

Stenographic Transcript Of
HEARINGS
Before The
Subcommittee on Inter-American Affairs
of the
COMMITTEE ON INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ARMS TRADE IN THE WESTERN HEMISPHERE

Document determined to be Unclassified
Reviewed Chief, Records & Declass Div, WHS
IAW EO 13526, Section 3.5
Date: Oct 23, 2018

Page determined to be Unclassified
Reviewed Chief, Records & Declass Div, WHS
IAW EO 13526, Section 3.5
Date: Oct 23, 2018

Washington, D. C.

August 9, 1978

Alderson Reporting Company, Inc.

Official Reporters

300 Seventh St., S. W. Washington, D. C.

1 ARMS TRADE IN THE WESTERN HEMISPHERE

2 - - -
3 WEDNESDAY, AUGUST 9, 1978
4 - - -

5 House of Representatives

6 Committee on International Relations

7 Subcommittee on Inter-American
8 Affairs

9 Washington, D. C.

10 The subcommittee met at 2:00 p.m. in room 2200, the Rayburn
11 Building, Hon. Gus Yatron (chairman of the subcommittee) presiding.

12 Mr. Yatron. Good afternoon. The subcommittee will come to
13 order. Today, the House subcommittee on Inter-American affairs
14 will conclude its series of hearings on "Arms Trade in the
15 Western Hemisphere."

16 As I stated at the outset of the hearings in June, the sub-
17 ject is of vital interest to the committee and the public in
18 general.

19 We have focused our interest on extrahemispheric suppliers,
20 intrahemispheric arms export capabilities; efforts to coordinate
21 supplier policies; U.S. arms transfer policy in the region; the
22 impact of U.S. policy on the U.S. balance of trade and employment,
23 and supplier policies which restrict exports.

24 Our distinguished witness today is the Honorable Patricia
25 Derian, Assistant Secretary for Human Rights and Humanitarian
Affairs, Department of State. She is accompanied by Mr. Mark L.

Page determined to be Unclassified
Reviewed Chief, Records & Declass Div, WHS
IAW EO 13526, Section 3.5
Date: Oct 23, 2018

1 Schneider, Senior Deputy Assistant Secretary for Human Rights
2 and Humanitarian Affairs, and Mr. Stephen B. Cohen, Deputy
3 Assistant Secretary for Human Rights and Security Assistance.

4 Ms. Derian, would you like to begin your presentation
5 followed by questions?

6 Ms. Derian. Thank you, Mr. Chairman. It is a privilege to
7 appear before the subcommittee today, under your distinguished
8 leadership. I welcome this opportunity to discuss with you the
9 role of our human rights policy in arms transfers for Latin America

10 Before addressing this specific subject, I would like to make
11 seven general points.

12 First, our human rights policy is a global policy. It is
13 not directed at any one country, or any region. In January, for
14 instance, I traveled to East Asia to Singapore, The Philippines,
15 Indonesia, Thailand and Hongkong to discuss our human rights con-
16 cerns with the governments of that region.

17 I have made extensive travels in other parts of the world as
18 well. When Under Secretary of State for Political Affairs, David
19 Newsom, visited the Middle East and South Asia this past July, he
20 also carried the message.

21 In our relations with the Soviet Union and with our members
22 of the Warsaw Pact, human rights have been a primary concern.
23 Thus, we emphasize human rights in our relations around the world.

24 Second, the policy must be implemented pragmatically. This
25 means human rights objectives cannot be determinative of each

1 of each and every foreign policy decision. Other factors, inclu-
2 ding United States security interests, must be considered and
3 weighed in the decision-making process.

4 In addition, the diversity of history and culture and the
5 different stages of development of individual countries must be
6 taken into account. Different methods may be required depending
7 on the exact circumstances of a particular situation.

8 Third, international law is our guide to the definition of
9 human rights. Although the policy reflects basic American ideals,
10 it is not an attempt to impose uniquely American values. The
11 rights about which we are concerned -- the right to be free from
12 arbitrary arrest, to be free from torture, rights of political
13 expression, and rights to basic economic needs -- are not the
14 private property of one nation or of one culture.

15 They are recognized in the Charter of the United Nations,
16 the UN Human Rights Declaration and other international agreements
17 and covenants as being universal and applicable throughout the
18 world.

19 The countries of the Western Hemisphere have also acknowledged
20 basic human rights, specifically in the Charter of the OAS and are
21 now according additional attention to them in the American Conven-
22 tion on Human Rights, which is now ratified by -- when we wrote
23 this testimony, 12 countries, and then on Monday afternoon or
24 Tuesday morning, Jamaica ratified -- so now it is 13 countries,
25 and it has recently entered into force.

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 Fourth, the promotion of internationally recognized human
2 rights is in fulfillment of obligations imposed upon us by the
3 international agreements and covenants described above. For
4 example, under the UN Declaration of Human Rights, we pledged to
5 promote, "universal respect for and observance of human rights and
6 fundamental freedoms."

7 President Carter put it this way in a speech last year before
8 the UN, "All the signatories of the Charter have pledged themselves
9 to observe and to respect basic human rights. Thus, no member
10 of the United Nations can claim that mistreatment of its citizens
11 is solely its own business."

12 Fifth, our policy reflects extensive Congressional mandates
13 in the area of human rights and foreign affairs. In my testimony,
14 I have outlined all of that and won't go over each of those
15 point by point. They are in the written part. There is
16 extensive legislative history accompanying all these statutes, and
17 indicating that the Congress expects human rights considerations
18 to be part of all decision-making in foreign affairs.

19 In specific statutes, Congress has directed the Executive to
20 apply human rights criteria to a broad spectrum of programs of
21 foreign economic and financial assistance, as well as to arms
22 transfers. These programs include AID, Food for Peace, Interna-
23 tional Financial Institutions, the Overseas Private Investment
24 Corporation, and the Export-Import Bank.

25 Sixth, it is our policy not to intervene in the internal

1 affairs of any country. But where basic human rights are violated,
2 we adjust our own policies and programs, in accordance with both
3 international obligations and U.S. law.

4 Seventh, we recognize that the scourge of terrorism seriously
5 violates basic human rights. But terrorism cannot excuse arbitrary
6 arrest, summary execution, torture, and other denials of fundamen-
7 tal freedoms.

8 Secretary of State Vance made this point in his address to
9 the OAS General Assembly in 1977, he said, "If terrorism and
10 violence in the name of dissent cannot be condoned, neither can
11 violence that is officially sanctioned . . . the surest way to
12 defeat terrorism is to promote . . . justice in our societies."
13 That is the end of that quote.

14 I would like, at this point, to turn to the more specific
15 subject of the role of our human rights policy in arms transfers.
16 There are numerous dimensions along which we conduct foreign
17 affairs.

18 At the most basic level, we and other governments exchange
19 ambassadors and diplomatic representation. We may also engage in
20 trade, cooperate in cultural and scientific matters, supply
21 economic assistance, or form a military relationship.

22 While we attempt to take human rights into account in all
23 aspects of our relationship, it has particular relevance to arms
24 transfers. This is because arms transfers by the United States to
25 a repressive regime are associated and tend to associate us with

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 the conditions of force that sustain repression.

