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HEARINGS AND MARKUP

BEFORE THE

SUBCOMMITTEES ON
INTERNATIONAL OPERATIONS

AND ON

INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 11326

APRIL 13, 18, AND 25, 1978



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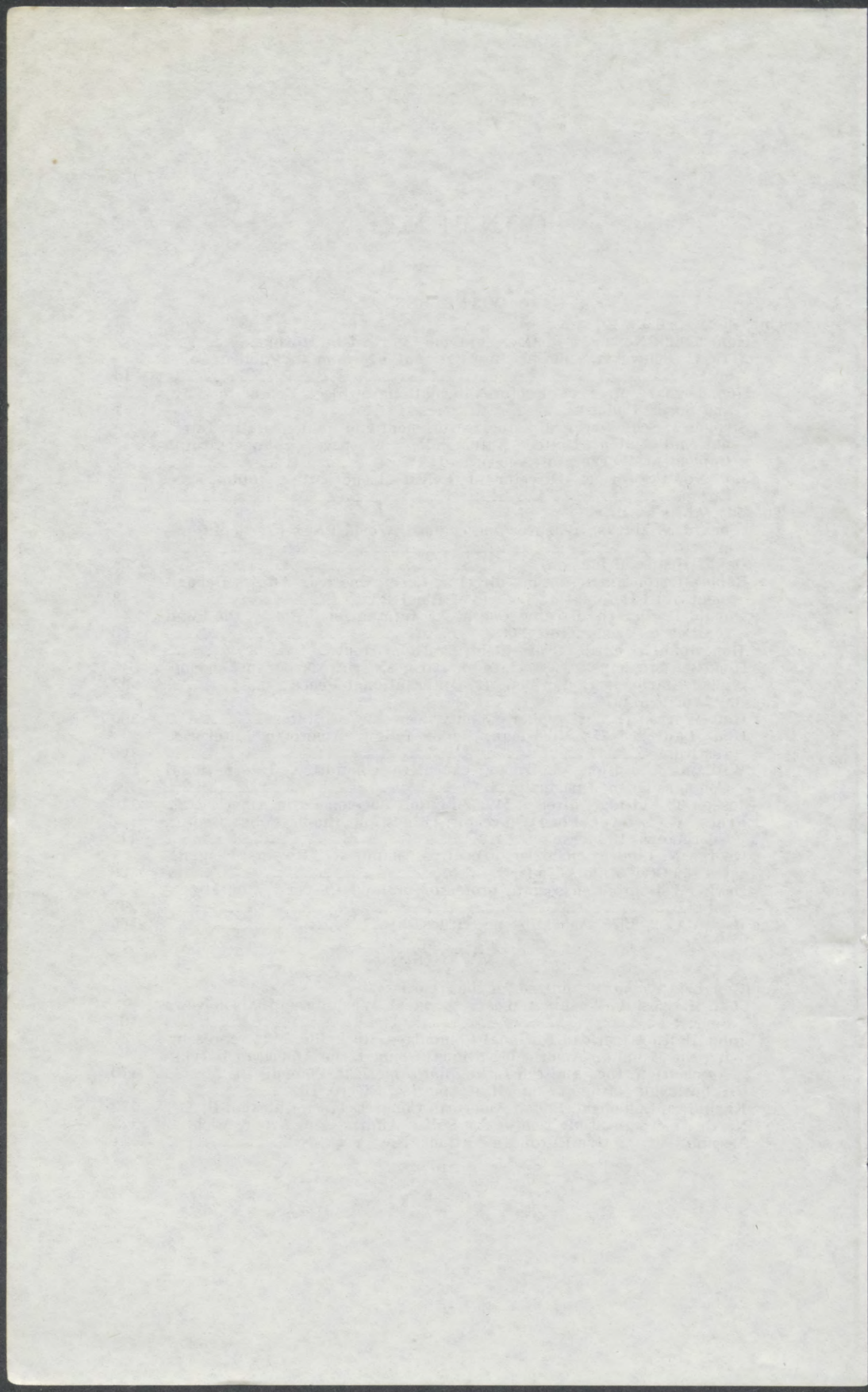
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INSTITUTE FOR HUMAN RIGHTS AND FREEDOM

THURSDAY, APRIL 13, 1978

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEES ON INTERNATIONAL OPERATIONS
AND ON INTERNATIONAL ORGANIZATIONS,

Washington, D.C.

The joint subcommittees met at 3:15 p.m. in room 2255 of the Rayburn House Office Building, Hon. Dante B. Fascell (chairman of the Subcommittee on International Operations) presiding.

Mr. FASCELL. The subcommittees will come to order.

Chairman Donald M. Fraser is delayed somewhat, but he asked me to go ahead with his opening statement for this hearing. Therefore, I am pleased to do that.

Today the Subcommittees on International Operations and on International Organizations begin consideration of H.R. 11326, a bill to establish an Institute for Human Rights and Freedom to promote respect for the observance of human rights and fundamental freedoms in foreign countries.

[The text of H.R. 11326 follows:]

(1)

95TH CONGRESS
2D SESSION

H. R. 11326

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 1978.

Mr. FASCELL (for himself and Mr. FRASER) introduced the following bill;
which was referred to the Committee on International Relations

A BILL

To establish an Institute for Human Rights and Freedom to
promote respect for and observance of human rights and
fundamental freedoms in foreign countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 STATEMENT OF PURPOSE

4 SECTION 1. It is the purpose of this Act to establish, as
5 a manifestation of the commitment of the United States to
6 human rights and fundamental freedoms, an independent
7 institute which will openly carry out programs to promote
8 international respect for and observance of human rights and
9 fundamental freedoms.

ESTABLISHMENT OF INSTITUTE

1
2 SEC. 2. There is created as an agency of the United
3 States a body corporate to be known as the Institute for
4 Human Rights and Freedom (hereafter in this Act referred
5 to as the "Institute").

FUNCTIONS OF THE INSTITUTE

6
7 SEC. 3. (a) In order to promote international respect
8 for and observance of human rights and fundamental free-
9 doms, the Institute is authorized to—

10 (1) provide assistance to nongovernmental orga-
11 nizations and individuals that promote human rights and
12 fundamental freedoms in foreign countries by means
13 consistent with the United Nations Charter and other
14 international obligations of the United States;

15 (2) sponsor, conduct, and provide assistance for
16 conferences, seminars, and other meetings on human
17 rights and fundamental freedoms in foreign countries;

18 (3) provide assistance for the publication and dis-
19 semination in foreign countries of books and other written
20 works, and for the display or other presentation in for-
21 eign countries of artistic works, which have been sup-
22 pressed for political reasons;

23 (4) provide assistance for research, fellowships,
24 interships, and studies on human rights and fundamental
25 freedoms in foreign countries;

1 (5) provide assistance to nongovernmental organi-
2 zations which support victims (and the families of
3 victims) of political persecution by foreign governments;

4 (6) provide financial support for nongovernmental
5 organizations in the United States that furnish assistance
6 for the legal defense of human rights and fundamental
7 freedoms in foreign countries; and

8 (7) carry out other programs which the Institute
9 determines will promote respect for and observance of
10 human rights and fundamental freedoms in foreign
11 countries.

12 (b) (1) Assistance may be provided under this Act
13 only to nongovernmental organizations and individuals.

14 (2) Financial assistance under this Act may be pro-
15 vided in the form of grants, loans, or guarantees, on such
16 terms and conditions as the Institute may determine.

17 (3) Financial or other assistance may be provided
18 under this Act only with the consent of the recipient and
19 shall be provided openly.

20 (4) Assistance provided under this Act for use in a
21 foreign country must be provided consistent with the laws
22 of that country.

23 PUBLIC INFORMATION

24 SEC. 4. In addition to complying with the requirements
25 of section 552 (relating to public information) and section

1 552b (relating to open meetings) of title 5 of the United
2 States Code, the Institute shall publish in the Federal Regis-
3 ter, and otherwise make available to the public and to inter-
4 ested persons, a statement with regard to each decision of
5 the Institute to provide financial or other assistance under
6 this Act. Any such statement shall be published and other-
7 wise made public as soon as practicable after the decision to
8 provide assistance is made and shall include, in addition to
9 such other information as the Institute deems appropriate,
10 the identity of the recipient of the assistance, the amount and
11 nature of the assistance, and the purpose for which the assist-
12 ance is to be used.

13 RELATIONSHIP TO UNITED STATES FOREIGN POLICY

14 SEC. 5. The Secretary of State shall keep the Institute
15 fully informed on United States foreign policy as it relates
16 to the activities of the Institute. The Institute shall give
17 consideration to the foreign policy of the United States in
18 carrying out this Act, but shall not be subject to the direction
19 of the Secretary of State in carrying out its responsibilities
20 under this Act.

21 MANAGEMENT OF THE INSTITUTE

22 SEC. 6. (a) The management of the Institute shall be
23 vested in a board of directors (hereafter in this Act referred
24 to as the "Board") which shall direct the exercise of all the
25 powers of the Institute.

1 (b) (1) The Board shall be composed of seven mem-
2 bers (hereafter in this Act referred to as "directors") ap-
3 pointed by the President, by and with the advice and con-
4 sent of the Senate, from among individuals in private life
5 with a demonstrated concern for, and experience in matters
6 pertaining to, human rights and fundamental freedoms.
7 No more than four directors may be of the same political
8 party.

9 (2) One director shall be designated by the President
10 to serve as Chairman of the Board and one director shall
11 be designated by the President to serve as Vice Chairman
12 of the Board.

13 (3) Directors shall be appointed for terms of six years,
14 except that of the directors first appointed two shall be ap-
15 pointed for terms of two years and two shall be appointed
16 for terms of four years, as designated by the President at
17 the time of their appointment. A director appointed to fill
18 a vacancy occurring prior to the expiration of the term for
19 which his or her predecessor was appointed shall be ap-
20 pointed only for the remainder of such term. Upon the
21 expiration of his or her term of office a director shall con-
22 tinue to serve until a successor is appointed and has quali-
23 fied. Directors shall be eligible for reappointment.

24 (c) Directors shall each be entitled to receive not to
25 exceed the daily equivalent of the annual rate of basic

1 pay in effect for level IV of the Executive Schedule (5
2 U.S.C. 5315) for each day, including traveltime, during
3 which they are engaged in the actual performance of their
4 duties as directors, and shall be reimbursed for actual
5 and necessary expenses (including transportation expenses)
6 incurred while engaged in the actual performance of their
7 duties as directors.

8 (d) The Board may prescribe, amend, and repeal by-
9 laws, rules, and regulations governing the manner in which
10 the business of the Institute may be conducted and in which
11 the powers granted to it by this Act may be exercised and
12 enjoyed.

13 (e) A majority of the directors shall constitute a
14 quorum of the Board for purposes of conducting business.

15 (f) The Board may appoint such committees as the
16 Board finds to be in the best interests of the Institute, each
17 such committee to consist of at least two directors. Such
18 committees, together with officers and agents duly author-
19 ized by the Board, may, to the extent provided by the
20 Board, exercise the powers of the Board in the management
21 of the affairs of the Institute.

22 (g) The chief executive officer of the Institute shall be
23 an executive director who shall be appointed by the Board
24 on such terms as the Board may determine. The executive
25 director shall receive compensation at a rate not to exceed

1 the rate provided for level IV of the Executive Schedule
2 (5 U.S.C. 5315).

3 POWERS OF THE INSTITUTE

4 SEC. 7. (a) The Institute—

5 (1) shall have perpetual succession unless sooner
6 dissolved by an Act of Congress;

7 (2) may adopt, alter, and use a corporate seal
8 which shall be judicially noticed;

9 (3) may, subject to the availability of appropria-
10 tions therefor, make and perform contract and other
11 agreements with any nongovernmental person however
12 designated, whether within or without the United States;

13 (4) shall determine and prescribe the manner in
14 which its obligations shall be incurred and its expenses
15 allowed and paid;

16 (5) may employ and fix the compensation of not to
17 exceed twenty-five individuals at any one time;

18 (6) may use the United States mail in the same
19 manner and on the same conditions as the executive
20 departments of the Government;

21 (7) may, with the consent of any board, corpora-
22 tion, commission, independent establishment, agency,
23 or executive department of the Government, avail itself
24 of the use of information, services, facilities, officers, and
25 employees thereof in carrying out this Act;

1 (8) may employ experts or consultants, or organi-
2 zations thereof, in accordance with section 3109 of title
3 5, United States Code;

4 (9) may accept money, property, and services of
5 any kind by gift, devise, bequest, grant, or otherwise,
6 and make advances, grants, and loans to any nongovern-
7 mental person, whether within or without the United
8 States, when deemed advisable by the Institute in carry-
9 ing out this Act;

10 (10) may sue and be sued, complain, and defend,
11 in its corporate name in any court of competent juris-
12 diction; and

13 (11) shall have such other powers as may be
14 necessary and incident to carrying out this Act.

