

unattainable. Resistance to the accord has predictably surfaced among Bosnian Serbs because under terms of the agreement Sarajevo will be under Muslim control.

Why intervene in Bosnia, and why now? We must first understand that the U.S. is a nation guided by both humanitarian ideals and practical necessities. Our ideals misled us in Vietnam, where we learned the hard way that civil wars are not resolved by outside military force. From our intervention in Somalia we learned that our humanitarian zeal has to be tempered by practical wisdom. We can feed starving people, but we cannot force a political solution on them.

Since the end of the cold war the U.S. has been the only world power with the ability to secure a peace through whatever means are appropriate. We have the military might to enforce agreements. The question is: Do we have the will to get involved in conflicts far from American shores?

It was clearly the presence of oil in the Persian Gulf that led President Bush to claim that vital American interests were involved when Iraq invaded Kuwait. The former Yugoslavia contains no oil, and trade with the region is not critical to the U.S. economy. Nevertheless, instability in that region could easily spill over into surrounding countries. It was instability in this region that precipitated World War I, a fact which led Pope John Paul II, during his recent visit to the U.S., to plead with Clinton not to let the century conclude, as it started, with a war over Sarajevo.

In making his case to the American people and a skeptical Congress, Clinton argued that without U.S. participation the combatants would not have reached the Dayton accord, nor would the European nations in NATO have agreed to supply an additional 40,000 peacekeeping troops to the region. The more persuasive case for U.S. involvement, however, is the harsh reality of the situation: only the commitment of an outside force can keep the warring parties in Bosnia from continuing their mutual slaughter.

At one level, the U.S. and NATO assignment in Bosnia is to prevent a recurrence of the war that began in 1991. At another level, however, the U.S. and NATO are making themselves available as a peace broker for enemies who must slowly and painfully build a future together. We cannot arrange that future, but we can help stop those who want to determine the future through violence.

Reinhold Niebuhr pointed out that modern technology has increased our capacity for intimacy even as it provides us with the tools to fight wars that avoid intimacy. We need, as Niebuhr argued more than 50 years ago, to develop "political instruments which will make such new intimacy and interdependence sufferable." Our survival depends on finding a way to accept the "interpenetration of cultures" rather than turning to mutual destruction.

The peacekeeping force that goes to Bosnia will offer only a partial correction of past errors and blatant wrongdoing on the part of several nations and many individuals. We are sending troops to an area that has witnessed ethnic cleansing, torture, indiscriminate killing of civilians, and rape as an instrument of war. We go to the region not to solve problems but to permit Serbs, Muslims and Croats to struggle toward their own solutions. Sending U.S. forces into a region full of generations-old patterns of hatred and aggression is dangerous. But the alternative is worse. If we do not support the peace process, we invite the return of an unceasing war that breeds further hatred and aggression.

The U.S. is blessed with wealth and resources and the means to act on behalf of others. We may regard this peace mission as we might speak of any effort on behalf of a

people in need. We go to Bosnia not to control or dominate others, but to help others to do what they cannot do for themselves.●

#### COMMENDING CATHY MYERS

● Mr. GREGG. Mr. President, I rise today to commend Cathy Myers, of my staff, who has completed 12 years of dedicated and exemplary service in the U.S. Senate. Since my election to the Senate in 1992, Cathy has worked in my office, unselfishly devoting her time, and effort in making the office run more efficiently and effectively. She is certainly someone you can count on and my staff and I appreciate everything she does for all of us. Cathy has been the consummate example of a devoted employee, and I wish her many more successful years of service.

It is with great joy that I rise today in honoring Cathy Myers on the occasion of her 12th anniversary as an employee in the U.S. Senate.●

#### WHAT MAKES HONG KONG TICK

● Mr. SIMON. Mr. President, one of the impressive leaders in our world is a legislator little known by most Americans. He is Martin C.M. Lee, who has led the forces for democracy in Hong Kong and has courageously stood up for freedom and democracy and human rights in Hong Kong.