2 Transfers may link the United States with regimes that violate
3 basic human rights and fundamental freedoms and thereby undermine
4 our traditional support for those ideals, conflict with our inter-
5 national obligations, tarnish our reputation, and damage our long-
6 term national interests.

7 In this area of arms transfers, we are directed by the Con-
8 gress to take human rights considerations into account in the
9 formation of specific programs and policies. I have gone through
10 those and again, there is no point in reading those since they
11 are in my written testimony.

12 To aid in implementation of this directive, Section 502B
13 requires the preparation, in each fiscal year, of a report of the
14 human rights practices of each country proposed as a recipient
15 of security assistance.

16 In addition to Section 502B, the President's arms transfer
17 policy, issued on May 19, 1977, also recognizes the importance of
18 human rights. The President affirmed that the United States would
19 give continued emphasis to formulating and conducting our programs
20 of arms transfers in a manner which will promote and advance
21 respect for human rights in recipient countries.

22 The procedures for formulating programs of arms transfers,
23 including implementation of the directives of Section 502B, were
24 set out in some detail for the Committee in hearings conducted
25 last February, but I would like to provide this subcommittee with

1 a brief overview of the process.

2 Overall policy and program guidance on arms transfers is
3 provided by the Arms Export Control Board. Individual arms
4 transfer proposals to particular countries are staffed with the
5 Departments of State and Defense to interested Bureaus and Offices,
6 including the Bureau of Human Rights and Humanitarian Affairs.

7 They are considered, in the context of our regional and bi-
8 lateral policy interests, the President's policy of restraining
9 conventional arms transfers, the human rights record of the pro-
10 posed recipient government, our defense and security interests in
11 the area, the intended use of the arms, and other factors.

12 If there are differences with regard to specific proposals,
13 the Under Secretary of State for Security Assistance, Lucy
14 Wilson Benson, consults with all parties before referring the issue
15 to the Secretary of State with her advice to be sure that all
16 points of view are represented.

17 The importance we attach to human rights has been part of the
18 complex of changing developments in Latin America. No one can fail
19 to recognize that widespread violations of basic human rights
20 continue in certain countries in Latin America. But, even after a
21 relatively short period of time, there is already real and signi-
22 fican change.

23 An open political campaign took place in the Dominican Repub-
24 lic, and next week the inauguration of a democratically elected
25 president of the opposition party is scheduled. This is an

1 accomplishment of the people of the Dominican Republic.

2 The Inter-American Human Rights Commission has been strength-
3 ened and its activities expanded. It has visited Panama and
4 El Salvador and will be traveling next week to Haiti. Nicaragua
5 has committed itself to receive the Commission in the future.

6 In Ecuador and Peru, the process of return to popular
7 election of national leadership is underway. In Ecuador, the first
8 round of elections for President was successfully held last month,
9 and a run-off is now scheduled for September or October. In
10 Peru, open elections took place for a constituent assembly which
11 has already convened and begun deliberations.

12 In Bolivia, we were distressed by the interruption of the
13 recent electoral process. We recognize, however, that in the past
14 year, political prisoners have been freed, exiles have returned,
15 civil due process has improved, and press and trade union freedoms
16 have been restored. The new government has made pledges to
17 expand its human rights commitments and to hold elections within
18 two years.

19 In Haiti, there have been some improvements reported in
20 prison conditions, prisoner releases, some police have been dis-
21 ciplined for reported acts of brutality.

22 In other countries, there have been significant releases of
23 political prisoners, a reduction in or an end to reports of tor-
24 ture and a reassertion of the authority of civilian courts.

25 At the recent OAS General Assembly, the resolution in support

1 of the advancement of human rights passed by an overwhelming
2 majority.

3 The fundamental objective of the human rights policy is to
4 improve the observance of basic human rights throughout the world.
5 We believe that we have made important strides toward that goal.
6 At the same time, the human rights policy has had another important
7 effect. It has strengthened our position and influence in the
8 world. Human rights is an area where our ideals and self-interest
9 strongly coincide.

10 The policy has strengthened U.S. interests in at least
11 three separate ways.

12 First, our human rights policy enables us to regain the poli-
13 tical high ground that our history as a nation of free men and
14 women has given us in competition for world influence and prestige.

15 Second, the policy helps insure friendly relations over the
16 long-run with other countries. If we ignore oppression, we may
17 obtain closer relations with a particular regime over the short-
18 run.

19 But there is significant risk that is successor will be hos-
20 tile to our interests.

21 Third, our policy is important to the health and integrity of
22 our own society within the United States. It is our special commit-
23 ment to human freedom and dignity that makes us unique. Support
24 for or indifference to oppression in other countries weakens the
25 foundation of our own democracy at home.

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 Concern has been expressed about the possible costs associated
2 with the application of our human rights policy to arms transfers
3 to Latin America. I believe that the benefits of our policy
4 clearly outweigh these factors.

5 The policy has produced considerable political goodwill for
6 the United States throughout Latin America. Our relations with
7 constitutional governments are much closer than before. And our
8 stand for human rights has won respect from peoples throughout
9 the hemisphere.

10 Any possible transitory or short-term loss of influence with
11 a particular regime must be balanced against these more durable
12 and long-term gains.

13 While there may be some economic costs associated with the
14 application of the human rights policy to arms transfers, we
15 believe that they are justified as an investment in the future.
16 Moreover, it is important to keep the economic factor in perspec-
17 tive.

18 Over 90 percent of the United States exports to Latin America
19 are not subject to human rights review. It is only those items
20 that lend themselves to use either by the police in the Commission
21 of human rights violation or by the military that are subject to
22 such review.

23 A significant proportion of even these exports go to countries
24 with a positive human rights record and so are not constrained by
25 human rights considerations. Moreover, even where our human rights

1 policy does impede the transfer of arms, there are long-run econo-
2 mic benefits to be considered.

3 By creating over the long-run a more friendly political atmos-
4 phere for the United States Government, we also engender a more
5 favorable economic environment for United States business.

6 In conclusion, we believe that our policy has made a major
7 and significant difference -- both for the victims of oppression
8 and for our own national interest. We will continue to make human
9 rights a fundamental goal of our foreign policy.

10 Thank you, Mr. Chairman, for this opportunity. I would be
11 glad to answer your questions.

12 Mr. Yatron. Thank you very much for a very fine and thorough
13 statement, Secretary Derian. I would like to suggest a 10 or 15
14 minute recess. We have a vote on, I believe, it is the Rule on
15 the CETA bill. I will go over and answer the roll call and come
16 right back. We will therefore recess for about 10 minutes.

17 (Whereupon, a short recess was held from 2:25 p.m. to 2:35 pm.)
18
19
20
21
22
23
24
25

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 554-2345

1 Mr. Yatron. The subcommittee will resume its hearing. Ms.
2 Derian, has the U.S. human rights policy strengthened our position
3 and influence in Latin America? Has the United States human
4 rights policy strengthened our position and influence in Latin
5 America?

6 Ms. Derian. Mr. Chairman, I do believe that it has. We
7 have widespread support from the citizenry and, of course, from
8 the constitutional democracies, our relationships are much
9 closer than they were.

10 We are assuming a role that had been expected of us all
11 along because of the kind of people that we say we are. I am sure
12 that it has caused some discomfort in some high governmental
13 offices, but the fact is that in each country, we find a
14 certain degree of responsiveness.