15 (b) The Institute shall establish a principal office. The
16 Institute may establish agencies, branch offices, or other
17 offices in any place or places within the United States or
18 elsewhere in any of which locations the Institute may carry
19 on all or any of its operations and business.

20 MISCELLANEOUS PROVISIONS

21 SEC. 8. (a) The Institute shall be a nonprofit corpora-
22 tion and shall have no capital stock. Except as provided in
23 sections 6 (c), 6 (g), and 7 (a) (5), no part of the income
24 or assets of the Institute shall inure to the benefit of its

1 directors, officers, and employees, and such income and
2 assets shall be used solely for the carrying out of this Act. No
3 director, officer, or employee of the Institute shall in any
4 manner, directly or indirectly, participate in the deliberation
5 upon or the determination of any question affecting his or
6 her personal interests or the interests of any corporation,
7 partnership, or organization in which he or she is directly or
8 indirectly interested.

9 (b) The Institute shall be subject to the provisions of
10 the Government Corporation Control Act (31 U.S.C. 841
11 et seq.) relating to wholly owned Government corporations.

12 (c) Upon termination of the corporate life of the In-
13 stitute all of its assets shall be liquidated and, unless other-
14 wise provided by Congress, shall be transferred to the United
15 States Treasury as the property of the United States.

16 ANNUAL REPORT

17 SEC. 9. The Institute shall submit to the President and
18 the Congress each year a detailed report on its activities in
19 carrying out this Act during the preceding year.

20 AUTHORIZATION OF APPROPRIATIONS

21 SEC. 10. There is authorized to be appropriated to the
22 Institute to carry out this Act \$5,000,000 for the fiscal year
23 1979. Amounts appropriated under this section are author-
24 ized to remain available until expended.

Mr. FASCELL. I hope that these hearings will give a full airing of all the issues involved pertaining to the question of establishing such an institute.

Is it important for the institute to be independent and does the bill adequately protect the institute's independence, or are there suggestions for further safeguarding its independence?

What should be the relationship with the Department of State and to what extent, if any, should U.S. foreign policy interests be considered by the institute?

The institute must also be sensitive to the concern that it not be interpreted as an effort to Americanize the international human rights effort and that it not adversely affect the independence of nongovernmental organizations both in the United States and in foreign countries. Does the bill provide adequate protection in this regard and are there nonlegislative suggestions in this area?

What are some of the types of projects that the institute might usefully sponsor? To what extent might U.S. experience with respect to human rights have a relationship to an institute project?

Aside from nongovernmental organizations and individuals, are there other institutions, such as public educational institutions and international organizations, to which the institute might provide assistance?

What qualifications or experience should be considered important in selecting members of the board, the executive director, and staff of the institute?

Do you think the proposed funding level of \$5 million is an appropriate amount?

Of course there are obviously many other questions that need to be addressed. Those suggested by Chairman Fraser are the more pertinent ones, it seems to me. Today we are delighted to have the following people: The Honorable Frank Newman, justice, Supreme Court of California; Alan U. Schwartz, who is counsel to the International Freedom to Publish Committee; the Honorable Leonard Meeker, who is Director of the International Project at the Center for Law and Social Policy; and Stephen I. Schlossberg, director of government and public affairs, United Auto Workers. Mr. Schlossberg is accompanied by Mr. Leo A. Suslow, who is director of international affairs at UAW. Also testifying today is Jan Nowak, former Director of Polish Broadcasting for Radio Free Europe.

Some of you have prepared statements. These statements will be published in their entirety in the record of the hearings.

I would like to request that witnesses begin with some brief remarks, about 5 minutes in length. After all the witnesses have had an opportunity to address themselves to whatever they have in their statements, by way of summary, then we will open it up for questions and discussion.

Justice Newman, may we begin with you and we will go along with the witnesses in the order in which they were introduced.

**STATEMENT OF HON. FRANK NEWMAN, JUSTICE, SUPREME COURT
OF CALIFORNIA**

Justice NEWMAN. Thank you, Congressman. My name is Frank Newman. I am a judge now but I have only been a judge since July. Prior to that time I did a good deal of work, particularly with nongovernmental organizations, in the field of international human rights.

I suppose one of the reasons I am here is that I have been involved with two institutes of human rights. One is the International Institute of Human Rights in Strasbourg. The other is the United Institute of Human Rights in New York. I am a vice chairman of both. I was present at the birth of both. I hope I will get a chance to witness the birth of a third new institute now, because I certainly do endorse strongly the aims of this bill and most of the provisions that are in the present draft.

Perhaps I should say also that nearly 20 years ago I had a similar opportunity to observe closely the birth of the Ford Foundation, and during the middle fifties for 4 years I was on the Board of Directors of the Social Science Research Council at the time the Social Science Research Council made a major political effort to get funding from the National Science Foundation for social science work. In retrospect it seems sort of silly, but I can assure you it was not easy to persuade natural scientists that social science was science.

I also want to say in passing, with respect to civil rights and civil liberties in this country and with respect to international human rights now, it is my opinion that neither the Ford Foundation nor the Social Science Research Council has done the job that should have been done. I am also not entirely proud of the United Institute of Human Rights, even though I was one of the founders and am presently a vice chairman.

The International Institute of Human Rights has a very fine record, but it is essentially a record of academic activity, of research, publications, conferences, and special instruction in human rights. And it is clear that this bill has much broader and, I think, more important aims.

It seems to me, Mr. Chairman, that in looking at the provisions of this bill some of you should keep in mind what might be the kind of report 5 years from now that you would like to see.

In other words, what would the first 5-year report show that would indicate an understanding of the intention of the draftsmen of this bill as it now stands? I suggest to you that again there is a parallel. It seems to me that very few people in the world have made the contribution to international human rights that has been made by the House Committee on International Relations, and in large part by the two subcommittees that you two chair. I think it is a fantastic record.

At the present time the new administration is taking the credit for a great deal that was done during the 4-year period prior to January, 1977. Congressman Fraser, in a recent book put out by American Bar Association called "International Human Rights Law and Practice," has attempted very briefly a kind of review of the committee's work, the Committee on International Relations, that I suggest would have to be done 4 or 5 years after the Institute has been in operation.

My hope is that the review at that time could be as constructive, and as critical of the work of Congress even, as Congressman Fraser has been in this recent publication of the American Bar Association that will be a major topic of discussion at a meeting that will be held in Washington in 2 weeks.

What really do we want this Institute to do, apart from the ideas that appear to be implied in the language of section 3, concerning the function of the Institute?

I want to talk first a little bit about what I think the Institute should not do and then a little bit about what I think the Institute should do. Basically, it seems to me, the Institute must learn from the great amount of activity that has gone into this kind of human rights work in the past 10 or 20 years.

I think the past 10 years are specially significant partly because of the approval of the Racial Treaty by the U.N., partly because of the approval of the Covenants on Human Rights by the U.N., partly because of the development of new kinds of implementation procedures in the U.N., and partly because of the work that is the result of statutes that have been recommended by the House committee.

There are certain things that I think have been done well, and I would hope the Institute would not try to do them again because they have been done well. I think particularly of section 3(a), subparagraph 2. This is on page 2 of the bill, "(2) Sponsor, conduct, and provide assistance for conferences, seminars, and other meetings on human rights."

I must say that in this field during my introductory period of 10 years there were seminars almost to the point of exhaustion, personal exhaustion in my own case; and I am no longer persuaded that we are getting much product out of the conferences and seminars; and I hope the Institute staff and the Institute directors, if they are going to have this be a major part of their program, would consider a very sophisticated approach to this kind of "meeting."

In fact, I would even propose an addition to section 3(a) (2). I would like it to read "Sponsor, conduct, and provide assistance or conferences, seminars, and other meetings on how to promote increased respect for and observance of human rights." That is what we do not know enough about yet really. That is one example.

Another example relates to section 3(a), subparagraph 1, which authorizes the Institute to provide assistance to nongovernmental organizations and individuals that promote human rights. I would hope the directors of this Institute first would proceed modestly, whatever the size of the appropriation, and not attempt to swing too heavily with major investments in certain NGO activity or individual activity.

But even more important is that this organization not get into the bind of some kind of equal treatment for applicants that some grant organizations, including the Ford Foundation and some Government agencies, seem to get into. I think it is terribly important if we are dealing with the NGO world that it be understood that there is no requirement of equal treatment, that instead the hope is to increase efficiency and effectiveness and not to be sure that everybody interested in the business gets a few thousand dollars.

That may sound trite, but I can assure you it is not trite for those who have been in this business up to now, not only with respect to human rights grants but with respect also, for example, to grants affecting civil rights in this country.

So, those are examples of where I think the Institute could proceed on the basis of not doing what other groups are doing well, not doing again what other groups have done unproductively, et cetera.

What should the Institute do? The main thing it seems to me is to help fill some gaps that now appear regarding what the groups that are in this business have been doing and needs that have not been filled. I will give a couple of examples.

I have a feeling that in the human rights movement, the international human rights movement, we have not learned nearly enough from the history of civil liberties progress and civil rights progress in this, our own country.

It is amazing to me how much discussion we have now in the learned journals and in the popular journals and in the media generally about human rights and how significant they are and whether we are making progress in Chile or China, wherever, without any suggestion that there may be lessons to be taught that could be taught and learned if we were to examine seriously certain aspects of the civil rights movement, particularly for ideas as to how this Institute operation could be made more efficient.

Some of the writings in this ABA book and some statements that have been made by the State Department recently, particularly by Deputy Secretary Warren Christopher and Assistant Secretary Patt Derian, demonstrate that there is not enough detailed analysis. For instance, what might we learn? Well, my own view of civil liberties and civil rights progress in this country is that a great deal of the progress has related, not to victories here and there where somebody gets out of jail or some censorship is stopped or freedom of religion is enforced again or civil rights progress is made in one way or another, but by the building of new institutions, by the strengthening of old institutions, and by the creating of new kinds of procedures. From my point of view, this is where the United States has defaulted most regarding international human rights progress.

We have not been inventive enough, I think, with respect to new kinds of procedures. I do not want to get too technical. One such invention was Resolution 1503, the famous resolution of the United Nations which provided for individual petitions. A lot of people know about Resolution 1503, but they are not advised as to other kinds of procedures that have been invented, if you will, in the last 10 years, that seem potentially to be very worthwhile.

Again I stress that this was an important part of progress in our own country with respect to the human rights of our own citizens, and it has to be an important part of what is ahead.

In general my view is there is not enough stress on the international part of "international human rights;" and we are seeing too many speeches, I think, from the State Department that talk about diplomacy in the bilateral sense; for example, Deputy Secretary Christopher's speech to the American Bar Association in February. It is entitled "The Diplomacy of Human Rights the First Year." It is a very thoughtful speech and interesting.

He does discuss not only bilateral but also multilateral work, but I object even to the idea of diplomacy. It is as if we are going to some bargaining table and want to work out the next round of wage increases or whatever else we think we can get in the human rights field. It seems to me our parallel should rather be to some of the civil rights developments administratively, and particularly legislatively, in this country.

It is a lot more than diplomacy when you are dealing in the forums and tribunals of the United Nations and of the other great international organizations that have potentiality for working on human rights.

Similarly, in this speech I mentioned, Deputy Secretary Christopher stressed that what is needed is a widely respected clearinghouse for human rights information in all countries of the world. I think that may be very helpful to the State Department, and may take off some of the heat caused by reports they are having to prepare as a result of the House committee's work.

That is only the beginning. It is an example of a small institution, a small new idea, a procedure that might be useful. It is not what we really need. What we really need is the counterpart internationally of what the Federal Government was able to give to the State governments with respect to civil rights. When I say "give," I mean in part to enforce.

I think we will not see truly significant progress in the field of international human rights until we get a kind of commitment to an international government in this field. As a government to U.N. certainly is pretty weak at the present time, as manifested by the representatives of our State Department and the foreign ministries of the other great nations.

Mr. Chairman, I have several comments on the bill itself, some of which are technical. I want to go into those now, those that seem more important. What is the basic, overall idea with respect to the coverage and the scope of this institution's work? For example, what does the statute mean when constantly it refers to human rights and fundamental freedoms in foreign countries?

