

#46

OFFICE OF THE SECRETARY OF DEFENSE

10 November 1977

Memo For General Fish

SUBJECT: HIRC Subcommittee on International
Organizations 25 Oct Hearing Transcript
on Human Rights and Foreign Policy

Attached for your review are pages containing your
testimony including insert.

Ann

ANN STOUT

DSAA Congressional Relations

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Pls see changes

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our advisors.

Mr. Derwinski. Okay, now, I have always felt, Mr. Schneider, as a member I keep the ball, I try to be equally stern in questioning military men as well as diplomatic. With General Fish sitting there I can't resist getting to this point of Ethiopia. If I read the news reports correctly the last month or so, the Government of Yugoslavia has shipped a number of US tanks that they acquired back in the early sixties to Ethiopia. It was obvious that this was in coordination with the Soviet Union in supporting the present Government of Ethiopia.

Now, right at the present time Secretary Brown has been over in Yugoslavia supposedly negotiating for a new arms sale. Given the immediate record of Ethiopia in shipping its US equipment to a third country, presumably without US approval, how does this measure up against regulations and the agreement with Yugoslavia? Do you have any information on that, General?

STATEMENT OF LT. GEN. HOWARD M. FISH, USAF, DIRECTOR
DEFENSE SECURITY ASSISTANCE AGENCY, DEPARTMENT OF
DEFENSE

General Fish. Yes sir. It is true, Mr. Derwinski, that the instance did occur and it has been thoroughly reviewed with the Yugoslavs. I would like to provide the details for the record.

INSERT ATTACHED

HIRC Subcommittee on Inter-
national Organization
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page 31, following last line.

Early this year approximately 70 obsolete tanks, provided under the military assistance program by the U.S. Government to the Government of Yugoslavia in the early 1950's, were transferred to Ethiopia. This action was taken by the Government of Yugoslavia without U.S. Government approval and we protested the violation in the strongest terms. We followed this up with discussions with the Government of Yugoslavia and we are now satisfied that the matter has been satisfactorily resolved. It is noteworthy that this has been the only such episode. The Government of Yugoslavia have otherwise meticulously fulfilled the applicable agreements.

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DSAA-TS - *Shum D. Fidd*

1 It is sufficient to say, the State Department, I believe,
2 is convinced that the matter was inadvertent and due to some
3 misunderstandings and it will not reoccur and that the actual
4 amount was not significant.

5 Mr. Derwinski. General, with all due respect would you
6 keep in mind I am trying to be evenhanded in my approach to
7 this panel. When you say it will not occur, will not occur,
8 (a) because they no longer have your equipment and what they
9 have given Ethiopia is obsolete, but Secretary Brown has been
10 back there negotiating. What guarantees will we have when
11 we supply them within the next year that they won't in turn
12 be shipping those arms to Libya or Algeria for use in the
13 Estern Sahara or to Uganda to support that democratic regime?
14 Given their recent track record, what can we expect in terms
15 of cooperation from theYugoslavs?

16 You can refer the question to Mr. Schneider if you wish.

17 General Fish. It is a matter for the State Department.
18 I believe I should, though, comment that I don't believe it
19 would be proper to characterize Secretary Brown's visit to
20 Yugoslavia as a negotiating session for transfers. That
21 subject was one that was brought up. We have had continuing
22 relations with Yugoslavia, ~~on that very low amount.~~ They are
23 one of the countries that ~~they~~ have been found eligible for
24 foreign military sales previously.

25 There is a possibility that they may wish to diversify

1 their source of supply ~~is~~ but nothing has been settled and it
2 is still an open question and I am sure that we would require
3 adequate assurances and a way of policing for safeguards to
4 prevent ~~recurrences~~ *recurrence of ~~transfer~~ transfers without approval.*

5 Over to you, Mark, if you have anything to add.

6 Mr. Schneider. I don't think there is any question but
7 that that kind of transfer will be of major concern in any
8 review, and particularly with regard to a country where there
9 are human rights violations we have taken a specific action
10 on the basis of that violation and we will make sure that that
11 is under considerable review.

12 Mr. Derwinski. I am very reassured. I have a few more
13 questions but I would like Mr. Ryan to utilize his opportunity.

14 Mr. Fraser. Mr. Ryan.

15 Mr. Ryan. I appreciate the evenhandedness of my very
16 dear friend from Illinois.

17 I would like to explore out loud some of the inconsis-
18 tencies that I see. Admitting in the beginning that it is
19 pretty difficult to define something as vaguely referred to as
20 human rights, to me human rights is being put in jail when
21 you shouldn't be, or being not put in jail when you should be.

22 In one case you are being put upon I suppose by elements
23 of a government that has somewhat cruel and nonhuman concerns.
24 In the other case the government does not have enough concerns
25 for the rights of all and they are being jeopardized. I think

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Congress of the United States Committee on International Relations

House of Representatives
Washington, D.C. 20515

November 1, 1977

JOHN J. BRADY, JR.
CHIEF OF STAFF

Lt. General Howard M. Fish, USAF
Director
Defense Security Assistance Agency
Department of Defense
Washington, D.C.

Dear Lt. General Fish:

Enclosed is a copy of the transcript of the hearing on Human Rights and U.S. Foreign Policy; A Review of Administration Policies at which you testified on October 25.

Please make any necessary editorial corrections and return the transcript to me within one week after you receive it.

Thank you for your cooperation.

Sincerely yours,



Mrs. Jo Weber
Staff Assistant
Subcommittee on International
Organizations

jw

enclosure

Please return to me in Room 706 House Annex #1

#4 Fish

Stenographic Transcript Of

HEARINGS

Before The

Subcommittee on International Organizations
of the

COMMITTEE ON INTERNATIONAL RELATIONS

HOUSE OF REPRESENTATIVES

HUMAN RIGHTS AND FOREIGN POLICY

A REVIEW OF ADMINISTRATION POLICIES

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HUMAN RIGHTS AND FOREIGN POLICY
A REVIEW OF ADMINISTRATION POLICIES

Wednesday, October 25, 1977

House of Representatives,

Committee on International
Relations,

Subcommittee on International
Organizations

Washington, D. C.

The Committee met, at 2:05 p.m., in Room 2172, Rayburn
House Office Building, the Honorable Donald M. Fraser,
(Chairman of the Subcommittee) presiding.

Mr. Fraser. Today the Subcommittee on International
Organizations is holding a hearing which will comprehensively
review the Administration's position with respect to human
rights and foreign affairs. We shall be looking at the various
ways and means the Administration has at its disposal to
promote the advancement of human rights abroad. Such tech-
niques include quiet and public diplomacy, efforts at strength-
ening international organizations, cultural exchange programs
and positive measures to promote human rights, and economic
and security assistance sanctions. Given the overlapping
jurisdiction of various agencies of the Federal Government with
respect to these matters, we have invited to testify, in

1 addition to the Department of State, the Agency for Interna-
2 tional Development (AID), the Department of Defense and the
3 Treasury Department. A series of questions have been submitted
4 to the departments for written response. Some of the questions
5 addressed at these hearings will be based on the written
6 responses provided to these questions.

7 President Carter has taken a bold initiative to make
8 human rights a fundamental precept of US foreign policy.
9 Many examples might be cited to illustrate the heightened
10 importance which human rights is playing in our foreign policy
11 particularly as compared with the previous Administration.
12 Moreover, it must be reckoned that even with the best inten-
13 tions, any government will find that the international promo-
14 tions of human rights is a very difficult task. At the same
15 time, however, within and without the Federal bureaucracy,
16 there are competing interests which at times have muted our
17 voice and vitiated our effectiveness in our efforts to promote
18 human rights.

19 I am pleased to welcome the witnesses who are appearing
20 today. Mark Schneider, Deputy Assistant Secretary for Human
21 Rights, in the Office of the Assistant Secretary for Human
22 Rights and Humanitarian Affairs, will deliver the opening
23 statement. The other witnesses have not been asked to deliver
24 opening statements but will be available to answer questions.

25 These witnesses are:

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-- Sally A. Shelton, Deputy Assistant Secretary, Bureau
of Inter-American Affairs, Department of State;

-- Frank J. McNeil, Deputy ASSISTANT Secretary, Bureau
of Inter-American Affairs, Department of State;

-- Colin I. Bradford, Director, Office of International
Development Banks, Office of the Assistant Secretary for
International Affairs, Treasury Department;

-- Lt. General Howard M. Fish, USAF, Director, Defense
Security Assistance Agency, Department of Defense;

-- Hon. Alexander Shakow, Assistant Administrator, Bureau
for Program and Policy Coordination, Agency for International
Development.