15 Mr. Yatron. What is the extent of your communication with the
16 President on the implementation of United States human rights
17 policy in Latin America?

18 Ms. Derian. I don't think I understand the question.

19 Mr. Yatron. What is the extent of your communication with
20 the President on the implementation of the United States human
21 rights policy in Latin America?

22 Ms. Derian. Well, we operate, rather than bureau to the
23 President through the Secretary of State, through the State
24 Department, the N.S.C., that kind of relationship. It is a
25 traditional relationship of any bureau with its President.

1 Mr. Yatron. Would you provide the subcommittee a detailed
2 balance sheet of the costs and benefits of U.S. human rights
3 policy in Latin America? Could you give us some information on
4 that now or if not, could you provide it?

5 Ms. Derian. Are you talking about an accounting of the gains
6 that we have made?

Page determined to be Unclassified
Reviewed Chief, Records & Declass Div, WHS
IAW EO 13526, Section 3.5
Date: Oct 23, 2018

7 Mr. Yatron. Yes.

8 Ms. Derian. We will be happy to supply a list of changes
9 that we have seen, although, I would hasten to add that we are
10 very careful not to say that the United States Government action
11 has caused these actions. Ultimately no matter how much discussion
12 passes between governments, the decision to make a change in a
13 human rights policy, to make a change in a statute, a practice,
14 a tradition, a policy, is that of the government involved.

15 So we have to be very careful not to seem to have done what
16 we have not done or to be arrogant in claiming credit for what is
17 indeed the action of another government.

18 But we will be glad to tell you of the changes that we have
19 seen.

20 Mr. Yatron. Then you will provide that for the subcommittee?

21 Ms. Derian. Yes, sir. We will be happy to do it.

22 Mr. Yatron. Does Humanitarian Affairs have any system of
23 regular cost accounting regarding our human rights policy in Latin
24 America? And could you provide that also then?

25 Ms. Derian. We do not keep cost accounting records.

1 Mr. Yatron. You don't?

2 Ms. Derian. No.

3 Mr. Yatron. In general, what is your justification for
4 recommending withholding basic human needs assistance and non-
5 military, commercial export licenses on human rights grounds?

6 Ms. Derian. We do not withhold basic human needs. It is one
7 of the features of our human rights policy that we decided very
8 early on in this administration, that basic human needs were truly
9 basic human needs and are intrinsically human rights.

10 So our policy is not to deprive people of certain kinds of
11 human rights in the name of other human rights. On the military
12 side --

13 Mr. Yatron. Non-military.

14 Ms. Derian. In terms of international financial institutions
15 or are you talking about commercial licenses?

16 Mr. Yatron. We are talking about commercial licenses.

17 Ms. Derian. As I said in my testimony, over 90 percent of
18 the United States exports to Latin American are shipped under a
19 general license without any review by the State Department.

20 We review items in three circumstances -- when the items are
21 on the munitions list as military equipment and require a special
22 State Department license for export; when the items, although
23 not on the munitions list are considered by the Department of
24 Commerce as significantly enhancing military capability, such
25 items mainly computers and other sophisticated electronic

1 equipment are classified as strategic and require a validated
2 commercial license; and when exports fall in the category of items
3 for police use and so require a validated commercial license.

4 I notice that both Houses now have passed legislation regard-
5 ing the prohibition of police equipment. In each of these three
6 categories, there is a special human rights concern. The export
7 of volumes of the munitions list, which are military in nature,
8 or strategic items which enhance military capability tend to
9 associate us with the conditions of force that may sustain
10 repression.

11 Items for police use that we export cause an additional prob-
12 lem. They tend to be used in the actual commission of the
13 violations of human rights. For these reasons, we believe it
14 is appropriate that these limited categories of exports be subject
15 to human rights review.

16 Mr. Yatron. What about the Ex-Im Bank Loan for Argentina?

17 Ms. Derian. The section 2(B)(1)(b) of the Ex-Im Bank Act
18 requires that the bank in consultation with the State Department
19 take human rights into account in granting loans. When the bank
20 in conformity with the statute consults with the Department, we
21 advise against proceeding with the transaction during these days
22 with Argentina.

23 The reason for our advice was the continuing violation of
24 basic human rights by Argentina. The systematic use of torture,
25 summary execution of political dissidents, the disappearance and

1 the imprisonment of thousands of individuals without charge,
2 including mothers, churchmen, nuns, labor leaders, journalists,
3 professors and members of human rights organizations, and the
4 failure of the government of Argentina to fulfill its commitment
5 to allow visit by the Inter-American Commission on human rights.

6 We have advised Argentina that the United States has a sincere
7 desire for improved relations and that we continue to hope that
8 measurable improvement in the human rights situation there will
9 allow the U.S. government to adopt a more forthcoming attitude
10 in the near future.

11 In that line, I visited Argentina three times last year.
12 Assistant Secretary of State at the time, Terry Todman, visited
13 a number of times. The Secretary of State went in the late fall.
14 Under Secretary Newsom has just returned. We have continuing
15 high level discussions about these matters with the government
16 of Argentina.

17 Mr. Yatron. Wouldn't the act of withholding these items
18 in itself violate human rights though if this was done?

19 Ms. Derian. The things that I just outlined particularly in
20 the matter of police equipment, are you talking about that series
21 of things?

22 Mr. Yatron. Yes.

23 Ms. Derian. The equipment that we withheld?

24 Mr. Yatron. Yes.

25 Ms. Derian. No. I don't see any way that that violates

1 anybody's human rights.

2 Mr. Yatron. You state that our human rights policy is a
3 global policy. Aren't you taking into consideration the special
4 relationship we had with Latin America over the years?

5 Ms. Derian. Yes, of course, we try to take everything into
6 consideration -- as I said, cultural, political, current situation,
7 the history, the stage of development, also what is happening in
8 human rights at the time. We do each country very carefully and
9 we don't set a magical year analysis and say this is the way it
10 is and go back to the same piece of paper over and over again.

11 We have a constant update. We are very careful to make
12 certain that we are monitoring carefully and closely and we
13 do it with as much scrupulous care as it is possible.

14 Mr. Yatron. You state on page 11 that we must not espouse
15 a policy which leads a government to be hostile to U.S. interests
16 because of U.S. ties with a prior regime that practiced oppression.
17 Does your statement indicate that you expect your policy to result
18 in a change of regime?

19 Ms. Derian. We know that regimes change. I think Greece
20 is probably a good example of what it is we are talking about,
21 but the fact of it is that most of the governments which are
22 repressive in the world, have all announced some time to phase out
23 or some intention to phase out.

24 There are very few of these governments, particularly in Latin
25 America, which have set themselves up as a continuing life time

1 sort of regime. They all announce plans for change, some very
2 soon, a return to democratic procedures. So they have themselves
3 on record and, of course, governments change everywhere.

4 Mr. Yatron. Does your office have a preconceived theory
5 that any arms sales is bad, period?

6 Ms. Derian. No, of course not.

7 Mr. Yatron. At your first staff meeting in your present
8 position, did you say something to the effect that arms are
9 intrinsically evil?

10 Ms. Derian. No. My first staff meeting, interestingly
11 enough, had three people present, since that is how many people
12 were working in human rights and I was one of them. I did not say
13 it then and I can be certain of it because I have not said that.

