever or follow up on the promises made by Mr. Nazarbayev to Mr. Gore to advance the democracy in Kazakhstan.

In the case of Kazakhstan, the United States was in a stronger position than in Russia, with the support of OSCE, multiple human rights organizations and NGOs, to impose upon the dictatorship to implement their promises made on human rights and free elections as a price for legitimacy in American eyes.

They did not do it. The administration tacitly accepted Mr. Nazarbayev's defense that there is an emergent democracy in Kazakhstan and it is a question of ''time.''

It seems the Clinton-Gore administration did not try very hard to institutionalize and implement their commitments to democracy, free elections, and an open press in the case of Kazakhstan.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT OF 2000

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 3, 2000

Mr. BENTSEN. Mr. Speaker, I rise in strong support of legislation I cosponsored, H.R. 534, the Fairness and Voluntary Arbitration Act. This important legislation addresses an imbalance in the relationship between automobile manufacturers and automobile dealers.

Today, motor vehicle manufacturers regularly force small business auto and truck dealers into mandatory binding arbitration clauses by including the clauses in non-negotiated dealer agreements. Under the current system, automobile and truck dealers have no choice but to accept mandatory binding arbitration provisions in franchise agreements provided by motor vehicle manufacturers. These ''take it or leave it'' contracts undermine the ''freedom to contract,'' a tenet of modern commercial law, and run counter to basic principles of fairness.

H.R. 534 would make arbitration of dealer-manufacturer disputes totally voluntary. H.R. 534 does not prohibit arbitration but rather seeks to make arbitration one of several avenues to dispute resolution. H.R. 534 makes arbitration one of several fair choices that both parties may willingly and knowingly select. I believe that we should reject the one-size-fits-all approach of arbitration and recognize that there are less expensive, more efficient, non-judicial modes of dispute resolution like mediation and other types of informal negotiation.

Under the current system, legitimate state protections are unavailable for dealers because of overly broad federal policy favoring arbitration. The landmark Supreme Court case, *Southland Corporation v. Keating,* 107 S. Ct. 852 (1984), established that federal law preempts state laws that prohibit mandatory binding arbitration in adhesion contracts or prohibit waivers of judicial or administrative remedies of a contract. Preemption prevents states from enforcing protective laws that limit or regulate unfair arbitration practices in contracts, despite the fact that enforceability of private contracts is ordinarily a question of state law. These arbitration clauses substantially deteriorate dealers' rights and remedies as provided under protective state franchise laws.

Mr. Speaker, the federal government has no business dictating the terms of contracts between small business auto and truck dealers and automotive manufacturers. Accordingly, I urge my colleagues to join me in support of H.R. 534, legislation to untie the hands of small business auto and truck dealers in their negotiations with automotive manufacturers.

TRIBUTE TO THE REVEREND JOHN ALPHONSO FERGUSON FOR A CAREER OF SERVICE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 6, 2000

Mrs. MEEK of Florida. Mr. Speaker, the Reverend John Alphonso Ferguson is the founding pastor of the Second Baptist Church of Richmond Heights, in my Congressional District. On Saturday, October 28, 2000, our entire community and Rev. Ferguson's friends, admirers and members of his congregation will gather at the Dadeland Marriott Hotel to wish him Godspeed upon his retirement after 36 years of service.

Ordained a minister at the First Baptist Church of Logan Park in Norfolk, Virginia on November 17, 1959, he moved in 1961 to Florida to establish the Second Baptist Church in South Dade's Richmond Heights community. Amidst the countless sermons he