Following the conclusion of the hearing the Subcommittee
will take up House Concurrent Resolution 137, sponsored by
Representative Donald Pease. Amendments to the resolution will
be considered at that time.

Well, Mr. Schneider, I guess we will turn to you for the
opening salvo.

STATEMENT OF MARK L. SCHNEIDER, DEPUTY ASSISTANT
SECRETARY FOR HUMAN RIGHTS, OFFICE OF THE ASSISTANT
SECRETARY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS
DEPARTMENT OF STATE.

Mr. Schneider. Thank you, Mr. Chairman.

Mr. Chairman, I want to express my appreciation for the
opportunity to review for the Subcommittee the current stage

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of our human rights policy.

To a substantial degree, Mr. Chairman, you and your Subcommittee have produced amny of the recommendations for increasing the priority of human rights in our foreign policy. We share your commitment and value your criticism and your views on how best to make human rights a central tenet of our foreign policy.

That purpose was signalled in the inaugural address of the President. It has remained a key goal of the Administration as we have begun the task of instituting a far higher priority for human rights in foreign policy decisionmaking than in the past.

We have based our actions on our obligations under the United Nations Charter and other International commitments, on our responsibilities under domestic law, and on our belief that the people of this country want a foreign policy that is in accord with our values. We believe that a foreign policy that fails to reflect those values will not receive, nor deserve, the support of the American people.

To those who argue that our concern for the human rights of people in other lands constitutes intervention, we say look to the Charter of the United Nations, to the universal Declaration on Human Rights, to the Helsinki Final Act, to the Declaration Against Torture adopted by the UN in 1975, and to similar regional instruments and resolutions. No nation in

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1 the world today can hide torture, apartheid, arbitrary
2 imprisonment, of censorship or other such violations of human
3 rights behind assertions of sovereignty. The denial of
4 internationally recognized human rights and fundamental free-
5 doms is a matter of international concern.

6 As the Secretary of State and Deputy Secretary Christopher
7 have emphasized, our definition of human rights rests on the
8 UN charter and those internationally recognized standards set
9 forth, for example, in the universal Declaration of Human
10 Rights.

11 They include, without distinction as to race, sex, language
12 or religion, the right to be free from governmental violation
13 of the integrity of the person, economic and social rights and
14 civil and political liberties.

15 In the first category of rights of the person, we include
16 the right to freedom from torture; cruel, inhuman or degrading
17 treatment or punishment; arbitrary arrest or imprisonment;
18 denial of fair public trial, and invasion of the home.

19 The second involves the right to such vital needs as
20 food, shelter, health care and education. Our efforts are to
21 promote greater attention by governments to these critical
22 areas of development. Our concerns relate to governments
23 which reject those rights by adopting policies which aim at
24 further luxuries for a small elite at the expense of the vast
25 majority of the nation's citizens.

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1 The third set of rights involves civil and political
2 liberties, those fundamental values which distinguish free
3 societies -- freedom of thought, of religion, of assembly,
4 of speech, of the press; freedom of movement within and out-
5 side one's own country; and freedom to participate in govern-
6 ment.

7 We seek to promote greater observance by all governments
8 of all these rights. They are interrelated and intertwined
9 and spell out whether individuals can live in dignity. As
10 the Deputy Secretary has stated, "It is, after all, those
11 rights that make life worth living".

12 In attempting to assess where we are today, it seems
13 worthwhile noting briefly where we began. Previously, human
14 rights seemed to have a very low profile in the configuration
15 of American foreign policy. The United States was identified
16 by many people less with the protection of human rights than
17 with regimes which had violated those rights.

18 We have traveled a considerable distance from that time.
19 Yet, we are still in the process of defining fully the stra-
20 tegy and tactics for carrying out this new policy.

21 Let me cite some of the steps we have taken -- unilateral,
22 bilateral and multilateral -- to fulfill that pledge.

23 First, with the encouragement of the Congress, we have
24 restructured the Department of State's institutional attention
25 to human rights, creating a separate Bureau of Human Rights

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1 and Humanitarian Affairs, providing it with staff and resources
2 and access to decisionmaking. In addition, full time human
3 rights officers have been named in each of the Bureaus and
4 the Department has made each Ambassador personally responsible
5 for assuring that our human rights policy is understood, that
6 we have continuing contacts with groups concerned with human
7 rights in other countries, and that full information on human
8 rights conditions is reported.

9 We have created an Inter-Agency Committee on Human Rights
10 and Foreign Economic Assistance. This Committee reviews all
11 aspects of our economic assistance relations with other nations,
12 including our position on loans in international financial
13 institutions, in light of our human rights objectives in
14 particular countries. A special working group reports to that
15 Committee.

16 As part of the security assistance review process, cover-
17 ing both the budgets and policy concerning specific weapons
18 transfers, the Assistant Secretary for Human Rights and
19 Humanitarian Affairs sits as a member of the Arms Export
20 Control Board and the Security Assistance Advisory Group.

21 Second, every spokesperson for the Department and the
22 Administration, from the President on down, has emphasized
23 the importance of human rights factors in our foreign policy
24 development.

25 We believe strongly, as President Carter stated in his

1 address at Notre Dame, "That it is a mistake to undervalue the
2 power of words and of the ideas that words embody....in the
3 life of the human spirit, words are action..."

4 Third, we have undertaken diplomatic initiatives in
5 innumerable countries urging the release of political pri-
6 soners, an end to states of seige which suspend constitutional
7 due process protections, a return to the rule of law and the
8 democratic process, an end to torture and the enhancement of
9 all human rights.

10 Fourth, we have halted or reduced security assistance
11 programs and withheld commercial licenses for military equip-
12 ment for armed forces in several countries which engaged in
13 serious human rights violations. No country can assume that
14 it has a blank check to obtain arms from the United States,
15 but especially those with serious human rights violations.

16 Fifth, we have examined our bilateral economic assistance
17 programs with an eye toward insuring that they go to benefit
18 people and not to strengthen the hold of repressive govern-
19 ments. We are hopeful of increasing the levels of our assis-
20 tance to the development of the world's poorest countries and
21 its poorest people. But as Secretary Vance said at Grenada,
22 at the General Assembly of the Organization of American States
23 in June, "Our cooperation in economic development must not be
24 mocked by consistent patterns of gross violation of human
25 rights."

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1 This review involves overall budget levels to countries,
2 decisions on the kinds of assistance that can be provided, and
3 decisions not to go forward with certain programs. In some
4 instances, it has meant a decrease in assistance to particu-
5 lar countries. Specifically, with regard to our bilateral
6 programs, we have carried out demarches to nine governments
7 raising human rights concerns, we have delayed programs to
8 two countries, and dropped or not increased programs in three
9 countries.

10 Sixth, we have taken initiatives in the international
11 financial institutions to promote the cause of human rights.
12 We have opposed or sought reconsideration of loans to govern-
13 ments engaged in serious violations, although again we have
14 attempted to give special consideration to loans going to
15 benefit the needy. We have carried out demarches to more
16 than a score of governments regarding human rights concerns
17 in relation to loans within the international financial
18 institutions. In addition, we have abstained on seven loans.
19 We also have told countries that we would oppose the loans.
20 They were brought up for a vote in instances.

21 Seventh, in the multilateral field, we have signed the
22 American Convention on Human Rights, the International Covenant
23 of Civil and Political Rights and the International Covenant
24 on Economic and Social Rights. In each instance, these
25 international documents had remained without US participation

1 for nearly a decade. Also we have expressed our strong
2 support for the ratification of the Genocide Convention and
3 the Covenant Against Racial Discrimination.

4 Eighth, we have worked with many Latin American countries
5 to strengthen the Inter-American Commission on Human Rights
6 and we hope to see a major increase in its funding and resources.

7 Ninth, in the United Nations, we are now seeking to pro-
8 mote greater international attention to human rights by join-
9 ing with Venezuela and others in support of the Costa Rican
10 proposal to create a UN High Commissioner for Human Rights.
11 We also are working with interested nations to see that steps
12 are taken to add more force to the Declaration Against Torture
13 adopted in 1975. Torture stands with war crimes, genocide and
14 apartheid as practices that debase civilized behavior.

15 Tenth, at Belgrade, we are playing a leadership role in
16 assuring that there is full and clear discussion of the gap
17 between current practices and the promise of the Helsinki
18 Final Act. The Assistant Secretary for Human Rights and
19 Humanitarian Affairs was designated the State Department
20 representative on the CSCE Commission chaired by Congressman
21 Fascell, and she is a member of the Belgrade delegation.