To give you an example of the sort of change I propose on that, looking even at the preamble, I think the preamble would tell us more if it adopted not merely partly but in whole the language of the United Nations Charter. I think what we need is an Institute for International Human Rights and Freedom to promote universal respect for, that is the word taken from article 55 of the charter, "Universal respect for and observance of human rights and fundamental freedoms for all," instead of "in foreign countries."

There are provisions of this statute where I think it would be desirable to specify "in foreign countries." For example, the legal defense provision that is, I think, section 3(a)(6). Use of the phrase "in foreign countries" there, might be very wise. But I think when we are talking about the bill as a whole, and in section 1 when we are talking about the commitment of the United States, we want to make it clear that it is a commitment to promote "universal respect for and observance of human rights and fundamental freedoms for all."

The great thing about that phrase, one small endorsement of the United Nations Charter, is that every one of those words is taken

from the charter. That is an example of the kind of proposals I would like to suggest later.

But I think this is enough for me now.

Mr. FRASER [presiding]. Thank you very much, Justice Newman. We will look for some of the details of the bill changes, either informally or in the course of the questions.

Our second witness is Alan Schwartz, counsel for the International Freedom To Publish Committee. Mr. Schwartz.

Mr. FASCELL. Excuse me, Mr. Schwartz. I am involved in debate which is going on on the floor right now. I am going to leave for a while and will try to get back as soon as I can. We are trying to open up to thoughtful scrutiny the conference on energy and the resolution is on the House floor.

As the author of the amendment to the rules, I think it would be appropriate if I were there to debate the issue. I will get back as soon as I can. Excuse me.

Mr. BUCHANAN. I hope my chairman will pursue that with energy. [Laughter.]

STATEMENT OF ALAN U. SCHWARTZ, COUNSEL, INTERNATIONAL FREEDOM TO PUBLISH COMMITTEE

Mr. SCHWARTZ. Thank you, Congressman Fraser. I should say that the International Freedom To Publish Committee is a committee of the Association of American Publishers which represents most of the book publishers in this country.

I am by profession a lawyer in New York, and this is one of the organizations that I am involved with.

I am submitting these remarks and this statement on behalf officially of the Association of American Publishers, International Freedom To Publish Committee. In that capacity, I wholeheartedly support the purpose of this bill and most of the specific objectives as stated in the bill. I agree very strongly with most of the remarks made by Justice Newman.

I think it would be hard not to agree if one looks at the paucity of support for human rights organizations in this country today, particularly organizations dealing with protection of foreign human rights.

We do have, of course, recently with the Final Act of Helsinki at least some body of law or supposed body of law which to hang a lot of international human rights activities on.

I think we are starting and it has been a great help to have that document. However, we have no mechanism within this country to supply not only money but also a kind of governmental protection in a very loose sense for the activities of organizations such as the one I have mentioned and the other ones that will be mentioned.

The large foundations and most of the small foundations have been very reluctant, I think, to support the activities of these organizations with money because I think they have shied away generally from international activity.

So, that is a gap which the Institute which this bill seeks to set up would certainly fill. There are problems, obviously, with such an institute and a lot of people will raise the fear of Government control. That may be possible. I think it probably is desirable to strengthen the

language of the bill which makes clear that the Government will be consulted or at least the State Department may be consulted about certain activities but would have no control over the disposition of funds once the committee decided to grant the funds.

Also, it would be important not only in the language of the bill in this regard but also in the publicity about the bill and the statements made about it to make clear that this is not a Government operation. I liken it somewhat to the National Endowments of the Arts and Humanities which fill a terrible gap in funding for arts and educational activities in this country, where the Government supplies money and supplies expertise but does not supply any kind of editorial or other decisionmaking. That kind of an analogy would be helpful to the people who want to see this bill passed.

To pick up on something that Justice Newman said, it is very important to decide clearly whether or not you want to include domestic human rights in this bill, perhaps there are reasons why not to. At any rate if you do not cover domestic human rights in this bill, it is imperative that you take necessary action with other committees of this Congress to try to make the same kind of impact domestically, perhaps by strengthening the Civil Rights Commission and giving it or some other similar organization the power to make funds available for domestic human rights issues and that you make some reference in this bill to the fact that you are not uncognizant of the need to provide for Helsinki "watches" to take place here as well as abroad.

I think that such domestic reference will be very important in terms of foreign acceptability of a bill such as this and should be strengthened.

The section of this bill which deals with the publicity of all grants and the consent of recipients of all grants is a two-edged sword. I think basically the bill comes out the right way, the only way it could on full disclosure, although one must recognize that in certain instances full disclosure will prohibit grants to people or organizations whose security is so much jeopardized by their condition that they can only accept these grants secretly if their lives or the lives of their families are to be protected.

Nevertheless, I think in view of what has happened in this country, at least in the last few years, full disclosure is an essential aspect of the bill and probably could be emphasized even more in the language.

Another area in which I think we have to be very careful is the independence of the Institute itself, not only from the Government, but also from other organizations in the field. I do not know, whether the kind of setup with six Board members appointed by the President with the advice and consent of the Senate is a viable way to insure independence.

It seems to me that perhaps there should be some input from the Congress as this Institute goes along, that there perhaps should be some members appointed by the Congress in order to keep a balance. It might be we have to look outside both branches of the Government to appointment of Commissioners or Board members. It could be also that six is much too small a number to insure independence where these six are appointed from one source.

I think that membership is an area which has to be looked at very carefully not only, again, because of the actual fact of independence

of these people, but also because of the way it looks to the world, which I think is going to be very important.

With regard to the activities of this Board, the one thing that somehow has to be avoided is a kind of mindless necessity to make grants once money is available, which goes to the question of the source of information made available to the Board so that they do not feel impelled to allocate funds arbitrarily simply in order to get rid of the money.

Because the way—especially in the first year of its activity—that this Board dispenses funds is going to be absolutely crucial in the acceptance of the Institute by this country and by people abroad who are trying to protect human rights, full discussion needs to be had, not right now, but when I hope this Institute is formed, as to the way information is to be fed into this Board and some standards have to be set down under which grants are to be made.

The area of grants, in addition to the ones that Justice Newman had mentioned and others will mention, it seems to me there are some areas in which a small amount of money will go a long way. One would be for travel by those who are otherwise unable to move in their respective countries, not only because they have been denied visas or other official documents, but because they have been denied the livelihood to produce enough money to move.

This seems to me is one way—it does not take a lot of money—but one way people of conscience could be helped to move to places where they can express themselves.

Another area would be the availability of funds for people once they get to where they are going or to where they have been exiled. We have examples in this country today of people whose passports and visas have been taken away from them when they are here, people have been exiled, without funds or employment and no place to go need a kind of halfway house because they have to stay somewhere until they can be settled, until they can be given jobs, until they can find ways to write their books or whatever it is they do.

Here, again, I suggest it does not take a lot of money, but it takes some money for assistance for families of victims of human rights violations caught in situations where the breadwinners have disappeared, have become incapacitated or have been removed. The families of these people are really destitute and need help. Money could be channeled for this specific kind of aid through institutions which exist today.

Finally, I do not think that one should underestimate the real need for information coordination in the human rights field. There are splinter groups all over with no real information as to what is going on and what is being done in any one country and a centralizing of information would be a great help.

I will not take any more time to discuss specific changes in the bill, most of which I referred to in my statement, but I do think it is most important, not only to recognize the need for the bill, but also to recognize the objections to the bill and to try to deal with those objections now.

I tried to mention the ones that I think are most important. Thank you.

[Mr. Schwartz' prepared statement follows:]

PREPARED STATEMENT BY ALAN U. SCHWARTZ, ESQ., COUNSEL, INTERNATIONAL
FREEDOM TO PUBLISH COMMITTEE

I am pleased to be here today to comment upon the proposed bill introduced by Representatives Fascell and Fraser to establish an Institute for Human Rights and Freedom for the purpose of promoting respect for and observance of human rights and fundamental freedoms in foreign countries. I am testifying in my capacity as counsel to the International Freedom to Publish Committee of the Association of American Publishers, but I am also involved with other organizations which seek to enhance and promote communication of ideas throughout the world in the face of censorship and other repressive measures. The Association of American Publishers is a national organization representing most of the book publishers in the United States in all aspects of their activities. I am supplying you today with a list of the committee members of the International Freedom to Publish Committee of the Association of American Publishers.

The bill under discussion today seeks to fill an obvious vacuum in the protection of human rights. Until recently, and despite the various endeavors of members of government such as Congressmen Fascell and Fraser, there has been little if any government activity and support for the promotion and protection of human rights abroad. Clearly, more government support is needed. The present Administration has taken an active and certainly more visible approach to the problem than its predeces-

cessors, one which has already had effects in such disparate places as the Soviet Union and Chili, the Republic of South Africa and Brazil.

Private organizations, which have been carrying the main burden of activity in this area in the United States have been until now left largely to their own devices, not only to find financial support for their activities, but also to take on foreign governments in an unequal, but not altogether ineffective, confrontation. As the Human Rights Institute Bill implies, these groups, while important and not without effect, have been limited severely by their lack of funds and their lack of a unified and legally accepted structure within which they can operate under a governmental umbrella. While it is to the great credit and perspicacity of the drafters of this Bill that the Institute contemplated is to be completely outside of government control or government structure, it is nevertheless a crucial aspect of the Bill that funds are provided on a secure and hopefully continuing basis by the government for the activities of the Institute. The fact is that most of the private human rights groups, if not all, have had a desperate time trying to find sufficient funds to keep in business, let alone to supply direct financial assistance to those who have been deprived of livelihood or means of expressions because of their political beliefs abroad.

Based on my experience, the main reason why substantial funds have not been made available to these groups for the purposes mentioned is because of the general bias of large foundations and other corporate and individual donors in this country in favor of grants affecting domestic purposes only. Moreover, there has been an undercurrent of feeling that it is the purpose of American institutions to deal with American problems and not to involve themselves in matters of "foreign internal affairs." As a result, very little money has been available for the purposes which this Bill so intelligently seeks to accomplish.

But more than the money, the fact that our government will, we hope, be actively and visibly supporting the cause of protecting and encouraging human rights throughout the world will help give leverage to these private human rights groups in their dealings with foreign governments.

The Fascell-Fraser Bill, it seems to me, attempts to do for the field of human rights what our National Endowment has done and is continuing to do in the arts and humanities; namely, supply funds and a certain amount of expertise for groups already in existence, encourage the formation of new groups which might do certain jobs better, and provide a clearinghouse for information

and direction for all groups dedicated to the notion of international respect for and observance of human rights and fundamental freedoms. In my view, the Bill will create an institution long-needed and terribly overdue in our society, one which will help show the world that we are a country dedicated to the protection of human rights regardless of who may sit in our White House or who may run our Congress.

One obvious area of criticism of the scope of the Bill which will undoubtedly be raised by foreign governments is its lack of any / ^{reference to violations} of human rights within the United States. Clearly the provisions of the Final Act of Helsinki, as well as other international documents mandate governmental concern for violations domestically as well as abroad and, without reference to domestic activity in this field, the Bill may be seen as discriminatory in its approach and effect. Therefore, I think it important that in conjunction with passage of this Bill this Committee make recommendation to the appropriate committee of Congress dealing with internal protection of human rights that similar legislation be introduced to provide financial and other support for institutions and organizations whose main purpose is to protect human rights in this country. For example, it might be possible to provide expanded support for the Civil Rights Commission or other like organizations so that such organizations can fulfill similar functions on a domestic front.

If this is done, then it certainly would be possible to make reference to such proposed legislation somewhere in this Bill in order to make clear that domestic violations of human rights are not to be ignored.

Having made these general comments, I would like to discuss certain specifics in the proposed Bill. I will divide these remarks in the same manner as the Bill itself is divided.

"Functions of the Institute"

Certainly based on my own experience, the assistance referred to in Section 3 is very necessary toward the furtherance of human rights throughout the world. While the language of this Section is clear as to the type of assistance to be supplied, the continued reference to its application "in foreign countries" may carry the implication that grants and other support cannot be given to institutions in this country which do support these freedoms elsewhere. The only exception to this appears in subparagraph 3(a)(6) which specifically refers to organizations "in the United States" that furnish assistance for the legal defense of human rights and fundamental freedoms in foreign countries." In order to be consistent, it seems to me that the other subsections ought to make clear that the entities which can receive support may very well exist in the United States as well as abroad.