He does that in the face of a Chinese takeover of Hong Kong that is slated in 1½ years from now.

Recently, he had an op-ed piece in the Washington Post that I hope the leaders of China will see.

On the possibility that more Chinese leaders will see it, I ask that it be printed in full in the RECORD. I hope that all the Members of the Senate and House and their staffs will read it also to help prepare them for what may happen come 1997.

The article follows:

#### WHAT MAKES HONG KONG TICK

(By Martin C.M. Lee)

HONG KONG.—On June 30, 1997, Hong Kong and its 6 million free citizens will become part of the People's Republic of China. As the countdown to 1997 advances, the people of Hong Kong should be hearing reassurances from China that we will be able to keep our freedoms and way of life. Instead, each day brings a new threat.

The latest has thrown Hong Kong into turmoil, both for the harm it will do to human rights and for the message it sends about China's plans for the future. In October China proposed scrapping key sections of Hong Kong's Bill of Rights and reinstating a number of repressive colonial laws that had been removed from the statute books because they violated the Bill of Rights.

On Nov. 15, Hong Kong's legislature fought back. The Legislative Council—elected in September with a surprise majority for democrats—passed, by a decisive 40-15 vote, a historic motion to condemn China's efforts to end human rights protection in Hong Kong.

That motion drew a line in the sand over human rights here—and even had the support of a large number of pro-Beijing legislators. Even before the motion was debated, Chinese officials had declared that Hong Kong's legis-

lature had no right to discuss the topic of the Bill of Rights. By defying Beijing, Hong Kong's people sent the message that our rights and freedoms will not be given up without a fight.

The Bill of Rights was enacted in 1991 as a confidence-building measure to allay fears raised by the Tiananmen Square massacre of 1989. Thus it is not surprising that China's pledge to emasculate the Bill of Rights is having a devastating effect on future confidence in the rule of law.

The Bill of Rights—known in Chinese as *Yan Kyun Faat*, the Human Rights Law—puts into domestic law the International Covenant on Civil and Political Rights, under which countries agree to a minimum standard of behavior toward their citizens. Britain and more than 80 countries worldwide have signed the covenant. China, however, has not. Beijing, in fact, sees the Bill of Rights as part of a conspiracy by "international anti-Chinese forces and the agents of the British side," according to its own New China News Agency.

The core problems is that China does not understand what makes Hong Kong tick. The People's Republic of China is an authoritarian Communist state. Hong Kong has always been a sanctuary from China, where the rule of law held sway and Hong Kong Chinese people were given economic and civil freedoms to make Hong Kong's the most successful economy in Southeast Asia.

In the past decade, the world has witnessed countless examples of authoritarian regimes changing into free societies—from Eastern Europe to Asia. Regionally, South Korea, Taiwan, Thailand and the Philippines have all progressed from authoritarian to representative governments, and other Asian countries are moving steadily in that direction. But the world has no recent experience of a vibrant, cosmopolitan and extremely free society losing basic freedoms.

Hong Kong today has all the attributes of a pluralistic civil society; a robust press, clean and accountable government and a rule of law superior to any legal system in Asia. The proposal to scrap Hong Kong's Bill of Rights is the clearest indication yet that Beijing is trying to remake Hong Kong in China's image. Because China has been successful in luring international investment without improving human rights, Beijing may now believe it can sustain Hong Kong's economic success while clamping down on civil rights and freedoms.

In 1997, China is set to control all three branches of Hong Kong's government. Beijing says elected legislators will be turned out of office and replaced with a rubber-stamp appointed legislature. Hong Kong's top official, the chief executive, and his cabinet will all be appointed by Beijing. And China has ensured control of the Court of Final Appeal, Hong Kong's highest court, which will not be set up until after the transfer of sovereignty in 1997. Thus all three branches of government are slated to be under China's control.