22 Finally, we have sought to encourage, assist and support
23 those governments which have positive records and those which
24 have taken clear and unequivocal steps -- rather than cosmetic
25 fabrications -- to improve human rights in their countries.

1 These are some of the actions we have taken to implement
2 the human rights policy. Let me repeat that we are in the
3 beginning of that policy -- not the end. We are determined
4 that the policy will be vigorous and be reflected in all
5 aspects of our foreign relations.

6 Mr. Chairman, you have asked what are the major accom-
7 plishments of the policy.

8 Let me preface my response by noting that in very few
9 instances can we assume that our policy or our expressions
10 of concern are the crucial factors that have or can produce
11 change. A variety of forces are at work. Our policy is one
12 of them.

13 Having said that, I would argue that our human rights
14 policy has been a major contribution to the following develop-
15 ments:

16 First, enhancing human rights is no longer a stranger
17 to the front pages of newspapers across the globe. The
18 message of our concern has gone to governments. It has gone
19 to their citizens. It has reached out as well to the victims
20 of repression.

21 The broad dissemination of concern for human rights has
22 been reflected in international public opinion, in seminars
23 and conferences, and in a proliferation of publications and
24 reports. This global attention is positive.

25 Second, we are beginning to see governments weigh the

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1 costs of repression for the first time. For some months,
2 many countries questioned whether the President truly intended
3 to define human rights improvements as a significant interest
4 of the United States. Most, particularly those with deplorable
5 human rights records, are becoming believers.

6 As they begin to assess the costs -- in their relations
7 with us, in their relations with other governments and in
8 their image in the world community -- a positive process is
9 set in motion.

10 Third, our policy has helped to begin to change the image
11 of the United States. For too long, we had become identified
12 with regimes which denied human rights rather than with the
13 victims whose rights were violated. Now, I believe this
14 new policy helps to return us to a position of leadership, one
15 which is in conformity with a more traditional perception of
16 the US as a nation that received and welcomed two centuries
17 of dissidents.

18 Fourth, we can point to a series of changes in many
19 different countries. We welcome them but it is not our purpose
20 to claim credit. It also is simply too early to expect to see
21 vast changes in the political landscape. Nevertheless, we have
22 seen the following:

23 -- Some political prisoners have been released in more
24 than a dozen countries with whom we have communicated our
25 concerns.

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1 -- The state of seige was lifted in at least two
2 countries.

3 -- Four countries on four continents have agreed recently
4 to permit the International Red Cross Committee to inspect
5 their jails.

6 -- Four countries in the hemisphere stated they will
7 permit the Inter-American Commission on Human Rights to under-
8 take on site investigations.

9 -- In the aftermath of our signing the American Convention
10 on Human Rights, five countries now have ratified that accord,
11 an increase of three since June, 17 countries have signed, an
12 increase of seven.

13 -- In several countries, nongovernmental organizations
14 such as Amnesty International, the International Commission
15 of Jurists and the International League for Human Rights have
16 been given access to study the human rights situation and to
17 make recommendations for improvements.

18 -- In two countries, trials of political prisoners were
19 opened for the first time. In one country, permission to
20 allow prisoners to opt to leave the nation rather than remain
21 behind bars was agreed to, although the extent of its use
22 remains unclear.

23 How many of those events would have occurred in the
24 absence of our policy or our contact with those governments
25 is not known. Great caution must also be exercised in

1 attempting to assert that any of these events signify substan-
2 tial change in the pattern of repression in particular
3 countries. In virtually all instances, they are only a begin-
4 ning; in some, they clearly are only cosmetic efforts to
5 lessen external pressure. In none can we assume that viola-
6 tions of human rights are a thing of the past. We know that
7 violations of internationally recognized human rights continue
8 and that each day brings new victims in some part of the
9 globe.

10 Nevertheless, we believe that we are on the right course,
11 a course that conforms both to our own traditions and to
12 international commitments. Seeking to achieve greater respect
13 for human rights and democratic values is the course that
14 we have been following. It is the course we intend to con-
15 tinue to follow. It also is a course that we hope others will
16 choose to follow as well.

17 Thank you, Mr. Chairman.

18 Mr. Fraser. Thank you very much, Mr. Schneider. Let
19 me first indicate my general concurrence with the positive
20 thrust of your statement. I have been strongly impressed with
21 the new priority that other governments are giving the human
22 rights issue since we have raised it, and I am not talking
23 just about countries against whom we may be threatening
24 sanctions or reprisals or something, but other friendly
25 Western democracies seem to have elevated this in their own

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1 governmental priorities and it seems to me this is a very
2 salutary outcome of the statement by the President and the
3 actions of the Executive Branch.

4 Having said that, your office serves in part, I understand
5 as ongoing advocate to attempt to assure that the human rights
6 considerations are given adequate attention, that is sort of
7 your principal responsibility?

8 Mr. Schneider. That is right.

9 Mr. Fraser. Can I ask you what the major difficulties
10 are that you are encountering?

11 Mr. Schneider. I think that you have set forth the frame-
12 work of the problem, that it is a new policy, that it is one
13 which clearly cuts across the entire range of the interests
14 that the United States has with other governments in that
15 actions that we might take towards a country which is engaged
16 in violations will inevitably affect the relationship and
17 there fore, other interests that we have have to be integrated
18 and taken into consideration.

19 Obviously those agencies that are concerned with those
20 interests which are also legitimate US interests, in many
21 instances, have to now develop a new set of guidelines for
22 integrating human rights concerns as well as their own concerns,
23 and obviously the process is one that takes time.

24 The issues are not easy ones and the interests are
25 involved, competing, several of which have merit. Our job is



1 to make sure that the human rights interests are as you said,
2 they are advocated fully within the decisionmaking process and
3 we try to do that.

4 Also, the fact that we do have the policy, I think, has
5 given others within other agencies in government an opportunity
6 to emphasize human rights concerns that perhaps under previous
7 Administrations there was some restriction, but I think it is
8 a process of putting into place a new policy and recognizing
9 that it is a policy that affects interests across the board,
10 and that simply cuts across the various bureaucratic lines
11 as well.

12 Mr. Fraser. On economic assistance, the President in his
13 inaugural address said that the United States would in effect
14 -- I am paraphrasing -- give preference to those nations which
15 shared with us abiding respect for individual human rights.
16 I have taken that statement, to the extent that it is a
17 reflection of ongoing policy, to mean that economic aid might
18 not be pulled back from countries so much as a sanction,
19 although that perhaps might happen in sepcific cases, but that
20 more in the longer run since the United States has only limited
21 resources, especially through its bilateral assistance, that w
22 we might be pursuing a policy of simply putting more of our
23 chips behind governments which did seem to share with us a
24 greater range of similar values.

25 Now, I have two questions. One, is that policy an

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1 an operational policy? In other words, not either attempting
2 to force changes in other countries, not necessarily with-
3 holding economic aid as a sanction, but rather in the long
4 run saying that we put our chips where our values appear to
5 coincide more than perhaps with other countries? If so, is
6 that a policy and, second, how is it being implemented?

7 Mr. Schneider. I think that is clearly an aspect of our
8 overall human rights approach and I think it would be wrong
9 to view it as solely related to the economic assistance. I
10 think this is an intent in all aspects of our relations to
11 increase that relationship with those countries which are
12 demonstrating democratic values and are promoting human rights.

13 The economic side is one aspect of that, not solely with
14 regard to aid.

15 I think that in all of the papers that I have seen this
16 clearly where the country is reflective of those values, this
17 clearly is a key message that goes forward and that is taken
18 into account in decisionmaking as to how we are going to react
19 to various bilateral interests that we have, and in some
20 specific instances with regard to bilateral assistance we have,
21 I think, taken a positive step with regard to economic assis-
22 tance that we might not have otherwise taken in the absence
23 of this sort of record with regard to human rights.

24 But I think there are other issues that perhaps --

25 Alex?

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Date: Oct 23, 2018

1 STATEMENT OF ALEXANDER SHAKOW, ASSISTANT ADMINISTRATOR,
2 BUREAU FOR PROGRAM AND POLICY COORDINATION, AGENCY FOR
3 INTERNATIONAL DEVELOPMENT

4 Mr. Shakow. Mr. Chairman, I think that accurately
5 reflects the view of those of us who have been working on
6 questions of allocation. As you know, there are a good number
7 of other considerations that this Committee and Congress have
8 stessed as being important in determining allocations of
9 assistance, including a country's own commitment to progress
10 in areas that are consistent with the legislation.