Subsection (b) (2) seems to be unnecessarily limiting as to the type of assistance which can be offered. Perhaps it might be wise to make reference to "grants, loans, guarantees, or other similar forms of assistance" in order to produce the required and proper flexibility.

Subsection (b) (4), as phrased, presents a problem which has been with us for some time by specifying that the assistance provided for under the act for use in a foreign country must be provided "consistent with the laws of that country." The Bill offers the distinct possibility of foreign governments claiming that grants made under its provisions violate their own internal laws. This is true not only in the Soviet Union where there are laws against anti-Soviet propaganda and activities detrimental to the Soviet State, but also in countries such as Chili, Boliva, South Africa and elsewhere where there are similar laws and where, as is also the case of the Soviet Union, governments have already gone on record as rejecting claims of violations of human rights on the grounds that these claims violate matters of internal affairs of the countries involved and are therefore in ^{contravention} / of international law. While I believe that events of the past few years, especially since Helsinki, have proven that the phrase "internal affairs" is a movable doctrine depending on the country using the phrase, it seems fairly clear by now that objections to the repression of human

rights in various countries do not under international law constitute violations of the internal affairs of such countries. I would suggest that it might be useful to modify the language in this subsection to read something like: "Assistance provided under this Act for use in a foreign country must be provided consistent with those provisions for the protection of human rights and free expression contained in the various constitutions or other governing documents of that country." Since repressive governments are notorious in their desire to put high-flown and democratic phraseology into their constitutions, reference to these documents will be helpful in support of the objectives of the Institute so long as the language of the act is broad enough.

Section 4 relating to "Public Information" is highly important. While its requirement of complete disclosure of grants and other activities of the Institute may well foreclose the possibility of having grants made to those who require anonymity in order to protect their own security and that of their families, this limitation is far outweighed by the need to have all of the activities of the Institute placed on a fully open basis (in contrast to the recent activities of certain other organizations proven to have received undisclosed grants from intelligence and political sections of our government). To permit any covert operation in this area regardless of the motive would be counterproductive to the objectives of the Institute.

"Relationship to the United States Foreign Policy"

I believe Section 5 is a soundly worded and wholly viable approach to the relationship between our government's foreign policy and the Institute. Aside from maintaining a proper balance between governmental support and private initiative, it also, it seems to me, gives the Institute enough governmental protection to give it clout with foreign governments while at the same time retaining its individuality and independence.

"Management of the Institute"

I note that none of the directors is appointed by the Congress, although all of them must be appointed "by the President, ^{and consent} by and with the advice/of the Senate." It may be that one should consider a more direct appointment power ^{for} at least two members by committees of the Congress in order to ensure that the body which has established this Institute has a continuing voice in its composition, no matter who is President. However, in any event, it seems to me that the basic procedure for appointing directors and the rotation of directors is a good one.

I do have one specific comment regarding subsection (g). There is no maximum term of office provided for the Chief Executive Officer of the Institute and I suppose, therefore, that the directors, who themselves are on limited terms, could appoint a Chief Executive Officer to serve for a much longer term. It seems to me that this could have a deleterious effect on any future

Board and it could result in the transformation of bureaucracy into policy by virtue of longevity. My suggestion is that in no event should the Chief Executive Officer be appointed for more than four years, with the right to have his term renewed by the then Board.

"Powers of the Institute"

Section 7 is somewhat confusing because of the absence of any statement as to the membership of the Institute. However, once it is established which group constitutes the Institute, I do not have any problems with the Powers provision, except for a seemingly arbitrary limitation in subparagraph 5 on compensation to 25 individuals and also a similarly arbitrary reference in subparagraph (9) for loans to any "nongovernmental person" without including institutions. The same, on reflection, can be objected to in subparagraph (3) of this paragraph and it seems to me that the reference should be as it exists earlier in the Bill, for example subparagraph (b) (i) of Section 3 which refers to assistance "to nongovernmental organizations and individuals."

"Annual Report"

It should be noted that while Section 4 of the Bill specifically refers to the publication of particular grants by the Institute, there is no reference in Section 9 to the publication of the report submitted to the Congress by the Institute. It seems to me that this should be mandated as a public document.

"Authorization of Appropriations"

As one who through experience knows that the need for funding in this area is great, let me deliver what I am sure is the expected reaction to the small (certainly from the point of view of government appropriations) grant of \$5 million for the activities of the Institute in its first fiscal year of operation. Surely, somewhere in the imagination of the Bill's founders a larger sum can be justified, even at the outset. In fact, a 3-year grant, at least through the next round of "Helsinki" meetings will be preferable.

In closing, let me reiterate that despite particular comments as to how certain Sections of this Bill can be improved, I would like to make clear that I support the Bill with great enthusiasm as a badly needed and long overdue statement and contribution by our government to the cause of human rights. The rising significance of human rights issues in international relations since the signing of the Final Act at Helsinki, even despite the stalemate at Belgrade, has demonstrated more clearly than any rhetoric the importance of a firm and visible stance by our government in the area of human rights and freedom. Passage of this Bill will reflect for the first time a permanent governmental commitment to these ideals and a renewed statement of conscience by a country founded on the very principles which this Bill seeks to encourage.



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Mr. FRASER. Thank you very much, Mr. Schwartz.

Our third witness is Leonard Meeker, director, International Project, Center for Law and Social Policy.

STATEMENT OF HON. LEONARD MEEKER, DIRECTOR INTERNATIONAL PROJECT, CENTER FOR LAW AND SOCIAL POLICY

Mr. MEEKER. Thank you, Mr. Chairman.

The present seems a particularly favorable time for launching an Institute for Human Rights because the United States now has a national administration which is interested in promoting observance of human rights around the world and this fact, stemming as it does in a large and influential country, creates a climate that is bound to set the stage well for an institute.

That is not to say that the Institute would not be relevant, would not be needed, should not exist in other times with other kinds of national administrations if they should be in office, as they have been in the past. But the present is a very good time.

I would like just to make a few suggestions about provisions in H.R. 11326 where it seems to me that change would be helpful.

In section 3(b), there are a couple of provisions that specify conditions on the granting of financial and other assistance. In 3(b)(3) it says the assistance is to be provided only with the consent of the recipient. It seems to me that the consent idea might well be dropped. The important thing here is that the assistance should be provided openly. If it is provided openly, the problem of consent really will not arise. To retain the words would tend to suggest that the Institute might without those words try to provide assistance in the absence of consent.

The next provision, 3(b)(4) states that assistance must be provided consistently with the laws of the foreign country in question. That seems undesirable. In many countries the legal situation is likely to be ambiguous. If this provision should be retained in the U.S. statute, the effect of it might be to cause officials in another country to search and find some legislation or some regulations under which they could seek to show that particular assistance would not be consistent with their laws and thus frustrate the purposes of the Institute at the threshold.

Obviously, any assistance that is provided is going to have to be with the acquiescence, with the agreement of the country concerned. I think on the part of the United States, it would be prudent not to include in the legislation elements that would encourage the government of another country or officials of the government to resist, to oppose and to defeat assistance that is needed.

Furthermore, as a practical matter, the Institute would have a pretty difficult time deciding what was consistent and what might not be consistent with the laws of another country. The Institute simply is not in that business, and it should not be taking its time to make determinations of that sort.

The Institute ought to decide what is going to be helpful in promoting human rights and once having reached that decision, it should set about taking practical steps to provide the assistance. Sometimes negotiations may be required with a government of another country, and that will take account of the other country's views.

Independence for the Institute is, indeed, very important. I think, for that reason, section 5 ought to be omitted. Section 5 says:

The Secretary of State shall keep the Institute fully informed on U.S. foreign policy. The Institute shall give consideration to foreign policy but shall not be subject to the direction of the Secretary of State.

In an enterprise that is chartered by Congress, and is therefore a creature of the U.S. Government, emphasis on its independence can be important. I think section 5 detracts from independence of the Institute and does not contribute anything. The Institute can appraise itself very easily at any time as to what U.S. foreign policy is. I think having a formal link as proposed by section 5 would not be wise.

In general, the purposes that are stated in section 3(a) of the bill are broad purposes, and that seems a wise disposition. The Institute is going to have to experiment with different types of assistance, different types of activity in its early existence in order to determine which ones work best and are the most effective.

I would, therefore, be in agreement with keeping the statement of purpose broad. The Institute can decide, as it goes along, what lines of activity are the most constructive. All in all, this seems to me good legislation. I hope it will be enacted soon.

[Mr. Meeker's prepared statement follows:]

PREPARED STATEMENT BY HON. LEONARD C. MEEKER, DIRECTOR, INTERNATIONAL
PROJECT, CENTER FOR LAW AND SOCIAL POLICY

Messrs. Chairmen, Members of the Committees:

I appreciate this opportunity to appear and present views on the significant new legislation introduced by the two Chairmen.

The proposal to establish an institute to promote international respect for and observance of human rights and fundamental freedoms accords with basic American values which played an important role in the formation of the United States and were given expression in the Bill of Rights of the Constitution. The tradition of individual rights has been prominent in this country's history and political development. Enjoyment of these rights is a strongly held value in American society.

The United States has no monopoly on concern for human rights. Historical circumstances gave people in this country an opportunity to pursue goals of freedom that are in fact universal aspirations. The universality is clear when one surveys the history and experience of people in other countries. Struggles elsewhere to secure basic rights have sometimes succeeded and sometimes failed. Invariably, however, they reflect a deep desire for freedom.

The universal character of this interest is emphasized by the fact that a number of international instruments since World War II have incorporated treaty obligations to promote respect for and observance of basic human rights. This development began with

adoption of Articles 55 and 56 of the Charter of the United Nations, which has been subscribed to formally by virtually all the nations of the world. Last year President Carter announced that he will seek Senate advice and consent to ratification of the United Nations Covenants on Human Rights, which set forth detailed obligations to give practical effect to the generally stated commitments of the Charter.

As everyone knows, it is never sufficient for governments simply to promise that they will respect and safeguard individual rights. Much more is needed. Now that the question of a country's treatment of persons under its jurisdiction has come to be recognized in international law as a matter of international concern, the issue arises as to what can be done by those outside a country to advance the enjoyment of basic freedoms within that country.

During the past 15 months, the Carter Administration has made clear that it embraces an affirmative policy of promoting human rights around the world. There are many steps a government can take to that end. The United States Government has taken some such steps last year and this year.

The fact that a large and influential country like ours adopts a positive human-rights policy creates a climate that is conducive to human-rights advances. Governments whose records and policies are most in need of revision and reform are prompted to re-examine their course and make modifications. Examples of this have been seen recently in some countries. Individuals and groups within a country may be encouraged by even limited changes in the political weather to press more urgently for liberalization and respect of basic rights.

The material resources available for private measures to protect basic freedoms in a country where they have been denied or violated are most often very slender indeed. H.R. 11326 is a practical proposal for supplementing and augmenting those resources so as to give limited but perhaps crucial support to courageous human-rights efforts in countries where such support is most needed. There are foundations and organizations concerned with human rights both in the United States and other countries which undertake to supply some of the need. Important as the contribution of these foundations and organizations are, and much as they need to be sustained, the needs far outrun the capacity of private sources.

For all these reasons, the proposal to establish an Institute for Human Rights and Freedom, with public funding, has great importance. It could provide material assistance in a number of situations where the availability of modest funds could be helpful out of all proportion to the amounts involved. There are, moreover, psychological and political factors that could operate in support of human rights from the very existence of the Institute and its programs. The activities of the Institute would give encouragement to local groups and individuals working for basic rights in a country. The existence and activities of the Institute could also influence particular governments to moderate in some degree their policies and actions, through the realization that an additional international spotlight is focussed on their performance.

In my view, H.R. 11325 is valuable legislation and should be enacted.

I should like now to address some of the provisions in the bill.

Section 3(a) states the scope of authorization of the Institute. A number of different kinds of activities are covered. It seems wise to make the authorization broad. With limited resources, the Institute will have to choose carefully among possible programs. It should be able to launch pilot projects over a wide range of possibilities, if it wishes, in order to determine from experience what activities will best advance the purposes for which the Institute was established.

The paragraphs of Section 3(a) specify that the assistance authorized is to be in aid of human rights "in foreign countries". This is appropriate since a wide variety of other laws and programs have been designed to protect and assure basic rights in the United States, both more comprehensively and in greater depth.