This is why the people of Hong Kong regard saving our Bill of Rights as our last-ditch battle. Just as the Bill of Rights is an important check on abuse of power by the British government today, so will it be an essential check on arbitrary use of power by China after 1997.

At least one senior Chinese leader clearly understands the value and fragility of Hong Kong's system. Last March the chairman of the powerful Chinese People's Political Consultative Committee, Li Ruihuan, admitted errors in China's hard-line policy toward Hong Kong and appealed to his fellow leaders to handle Hong Kong with greater care in the future.

In a public speech, he used the metaphor of an old woman selling a valuable antique

Yixing teapot. Tea drinkers know that the real value of the Chinese teapot lies in the residue of tea leaves that lines the interior of the old pot. Through ignorance however, the old woman scrubbed the teapot free of the stain, thereby destroying its worth entirely.

Mr. Li paraphrased the common-sense adage, "if it ain't broke, don't fix it," pointing out, "If you don't understand how a valuable item works, you will never be able to keep it intact for a long time."

If, as it now appears, Chinese leaders do not understand how freedom, human rights and the rule of law have laid the foundation of Hong Kong's success, Beijing may scrub them out—and destroy forever the value of Hong Kong, now and in the future.●

#### TRIAL AND CONVICTION OF CHINESE HUMAN RIGHTS ACTIVIST WEI JINGSHENG

● Mr. FEINGOLD. Mr. President, the Government of China announced last week that it had "tried" and convicted Wei Jingsheng of the crime of subversion and had sentenced him to 14 years in prison. The Chinese regime also stripped Wei Jingsheng of his political rights for 3 years.

I put quotation marks around the word "tried," Mr. President, precisely because the action taken against Wei Jingsheng is a travesty and a mockery of the concept of due process of law. The 6-hour court proceeding clearly had a pre-ordained result: to severely punish Wei Jingsheng for daring to speak out—as he has since 1978—against the Chinese Government's repression of its own people.

Wei Jingsheng is no stranger to harsh, unjust punishments; he has spent most of the past 16 years of his life in Chinese prisons. Yet, when he was released in 1993, he immediately resumed his efforts to shine a light on Chinese Government human rights abuses. Wei Jingsheng's tenacity as leader of China's small, albeit admirably tenacious democracy movement led again to his 20-month detention since April 1994. The abominable sentence handed down today is yet another attempt to muzzle a brave man and to warn any others against dissent.

The administration issued a condemnation of the Chinese Government's action and called on it to exercise clemency. While I join in denouncing the sentence and in urging Wei Jingsheng's immediate release, it is also my view—repeated often and publicly—that administration policies toward China have helped pave the way for such cavalier abuse of basic human rights.

In 1994, over the strenuous objections of those of us concerned over China's atrocious and repeated violations of international standards of human rights, the administration delinked granting of most-favored-nation trade status to China to improvements in its human rights record. The administration argued then that through "constructive engagement" on economic matters, as well as dialog on other issues, including human rights, the Unit-

ed States could better influence Chinese behavior.

It was my view then—and it remains so today—that the correct way to influence the Chinese regime is by hitting them in the pocketbook. They want our trade and easy access to our markets. Their economic well-being depends on that access; if we condition our economic relations on their improvement of human rights conditions and movement toward real democratic change, I am convinced they will come around.

Certainly, Mr. President, the callous disregard for human rights exhibited by today's action against Wei Jingsheng demonstrates that, after nearly 2 years, dialog and constructive engagement has made no impact on Chinese behavior. We should make it clear that human rights are of real—as opposed to rhetorical—concern to this country. Until such time as Wei Jingsheng and others committed to reform in China are allowed to speak freely their voice and work for change, American-Chinese relations should not be based on a business-as-usual basis. I hope the administration will take this latest sad episode to heart and modify current policy toward China.●

#### EXECUTION OF THE INNOCENT

● Mr. SIMON. Mr. President, I would like to draw my colleagues' attention to a December 4 editorial in the Washington Post, "Execution of the Innocent," which profiles the case of Rolando Cruz.