14 Mr. Yatron. Do you subscribe to the theory that if there
15 were no weapons, there would be no wars?

16 Ms. Derian. Oh, that is such an odd question. Are you asking
17 for my personal views or the State Department's views? This line
18 of questioning sort of leaves me baffled.

19 Mr. Yatron. Your views.

20 Ms. Derian. My personal view is that war is a thing that
21 we seem to have had since we have had a small group of people
22 in close community with each other and that it has been an effort
23 of most of the governments of the world to do away with war.

24 It would be hopelessly naive of me to think that by thinking
25 that war was a bad thing, that somehow the weapons of war were

1 unnecessary. I do have some personal views about arms control.
2 That is, I think that the President's effort to achieve arms
3 control, to slow down the arms race, is a good and useful one.

4 Mr. Yatron. Thank you, Ms. Derian. Congressman Burke would
5 like to ask a few questions.

6 Mr. Burke. Thank you very much, Mr. Chairman. I attended
7 this meeting even though I am not a member of this particular
8 subcommittee. I am a member of the full committee. I didn't
9 have the opportunity unfortunately since I came from another
10 meeting and I understood that your Chairman was here alone, to
11 hear all of your testimony, Ms. Derian, but I did read your state-
12 ment.

13 I wonder, although I don't remember that you touched it too
14 deeply, if you could give some indication really with regard to
15 the Colombian situation, not only with regard to arms, but the
16 State Department's review, if you would, in view of the fact that
17 we have a new President over there.

18 Ms. Derian. I didn't come with a long preparation about
19 Colombia. I would be happy to supply it for the record.

20 Mr. Burke. All right, if you would. I want it just so I
21 can have an overall view.

22 Ms. Derian. Yes, sir. We will get it to you.

23 Mr. Burke. I wonder then if we could go to perhaps Peru.
24 Peru has been purchasing arms, as I recall, from other nations
25 besides our own. What now is the situation with regard to the

**The quality of the following
image(s) is consistent with the
source document(s)**

Note: The source document(s) is cut off.

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 654-2346

1 purchase of arms by Peru?

2 Ms. Derian. I don't think they have made any change in
3 their decision to purchase arms.

4 Mr. Schneider. I think that the Peruvian government, as you
5 know, is now moving through the process -- they have just had the
6 constituent assembly and moving in a transition process towards
7 a hopefully constitutional democratic regime. And during this
8 process, they have expressed some indication of reductions in
9 future arms purchases.

10 Mr. Burke. Of course, they have been talking about that
11 legislative change in constitutional government for so many years,
12 I don't take much stock in it because they talk about it. They
13 have some meetings, but overall, I don't know if they have come to
14 any direct, final conclusion. Have they?

15 Ms. Derian. They have just begun a month ago. They had their
16 constituent assembly and in the election, a number of parties were
17 elected -- democratic parties -- which are very favorable to the
18 United States. So there is another factor, I think, now. We will
19 have to wait and see. It has only been a month, but generally, we
20 have a hopeful feeling about that.

21 Mr. Burke. Will that then take some of the pressure off of
22 Ecuador and their fears of the Peruvian military future?

23 Ms. Derian. We would certainly hope that that would be the
24 consequence of it.

25 Mr. Burke. I wonder if you came prepared to discuss anything

1 about Chile?

2 Ms. Derian. Yes, sir.

3 Mr. Burke. Could you tell us in view of some of the criticism
4 that we have had from Chile and the fact that we have had the
5 indictments up here with regard to Chilean nationalists, what might
6 occur with regard to our relations in view of those suits?

7 Ms. Derian. The suits are handled entirely by the Department
8 of Justice, and I don't think I would really be --

9 Mr. Burke. I was thinking from a point of view of the
10 State Department in connection with military sales.

11 Ms. Derian. We have a prohibition against military sales
12 at the time now.

13 Mr. Burke. Assuming that they released the prisoners, released
14 those that were indicted, and they sent them to this country for
15 trial, would that change the State Department's position with
16 regard to military sales?

17 Ms. Derian. I think that it would probably be better not to
18 speculate. I would rather wait and see what happens.

19 Mr. Burke. All right. That's not a bad answer.

20 Ms. Derian. There is a Congressional prohibition at present
21 which does not have an automatic release.

22 Mr. Burke. There is an old expression, you can't accumulate
23 unless you speculate. And I thought I might accumulate some of
24 your knowledge. That's all. Thank you very much, Mr. Chairman.

25 Mr. Yatron. Thank you very much, Mr. Burke. I would like

1 to ask you, do you also feel that U.S. military schooling is respon-
2 sible for repressive government?

3 Ms. Derian. No. I visited the school in Panama in the summer
4 or the late spring last year, and had a very long briefing, a long
5 time to look over the curriculum, talks with the head of the
6 school, with General McCaulf who is the U.S. military commander
7 for all Central and Latin America. And I saw no indication and I
8 did ask some questions.

9 So I am confident that it is as it was told to me.

10 Mr. Yatron. Have you sought to achieve a defacto arms
11 embargo against all of the authoritarian regimes in Latin America
12 through the implementation of U.S. human rights policy?

13 Ms. Derian. No. I think there may be a misunderstanding
14 about the amount of personal clout that I have. This line of
15 questioning makes me think that you may have some idea that I am
16 up there running everything, and while one who is a bureaucrat,
17 although a new one, might wish to accumulate more and more power,
18 that is simply not the way that things work.

19 The fact of it is that my office makes recommendations,
20 particularly under the law. We have a very long list which you
21 will find in my testimony of laws under which we operate. We make
22 our recommendations based on the information of human rights
23 conditions that we have on specific cases, on specific countries.

24 We use the Arms Export Control Board and its various sub-
25 committees. It is reviewed at several different levels, but we do

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 654-2845

1 not have final authority or final veto. What guides us is the law
2 and the human rights conditions in the place we make our
3 recommendations under those circumstances.

4 Mr. Yatron. In his testimony last month before the subcommit-
5 tee, General Sumner submitted for the record a summation of an
6 October '77 conversation with you. Did you comment that the
7 Carter Administration will continue to employ all measures to
8 enforce its human rights policy and sanctions resulting from
9 this policy?

10 Ms. Derian. Is General Sumner the retired person who does
11 something with the Inter-American Defense Board?

12 Mr. Yatron. He was Chairman of the Inter-American Defense
13 Board.

14 Ms. Derian. Right. He came to see me. We had a very short,
15 very casual, very friendly conversation, and from time to time,
16 I hear these incredible words attributed to me. I have to say
17 that I did not say that.

18 Mr. Yatron. Did you state that the American people and the
19 Congress did not want any of their money to go to the repressive
20 regimes of Latin America?

21 Ms. Derian. Now, I don't remember what I said to him in that
22 line, but I do know that I have spoken to a lot of visitors about
23 the feeling of the American people and the actions of the United
24 States Congress with the idea that American citizens did not want
25 to feel that they were participating in the torture or the denial

1 of the rule of law and due process to any person.

2 So it is quite likely that I may have said what I have just
3 said, and it may have been interpreted that way. I do not have
4 any kind of grudge, but what we are trying to do is very simple.
5 We are trying to advance the cause of human rights, as the
6 President has stated it, as the Congress has made known to the
7 rest of the world and to this country in the form of a series
8 of statutes that deal with human rights.