The Section contains an emphasis on assistance to non-governmental organizations and individuals and on activities by the Institute itself. The Section also contains a valuable and important general authorization in paragraph 7 which would, among other things, permit the Institute to cooperate with or support the activities of international institutions seeking to promote respect for and observance of basic rights and freedoms throughout the world.

Section 3(b)(3) states that "Institute assistance shall be provided "only with the consent of the recipient". Presumably,

this clause was intended to preclude Institute assistance whose source was not disclosed to the recipient. But that purpose is already taken care of by the last clause of Section 3(b)(3) which requires that assistance "shall be provided openly." It would, therefore, seem preferable to delete the "consent" language as unnecessary and as implying that the Institute might otherwise try to provide assistance without a recipient's consent. Thus, paragraph (3) would read:

"Financial or other assistance provided under this Act shall be provided openly."

Section 3(b)(4) of the bill specifies that "assistance provided under this Act for use in a foreign country must be provided consistent with the laws of that country." This seems an unnecessary and unwise provision. It is unnecessary because assistance openly provided will in fact have to be provided with the consent of the government of the country in question. A government that is determined to exclude human rights assistance from abroad will take steps to prevent such assistance becoming available and useable in its territory. Thus, any assistance in fact furnished will have to be with the consent or acquiescence of the local government. The requirement of openness assures this. In some circumstances, there may need to be discussions with the local government to determine what will in fact be allowed.

To go beyond such practical procedures and specify by law that assistance "for use in a foreign country must be provided consistent with the laws of that country" would afford no benefits and would instead produce undesirable consequences. The existence of such a restriction in the United States statute could operate

to stimulate officials in a foreign country to find some local law or regulation that could be interpreted to exclude a particular form of human rights assistance. Without this gratuitous legal restriction, the foreign government would be much more likely to follow the pragmatic course of negotiating about the assistance proposed rather than rejecting it on narrow legal grounds. If the statute should contain Section 3(b)(4), the foreign government would be given an enhanced ability to muddy the question and shift the onus of rejection from itself to the provisions of a U.S. law.

There is also another kind of disadvantage in Section 3(b)(4). It could be held to require the Institute to make a determination in each case as to whether particular assistance would be consistent with local law. The Institute is not an appropriate body for interpreting and applying foreign laws, and it should not spend its valuable time and resources on this kind of unproductive and self-defeating activity.

H.R. 11326 would establish the Institute as an independent agency of the United States. Independence is important to its effectiveness. In view of this consideration, it would seem prudent to drop Section 5 from the bill, which provides for foreign policy advice to the Institute -- though not direction -- from the Secretary of State. The mandate of the Institute is laid down earlier in the legislation. It is not necessary to furnish special foreign policy guidance from the Department of State. To the extent that the Institute considers it relevant, the Institute can inform itself very readily about current U.S.

foreign policy. However, any statutory provisions for a formal link between the Department of State and the Institute would seem inadvisable.

For the same kind of reason, a question should be raised about Section 7(a)(7) of the bill. The provision in question states that the Institute "may, with the consent of any board, corporation, commission, independent establishment, agency, or Executive department of the government, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out this Act." Particularly in any activities that the Institute might carry on within foreign countries, it would be undesirable for the Institute to be identified with U.S. government agencies operating abroad. An American embassy may contain not only State Department representatives, but representatives also from the Treasury, Defense, Commerce, and Agriculture Departments and from the Federal Bureau of Investigation and the Central Intelligence Agency. Institute activities should be, and should be seen to be, quite independent of these arms of the Executive Branch. While the proposed statutory provision may contain standard language, consideration might be given to some rewording if the paragraph is to be retained. For example, it might state that the Institute may "avail itself within the United States of the use of information, services, facilities,..." Additionally, a clause might be inserted at the end of the paragraph with language along the following lines:

"To the extent that the Institute considers such use to be compatible with the effectuation of the Institute's purposes".

As an alternative, the paragraph might be retained, on the ground that it merely contains a standard authorization, and then the committee reports of the Congress should reflect an injunction that the Institute make use of the authority in Section 7(a)(7) sparingly and with careful attention to both the reality and the appearance of Institute independence.

In conclusion, I think the bill proceeds from a sound conception and that it would create a highly constructive activity in behalf of human rights and fundamental freedoms in countries around the world. The funding initially proposed for the Institute is modest. Time and experience may indicate that it should be substantially increased. Those are questions of the future. What is important is to begin now and launch this enterprise into useful activity.

Mr. FRASER. Thank you very much, Mr. Meeker.
I turn now to our fourth witness, Stephen Schlossberg.

STATEMENT OF STEPHEN I. SCHLOSSBERG, DIRECTOR, GOVERNMENT AND PUBLIC AFFAIRS, INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE, & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

Mr. SCHLOSSBERG. Thank you, Mr. Chairman. I will make a brief statement. I want to make myself and Mr. Suslow, who is director of international affairs, available for questions.

I have the honor to represent the International Union of Automobile, Aerospace, & Agricultural Implement Workers, commonly known as the UAW. We like to think of ourselves as somewhat unique. While we exist as a creature of workers that bargains collectively and tends to economic matters, our concerns reach far beyond those areas and always have. Our members are concerned about human rights and freedom in this country and all over the world. Under the leadership of Walter Reuther, Leonard Woodcock, and now presently Doug Fraser, our union has always taken very strong stands on these kinds of issues.

I have included in the written statement here a resolution which was recently passed at our most recent convention in which the delegates commended the President for his human rights stand. In that connection, I would like to echo somewhat the sentiments of Mr. Meeker and say we are very pleased that we have a President who enunciates broad principles of human rights.

We think this bill addresses a long overdue situation. It is the obligation of the United States to take these moral positions in the world, and we are pleased with that. We are pleased also with the record of the two chairmen who chaired these two subcommittees and their personal commitment in this whole area.

Having said that, I want to say that the UAW very much supports the principles of this bill. We would hope that the legislative history will establish the broadest possible definition of human rights and freedom. All the emphasis here so far has been, as I understand it, on political repression and freedom of speech and those kinds of issues which readily come to mind when one talks of human rights and freedom. But there are other human rights and freedoms that are often neglected when we talk about these kinds of great broad rights that human beings should have all over the world.

For instance, the freedom to refrain from starvation, the freedom to feed one's family, the freedom to have adequate medical care—those kinds of security freedoms we think are equally important. Freedom to organize free trade unions. Those are freedoms which the UAW values very highly and considers human rights.

We hope this broad definition of human rights and freedom will include those real life sustaining freedoms as well as the more civil libertarian types of freedoms.

I do agree with the universality notion that the more universal you make this thing the better. I believe you have more credibility when you speak to people in other countries if you say, even if only by reference in this bill to purely domestic agencies which continue

to work on human rights in this country, that this commission has responsibility in the area of human rights and freedom in this country. It gives you an enhanced credibility, and the truth of the matter is that our civil rights revolution is far from won in this country.

We have not realized the ideals and goals that we would like to realize here. It is not complete, and we do have work to do here and Helsinki does give us obligations in those areas.

I see this as a useful step for the Government to take—to tap the well of volunteerism and give some kind of direction to human rights efforts. There are a great many seminars and speeches about human rights, but to actually put up a modest budget, which this is certainly, and a small staff so you do not create a huge bureaucracy that will give some guidance openly as a government agency is very useful. We have had too many private institutions and private individuals in all walks of life, corrupted surreptitiously by arms of Government.

I think it is very important that this Commission give whatever grants and assistance, whether it is to individuals or to organizations, openly and make that information available to everybody so that people know that there is a sponsorship here by the Government of the United States.

I commend you for being sensitive to that problem.

As to whether the Secretary of State informs you as to foreign policy or not, I do not think that is a really big issue. I would not object to the exclusion of that provision from the bill, but I do not think that as presently written it would interfere with the independence of this agency.

I do think there is a tendency in a republic such as ours where we rely so heavily on independent agencies, for one independent agency to take a stand that is inconsistent, incoherent, and sometimes at war with that taken by another agency and I think that creates problems.

I would hope independent agencies would be able to work together and there could be some kind of coherency and overall planning in these areas so that one who sits as a Commissioner because he has a demonstrated interest and comes from a life of work in this area, would be sensitive to the fact that he is a member of a Government board and that he would be sensitive to some of the concerns of other agencies, including the Cabinet agency of State. I think it is a useful project and we endorse it fully.

[Mr. Schlossberg's prepared statement follows:]

PREPARED STATEMENT BY STEPHEN I. SCHLOSSBERG, DIRECTOR, GOVERNMENT AND
PUBLIC AFFAIRS, INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW

My name is Stephen I. Schlossberg, and I am the Director of Government and Public Affairs of the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America - UAW.

I appreciate the opportunity to testify in behalf of H.R. 11326, the bill to establish an Institute For Human Rights and Freedom and to promote those goals in other countries.

The UAW represents approximately one and a half million members. This organization has always held the promotion of human rights and freedom, both at home and abroad, a primary goal of the UAW and our nation.

Our twenty-fifth Convention of more than 3,000 delegates meeting in Los Angeles, California in May of 1977 passed the following resolution:

HUMAN RIGHTS

President Carter has made human rights a cornerstone of American foreign policy and given this important principle the emphasis it deserves at home and abroad. His forthright and bold initiatives on human rights have been hailed throughout the country and among freedom loving people everywhere.

President Carter has become the world's most effective spokesman for a great and powerful movement.

The UAW is no newcomer to the human rights movement. It has always been a crucial part of our great tradition.

We oppose violations of human rights not only in Eastern European countries, but also in Africa, Asia, the Middle East and Latin America. We abhor even more violations of human rights in our own country. We deplore the failure of the Congress to ratify the U.N. human rights convention, the genocide convention and the convention against racial discrimination.

We support the rights in Basket III of the Helsinki accord and, by the same token, we urge repeal of the restrictive McCarran Act which sets illiberal and inhumane travel and immigration policies for our country.

We do not live in a perfect world, but we must strive always to make it a better one.

The UAW urges the President to keep the channels to all nations open, while at the same time continuing to promote human freedom among our allies as well as the rest of the world.

Mr. Chairman, we commend you and Congressman Fascell for your important contribution to the cause of freedom and human rights by the introduction of H.R. 11326. We have long admired both of the authors of this bill for their individual service and commitment to human rights and freedom. It is entirely proper that they should propose an instrument for the promotion of this cause.

Unfortunately, too often human rights and freedom are the like weather. Everybody talks about them but nobody does anything about them.

The Institute proposed, with very modest funding, offers the opportunity for concrete action to promote these long-sought goals and affords direction of an independent cast to the well spring of volunteerism, talent and resources available from individuals and organizations through coordinated effort.

Such an effort, at very little cost, is bound to further the foreign policy goals of the United States, while, at the same time maintaining an importantly independent stance.

We are particularly pleased that this will be a leadership effort by the federal government which will not create a new bureaucracy, but will call upon dedicated outsiders to give of their talents and time, under government auspices, to encourage other Americans to join the hard and ever-challenging job to promote the rights and freedoms of individuals everywhere.

On behalf of the UAW, its Officers, and members, I can assure you of our total support of this bill and our intent to cooperate ^{IN} the work of the Institute, when this proposal becomes law.

Mr. FRASER. Thank you very much.

We turn to our final witness, Mr. Jan Nowak, former Director of Polish Broadcasting, Radio Free Europe.

**STATEMENT OF JAN NOWAK, FORMER DIRECTOR OF POLISH
BROADCASTING, RADIO FREE EUROPE**

Mr. NOWAK. Mr. Chairman, may I start by expressing appreciation to the initiators and sponsors of this bill: Congressmen Fraser and Fascell. I am convinced that the importance of this legislative act will be fully recognized only from a distance of time. If enacted into law, it will be remembered and quoted with pride.

The Institute of Human Rights will have considerable symbolic significance. It will signal a message that the defense of human rights should not be viewed as a passing episode which may be easily forgotten with change of the present administration but reflects lasting will and determination of the American people regardless of their political allegiance.

The United States is my adopted country, but a long time before I became a U.S. citizen I had learned from my close association with Americans that foreign policy based on expediency and guided solely by power play in the old Metternich style would be totally alien to American traditions and ideals which gave birth to American democracy and statehood. By taking defense of human rights out of the shadow, President Carter helped to restore an image of the United States as a great power committed unequivocally to freedom and democracy. When a Polish dissident was asked recently by an American reporter in Warsaw what the policy on human rights means to her and her people, she answered simply: It brought back moral values into the policy and posture of the United States.

In my view, the defense of human rights cannot be left to government only. Its full implementation calls for support, active participation, and the parallel effort of the American people.