11 But I can tell you that over the last three or four
12 months the intensive review that has taken place of proposals
13 from field missions for programs to be included in the fiscal
14 '79 program have included very explicit consideration of the
15 human rights considerations and they, along with other factors,
16 have been taken into account in the recommendations that ulti-
17 mately will be coming forward to the Congress when the budget
18 is presented in January. That process is still underway, of
19 course, but we have tried very much to take these into con-
20 sideration, a factor which I can say from my own experience
21 was not done in earlier yeears, even though there have been
22 some sympathy in that direction, they were not taken account
23 of explicitly and Mark's office and the Secretary himself have
24 been very directly involved in those considerations.

25 Mr. Fraser. Well, for instance, in three countries in

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1 the last year or so there have been -- the last few years --
2 there have been significant changes. I am thinking now of
3 Portugal, Spain and India -- in which it would seem to me that
4 it would be appropriate for the United States to affirm our
5 support for the political changes that have occurred in those
6 countries by being perhaps more forthcoming in development
7 assistance programs or supporting assistance, where it may be
8 appropriate, assuming that they are otherwise economically
9 sensible.

10 Do our policies respond to such developments in a posi-
11 tive way?

12 Mr. Shakow. I think you are aware of the very substan-
13 tial commitment the Administration has made to Portugal in the
14 past year and I believe that the figure is something like
15 \$300 million under security assistance funding.

16 India, the Congress has made clear and the Administration
17 have made clear should the Indians wish to proceed or resume
18 an economic assistance program which, as you know, has not
19 been underway for approximately five years, that we would be
20 very pleased to bein one, and in fact negotiations or discus-
21 sions have been underway for several months to develop an
22 appropriate program for fiscal year 1978.

23 As you recall, there was no specific request made at the
24 time the budget came before you for fiscal 1978 but the deci-
25 sion has been made that we would like a program in India, if

1 the Indians and we can agree on an appropriate program in
2 FY 79, assuming that these steps are productive, there will
3 also be a program which will reflect just the interests that
4 you have stressed.

5 We need, of course, to find the appropriate kinds of
6 programs for the Indians and for our own assistance mechanisms.
7 So that we are looking for those opportunities.

8 I think you are very much aware, much better aware than
9 most of us, of the long term character of development assis-
10 tance, in particular, and the difficulty of turning around
11 or starting up a project overnight in response to a positive
12 development, so that there is a gestation period for development
13 of significant programs which will be more reflected in '79
14 and even more so in 1980, but the steps are very clearly
15 there to move us in the direction you have made clear is
16 important to both the Administration and to you.

17 Mr. Schneider. I think the point is the rationale is the
18 same as you have put forth, that is, a desire to respond in
19 all those instances to countries which in fact have moved
20 toward putting into place democratic systems and systems which
21 promote human rights. It was for this reason that the
22 initiatives have begun.

23 Mr. Fraser. Let me stay on the general subject of eco-
24 nomic assistance for a moment. You mentioned on page 5 of
25 your testimony that there is an inter-agency Committee on

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1 Human Rights and Foreign Economic Assistance. How long has
2 that agency been in place?

3 Mr. Schneider. Since April. Approximately mid-April.

4 Mr. Fraser. And does that encompass AID, State,
5 Treasury?

6 Mr. Schneider. Yes, in addition there are representatives
7 of other agencies that are involved, including National
8 Security Council, Department of Defense, Agriculture, OPIC,
9 Ex-Im, the representatives from the two banks, World Bank
10 and --

11 Mr. Fraser. Is Defense on this?

12 Mr. Schneider. Yes sir.

13 Mr. Fraser. Even though it deals with foreign economic
14 assistance?

15 Mr. Schneider. The actual title is Foreign Assistance
16 and it has been focusing on the AID bilateral economic assis-
17 tance and the international financial assistance.

18 Mr. Fraser. Now, in the case of the international banks,
19 I have the impression that there are two ways in which we
20 might respond to loan proposals to a country where we believe
21 there are serious human rights violations. One is that when
22 the loan comes up for a vote we say, well, we are going to
23 vote against it or abstain.

24 Another way to deal this would be to work with other
25 donor countries, major donor countries, and try to come to

1 some agreement on perhaps where priorities perhaps should go,
2 or perhaps to put it the other way around, where it wouldn't
3 be useful to develop loan projects, in other words, to inter-
4 cept the process at the early stage so one doesn't encounter
5 a kind of public confrontation with the government.

6 My question is which procedure are we following?

7 Mr. Schneider. To a degree we are following both in that
8 we are as a result of the legislation that was on the books,
9 the Harkins Amendment and the current law, we are clearly
10 through the Christopher to information group process taking
11 into account human rights conditions in each country as the
12 loans are coming forward for decision by the Board and develop-
13 ing the United States position on those loans with regard to
14 what our attitude will be after an analysis of the human
15 rights situation and to assure that we are carrying out the
16 provisions of the law.

17 At the same time we are making known to other donor
18 countries our position and our concern with regard to coun-
19 tries where we feel that there are serious violations in
20 progress. This is not necessarily done at the bank but rather
21 through the capital, and so in a sense we are doing both.

22 Mr. Fraser. Do we have any kind of a consultative process
23 that is developing among major donor countries that adopt
24 these matters? In other words, does this engage serious
25 sustained attention of our Ambassadors or somebody in these

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capitals?

Mr. Schneider. At the moment there is no formal consultative process as you describe it.

I will let Colin Bradford from Treasury discuss anything else.

STATEMENT OF COLIN I. BRADFORD, DIRECTOR, OFFICE OF
INTERNATIONAL DEVELOPMENT BANKS, OFFICE OF THE
ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS,
TREASURY DEPARTMENT

Mr. Bradford. That is right, there is no formal mechanism established for international consultations and as a government we have used a variety of channels for communicating the kinds of concerns you have just expressed.

There is a specific Treasury formal channel which we have called the G-6, which is a group of donor countries that have met occasionally, I think three or four times since the Carter Administration began at the Assistant Secretary level, and it is essentially the Secretaries of Finance in six of the major countries, Japan, Canada, UK and Germany, and they have met to discuss a variety of financial issues within the international institutions and have discussed the human rights problem quite thoroughly and we expect to take advantage of this informal process more in the future.

Mr. Fraser. How successful have the talks been in relation to human rights issues?

1 Mr. Bradford. Well, I think there has been a thorough
2 airing of both the potential and the problems of trying to
3 take the second route that you have suggested of sorting out
4 the priorities with the banks and I would say that is some-
5 thing we are going to be pursuing further now in the next
6 several months.

7 Mr. Fraser. In other words, that has been raised or
8 will be raised but you don't yet have any commonly agreed upon
9 approach at this point?

10 Mr. Bradford. That is right, raised but not resolved,
11 I would say.

12 Mr. Schneider. One additional point. If I am not
13 mistaken, Secretary Blumenthal at Guatamala did raise that with
14 the other Secretaries of Finance and in addition I do know
15 that the European governments, for example, those who are
16 members of the Lomai Convention, I think this is the first time
17 this year, have been examining their own actions -- this is
18 basically a bilateral economic assistance program for the
19 African countries -- in terms of the human rights provisions
20 and have in a sense put it over for additional discussions.

21 But it is a fact that they are considering it relative
22 I think to their response to the overall attention to human
23 rights issues, part of which is what our conversations with
24 them --

25 Mr. Fraser. Now, I would like to just turn for a minute

1 then I will yield to Mr. Derwinski.

2 My last question is is there a similar committee to that
3 which we have just referred to, Inter-agency Committee on
4 Human Rights and Foreign Assistance? Is there a similar
5 committee for security assistance?

6 Mr. Schneider. Not precisely. There is an inter-agency
7 committee, the Arms Export Control Board which examines all
8 aspects of security assistance with representatives from the
9 various agencies and one of those aspects is the human rights
10 concern and the Assistant Secretary is a member of that,
11 Assistant Secretary for Human Rights and Humanitarian Affairs.

12 In addition, there is an Inter-agency Security Assistance
13 Advisory group to the Under Secretary for Security Assistance
14 in the Department of State which again looks at the overall
15 aspects of security assistance, including human rights, and
16 again we have representation on that advisory group.

17 Mr. Fraser. But there seems to be a difference here
18 structurally in the case of security assistance. Your office
19 sits as one member but the principal ofcus seems to be, not
20 the principal focus is not human rights, whereas in the case
21 of economic assistance the Inter-agency Committee has as a
22 primary focus human rights.

23 Why don't we develop a similar arrangement? If anything
24 it seems to me it is in the field of security assistance that
25 there should be a far greater attention to the human rights

1 concerns, perhaps even the economic assistance.