9 What we are trying to do is our part in increasing the
10 observation of human rights by all governments including our
11 own.

12 Mr. Yatron. Ms. Derian, I think it might be helpful to
13 clarify the record at this point. This subcommittee has supported
14 the concept of human rights as a fundamental objective of United
15 States foreign policy. Its Chairman is proud to stand among
16 those, like who, like yourself, have sought to improve the human
17 condition, not only here in our country, but around the world as
18 well.

19 Because human rights has assumed such a prominent role in
20 our foreign policy, it is a legitimate subject of inquiry. I just
21 want to make it very clear that no one is attacking the policy.
22 No one is attacking your office and no one is attacking you or
23 your colleagues.

24 The purpose of this hearing is merely to further define the
25 strategies which have been adopted to achieve our arms restraint

1 and humans rights objectives and to offer constructive suggestions
2 to increase the effectiveness of these strategies.

3 Ms. Derian. Thank you, Mr. Chairman. We welcome anything
4 that will help us do a better job.

5 Mr. Yatron. Would you please elaborate for the subcommittee
6 where our relationships with constitutional government are much
7 closer than before?

8 Ms. Derian. Venezuela, for one. I think the relationship
9 that has developed over recent months and the support that we have
10 gotten and there are a number of others. If you would like a list,
11 I would be glad to supply it for you.

12 Mr. Yatron. Would you please do that?

13 Ms. Derian. Sure.

14 Mr. Yatron. Could you tell me what you mean, before what,
15 what is before?

16 Ms. Derian. I think, before the emphasis on human rights
17 began, I think there is a sense that there is recognition that the
18 direction that they have taken since it is a minority position in
19 their region, has validity, that it has support, a very strong
20 neighbor, that we are willing to work together at stature. It is
21 a sense of working together and being together.

22 Mr. Yatron. Are you aware that President Oduber of Costa
23 Rica expressed the view that our use of economic sanctions was too
24 heavy handed and rigid, and that we could accomplish more by
25 policies which are subtler and are more flexible?

1 Ms. Derian. I think that you will often find people who are
2 all walking in the same direction for the same objectives and
3 goals sometimes having differences of view, different interpre-
4 tations of the tactics that are the most useful.

5 Mr. Yatron. You put so much stock in the support of democra-
6 tic regimes in Latin America for our human rights policy, would
7 you try to comment on President Oduber's views?

8 Ms. Derian. I think that there is within every discussion
9 group an uncertainty as to what is absolutely the best way to
10 go forward and I think that for our point of view in specific
11 instances, it is very important for us, for our own foreign
12 policy and for our own concept of ourselves as a people to dis-
13 tance ourselves from repressive governments.

14 We have an expression of that in the Ex-Im legislation and
15 some of the other legislation as well, where we have a very clear
16 directive to take certain actions in the economic sphere and I
17 think that we have enough on the record to demonstrate that this
18 is the way we have chosen now which doesn't mean that the discussion
19 ends, and I think that I would feel very uneasy if all of the
20 people who felt the same way we did about human rights had a kind
21 of knee-jerk attitude, so that there was no creative thinking and
22 opportunity for real dialogue about the best way to do it.

23 I would much rather see some discussion about it, so I welcome
24 his views.

25 Mr. Yatron. Your statement echos that of Deputy Assistant

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 654-2345

1 Secretary Bushnell regarding states acting pursuant to Congression-
2 al intent. What is your assessment of the intent of the Congress
3 on human rights in Latin America following last week's votes on
4 foreign assistance in the House?

5 Ms. Derian. My view about that is that through a series of
6 pieces of legislation, a kind of skeleton has been built through
7 all the structures that we have. There is Ex-Im legislation
8 already. The Ex-Im legislation that went down last week was an
9 embellishment of that, a strengthening of that.

10 I think it shows the confidence that the Administration
11 is doing as it said it did, and I think that a lot of the legis-
12 lation came about to provide such a skeleton because administra-
13 tions come and go, but apparently the intent of the Congress toward
14 human rights is very clear.

15 They have built into it a statutory base so that no matter
16 what kind of administration is here, there are certain human
17 rights things written into it, and I expect that they think that
18 they have done sufficient in those areas.

19 Mr. Yatron. Can you cite any instances in which Humanitarian
20 Affairs has sought to encourage moderation in the Congress' im-
21 position of further restrictions in the human rights field?

22 Ms. Derian. As it happened, the Department of State has, and
23 I, speaking for the Department of State, have testified on enumer-
24 able occasions about various pieces of legislation. When this
25 administration first came in, there was a great spade of human

1 rights legislation.

2 It was our view that we had gotten here with a very firm
3 pledge to human rights objectives and that we would like an oppor-
4 tunity to go forward with those. We also want to be sure that
5 there is room to acknowledge genuine change, that we are not
6 prohibited by law in specific instances, to show that we recognize
7 a real trend toward improved policy. So our record is very clear.

8 Mr. Yatron. Would you attribute some of the shortcomings
9 of U.S. human rights policy to the limits which Congressional
10 restrictions have placed on the State Department's flexibility?

11 Ms. Derian. I think that our shortcomings -- I am trying to
12 look over what I think our shortcomings may be, but I think that
13 if we have shortcomings, it doesn't come from legislation. It
14 comes from the fact that we have started with very few people
15 working in our office, with a whole new policy, with new emphasis
16 in every post around the world and in every bureau in the Depart-
17 ment of State plus in a lot of other agencies of government, and
18 that probably our shortcomings stem from just the short period of
19 time in getting our bureaucratic mechanism down pat.

20 Mr. Yatron. Mr. Burke.

21 Mr. Burke. Thank you, Mr. Chairman. Has the statement that
22 Ambassador Andrew Young made with regard to violations of human
23 rights in this country in any way caused any of the Latin American
24 countries to take a view that we may not be doing our job, and we
25 should not criticize them?

1 Ms. Derian. No, I haven't had any indication from any Latin
2 American officials that that is the case. However, I will say
3 that when we talk about human rights with other governments,
4 whether they are Latin American or in any other place, we never
5 represent ourselves as coming from Eden with the revealed truth.

6 Mr. Burke. No, I understand that, but I am surprised that
7 you haven't because there have been a couple of statements in
8 the press that have indicated that there have been Latin American
9 countries that said that before we interfere with theirs, we ought
10 to follow our own concepts in our own country.

11 Ms. Derian. I am sort of the school that thinks that you can
12 walk and chew gum at the same time and particularly --

13 Mr. Burke. Unless you get it on your feet!

14 Ms. Derian. Well, of course, you have to keep it in your
15 mouth! You have to keep chewing!

16 But I do think that we have international obligations and we
17 have our own statutes and our own pledge, and while indeed we
18 need to work vigorously and forever as great spokesmen throughout
19 the history of this country have said on keeping our liberty and
20 keeping our freedom by watching it all the time and by improving
21 where we can, I think we do need to do those things, but that
22 doesn't mean that we have to turn out backs on others.