I attended, last February, a National Conference on Human Rights in the Department of State, and I was greatly impressed, even moved, by the enthusiasm and dedication to the cause of human rights displayed by high officials of the Foreign Service. It emerged, however, clearly from discussions that approach to violations of human rights through diplomatic discourse with authoritarian regimes have serious limitations and inhibitions. As Deputy Secretary of State Warren Christopher candidly admitted, the issue of human rights cannot always be a dominant factor in the decisionmaking process. Wherever and whenever the survival or security of the United States is at stake, other considerations of strategic, military, economic, or political nature take priority over moral issues. The Government must also face other options. Denial of economic help as a means of pressure may in some cases hit much harder the oppressed people than the oppressor. Private and confidential approaches can be preferable to criticism and comments publicly expressed. Sometimes it is easier for a government spokesman to condemn atrocities in Uganda than to express publicly official indignation over sending dissenting intellectuals to lunatic asylums in the Soviet Union. We also saw on television how carefully the chief promoter of policy on human rights had to

weigh his words when he spoke about this issue in such countries as Brazil or Poland. My remarks are not meant to express criticism. Inconsistencies and compromises cannot be avoided in official policy.

Let me now to be more specific: First, I should like to suggest that a clear division line should be drawn between responsibilities of the governmental agencies and the independent Institute on Human Rights. Such a separation seems necessary in order to avoid future frictions, duplication, or slackening of present efforts carried on through diplomatic channels. The State Department should continue its diplomatic dialog with repressive regimes, to present the stand and point of view of the U.S. Government and to exert pressure wherever it can be effectively applied without jeopardizing vital national interest. The Institute should undertake such programs which can be implemented more effectively and more freely by a corporate body financed from public funds but consisting of private citizens engaged in an independent defense of human rights and fundamental freedom. Such a program, in my opinion, was outlined extremely well in the seven points listing the functions of the Institute. The bill spells out in specific terms the kind of help that the Institute would offer to nongovernmental organizations and individuals in the United States and abroad, including victims of oppression and defenders of human rights. Such assistance, if offered directly and openly by the U.S. Government, would be compromising to recipients and could be construed as interference in internal affairs of other countries. The Institute would be free from any such restrictions and inhibition provided it can establish its credibility as a truly independent body.

One question that remains open in my mind. Deputy Secretary Christopher proposed establishment of a clearinghouse monitoring all cases of violation of human rights around the world. I am not sure if this necessary function would have more weight if carried on by the U.S. Government or more credibility if taken over by the Institute assisted in this task by information resources of the State Department.

Two. The Institute should serve as a bridge between the Government and the American people. It should not supersede but enhance and stimulate private organizations. It should not replace donations and contributions from citizens and foundations but encourage them to offer more. Fundraising not only provides money but fulfills the important function of informing the public, explaining the cause to people and convincing them that it is worthy of their support.

From this point of view it would be better and healthier in my opinion if the Institute, instead of offering direct assistance to private organizations, should rather participate in financing common projects. Public funds should not substitute but rather match privately raised funds. Nongovernmental organizations engaged in defense of human rights should be in a position to tell their donors: If you offer us \$2 we shall get \$1 more from the Institute. Perhaps present language of the bill could be changed in that direction.

Three. The Institute should activate strong but latent support for defense of human rights which exists not only in the United States but in other democratic countries. I cannot think of a more effective and successful organization in this field than Amnesty International. The scope of activities of Amnesty International have been, however,

limited only to political prisoners. Perhaps this bill could lead to the establishment of an international institute on human rights? In other words, I believe that the Institute should promote, sponsor, conduct, and assist not only conferences and organizations on human rights in this country but to encourage the international human rights movement through international meetings of people sharing the same ideals all over the world. Such attempts could be successful only if the Institute can dispel any suspicion abroad that it is another instrument of the U.S. Government.

Four. I should like also to suggest some changes in the formulation of paragraphs 3 and 4, section b on page 3. Under paragraph 3, financial or other assistance may be provided only with the consent of recipients. Under paragraph 4 such assistance must be also consistent with the laws of respective countries. This wording may encourage oppressive regimes to introduce new laws specifically forbidding acceptance of assistance offered under this act. Paragraph 3 may increase risks and danger to victims of political oppression. They would be, of course, perfectly free to refuse help but should not be involved beyond this point. I submit that paragraph 4 should be changed as follows:

Financial and other assistance for use in a foreign country must be consistent with the Charter of the United Nations, Universal Declaration on Human Rights, and the Helsinki Final Act.

Through these instruments human rights and fundamental freedoms are no longer considered as internal affairs of another country but become a matter of international concern.

Finally, let me address myself to the question raised by Chairman Fascell. What are the types of projects that the Institute might usefully sponsor?

Let me quote some examples of activities and functions which could be of considerable assistance to individuals and groups engaged in the defense of human rights under authoritarian regimes:

(1) To assist in publishing and dissemination of books or displays of artistic, literary and scholarly works suppressed or restricted for political reasons.

(2) To fund an annual reward for an outstanding literary, artistic or scholarly works created by individuals denied their freedom to publish.

(3) To fund an annual prize for outstanding acts of courage and achievements in the struggle for respect of human rights.

(4) To provide through open channels financial support for victims of political persecutions deprived of their means of livelihood.

(5) To provide support to dissidents and fighters for fundamental freedoms who were forcibly expelled from their countries for political reasons. To assure them possibilities to continue their creative work and to maintain an open communication with their homeland.

Mr. Chairman, in my opening remarks I said that defense of human rights introduced a component of idealism and moral values into U.S. policy. It serves also national self-interest. Universal respect for human rights would mean peace and security. The United States could divert huge resources spent on defense against countries who are committed to impose their system on the rest of the world—toward solution of its domestic problems.

For 25 years as a director of broadcasting stations for Radio Free Europe, I watched closely developments in the Soviet orbit, particularly nonviolent resistance of people dedicated to defense of human rights against their own totalitarian governments. I met and spoke

with many of them, and I learned from my experience one lesson: Even the most ruthless and oppressive government cannot ignore entirely the attitudes and will of its people. Often in the past, dictatorship had to yield to popular pressure. The defenders of human rights under any authoritarian regime offer us probably the only chance and hope of a better and more peaceful world. They are small in number but great in their courage and faith. Some of them, in their readiness to sacrifice everything including lives of their families, may be compared only with the first Christians.

In our nuclear age let us not succumb to another "Magenot Line" complex. Let us not see the only safeguard of our security in nuclear weapons and number of tanks. Great religious and political leaders who brought revolutionary changes in the world had no guns. They conquered only by magnetic power of their ideas. The defenders of human rights involving authoritarian systems need only to know that their voices are heard. They need an amplifier for their ideas. This bill, even this discussion, will give them hope and new strength.

Mr. Chairman, thank you very much for giving to me the privilege to present my views before these distinguished subcommittees.

Mr. FRASER. Thank you, Mr. Nowak. I know Mr. Schwartz has to leave in about 7 minutes. Perhaps we could ask you a few questions.

I have a question with respect to the provision that permits the publication or display of materials that have been suppressed. Does that sound sensible the way it is drafted?

Mr. SCHWARTZ. I am trying to find that here in the bill.

Mr. MEEKER. It is 3(a)3.

Mr. SCHWARTZ. Certainly. We have been involved recently, for example, in a bookfair at Moscow for the first time. There have been bookfairs in other supposedly totalitarian countries. The problem, of course, is what books you can get in and what can be displayed.

In all those bookfairs there has been censorship of one kind or another. The same has been true of dissident art exhibits in totalitarian countries. It is possible, I think, to provide assistance for publication and dissemination of the works of such dissident writers and artists, but it is unlikely that the publication and dissemination would take place where the person lives.

On the other hand, we have had experiences, and I am sure others here have, too, with the return of information to the original country through various methods so there is, in fact, an effect back to the home country of the material even though it is disseminated and published elsewhere.

It is certainly viable. It is a good reason to support this bill. However, I think we should be somewhat cautious about the extent of the results.

Mr. FRASER. Mr. Buchanan.

Mr. BUCHANAN. Thank you, Mr. Chairman.

Mr. Schwartz, on the basic issue of retaining the language "in foreign countries" or giving the Institute domestic as well as international response, you expressed our need to do something. If you had your druthers, would you have it have domestic responsibility as well as international?

Mr. SCHWARTZ. If we had this appropriation at \$50 million a year, I would probably say, "Yes; I would like to see that in there." However,

unless you can get an appropriation much larger than is presently contemplated, it is going to be very difficult to start taking on domestic matters and still have energy or money left to do anything abroad. Therefore, I would hope, realistically, that we try to lay this on some existing domestic organization perhaps with some additional support, additional staff, and additional direction.

Mr. BUCHANAN. It was my privilege to sit with Ed Mezvinsky in Germany on the U.N. Commission on Human Rights. One of the recommendations that came out was for national and regional commissions on human rights. It seems to me this Institute is similar, or could be so interpreted. I wonder what you think of that basic idea, if anything?

Mr. SCHWARTZ. Is that national and regional throughout the world?

Mr. BUCHANAN. Yes, in areas which do not now have them.

Mr. SCHWARTZ. I think it is a good idea. Again, I am wondering how, given the context of the world we live in, it can be effected. I guess I end up with a bias toward keeping the scope of this small but very intensive, in the hope it will accomplish something very tangible.

Mr. BUCHANAN. Thank you.

Thank you, Mr. Chairman.

Mr. FRASER. Mrs. Meyner.

Mrs. MEYNER. Thank you, Mr. Chairman. I do not have any specific questions of Mr. Schwartz, but I do of the other panelists.

Mr. SCHWARTZ. Could I make one point that I did not make before? It is very important. The point has been made here about removing the reference to "consistent with the laws of foreign governments," or words to that effect. I also urge that this reference be deleted. As you know very well, Congressman Fraser, totalitarian governments generally object to investigations of their human rights violations as violations of their internal affairs, although it is fairly clear under international law that concern with violations of human rights in other countries is not a violation of the internal affairs of those countries.

If you have to put a reference in, you might consider a reference to "consistent with the protection afforded under the constitutions and other laws of the various countries" because, amazingly enough, these totalitarian countries have terrific statements in their constitutions about the protection of human rights. I cannot say I would object to such a reference.

Thank you very much.

Mr. FRASER. Thank you very much. I appreciate your time problem. We are grateful to have you with us.

Mr. Schlossberg, one of the things the UAW has done recently is to help, I should say, to finance and observe part of an international political group to observe elections in Guatemala. Would you see this kind of an institute providing that kind of funding?

Mr. SCHLOSSBERG. Indeed.

Mr. FRASER. Or those kinds of activities?

Mr. SCHLOSSBERG. Indeed, Mr. Chairman, I would. I think another of the fundamental human rights is not to have your vote stolen. It is to make your vote count. If you steal the vote of a citizen or you make the election a nullity, you mock every reform of the government and freedom.

That is what is done in too many places. I would think that would be a proper activity for this organization. We were proud to fund that

effort to observe that election. It is the kind of thing this institution could well do.

I want to raise one other point that I meant to mention. On this question of domestic and foreign, you get into matters like this. I have seen a paper by a young man named Barry Castelman, which I will be glad to supply to this committee if you would like to have it, in which he talks about the export from this country of unhealthy and dangerous manufacturing processes to the Third World countries to avoid meeting health and safety standards for workers and communities in this country.

In other words, an American corporation, a multinational corporation, let's say, an asbestos plant—asbestos is a noxious substance and has to be very carefully regulated or it causes serious health hazards—who did not wish to spend the money to make the workplace safe, will send it to a Third World country and in some cases the country is so anxious to receive the economic benefits of the factory, they will overlook all the matters of health and safety of the workers and in many countries, unfortunately, human labor is the cheapest commodity they have.

What worries me is, if that kind of a thing happens and you have no reference or domestic power to look at it, it would limit you to discuss it—it would limit this mission from going into it because it would not be the foreign country that was violating human rights, except in the sense that they permit the corporation to operate. But, the perpetrator of the denial of basic safety and health to those workers in the Third World country would be an American corporation, if you can call that a perpetrator.

It seems to me that is the kind of thing we ought to look at, just as we should export notifications of decency, we certainly would not like it if a manufacturer in this country failed to meet safety standards like this, for instance, if a manufacturer in this country had either a cancer producing or a pajama that would burn up the children and he was forbidden to sell it here and he sold it in a South American country or in Hong Kong figuring what if one of "those" burns up—who is guilty of the human rights violation there?