Rolando Cruz was found guilty of raping and killing 10-year-old Jeanie Nicarico of Naperville, IL, in 1983. Even though there was no physical evidence nor motive, and another man confessed to the killing shortly after Mr. Cruz's conviction, two juries voted for the death penalty based on testimony from fellow prisoners and police who claimed he had confessed to them. The prisoners' stories have now all been discredited, the policemen's supervisor recently admitted that he was in Florida at the time he claimed he had been told about Mr. Cruz's confession, and recent DNA tests exonerate Mr. Cruz and point to the man who confessed many years ago.

It took 11 years for the truth in this case to come out. The Senate has passed habeas corpus reform which will severely restrict an inmate's ability to appeal a conviction, and has recently voted to eliminate funding for the post-conviction defender organizations which provide competent counsel to death row inmates. These measures will simply exacerbate the inherent problem with the death penalty: Innocent people are put to death.

Our system is comprised of human beings, and human beings, whether by malice or oversight, have been known to be wrong. Rolando Cruz's case is a stark example of this reality. The death penalty is already reserved for people of modest means who cannot af-

ford the best representation. It is already disproportionately applied to black people. Congress' rush to be tough on crime will simply make it even more difficult, if not impossible, to achieve the high standards of justice which are the foundation of our Nation. And to put it plainly: More innocent people will be put to death.

I ask unanimous consent that the full text of the editorial be printed in the RECORD.

The editorial follows:

[From the Washington Post, Dec. 4, 1995]

#### EXECUTION OF THE INNOCENT

The death penalty has broad support in this country, and those who argue against it on moral grounds aren't making much headway. But even the most fervid supporters of capital punishment must have their doubts when it is revealed that innocent people have been convicted of murder and sentenced to be executed. This happens more frequently than one might think. And the increasing availability of DNA technology to prove innocence probably means that these last-minute saves will become more common.

The most recent of these cases concerns Rolando Cruz, twice convicted by juries of the 1983 rape and murder of 10-year-old Jeanie Nicarico in Naperville, ILL. Mr. Cruz was arrested with two others—charges against one have been dropped and the other is awaiting his third trial—on extremely thin evidence. He and his codefendants maintained their innocence throughout. There was no physical evidence to tie them to the crime, and no motive was alleged by the prosecution. But successive juries convicted on the basis of testimony from other prisoners that he had confessed to them. These stories were changed, revoked or attacked on grounds of credibility.

More persuasive was testimony from two police officers that Mr. Cruz had revealed to them a dream he had had, which contained details of the crime that only a killer would know. Nothing was said or written about this alleged dream for 18 months, and the story appeared only two weeks before the first trial. Last month, after years of litigation and two death sentences, the policemen's supervisor recanted testimony that they had told him of the dream, and confessed that he had been in Florida at the time and could not have had this conversation.

Even more compelling is the fact that shortly after the first conviction another man was arrested in the same area who confessed to two rape-killings and numerous assaults, and to the killing of the child for which Mr. Cruz had been convicted. The prosecutors stubbornly refused to believe him, but recent DNA tests exonerate Mr. Cruz and point to this other man.

Rolando Cruz spent the years between his 21st and his 32nd birthdays on death row. At his third trial, the judge bitterly criticized the police, the impeached witnesses at the first two trials and the quality of the prosecution's case. He directed a verdict of not guilty even before the defense had presented its case. This prosecution was so egregious that the Justice Department this week directed the FBI to look into possible violations of Mr. Cruz's civil rights. Those who argue that appeals should be curtailed and that executions should become routine should consider Rolando Cruz and the injustice that was visited on him as well as the one he narrowly escaped.●

#### PRESIDENT CLINTON'S EXTREMISM ON THE BUDGET

● Mr. FAIRCLOTH. Mr. President, I wish to express my opposition to the