23 Mr. Burke. I agree with that and I agree with the Chairman.
24 Certainly our views with regards to human rights wherever we can
25 make the world better, that has been the whole concept as far as

1 my lifetime has been concerned, not only for ourself, but for
2 other nations, too, and that is the reason we got into a number
3 of wars that we did, rightly or wrongly, our intent of the American
4 people certainly in the sacrifices they made, were in the idea
5 or facing the goals of making the world a better place for all
6 to live.

7 But I know that from a diplomatic point of view, it is one
8 problem to discuss this matter with foreign nations, and it is
9 an altogether different thing from a political point of view which
10 is what very often we do on the House floor and the Senate.

11 And, obviously, we must face our constituents and there is
12 often political views and the State Department, on the other
13 hand, has the international scope of their problems, but on the
14 other hand, there are many people that don't agree with the scope
15 as outlined by the State Department. That is why we have the
16 confused foreign policy or people do think we do at times.

17 But I am just rather interested that you have made everything
18 really look so nice and easy.

19 Ms. Derian. Oh, it is so hard.

20 Mr. Burke. That all we have to do is just walk to them and
21 sell them military equipment, and it is all right, and yet you
22 know that the President campaigned contrary to this view. His
23 idea was to cut back on military sales of arms and so on.

24 And yet, President Carter has engaged in more sales in
25 military equipment than any of his predecessors. So I just wonder

1 sometimes about the consistency of the State Department's view and
2 how much it is politically and how much it is actually directed.
3 And I know that the President has the responsibility as the head
4 of the Executive Department to make determinations with regard to
5 our economy, but I get a little bit concerned if sometime we don't
6 oversell our bases on the idea that the only way that we can
7 maintain a good economy for our country and keep people to work
8 is to sell implements of war throughout the world.

9 That is what Krupp did to Germany and some of the other
10 ones did, which lead, by the way, to various wars and insurrections

11 Ms. Derian. We do have an arms ceiling and it is projected
12 to go lower with each succeeding year. I think that the ceiling,
13 if you would like my personal view, is a must. I agree with you
14 that rampant arms sales are indeed a problem in the world.

15 Under the ceiling we are staying, I don't know if any
16 anticipated plan to ask for a raising of that ceiling; I think
17 that having the objective of the ceiling and sticking to it
18 and watching it decline each year is going to be a very valuable
19 and important thing.

20 Mr. Burke. Here again, isn't this a situation really where
21 we look and can't make these predictions without looking, let's
22 say, at what the Soviets do and what France does. France is a big
23 dealer in arms, and yet they are never criticized. We never
24 criticize France for their sale of arms.

25 We do criticize, obviously, the Soviet Union. But I can't

1 figure out why we put ourself in a point of view that we have to
2 compete, and yet don't criticize on the one that it is part of
3 N.A.T.O., or at least, they withdrew from N.A.T.O., and we thought
4 N.A.T.O. was going to collapse at that time. I fail to follow the
5 reasoning. Either we are in competition with them in the sale
6 of arms or we ought to criticize them, too, and maybe we will have
7 less sale of arms throughout the world.

8 Ms. Derian. You got on to a naughty problem.

9 Mr. Burke. Well, I am kind of a naughty guy. You can ask
10 my political opponent. All right, thank you very much.

11 Ms. Derian. Thank you.

12 Mr. Yatron. Thank you, Mr. Burke. What impact did your
13 office have in the President's recent statements, decline
14 Congressional limitations on his ability to conduct foreign
15 policy?

16 Ms. Derian. I think there has been a kind of creative bit of
17 discussion going on. The Administration is pledged to a strong
18 human rights policy. It is one of the foundation forces of the
19 Administration.

20 The restrictive aspects of legislation -- it takes a long time
21 to get a piece of legislation into law and it takes an equally
22 long time to get a piece of legislation changed, modified or
23 eliminated. Things can happen in counries so quickly. It is the
24 same rationale, the same kind of thinking we have when we resist
25 the efforts to make a hit list of the ten worst countries, for

1 instance, the greatest human rights violating countries.

2 By the time you have such a list, it would be out of date.
3 How would you get off of a list? They raise so many questions
4 that it just limits the area where you can actually make steps
5 and do things either to acknowledge and stand beside countries
6 that are making great human rights advances or showing a tendency
7 to do it.

8 India is kind of a perfect example. One day, it was a
9 repressive government, extremely serious human rights problems.
10 The next day, it had elections, and instituted a democratic govern-
11 ment. That kind of change makes us want to respond to that
12 positive direction.

13 If we have a piece of specific legislation, then it will take
14 us a year to be able to react. So most of the pull and tug about
15 that sort of legislation really stems from the fact that there
16 needs to be room for the Administration to operate diplomatically.

17 If you nail down so many things, you don't really have any
18 opportunity for the diplomatic system to work its way through.

19 Mr. Yatron. In some cases in Latin America, is the objective
20 of U.S. human rights policy to avoid identification of the United
21 States with an authoritarian regime?

22 Ms. Derian. It is the objective of our policy in some
23 instances where there are serious and terrifying human rights
24 violations, is two-fold. One, that we would like to do what we
25 can to improve the situation and two, we would like to distance

1 regimes. The fact of it is that it was incredibly disorganized
2 as well as being a brutal government. Now Junta brought a kind
3 of organization, a military organization of the country that
4 made it much more efficient in terms of its repressive practices.

5 But I wanted to speak to several other things. You mentioned
6 the matter of passports, terrorists passing between lines and
7 of people being disappeared.

8 The government of Argentina acknowledges several thousand
9 political prisoners who have not been seen by anyone since
10 their incarceration. The numbers vary. The government says one
11 thing, Amnesty International says another. Almost everybody
12 who is an observer of the scene offers some numbers. The
13 established fact is that there are thousands of such people.

14 There is, in Chile, a list prepared of 600 people who have
15 disappeared. The list is prepared by a group of Bishops and has
16 been accepted by the United Nations and it is accepted by Amnesty
17 International. It is accepted by us as a valid and true list.

18 When the Secretary of State went to Argentina last fall,
19 he carried a list of 7,000 names and we did not vouch for all of
20 those names because we didn't have identity numbers. We weren't
21 sure of the spelling of some names that had been gathered by
22 groups interested in the human rights situation in Argentina.

23 I think that it is quite true that some people, for instance,
24 someone in Argentina told me that some of those people had run
25 away from their families. They were looking for an excuse, so

1 they just disappeared and hoped that their families would think
2 that they had been kidnapped while they had gone off to lead
3 lives of a different type.

4 The fact of it is that there are always people who take
5 advantage of a chaotic system. But there is no denying that the
6 record of real abuse of people who are truly disappeared, of
7 incredible violations of people's human rights is there, and it
8 solid.

9 And frankly, we don't get much refutation of that fact in
10 our talks.

11 Mr. Burke. I don't disagree with that.

12 Ms. Derian. People always try to put a good face on it,
13 but the fact of it is that while there are indeed lost of factors
14 operating, the body of accumulated evidence is so heavy that
15 arguing about the reality of it is a virtual waste of time.
16 The fact is that they have a problem, they know they have
17 a problem, they haven't figured out how to solve it.