Is it the country because it does not have a sophisticated environmental and safety standard or safety products commission, or is the manufacturer who knows he is selling a deleterious, dangerous substance to a Third World country that does not have the sophisticated method of detection?

If you do not give it some domestic power, and I recognize the small modest way in which you set this up, then you ought to reference it in the legislation, and by that I mean make some reference in this legislation that the commission could look at reports of other agencies in this country and coconsult with other agencies about the effects of human rights violations in this country or by Americans in this country and abroad. This business of the export of health hazards points up the need.

In other words, give it some avenue of approach because if not, it seems to me you are closing the door on a very important issue.

Mr. FRASER. Let me raise a very general issue that may or may not be a problem. One discovers in working the field of human rights that everyone has his own favorite human rights violators. The liberals tend

to be very concerned about the rightist authoritarian regimes; the conservatives tend to focus on the leftist regimes.

In the selection of board members, is there a risk that we are going to end up with a board loaded in one direction or another so that there is a loss of a reasonable degree of objectivity? I realize it is difficult to be totally objective in this field. If you are totally objective I think you lose some of the passion and concern.

What about this problem which we face? There are some who say, "Well, we are still fighting the cold war." The Belgrade Conference is feared by some social democrats in Europe as a revival of the cold war. On the other hand, I get letters all the time complaining about the rightist countries.

What about this problem in launching the Institute?

Mr. SCHLOSSBERG. I do not think you want to put a test in. The President must not only appoint more than four or seven from one political party, but he would have to look at the political complexion on the right-left spectrum to try to get them.

I do think the Congress in its oversight and in its confirmation practice could try to seek some balance and we would hope the President would get at least through legislative history the message from the Congress that these should not all be lefties or righties but should be people who look at human rights as an international problem that transcends political philosophy and ideology.

I do not believe you can write that into the legislation.

Mr. NEWMAN. I suggest the addition of three words that I think might help a little. They are the same words I mentioned earlier that, in my opinion, ought to be in the preamble itself and in several other parts of this bill.

For instance, if on page 5, in section 6(b)(1), where you talk about the composition of the directors of the Board and you say the directors are to be appointed by the President from among individuals with a demonstrated concern for and experience in matters pertaining to human rights, it would be very easy to put in there demonstrated concern for and experience in matters pertaining to universal respect for human rights, because I think the problem you mentioned is a terribly important problem.

This Board could be stacked, even unwillingly, by insufficient attention to the idea of universal respect. Three words are not going to make the difference, of course. At least among other things they would be an excuse for a couple of good paragraphs in the committee report.

Mr. FRASER. Are there any other comments on this problem?

Mr. NOWAK. I think perhaps internal structure of the Institute should provide the safeguards of balanced approach. It would be a universal enterprise and not just something focused on one particular area.

Mr. FRASER. You are thinking of the internal structure as the staff is organized, but I suppose the question is, in the use of the Presidential appointing authority, is there a risk that this will turn out to be an agency that has a principal focus only on one kind of or one set of human rights violations and exclusion or near exclusion of the other or can we have confidence, sufficient confidence? Obviously we do not guarantee against bad Presidential appointments.

Mr. NOWAK. I cannot answer this.

Mr. FRASER. We could put a provision in saying only good Presidents can make appointments.

Mr. BUCHANAN. Would the gentleman yield? Are there any good Presidents?

Mrs. MEYNER. You mean lately?

Mr. BUCHANAN. Seriously, I think this is a very important question you raised. Ed Mezvinsky at Geneva talked about a humane U.N. Commission on Human Rights. This is a norm rather than an exception. One group of people is concerned about certain violations, Communist country violations, and another about right-wing dictatorships, and military dictatorship violations.

It would seem to me any suggestions you make would be helpful. I think this is an excellent argument you made, sir, about the addition of language concerning the universal respect for human rights. It could be most important.

The chairman himself has demonstrated the most consistent concern for human rights of anyone I know around here, and you did well to praise him because he has done well in this area. It is the exception rather than the norm.

If upon reflection you have further suggestions as to how we can help to guarantee this shall be an umpire that really looks with an unbiased eye toward the problems everywhere.

Mrs. MEYNER. Will the gentleman yield on that one point?

Mr. BUCHANAN. Certainly.

Mrs. MEYNER. I think it is an important one. We talk about Communist regimes or totalitarian regimes. Some people are very cynical about the sudden American crusade for human rights. They claim for good reasons that our country's support for authoritarian regimes, especially military regimes, even against the liberal democratic opposition, has fueled the violations of human rights since World War II and I am just wondering, do you think that an institute, which is an agency of the U.S. Government, should feel free to criticize our foreign policy, if this was set up?

Mr. SCHLOSSBERG. I would hope the agency would not criticize our foreign policy, but would criticize our performance in the area of human rights explicitly. The foreign policy would only be tangential unless it exported a violation of some notion of human rights.

Mrs. MEYNER. Perhaps I did not make that clear. I meant criticize our human rights policy or the State Department's—

Mr. SCHLOSSBERG. I would hope it would be able to do that. In the UAW resolution. Mr. Chairman, I offer this as a suggestion going as to that problem of the left-right, we said we should promote human freedom among our allies as well as the rest of the world to try to indicate a universal concept.

We also said that we oppose violations of human rights not only in the Eastern European countries, also Africa, Asia, Middle East, and Latin America. We abhor more violation of human rights in America to try to get this notion of universality across.

I think the universality notion is a good suggestion the gentleman made, if you took those very general words and explicated them in the report, they would have some meaning, I would hope.

Mr. MEEKER. In answer to your question, it seems to me the Institute would not be in the business of making statements, making declarations of policy, either agreeing or disagreeing with the Government's foreign policy at any given time. The Institute would be there for the very serious purpose of addressing itself objectively and evenhandedly to problems of human rights wherever they occur, and its sole activity would be aimed at assisting the observance of human rights, promoting the enjoyment of them, redressing violations, but in very practical ways without ever making declarations of policy.

I do not think the Institute ought to be in that business and it should consider itself to be very free of Government policy. The fact that the Government at a given time might choose or not choose to take a strong line on human rights in country A should not mean for a moment that the Institute should follow the State Department on that. It should follow its own mandate in the statute.

Mrs. MEYNER. Thank you.

Mr. NEWMAN. I would like to suggest four practical examples. It is very difficult for the State Department to get involved in Northern Ireland except to make sure we do not encourage any gunrunning; to get involved in the whole problem of racial discrimination in Great Britain; to get involved in the matter of preventive detention in West Germany; to get involved in migratory labor in Western Europe generally.

It would seem under paragraph 3(a)1, the Institute would have authority, whether or not it decided it was appropriate, to provide assistance to NGO's and individuals concerned with difficulties as to human rights in Northern Ireland, race relations in Britain, preventive detention in West Germany, and the whole migratory labor problem.

Mrs. MEYNER. Thank you, Mr. Chairman. I did not mean to take your time.

Mr. FRASER. I have one more question and you may have one more. We may try to close this within the next 10 minutes because there is a vote on the floor that will delay our getting back here.

This is the question about whether there is a problem—and I think some of you touched on this—a problem about the furnishing of governmental funds to private organizations. I think, for example, Amnesty International takes governmental support as a matter of policy. Do we run the risk of corrupting, though not deliberately?

Mr. SCHLOSSBERG. Not when it is open. You do run the risk of corrupting when it is under the table.

Mr. NOVAK. If it is financing common project, direct donations, would it not mean some difference if it is a question of financing common projects rather than giving donations directly to—

Mr. FRASER. The way this is worded, it could be done either way. I do not see anything here that would prohibit a grant to the International Commission of Jurists to carry on their work. In fact, I think that organization does accept contributions from governments.

The United States has given contributions in kind one way or another.

Mr. NEWMAN. I would like to comment that, as far as we know, Amnesty is almost unique in that respect, at least among the nonchurch organizations. I am not even sure we know yet of any nonchurch organization that except for theological reasons, might get involved in this.

The difference is, the hope here is for an independent agency. It is true we often say, "Oh, well, the money comes from the Treasury, so what difference does it make?" I think people in the human rights business are sophisticated enough to know that it really does make a difference.

For example, individual governments in many ways are participating in the promotion of human rights in South Africa through NGO's; and remarkable work has been done not just by Amnesty International, for example, as to victims and families of victims, through groups that do use government money. But the possibility of corruption is still there.

The basic corruption would be that people on the Institute staff begin to get greedy ideas, as they often did in the Ford Foundation, on what they think you ought to be doing instead of what you are doing. I do not want to deny that corruption. It is still possible.

The big thing is openness. The next big thing is independence. If we do not rush in and start giving too many hundred thousand dollars to one recipient, it seems to me it is certainly worth the experiment in letting the organizations see whether they can live with it or not.

I would like it if some did refuse, such as Amnesty.

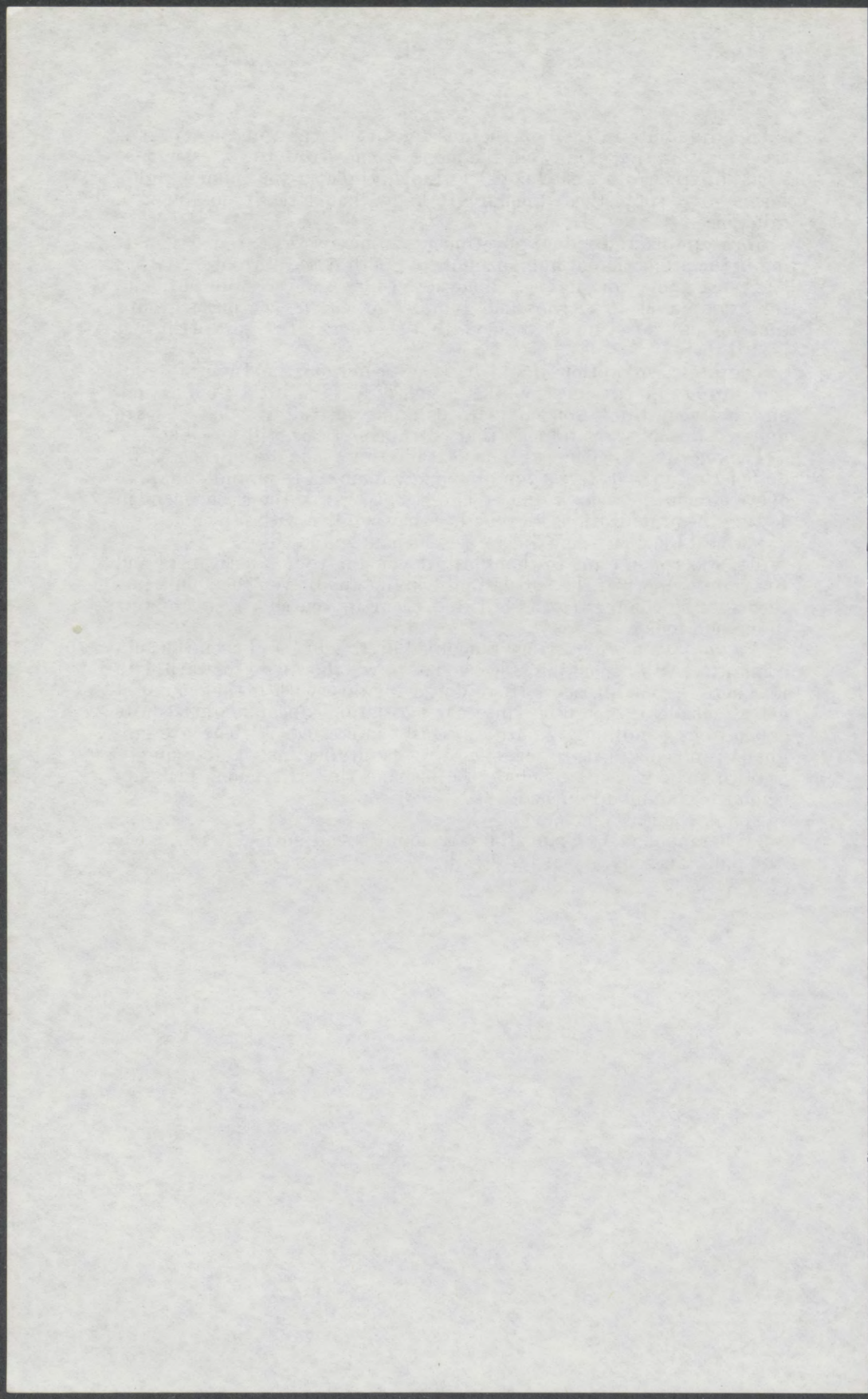
Mr. FRASER. I want to thank all of you for your appearances and for your support of the legislation. I invite any of you to submit further specific changes to the bill that occur to you as a result of this discussion today.