2 Mr. Schneider. I think we will take that recommendation
3 and report to --

4 Mr. Fraser. So we will get something back for the record
5 on it?

6 Mr. Schneider. I think essentially this began with --
7 there had previously been in the past Administration an
8 inter-committee to examine the overall security assistance
9 problems. Since responsibility involves both the Secretary
10 of State for policy matters and the Defense Department for
11 the actual operation of the program, and in the instance of
12 economic assistance there essentially wasn't a similar mechan-
13 ism to look at it and, therefore, it was created with regard
14 to human rights specifically and economic assistance.

15 In the case of the security assistance side, simply added
16 to the existing committee and the modified committee the
17 representation from the Human Rights Office.

18 Mr. Fraser. Well, my concern would be that this leaves
19 the human rights participant signing off on policies that are
20 largely decided upon without the human rights input. In other
21 words, the human rights issue comes in a little late. If
22 there is a possibility of further look at this matter I would
23 think it would be desirable and reassuring to some of us who
24 are concerned with security policy assistance be fully inte-
25 grated into human rights concerns.

1 Mr. Derwinski.

2 Mr. Derwinski. Thank you, Mr. Chairman. I will ask a
3 couple of questions. I see Mr. Ryan is here.

4 First, Mr. Schneider, may I commend you on your statement.
5 If you submitted this for Pulitzer Prize judging to the
6 Committee it would win a prize for polite, religious, moral
7 generality. It really doesn't tell us a darn thing.

8 Getting beyond this statement with all the moral righteous-
9 ness of the Administration, could you explain to me -- you
10 have a reference here to President Carter's address at Notre
11 Dame, the morality behind our government's policy in cracking
12 down on terrible governments like Argentina, yet in that same
13 address in Notre Dame the President criticised people who
14 were anti-communist. I haven't been able to sort that out.
15 Are you in any position to tell us why anticommunism is no
16 longer a part of your policy but taking exception to real or
17 alleged developments in traditionalists is now the major
18 emphasis? Specifically, let's explain Administration policy
19 vis-a-vis say Argentina, and Administration policy vis-a-vis
20 Cuba, since you seem to be embracing Cuba and rejecting
21 Argentina at the same time. So for openers could you give me
22 that?

23 Mr. Schneider. I think the initial point really is that
24 the concern for human rights relates to all countries and, as
25 you know, currently with regard to the Soviet Union, Soviet

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1 Bloc, the United States at the Helsinki Review Conference
2 at Belgrade is expressing its concerns with regard to the gap
3 that I mentioned between current state of reality and the
4 promises contained within the Helsinki Final Act and the con-
5 cern there as I say, indicates that we are looking to improve-
6 ments of human rights in all countries regardless of the
7 ideology that may be put forward by that particular country.

8 With regard to our concern, you have juxtaposed Argentina
9 and Cuba. We have again the same concern that there be
10 improvements of human rights in both countries and we have
11 made that clear to the governments of both countries, and
12 one of our major concerns as the normalization process unfolds
13 is that there be improvements in the human rights situations
14 in Cuba and we have expressed that as part of the negotiation
15 processing and it was clearly expressed with regard to
16 Argentina in many ways. We obviously have many more relations
17 with Argentina, therefore it comes up more often in terms of
18 those assistance relationships.

19 Mr. Derwinski. Or leverage is used more often, you have
20 more contact. Theoretically, we have more leverage, is that
21 what you are saying?

22 Mr. Schneider. Theoretically, in any case, we have to
23 carry out the mandate of the statutes, both the economic
24 assistance law and the security assistance law, which does
25 mandate that consideration.

1 Mr. Derwinski. I would like to follow up the point Mr.
2 Fraser made in seeing that you do give us the precise details
3 of what you referred to the general faction, for example,
4 starting at -- you list the fourth point, page 11, last
5 paragraph of page 11 of your statement, you refer to a number
6 of changes that you welcome and then you just list them in a
7 very general way, release of prisoners, in more than a dozen
8 countries, state of seige lifted in two, four countries,
9 permitting Red Cross Committee visits, et cetera. Would you
10 supply us with those specific countries?

11 Mr. Schneider. I can in most instances. In one or two
12 instances the fact has occurred but it is still private and
13 it is not made public either by the Red Cross or the govern-
14 ment or the government informed us but --

15 Mr. Derwinski. Then I believe Mr. Fraser touched on
16 this problem relating to international financial institutions.
17 Here on page 8 you listed, you made note of the fact we have
18 abstained on seven loans and we notified other countries we
19 would oppose loans. To the extent that you can would you
20 give us that information for the record?

21 Mr. Schneider. Yes.

22 Mr. Derwinski. Now, this problem of inconsistency bothers
23 many of us. Sometimes we view it from different angles. For
24 example, could you explain the consistency or the inconsis-
25 tency in this righteous indignation that has been shown over

1 the jailing of hundreds of demonstrators in South Africa, and
2 yet almost complete silence over thousands of people who have
3 disappeared in Uganda. Why the great indignation about one
4 and relative silence about the other?

5 Mr. Schneider. Well, I don't think there has been
6 relative silence. I think that the Administration, as you
7 know, withdrew its diplomatic, most of its diplomatic presence
8 from Uganda after expressing its concern, and I think we have
9 also expressed our concern appropriately and will do so with
10 regard to the recent events in South Africa. I don't think
11 that I would view that as inconsistency. We are concerned
12 about the human rights situation in both countries.

13 Mr. Derwinski. Or in all countries?

14 Mr. Schneider. Yes.

15 Mr. Derwinski. Ethiopia is the reason for our termination
16 of certain aide programs in Ethiopia, primarily the denial of
17 human rights, political rights that have come under the
18 present military government?

19 Mr. Schneider. I think the fact is that we can halt the
20 security assistance program and informed the Congress of that
21 earlier this year on the basis of the human rights situation.
22 That was part of the report we submitted to the Congress in
23 February, I believe, of this year.

24 In addition, at that time, I think, in response, they
25 then ordered the remainder of that group to leave the country,

our advisors.

Mr. Derwinski. Okay, now, I have always felt, Mr. Schneider, as a member I keep the ball, I try to be equally stern in questioning military men as well as diplomatic. With General Fish sitting there I can't resist getting to this point of Ethiopia. If I read the news reports correctly the last month or so, the Government of Yugoslavia has shipped a number of US tanks that they acquired back in the early sixties to Ethiopia. It was obvious that this was in coordination with the Soviet Union in supporting the present Government of Ethiopia.

Now, right at the present time Secretary Brown has been over in Yugoslavia supposedly negotiating for a new arms sale. Given the immediate record of Ethiopia in shipping its US equipment to a third country, presumably without US approval, how does this measure up against regulations and the agreement with Yugoslavia? Do you have any information on that, General?

STATEMENT OF LT. GEN. HOWARD M. FISH, USAF, DIRECTOR
DEFENSE SECURITY ASSISTANCE AGENCY, DEPARTMENT OF
DEFENSE

General Fish. Yes sir. It is true, Mr. Derwinski, that the instance did occur and it has been thoroughly reviewed with the Yugoslavs. I would like to provide the details for the record.

HIRC Subcommittee on Inter-
national Organization
Date: 25 Oct 77
page 31, following last line.

Early this year approximately 70 obsolete tanks, provided under the military assistance program by the U.S. Government to the Government of Yugoslavia in the early 1950's, were transferred to Ethiopia. This action was taken by the Government of Yugoslavia without U.S. Government approval and we protested the violation in the strongest terms. We followed this up with discussions with the Government of Yugoslavia and we are now satisfied that the matter has been satisfactorily resolved. It is noteworthy that this has been the only such episode. The Government of Yugoslavia have otherwise meticulously fulfilled the applicable agreements.

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1 It is sufficient to say the State Department I believe
2 is convinced that the matter was inadvertent and due to some
3 misunderstandings and it will not reoccur and that the actual
4 amount was not significant.

5 Mr. Derwinski. General, with all due respect would you
6 keep in mind I am trying to be evenhanded in my approach to
7 this panel. When you say it will not occur, will not occur,
8 (a) because they no longer have your equipment and what they
9 have given Ethiopia is obsolete, but Secretary Brown has been
10 back there negotiating. What guarantees will we have when
11 we supply them within the next year that they won't in turn
12 be shipping those arms to Libya or Algeria for use in the
13 Estern Sahara or to Uganda to support that democratic regime?
14 Given their recent track record, what can we expect in terms
15 of cooperation from theYugoslavs?

16 You can refer the question to Mr. Schneider if you wish.

17 General Fish. It is a matter for the State Department.
18 I believe I should, though, comment ✓ that I don't believe it
19 would be proper to characterize Secretary Brown's visit to
20 Yugoslavia as a negotiating session for transfers. That
21 subject was one that was brought up. We have had continuing
22 relations with Yugoslavia, ~~on that very low amount~~. They are
23 one of the countries that ~~they~~ have been found eligible for
24 foreign military sales previously.