18 Mr. Burke. I don't disagree with you on the realities of
19 the violations of human rights. I was talking about the political
20 aspects of the groups that get involved, and very often with
21 Communist encouragement and what not, and they come from all over
22 the world for one purpose very often, and that is to promote
23 revolution of one kind or another, and the CIA is always blamed
24 for it. I don't think we should take the blame ourselves all the
25 time. We ought to turn around and put it where it belongs instead

1 of on the basis that those that are really instigators and those
2 that have political motives behind them should be protected on
3 the basis not necessarily denying their human rights, but exposin
4 the fact that they are politically motivated and not so pure as
5 lots of people who would like to have us think.

6 Ms. Derian. Terrorism is probably the biggest threat to
7 human rights. Also, fighting terrorism has been so crude, so
8 badly thought out, that many innocent people have lost their
9 lives, have suffered unbelievable pain and suffering in the name
10 of fighting terrorism.

11 It is obvious that we have to do better in the way that
12 terrorism is managed. And Heaven knows, enough people are
13 thinking about it, and there is great concern, but I think that
14 it crept up on the world so fast that there wasn't time to do
15 preliminary thinking, so the instinctive reaction which is no
16 holes barred, these are not human beings, has brought us a very
17 sad harvest. We have to do better.

18 And we do have to do something. There is no question about
19 it. The problem is severe. But it has to be legal.

20 Mr. Burke. Yes, I agree. Thank you very much.

21 Mr. Yatron. How have we indicated to Argentina that we
22 welcome the changes to which you referred?

23 Ms. Derian. Well, we are in constant communication. We
24 have, as I mentioned, all of these visits. We are in very good
25 communication daily, so we transmit lots of information and we

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 544-2348

1 receive a lot of information from the government of Argentina.

2 Mr. Yatron. Early in June, State decided to release a number
3 of safety related munitions, list items for Argentina. Why was
4 this equipment held up so long?

5 Ms. Derian. I don't know how long it was held up. I do
6 remember any untoward delay. Any request is very carefully
7 examined and there is an exhaustive study, but I don't remember
8 that there was an untoward delay.

9 Mr. Yatron. It is my understanding that some speed and
10 brake bearings and ejection seat bladders were released for
11 Argentina A-4 aircraft while electric motors and ejection seats
12 are still being withheld. Aren't you concerned about the safety
13 of the pilots?

14 Ms. Derian. I would like to go back and look into what
15 you are talking about since those are not everyday household items
16 and I would like to look them up. I will be glad to send you
17 a note.

18 Mr. Yatron. Will you provide that for the Subcommittee?

19 Ms. Derian. Yes, sir.

20 Mr. Yatron. Thank you. Is State using the Humphrey/Kennedy
21 Amendment to avoid the normal decision-making process, or are
22 Argentine export cases receiving routine consideration?

23 Ms. Derian. Are we delaying, is that your question?

24 Mr. Yatron. The time will be running out, I believe it is
25 September 30th, and there is a cut-off, and I will repeat that.

1 question. Is State using the Humphrey/Kennedy Amendment to avoid
2 the normal decision-making process or are Argentine export cases
3 receiving consideration?

4 Ms. Derian. No, sir. It is just going along the regular
5 way. I think a lot of things would like to be slipped in under
6 it, but the fact of it is that it is just proceeding at a pace.

7 Mr. Yatron. Are you aware of the fact that the Argentines
8 are talking about a boycott of U.S. goods in response to the
9 October 1 U.S. embargo?

10 Ms. Derian. I have heard murmurs of that sort in the press,
11 but I have not seen any official transmission. I haven't heard
12 it from any Argentine official, and I expect that there has to be
13 some face-saving. This is a serious blow, I expect, to the
14 sense of the government, and you have to respond publically
15 somehow.

16 Mr. Yatron. Do you know if the President is aware of this?

17 ~~Ms. Derian.~~ I have not spoken with him specifically, but I
18 have found him marvelously well informed on reactions to actions
19 that have been taken by this government.

20 Mr. Yatron. Would you care to comment on today's report
21 that Bolivia will lose \$14 million dollars in military aid as a
22 result of the Administration's reaction to the aborted Bolivian
23 elections last month?

24 Ms. Derian. Well, that was news to us because no decision
25 has been made on the military equipment. We did recognize this

1 new government on Friday and it is a continuation, and we are
2 studying and looking into this. No decision has been made. That
3 story was in error.

4 Mr. Yatron. It was in error, you say?

5 Ms. Derian. Yes, it was, and it did not come from an
6 official State Department source. I saw it myself and I noted
7 that it was unattributed, and my guess is that somebody who
8 didn't know what was going on gave a hot tip that just turned
9 out to be wrong. I think you miss every now and then on those.
10 It is under review.

11 Mr. Yatron. By denying a given government equipment with
12 which to legitimately defend itself, are we passing judgment on
13 the right of that government to exist?

14 Ms. Derian. I don't think that we have denied military
15 equipment of any kind to any government that was in jeopardy from
16 anybody else. No government has fallen as a consequence and no
17 war has ensued, and we don't see any on the horizon. So my
18 answer would be now.

19 Mr. Yatron. What is your opinion of efforts by the CIA to
20 destabilize and replace governments which the United States does
21 not find to its liking?

22 Ms. Derian. I have no idea that or knowledge of the CIA's
23 effort to destabilize any government.

24 Mr. Yatron. In effect, haven't you just transferred the
25 covert operations function of the CIA to State under the cover of

300 7TH STREET, S.W., REPORTERS BUILDING, WASHINGTON, D.C. 20024 (202) 684-2440

1 normalty afforded by the human rights issue?

2 Ms. Derian. No, I didn't do it.

3 Mr. Yatron. Have we sought to sit down with some of these
4 governments and say, we can provide you with these items and
5 those are okay, too, but we have a problem with this on human
6 rights grounds? Have we tried to take a little and give a little
7 in any way in negotiating with these governments?

8 Ms. Derian. Some people favor the idea of pidgeon condition-
9 ing where you sit down and you ransom people's lives for a little
10 bit of equipment or this or that. We don't do that. The question
11 was a little murky for me, but indicated that that is the view,
12 that we are trading. We don't trade with peoples' lives.

13 Mr. Yatron. Would you give us specific examples in which
14 the United States has taken positive actions to promote human
15 rights in Latin America?

16 Ms. Derian. I think that most of the actions that we have
17 taken that are seen as not positive have a very positive ripple
18 kind of effect. In addition, we have tried to give recognition
19 by the symbolic acts that are traditionally used of good
20 progress.

21 We have looked with favor on aid projects in places where
22 there is great need, and where there is also a great effort
23 being made. We try in every way to be as helpful as we can to
24 those governments which are really moving along.

25 Mr. Yatron. You were quoted after your official appointment

1 to your present position as stating that the decision to cut
2 off assistance to a country shows we have failed. Does that
3 indicate that we have a lot of failure or near failure in the
4 making?

5 Ms. Derian. The rest of that quote is that we have failed
6 to press our case adequately enough to see real change, and I
7 would say that I stand by that still. I think that is true.
8 If our objective is to see a very positive trend and we expend
9 the effort and the care and the thought that we have expended in
10 many cases and nothing changes, and it is necessary for us to
11 make those, I would say that so far we had failed to achieve
12 our goal, yes.

13 Mr. Yatron. What impact does the existence of other arms
14 suppliers for Latin America have in our ability to carry out
15 our human rights' policy?

