

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