25 There is a possibility that they may wish to diversify

1 their source of supplies but nothing has been settled and it
2 is still an open question and I am sure that we would require
3 adequate assurances and a way of policing for safeguards to
4 prevent ~~recurrence~~ *recurrence of transfers without approval.*

5 Over to you, Mark, if you have anything to add.

6 Mr. Schneider. I don't think there is any question but
7 that that kind of transfer will be of major concern in any
8 review, and particularly with regard to a country where there
9 are human rights violations we have taken a specific action
10 on the basis of that violation and we will make sure that that
11 is under considerable review.

12 Mr. Derwinski. I am very reassured. I have a few more
13 questions but I would like Mr. Ryan to utilize his opportunity.

14 Mr. Fraser. Mr. Ryan.

15 Mr. Ryan. I appreciate the evenhandedness of my very
16 dear friend from Illinois.

17 I would like to explore out loud some of the inconsis-
18 tencies that I see. Admitting in the beginning that it is
19 pretty difficult to define something as vaguely referred to as
20 human rights, to me human rights is being put in jail when
21 you shouldn't be, or being not put in jail when you should be.

22 In one case you are being put upon I suppose by elements
23 of a government that has somewhat cruel and nonhuman concerns.
24 In the other case the government does not have enough concerns
25 for the rights of all and they are being jeopardized. I think

1 of the terrorist activities that are too common today.

2 I have also noticed you seem to make a distinction, there
3 is some kind of Ryan's Rule floating around which says there
4 is a direct proportion between the amount of concern for human
5 rights the US has in a particular country and the closeness
6 of our relationship at any given time or prospective close
7 relationship at any given time.

8 Two or three of those that come to my mind are the
9 Philippines, for example, South Korea is another one, and
10 perhaps even the Republic of China coming up on the outside
11 rail.

12 In the case of the Philippines first, then, I have the
13 honor, I suppose you could say, of representing two men by
14 the name of Osmena, Sergio Osmena, III, and Eugenio Lopes,
15 Jr., both of whom escaped from prison after several years
16 of prison, including torture in the Philippines. They are
17 two of thousands who are now in prison there, and they are out
18 only because they happen to have or their families have enough
19 wealth to be able to put together a kind of Mission Impossible
20 drama that got them out of prison and allowed them to arrive
21 in this country.

22 So I guess the first question I have would have to do
23 with our concern for human rights in the Philippines, and
24 what in specific as opposed to in general our agency, your
25 group, bureau, has done in negotiating with the Philippine

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1 government for, if not fore the taking a part of Martial Law
2 which is disguised reference to pure dictatorship, if we can't
3 get to the dictatorship, I don't think we can because that is
4 kind of local custom, it seems to me, or political determina-
5 tion, what can this contry do, what has this country done in
6 recent years to try to free people from prison who are there
7 for political reasons, inasmuch as we have very close ties with
8 the Philippines still?

9 Mr. Schneider. I think that it would be accurate to say
10 that the United States has made quite clear to the Government
11 of the Philippines on several occasions our concerns with
12 regard to the human rights situation there. I think it is
13 also clear that if you recall the situation of Mrs. Herrera,
14 who was arrested sometime ago, we made our concerns very
15 clear.

16 I think we have communicated to the Government of the
17 Philippines both through our Ambassador and our various diplo-
18 matic channels our policies as it relates to the various
19 aspects of assistance and also the legislative provisions that
20 mandate taking into account --

21 Mr. Ryan. When you say you have made your concerns very
22 clear, what does that mean?

23 Mr. Schneider. We have talked with them, we told them
24 what concerns us about the situation there and why we are
25 concerned.

1 Mr. Ryan. Have you suggested a review of our relation-
2 ship?

3 Mr. Schneider. Beyond indicating to them, it is very
4 difficult for me to respond specifically as to what we have
5 done. I can assure you we have communicated the policy very
6 significantly to them.

7 Let me, if I might, there is a representative from the
8 East Asia Bureau here. I will see if he has any additional
9 details he can give you.

10 STATMENT OF ROBERT J. MARTENS, STAFF DIRECTOR, NSC
11 INTERDEPARTMENTAL GROUP, OFFICE OF THE ASSISTANT
12 SECRETARY FOR EAST ASIA AND PACIFIC AFFAIRS, DEPARTMENT
13 OF STATE

14 Mr. Martens. We have made a number of representations
15 this year, I think on a much more intense level than has
16 ever occurred in the past. We have not gone as far as you
17 have suggested, one reason being that the record of the
18 Philippines still remains mixed, has been somewhat improved
19 in the last few months.

20 There have been about nine or ten steps taken, including
21 the action in the release of Mrs. Herrera which was just
22 mentioned.

23 Mr. Ryan. Do you keep any kind of a list of people who
24 have contacted the State Department who have said my brother,
25 my sister, mother, whatever, some relative or friend, is in

1 prison, has been there for so long, we would like you to help
2 see if you can't pry him loose, do you have anything like
3 that?

4 Mr. Martens. Yes, representations are made on a great
5 many of the cases including the two people that fled recently.
6 I can recall quite a number of instances where I have read
7 bout representations made on those specific cases, for example,
8 in say the five or six months before they left, and the record
9 remains rather mixed.

10 We cite a number of steps that have been taken, includ-
11 ing President Marcos' own statements of commitment to ease up
12 on a number of the regulations. It remains mixed in that
13 sometimes for a step of liberlization there is a step that
14 has somewhat countered that.

15 Mr. Ryan. Well --

16 Mr. Martens. There has been improvement, sir, and that
17 has been taken into account in the way that we pursue our
18 representations to the Philippines.

19 Mr. Ryan. You say improvements. That is a matter of
20 judgment. I happen to have a District in San Francisco, south
21 of San Franciso, the suburbs, that has more than 20,000
22 Philippinos or former Philippino residents. Many of them have
23 asked me if I can intervene and I can't intervene because that
24 is not my responsibility or job or I am not constitutionally
25 able to do that.

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1 I have suggested to them they write to the State Depart-
2 ment. I have resisted the urge on occasion to set up my own
3 sub-agency of my own District office operation in order simply
4 to provide some kind of one on one assistance for people who
5 want to get their husbands out. I have a registered nurse
6 working in San Francisco who is Philippino, her husband is in
7 jail and has been there for four years and she fled and
8 managed to get out and he didn't. When this martial law
9 occurred, I suppose hundreds that I could contact or could
10 contact me immediately, in regard to this kind of concern and
11 these are the kinds of concerns which if the Carter Administra-
12 tion has some concern for human rights, they could work on
13 them on a specific basis.

14 Let me ask you people a bit further, what about the
15 South Korean situation? I was over there about three years
16 ago, I did not accept a free suit or free Phd or any of those
17 things. I say that as long as the Chairman is interested in
18 those kind of things. But I did manage to have lunch with
19 about a dozen ministers, both Korean and Caucasian, to talk
20 about human rights in Korea, and the deprivation of the same,
21 this is three years ago.

22 Almost, if not all of those men since then have managed
23 to wind up in prison.

24 I talk to Mr. Kim Dae Jung. He is in prison now, I believe.
25 Some of them have been tortured.

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1 I would like to know what has been done by this govern-
2 ment to get tough, not simply represent our mild disapproval.
3 It is a little like watching a kid set fire to the living room
4 couch and saying son, I have a mild disapproval of what you
5 are doing. Right now the fact is a little more is required
6 than mild disapproval, especially when we have the capacity
7 to impose sanctions because of a relatively close relationship
8 between the two governments.

9 I think it is a sorry spectacle for this government to
10 be concerned and express concern for human rights and yet to
11 do nothing more visibly with those nations with whom we have
12 strong relationships than we so far have done.

13 I would like to know what in sepcific has been done in
14 Korea in recent months and perhaps up to the last two years,
15 to make representations there to create some kind of change
16 in the condition of the human rights of individuals who are
17 incarcerated there.

18 Mr. Martens. Let me first finish off on the idea of
19 arrest. We certainly would be happy to receive any names you
20 have and we will make representations when we have the names
21 of people who are --

22 Mr. Ryan. All right, I am afraid having made the sugges-
23 tion, or volunteered you will get some answers.

24 Mr. Martens. All right.

25 Mr. Schneider. We do already have a list and we are

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1 following those specific cases and then attempting to let
2 both the constituents know and the individuals know when we
3 get responses and we will continue to press them. We would
4 be happy to take additional names.