16 Ms. Derian. I am sorry. I don't understand. Would you
17 read it again, maybe I just missed it?

18 Mr. Yatron. What impact does the existence of other arms
19 suppliers for Latin America have on our ability to carry out our
20 human rights policies, other countries who are supplying Latin
21 America?

22 Ms. Derian. You are talking about the alternative suppliers?

23 Mr. Yatron. Yes. Would it be more difficult to deny arms
24 on human rights grounds if these countries had no other sources
25 to turn to?

1 Ms. Derian. No. I am not sure where that question is
2 going, but I can't think that it would be any easier or any
3 harder.

4 Mr. Yatron. Doesn't our human rights' policy have a vested
5 interest in the continued supply of arms to Latin America from
6 other countries? In other words, our security concerns are not
7 as competitive with human rights' concerns if these countries
8 can get arms elsewhere. Would you care to comment on that?

9 Ms. Derian. The security consideration is always one of
10 the factors. It was there before human rights was there, and
11 it didn't go away when human rights came along. There are
12 battalions of people who comment on the national security interest
13 of the United States, and in cases where there are serious human
14 violations and also overriding security interests, we often go
15 ahead in spite of 502B because it has written into it certain
16 provisions, that when the national security of the United States
17 is at stake, that we will continue to supply arms.

18 We also carry on a vigorous human rights policy. That is
19 why we don't have a human rights policy that is cast in stone
20 and that we apply regardless of circumstances to every single
21 place. We do it country by country, and always one of our
22 considerations with human rights is national security.

23 Mr. Yatron. Are arms export licenses for authoritarian
24 regimes in Latin America automatically delayed on human rights
25 grounds?

1 Ms. Derian. We do not delay anything deliberately or
2 automatically. We just sit down there and plow through all of
3 that stuff. We had 23,000 licenses to look at last year, and we
4 had one man in our office who was doing the NEA region which
5 includes Egypt, Israel, Syria, Iran and all of those countries,
6 who is doing that and all of security assistance.

7 So there is no deliberate delay. It was before we had a
8 Deputy Secretary for Human Rights and Security Assistance. We
9 now have such a person, and we have that same man also plugging
10 away at all those licenses. But there is no effort to delay.

11 Things often get to us near the end of the line since we
12 were late to sign on, but it takes a long time to go through
13 what else was there as well, long before human rights became a
14 factor. It is very complicated bureaucratic process and it
15 jumps from Defense and National Security to Commerce to Treasury,
16 sometimes to the State Department.

17 Mr. Yatron. Could you tell us how you can distinguish betwe
18 legitimate crowd control and repression?

19 Ms. Derian. Our information comes from many different
20 sources. It comes from the governments. It comes from our own
21 embassy reporting. It comes from intelligence reporting. It
22 comes from journalists. It comes from participants. It comes
23 from lawyers -- almost every kind of place, every kind of person
24 within a society.

25 There is almost always an existing pattern so that when

1 something happens, like a big demonstration in the street, the
2 is very early widespread kind of reporting, and most everybody
3 reporting has some kind of view about what it was that took
4 place in addition to just saying the facts of it.

5 It is the way that you weigh any accumulation of informat
6 A core develops and by in large, most of the determinations ha
7 together. Sometimes there is a propaganda statement that migh
8 appear in the press that doesn't bear any relation to what peo
9 in government are saying even on a private level. So it is no
10 as hard as it seems if you are somebody standing in a hotel
11 window looking down and trying to figure out what is happening
12 is it repression or legitimate crowd control. It is much
13 simpler to do it this way.

14 Mr. Yatron. When you are considering a license, say, for
15 instance, for tear gas, how do you know that it is not going to
16 used for political repression or for maybe a legitimate use of
17 crowd control?

18 Ms. Derian. Both Houses of the Congress have just in the
19 last few days passed into law a directive that we have been
20 operating under for some time in the matter of police equipmen
21 And in countries where there is a past pattern of internal
22 security and police forces using extreme brutality, violating
23 human rights, the pattern is there to be seen.

24 So it is not a question of what they are going to do with
25 it, whether they are going to use it on a football mob that ha

1 gotten overexcited or whether it is political demonstrators. The
2 distinction is not made there. It is based on the practice and
3 pattern of the government action.

4 Mr. Yatron. Do you believe that such a thing as legitimate
5 crowd control exists in the countries on Latin America governed
6 by authoritarian regimes?

7 Ms. Derian. I believe that there is legitimate crowd
8 control equipment.

9 Mr. Yatron. Is it possible for an office with a single
10 and exclusive function to serve as a moderating influence on the
11 policy which it is designated to implement?

12 Ms. Derian. I don't know if it is or not because my office
13 doesn't have a designated single directive. We handle the
14 United States Refugee Program. We handle dealings with all of
15 the refugee programs of the United States government. We have
16 prisoners of war; we have missing in action; we have various other
17 humanitarian concerns, including cooperation with International
18 Year of the Child, the International Women's Year, the Interna-
19 tional Red Cross.

20 We have a very heavy agenda of things to do. We also use
21 foreign service officers who have operated throughout the build-
22 ing. We have the benefit of a lot of other assistant secretaries
23 in a lot of other bureaus whose expertise we lean on very heavily.

24 Mr. Yatron. If you would see our human rights policy being
25 carried in the wrong direction, if you see that the tactics are

1 counter productive, can you stop such a trend?

2 Ms. Derian. I can certainly raise the flag. I have access
3 to the decision makers as all assistant secretaries do, and I
4 have the same resources as any other assistant secretary does
5 and all of us have ample opportunity to make sure that our
6 views are put to the decision makers and are part of the
7 decision making process.

8 Mr. Yatron. Can you do so without undermining the rationale
9 for your office's existence?

10 Ms. Derian. You know, I never worked for money before I
11 had this job, so I am not working for my career and the existence
12 of that office has nothing to do with my personal life beyond
13 my own views. The importance of this policy to the United
14 States government and to the well being of people, I am not
15 looking out after that. That is not one of my charges.

16 When I took that oath, it didn't say anything about making
17 sure that my office kept cooking.

18 Mr. Yatron. I see. We want to thank you very much for being
19 here today. I think you did an excellent job, and you have been
20 very forthright and we thank you for being here before this
21 Subcommittee.

22 Ms. Derian. Thank you very much.

23 Mr. Yatron. May I say this? We have a few other questions
24 that perhaps we could submit in writing to you.

25 Ms. Derian. Sure.

1 Mr. Yatron. Just some additional questions for the Subcom-
2 mittee to study.

3 Ms. Derian. We would be happy to.

4 Mr. Yatron. Thank you. With that, the Subcommittee stands
5 adjourned.

6 (Whereupon, at 3:47 o'clock p.m., the Subcommittee adjourned
7 to reconvene at the call of the Chair.)
8
9
10
11
12
13
14
15
16
17
18

19 Page determined to be Unclassified
20 Reviewed Chief, Records & Declass Div, WHS
IAW EO 13526, Section 3.5
Date: Oct 23, 2018

21
22
23 Office of the Secretary of Defense . S.U.S.C.
Chief, RDD, ESD, WHS * § 552
Date: 23 Oct 2018 Authority: EO 13526
Declassify: X Deny in Full: _____
Declassify in Part: _____
Reason: _____
MDR: 17 -M- 2251
24
25