5 Mr. Ryan. I appreciate that.

6 Mr. Martens. On Korea, we have made strong representa-
7 tions and I would say stronger representations over the last
8 six months or so than in the past.

9 As you know, there are problems in the case of Korea
10 in that what Mr. Schneider spoke about at the beginning, there
11 are other major American interests involved that cut across
12 the human rights concerns and there is a fact that there have
13 been troop withdrawals this year. There are a number of
14 things weighing on the Korean relationship that perhaps limit
15 the degree to which one would go beyond representation. We
16 have made representations of a very strong nature and the
17 Korean Government no doubt knows of our concern on human
18 rights. This is much more manifest in their behavior in the
19 way they responded. They know that we have the pressure on
20 them but that is as far as it has gone at this time.

21 Mr. Ryan. Let me ask one last question. I am really
22 not satisfied, although I realize you don't have the final
23 authority on matters like that, it is not your initiative.
24 I want to say for the record and for those who are here I am
25 absolutely appalled and disappointed at the concern for human

1 rights expressed, where it is easy in some areas because they
2 are a traditional enemy, you can express concern about Jews
3 in the Soviet Union all day long and it looks good at home
4 both for the Jewish constituency and they are our enemies,
5 but the difference and distinction drawn, those who are
6 enemies and friends when the action is taken are the same,
7 is what appears to other nations to be much more let's say
8 hypocritical than it appears to us here at home.

9 In following the Derwinski rule of being evenhanded,
10 let me just ask one last question. It has to do with terrorism.
11 It seems to me that in the last few years the human race on
12 this planet has come to experience a new kind of crime, which
13 is a societal crime as opposed to an individual crime.

14 When the terrorists in West Germany, a few people, are
15 able to effectively deprive the citizens of that entire
16 country of the degree of civil rights which they formerly
17 enjoyed because of the threats against life and so on that
18 have been made, in a large sense around the world, whenever
19 airports in the world become a kind of armed camp, because of
20 the potential threat for terrorism by a single individual,
21 who want to try to destroy international commerce and in an
22 international sense peoples lives of any country, it seems to
23 me there is required to be than some new designation and new
24 punishment and new effort made to arrest those and to punish
25 those who are guilty of a crime so large that we haven't really

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1 defined it yet.

2 I don't want to imply I think everybody who is in prison
3 is in there wrongfully. There are some who are not in prison
4 right now, who ought to be there. The condition of their
5 confinement ought to be reexamined and I wonder what, if
6 anything, the State Department has done in requesting assis-
7 tance from the Justice Department or anybody else on a world-
8 wide basis in regard to trying to contain the present problem
9 of terrorism?

10 Mr. Schneider. As you know, there is a special office
11 that is advisory to the Secretary of State that has been
12 engaged in a series of conferences and meetings with those
13 other governments and with the UN in this area. I don't have
14 the additional details as to where they are at this moment
15 but they are engaged both with Justice and with other countries
16 attempting to get some action.

17 Mr. Ryan. When my friend or former colleague, Wally
18 Coreban and his wife are held for four days, or five, whatever
19 it was, and in immediate danger of losing their lives, when
20 the lady from San Diego, Mrs. Santiago is in immediate danger
21 of losing her life, not from exploitation but from failure
22 of her health, that to me is a clear and present danger to
23 human life, a threat to human life which also must be con-
24 sidered in the sense of sanctions imposed upon those who do
25 it. I think part of our problem is that the sanction isn't

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1 have enough, if it means reinstatement of the death penalty,
2 I realize when you go human rights it is sort of left.

3 I don't care about left and right, I care about the
4 presevation of the average person's human rights, which means
5 to me the capacity to go about their daily chores and daily
6 work and daily life with as little interference as possible
7 from anybody, including government, but also including
8 terrorists.

9 Thank you, Mr. Chairman.

10 Mr. Fraser. I have a question. Let me ask a question.

11 On October 18, in Santo Domingo, Secretary Todman said
12 the State Department has been encouraged by recent evidence
13 that he trend away from democracy may be ending in some parts
14 of Latin America, and then he cited as an example the Govern-
15 ment of Chile's quote "public commitment to a time table".

16 I would be interested in some elaboration of that commit-
17 ment. My understanding is that Chile is talking about elec-
18 tions sometime in 1980s, and just a few months ago the
19 Christian Democratic Party, which was the only political party
20 in Chile which had not been banned, now has been banned.

21 Is it accurate to speak of progress in terms of democracy
22 in Chile?

23 Mr. Schneider. I think what the Secretary was stating
24 was that there had been a declaration, nothing prior to that
25 time. I don't think it went beyond that in terms of a judgment.

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1 I think that, if I might, just relate these, the two
2 questions together to the Congressman, I don't think it is
3 accurate, Congressman, that with regard to our, as you defined
4 enemies, we are concerned about human rights, but not with
5 regards to our friends. I think there are traditional allies
6 in various parts of the world with whom we clearly have both
7 communicated our concerns with regard to human rights and
8 taken actions, also one of them obviously is Chile, which
9 traditionally has been a friend and which clearly now we view
10 as having grave difficulties with regard to human rights.

11 STATEMENT OF FRANK J. MCNEIL, DEPUTY ASSISTANT
12 SECRETARY, BUREAU OF INTER-AMERICAN AFFAIRS,
13 DEPARTMENT OF STATE

14 Mr. McNeil. I am Frank McNeil, Deputy Assistant Secretary
15 for Inter-American Affairs.

16 Mr. Chairman, I am not sure about the last statement. I
17 can respond to statements I know are accurate. Mr. Toddman
18 has made, I am not quite sure of the context of the Santo
19 Domingo statement, but the Chilian situation, has been
20 disastrous, for a number of years and has been getting some-
21 what better in respect of rights of the person.

22 We are trying to use whatever leverage we can with the
23 Chilians, including recognizing when they have made a step
24 forward. This applies particularly in terms of prisoners
25 releases which we have some hope there will be some more.

1 As far as the actual political situation in terms of the
2 plan as offered by the Chilian Government, my recollection is
3 that the original plan at the time of the Chilian coup was
4 to introduce something like the corporate state which was
5 so familiar in Franco Spain and Mussolini Italy.

6 The Chilian Government has now ceased to speak of that
7 type of political solution and is now speaking of a limited
8 but nonehteless exotic form of return to instituionality.
9 There is talk of the time table being moved up. Our hope would
10 be to encourage by every means possible restoration of the
11 observance of human rights in Chilè and return to a democratic
12 system there.

13 Mr. Fraser. Chile recently abolished DINA, which is the
14 agency that was carrying out much of the work I think in
15 picking up people, and I think they ran the interrogation
16 centers where the torture was carried on.

17 A recent letter to theeditor in the Washington Post or
18 New York Times suggested that the functions still remain with
19 the new agency that was created, that perhaps DINA still does
20 exist alive and well, if not in name in function. Can you
21 throw any light on that?

22 Mr. McNeil. Mr. Chairman, I think of two issues involved
23 here. One is the actually question of what kind of actions the
24 Chilian security services, DINA, the new organization have
25 taken over time, what they are taking now and whether there

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1 is any difference in Chilean practice now as compared to say
2 a year or two years ago or three years ago. That is one
3 question.

4 The other is the question of the name change itself.
5 I would like to deal with the last one first.

6 The change of the name in our judgment is a reflection
7 of a realization by the Chilean Government that the reputa-
8 tion of DINA had come to be a major embarrassment to the
9 Chilean Government and that in itself I think is healthy. It
10 may very well be, I can't tell you that it is the same organi-
11 zation or isn't. It does seem to us at this time the change
12 up to now is more cosmetic than otherwise and it is something
13 we are watching very closely as far as the functions of the
14 organization are concerned.

15 Now, if we talk about the Chilean situation say over
16 the last year, remembering that they have had a long way to
17 come and still have a long way to go, the Government of Chile
18 has released perhaps thousands of political prisoners. There
19 are still by our estimate some 300 in jail.

20 As I said earlier, there are some encouraging prospects
21 for the release of the remainder. The prospects I would just
22 as soon not go into just now, but there are prospects for
23 further releases. Certainly we will do what we can to
24 encourage that.

25 In terms of the disappeared, there, of course, were

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1 large terms for people who have been quite possibly eliminated
2 by security forces or other people involved in repressive
3 activities. We have been only able to ascertain through our
4 sources about then in this last year. That it ten too many
5 but considerably better than the early figures.

6 The detentions in 1977 have been reduced. More of them
7 are now handled by regular police. Again the picture is mixed
8 in Chile. It does seem to us to be improving, yet as I say,
9 there is a long way to go.

10 Mr. Fraser. There was some evidence that the security
11 forces of Brazil, Chile, Uruguay, Argentina, were cooperating
12 in the two Congressmen who were killed in Buenos Aires, I
13 think were from Uruguay, one had the feeling this was part of
14 a cooperative pattern, maybe not, but in any event the fact
15 they were killed in the country in which they had sought
16 refuge suggested some kind of cooperation between elements in
17 the two governments.

18 Is that kind of cooperation continuing today, have they
19 taken care of each other's problems?

20 Mr. McNeil. That is hard to say. We are alert to that
21 issue.

22 There seems to be much less, much less reports of this
23 now but it still could be going on. I would like to be more
24 precise but it is difficult because I think it is better to
25 give you an honest answer, and that is we are not sure.

1 Mr. Fraser. It is also my impression that Argentina, if
2 one lived there, you might have a different perspective on
3 the action of the government than you do from abroad.

4 It has seemed to me in a case like Argentina, what they
5 were doing, right up to date, in either authorizing or permit-
6 ing groups to proceed as they have, that it wasn't so much a
7 question of whether the United States was in approval of what
8 the government was doing, but more a question of our not becom-
9 ing a part of, being identified as supportive of a government,
10 in other words, it seems to me, maybe Argentina is the wrong
11 example but there may be cases where the government from its
12 perspective is justified in the practice it is engaging in,
13 but from our vantage point we would have some difficulty with
14 that, our response isn't so much to condemn the government
15 but not become a party or become supportive of such actions.

16 Is that feasible in attempting to define what our human
17 rights policy responses should be to some country situations?

18 Mr. Schneider. I think so. I think that is clearly one
19 of the things we attempt to define with regard to our relation-
20 ship with a particular country at any given stage. We can
21 recognize what is in fact a very clear Congressional mandate
22 in the law as well as our own policy and that President Carter
23 I think has expressed it on several occasions to attempt to
24 insure that our actions don't identify us with the actions of
25 the violations of human rights by other countries.

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1 Mr. McNeil. I would add, Mr. Chairman, that after all,
2 if this policy, which has to be a long term policy, is to be
3 successful, what we wanted to see is a change in the situations,
4 so it isn't only a question of our not identifying ourselves
5 with the repressive practices, which is important, but it is
6 an effort to encourage countries that engage in the repressive
7 practices, whether they be torture or disappearance by night,
8 or lengthy prolonged detention of prisoners of conscience, but
9 these practices cease.

10 Part of it is, of course, as it were ceasing to identify
11 to identify the US with this sort of situation, but another
12 part of it is to devise tactics that will assist in getting
13 regimes to change their practices. I think that is probably
14 the most important aspect of it, is to get them to change
15 their practices.

16 I would add something else that is very important, and
17 that is I don't want to stir false hopes in respect of either
18 Chile or Argentina, but I have tried to lay out the change
19 in the situation, but I do want to say that, of course, the
20 situation is still very difficult in those countries and that
21 they have a long way to go.

22 Mr. Fraser. Mr. Derwinski.

23 Mr. Derwinski. We are going to have to break up, I am
24 afraid, but I would like to pose two questions and then assume
25 you will have to communicate some of the information to us for

the record.

One is when the Secretary made his visit, Secretary Vance, to Red China, the People's Republic of China, in August, that he raised the question of human rights at all, did he, as practiced by the benevolent leaders in Peking? In other words, did he ask for example, about freedom of religion? I understand there are two Christian churches in all of the mainland, both in Peking. I presume as a gesture to the diplomatic community, Secretary Vance emphasized the President's Notre Dame speech to the Chinese in Peking?

Mr. Schneider. With regard to the specifics, I can't answer. With regard to whether the human rights issue was raised with the Chinese, the answer is yes.

Mr. Derwinski. What was their response, sir?

Mr. Schneider. On that I will submit the answer.

Mr. Derwinski. I appreciate, Mr. Schneider, that you have a difficult assignment. We like to keep you on blance when you appear before us. Mr. Fraser was legitimately concerned about some of the things, for example, Chile and Argentina. One is curious as to what steps we have taken recently to bring gentle pressure on the Government of Peru? They happen to be a left leaning one. I think they purchased their military equipment from the Soviet Bloc primarily. But do we have any indications of whether human rights in Peru are going to receive any better treatment as a result of the

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1 efforts of our Administration?

2 Mr. Schneider. Obviously we are hopeful in all countries
3 they will receive --

4 Mr. Derwinski. I am asking what have we communicated to
5 them?

6 Mr. Schneider. With regard to Peru, in comparison I think
7 the situation is substantially different with regard to those
8 countries.

9 We have with regard to Peru as we made clear, our specific
10 of our human rights concerns.

11 Mr. Derwinski. The specific difference is that the left
12 wing junta in Peru has been there 11 years, evidently it is
13 a fact of life by now.

14 Mr. Schneider. When I was talking about difference I
15 meant with regard to the practices, the violations.

16 Mr. McNeil. Actually no country's record is perfect in
17 human rights and certainly, sir, the Peruvian Government I
18 don't think I would characterize it as having a perfect record,
19 but the Peruvian Government is moving, as a matter of fact,
20 toward restoration of a democratic system. There is a
21 constituent assembly scheduled for within a year and a half,
22 I think, memory fails me on the exact date, '78. There is
23 also to be followed after a new constitution is written by
24 free elections.

25 And frankly, there is every indication that this current

1 Peruvian Government has every intention of returning the
2 country to democratic --

3 Mr. Derwinski. Could you give us that in proper detail,
4 since we have run out of time.

5 Thank you, Mr. Chairman.

6 Mr. Fraser. We are now going to be interrupted by an
7 hour of votes. There is a whole series of votes scheduled.
8 So unfortunately I think we will have to probably close the
9 hearing. But we will have some written questions as a follow-
10 on. I know we have already sent some written questions but I
11 would like to have some additional for the record.

12 Mr. Pease has a brief statement. We are going to take
13 up his resolution today but I think we will try to take it up
14 at our hearing tomorrow.

15 Mr. Pease.

16 Mr. Pease. Thank you very much, Mr. Chairman.

17 mindful of the time, I just say that I do appreciate very
18 much the Committee's activity in having this hearing and show-
19 ing its longstanding commitment to the human rights situation.
20 Much has been said and done about human rights considerations
21 since I first introduced House Concurrent Resolution 137 in
22 February. It seems to me there are still some compelling
23 needs that are addressed by this resolution.

24 First, I think it is important that Congress express its
25 strong support for President Carter's leadership in defense of

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1 human rights since both the President and the Congress have
2 a hand in the conduct of foreign policy, and it is sometimes
3 easy to lose sight of what are agreed upon as guiding principles
4 of our foreign policy. Surely we in the Congress recognize
5 the importance of building respect for human rights through-
6 out the world. So we should voice our support for the
7 President's efforts to advance the cause of human rights.

8 Approval of this resolution I hope will enable the
9 President and the Congress to present a solid front to the
10 international community which still raises questions about the
11 sincerity of our commitment.

12 Second, the resolution calls for an evenhanded systematic
13 approach to building respect for human rights. Certainly we
14 must press the leaders of the Soviet Union and other East
15 European countries at Belgrade and elsewhere to abide by the
16 spirit and the letter of the provisions of Basket II of the
17 Helsinki Accords.

18 It is within those countries that human rights are most
19 frequently trampled for reasons of political expediency.
20 However, we must also be prepared to defend human rights when
21 they are abused and abandoned elsewhere in the world, even
22 among our allies. To fail to do so calls into question our
23 motives and diminishes the cause of human rights everywhere.

24 As I say, Mr. Chairman, I am pleased that this Subcom-
25 mittee and you personally are continuing to display your long-

1 standing commitment to human rights. I commend you for that
2 commitment and I urge your favorable consideration of House
3 Concurrent Resolution 137 as a means of showing Congressional
4 support for President Carter's initiative.

5 Thank you.

6 Mr. Fraser. Thank you very much, Mr. Pease.

7 Mr. Schneider.

8 Mr. Schneider. Mr. Chairman, I just wanted to make one
9 comment with regard to the discussion about Chile and in fact
10 this holds really for other countries as well. While we are
11 pleased when we see individuals released and certain practices
12 altered, our concern continues to be that the system remains
13 in place that permits those practices and permits those viola-
14 tions, that continue to be the case with regard to those
15 countries.

16 Mr. Fraser. All right, thank you very much.

17 I think we are going to have to get to the floor so with
18 that we will thank all of the witnesses for their appearance
19 here today and adjourn the hearing.

20 (Whereupon, at 3:35 p.m., the Subcommittee was adjourned
21 subject to the call of the Chair.)
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