We do have more hearings scheduled on this bill and then the subcommittees will be making a decision as to whether to go forward with it. There is some prospect if we do go forward with it that it might get attached to some other piece of legislation. So, it might require expeditious handling. We are especially interested, if there are language problems in it, to make sure we catch them as we go along.

With that, we will conclude the hearing this afternoon. The subcommittees stand adjourned.

Thank you very much.

[Whereupon at 4:35 p.m., the subcommittees adjourned to reconvene at 3 p.m., Tuesday, April 18, 1978.]



INSTITUTE FOR HUMAN RIGHTS AND FREEDOM

TUESDAY, APRIL 18, 1978

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEES ON INTERNATIONAL OPERATIONS
AND ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittees met at 3 p.m. in room 2200, Rayburn House Office Building, Hon. Dante B. Fascell (chairman of the Subcommittee on International Operations) presiding.

Mr. FASCELL. The Subcommittees on International Operations and on International Organizations this afternoon resume hearings on H.R. 11326, a bill to establish an Institute for Human Rights and Freedom.

Our subcommittees plan 1 additional day of hearings on this bill at 3 p.m. on April 25 in room 2255 Rayburn House Office Building. Among our witnesses at that time will be Deputy Secretary of State Warren Christopher.

At our hearing last week we received very helpful testimony from a number of distinguished witnesses. We look forward to hearing the comments of the equally distinguished group testifying today.

Congressman Fraser said he would be along as quickly as he could get out of another meeting and would extend his welcome also.

Our witnesses today are Leonard Marks, treasurer and counsel, World Press Freedom Committee; David Heaps, consultant to foundations and nongovernmental organizations; Rabbi Morton M. Rosenthal, director, Latin American affairs department, Anti-Defamation League of B'nai B'rith; Donald L. Ranard, director, Center for International Policy of the Fund for Peace; Hon. John Richardson, president, Freedom House; and Ben Stephansky, associate for Latin American program development, Carnegie Endowment for International Peace.

Congressman Fraser is here. I have just extended your welcome, Don, to this distinguished group. All of you have prepared statements I guess. We will put them all in the record at the appropriate point. We will ask each of you to summarize your major points as succinctly as you can. Then we will go ahead and see where we go from there.

So, Leonard, why don't you lead off.

STATEMENT OF LEONARD N. MARKS, TREASURER AND COUNSEL,
WORLD PRESS FREEDOM COMMITTEE

Mr. MARKS. Thank you, Mr. Chairman.

At the outset let me say I heartily endorse the objectives of H.R. 11326. It is a very commendable program and I am pleased that it accents the private sector rather than the governmental sector. I have long been of the belief that when people talk to people on a private basis a great deal more is accomplished than when governments talk to governments. Somehow the formalities and niceties of diplomacy frequently intervene.

Having endorsed the objectives of this bill let me make a few specific comments about the manner in which it is drawn. I hope these will help carry out the purpose and clarify some of the doubts that I had when I studied it.

Mr. FASCELL. Mr. Fraser and I are looking for all the help we can get on this.

Mr. MARKS. In section (a) you have set forth what you are trying to accomplish; 3(a)(3) provides assistance for the publication and dissemination in foreign countries of books and other written works and similar materials which have been suppressed for political reasons.

Now, I know of no reason why you ought to confine the objectives to those books which have been suppressed. There are some which have been given very limited distribution. Accordingly I would recommend that you delete the last phrase "which have been suppressed for political reasons" and substitute "which support the objectives of this legislation." It is broader and it certainly meets your purpose more adequately in my judgment.

Now, 3(a)(4) provides for rendering assistance through fellowships and research grants for studies on human rights and fundamental freedoms in foreign countries. As I read that I assume that the work has to be done in foreign countries. If that is your intention, fine, but I would construe a more valid purpose to be the study anywhere of fundamental freedom other than those in the United States because I assume that the legislation is not designed for domestic study.

I don't know, Mr. Chairman, whether that is the objective, but if it is I would recommend that you delete the term "in foreign countries" and substitute "in countries other than the United States" so that the studies will be conducted anywhere about conditions in countries other than the United States.

Now, section 3(a)(5) renders assistance to nongovernmental organizations which support victims and the families of victims of political persecution by foreign governments. I am the president of the International Rescue Committee and I can tell you that that is indeed a most worthy objective. But there are substantial funds being appropriated by Congress for this purpose and somehow or other I think there is going to be a confusion between the moneys that the Institute can spend and the moneys which the Department of State has appropriated for political refugees.

If I read behind the intent of this legislation, what you probably had in mind was if there is an author who is driven from his country and comes to another country and seeks a new life you want to help establish him. I don't construe this to be a program for mass support

of refugees. So, I would like to see that clarified depending upon what your objectives really are.

Mr. FASCELL. My thought frankly was special cases and did not envision a mass program.

Mr. MARKS. You see, the way it is drawn most of the funds could be spent for the assistance to refugees, housing, clothing, transportation, and that is not what your purpose is. So that ought to be clarified.

Now, let us go to the question of who will receive these funds. In 3(a)(1) you provide for assistance to nongovernmental organizations and individuals. By individuals I assume you mean people not in the Government, private individuals.

In another part of the legislation, in section 7(a)(9) you describe the eligibility of making advances, grants, and loans to any nongovernmental person. I think there ought to be a consistency. I would like to see the phrase used "non-Government persons or organizations."

Mr. FASCELL. Throughout the legislation you mean?

Mr. MARKS. Yes.

Now, one general comment. The work that is envisioned here for the Institute is being done in part today by John Richardson, former Bureau of Educational and Cultural Affairs now transferred to the International Communication Agency. They do provide for the publication of books, for the holding of seminars and the like. There could be a conflict and I would like to see the comments of the ICA on the extent to which there will be such a conflict. I don't think that you can completely eliminate the Institute from holding seminars that they, ICA, now are conducting.

I would like to see the legislative history of this legislation made more definite so that the Institute supports the objectives of Helsinki, basket 3, on a global basis rather than the general type of conference in the cultural and educational field.

With those corrections, which are not of major import, I think that this legislation will go a long way to further the purposes which we have in mind.

Now, before I leave the subject, let me say that the World Press Freedom Committee has undertaken to do many of the things on a private basis which this legislation proposes. I am just going to give you a list of projects—there are nine—which we have funded in the year of its organization and I hope this is representative of what you would have to do if the legislation is passed.

We made a grant of \$20,000 to the University of Nairobi School of Journalism for equipment, for a laboratory newspaper and for scholarships.

For organizing and conducting a training school for print and broadcasting reporters in Trinidad, \$10,000.

To the International Press Institute to underwrite an African seminar on economic and financial questions, \$10,000.

To the Partners of America for journalistic exchanges in Latin America, \$6,000.

To the Fletcher School of Diplomacy for a conference in Cairo for mass media people, \$5,000.

To the Inter-American Press Association, \$20,000 for five seminars to be conducted in Latin America and the Caribbean in 1978 on these questions of press freedom.

To the Inter-American Association of Broadcasters, \$5,000 for the feasibility study for a training center in Latin America.

To bring Portuguese journalists to the United States, \$4,200 for a 6-week stay.

Finally, \$12,000 to the University of Nairobi School of Journalism for a seminar for newsmen in 18 African countries.

I mention these projects to show you that relatively small sums of money—relatively small by governmental standards—would do a great deal. So your proposal for a small staff and an appropriation of \$5 million, in my judgment, will adequately meet the objective.

Thank you.

[Mr. Marks' prepared statement follows:]

PREPARED STATEMENT OF LEONARD H. MARKS, TREASURER AND COUNSEL, WORLD
PRESS FREEDOM COMMITTEE

H. R. 11326 proposes to establish an Institute for Human Rights and Freedoms to promote respect for the observance of human rights and fundamental freedoms in foreign countries. It is a commendable objective which I strongly support.

I have assumed that the drafters of this legislation seek to promote the objectives of Basket III of the Helsinki Agreement on a worldwide basis by making public funds available to the private sector. As you know, private organizations have been engaged in this activity for a considerable period of time. They include organizations such as the World Press Freedom Committee which I serve as Treasurer and as a member of the Executive Committee. This Committee has affiliated with the leading media organizations in the United States and throughout the free world. I am attaching our letterhead which discloses the names and affiliations of the officers and directors, and lists the constituent organizations. You will note that among the constituent groups are the American Newspaper Publishers Association, the American Society of Newspaper Editors, the Associated Press Managing Editors Association, the Inter-American Press Association, the International Press Institute, the United Press

International Newspaper Advisory Board, the Inter-American Association of Broadcasters, and the National Association of Broadcasters.

In appearing here today, I speak in a personal capacity -- as the former Director of the United States Information Agency (1965-69), as Chairman of the United States Advisory Commission on International Educational and Cultural Affairs (1974-April 1, 1978), as President of the International Rescue Committee, and as one who has devoted more than twenty-five years to international programs in the educational and cultural fields.

From this background, I want to emphasize that the private non-governmental organizations are best able to carry out the objectives of this legislation. When "people" talk to "people," obstacles of language and culture are surmounted and common objectives emerge. When "governments" talk to "governments," formalities intervene to prevent the kind of meaningful relationship that the people-to-people relationships soon establish. Accordingly, I applaud the recognition of this principle in Section 3(a) of H. R. 11326 which specifically provides for private activity.

Now let me address myself to the specific provisions of Section 3, as follows:

1. In Section (a)(3) assistance will be given for the publication and dissemination in foreign countries of books and other written material

which have suppressed for political reasons. A literal reading of that sentence would exclude the dissemination of worthy treatises which have not been suppressed, but which have not had widespread distribution. I do not believe the framers intended that. Accordingly, I would recommend the deletion of the phrase, "which have been suppressed for political reasons," and the substitution of the phrase, "which support the objectives of this legislation."

2. In Section 3(a)(4), provision is made for rendering assistance through fellowships and research grants for studies on human rights and fundamental freedoms "in foreign countires." The paragraph is ambiguous and could be interpreted to restrict the research to institutions located outside the United States. I have interpreted the intention of this Section to preclude research activity of human rights in the United States. If my interpretation is correct, I would suggest that "in foreign countries" be stricken and there be substituted "in countries other than the United States."

3. Section 3(a)(5) is broad enough to be construed as general assistance to refugees of political persecution. This would appear to be in conflict with appropriations made in previous years to the Department of State for such purpose. Accordingly, I would recommend a clarification of this Section.

4. Section 3(b)(1) limits assistance to non-governmental organizations and "individuals." If the purpose is to provide funds exclusively for

non-governmental purposes, the last phrase should be "individuals not associated with any government."

5. Similarly, in Section 7(9), there should be inserted on Line 7, the phrase, "private organizations."

In considering this legislation, I know that the Committee is mindful of the activities of the Department of State in the field of cultural and educational exchange, which is now being administered by the newly created International Communication Agency. There will be some overlap in functions of the new Institute for Human Rights with that of ICA, since the latter sponsors seminars and conferences, and does disseminate books and other informational material. Accordingly, if this legislation is approved, I would urge close coordination between the newly created Institute and the ICA.

Let me conclude by pointing out that in an interdependent world better understanding between people is an essential ingredient for a harmonious and fruitful relationship. Of course, political, military and economic considerations will always play a significant role; but, in my opinion, the human relations become an equally important element of foreign policy.

H. R. 11326 recognizes this vital ingredient and I support its passage.

Mr. FASCELL. Thank you very much. That is very succinct and clear. I appreciate your recommendations.

Mr. Heaps.

STATEMENT OF DAVID HEAPS, PRINCETON, N.J.

Mr. HEAPS. I fully support the principles and purposes of this bill. My comments will be conditioned by my sympathy with its objectives and some considerable years of residence in a nongovernmental capacity in developing countries.

My concern is not with what the Institute seeks to accomplish, but that it might be deterred from achieving these ends because of the danger that it could lack credibility and, therefore, acceptance by those abroad whom it is precisely designed to help.

Mr. FASCELL. You are addressing the question of independence from government?

Mr. HEAPS. That is right. My point here, sir, is that the Institute as now proposed may be construed as an arm of the U.S. Government instead of being thought a disinterested agency concerned with the international defense and promotion of human rights without affiliation with governmental policy.

The essential issue, it seems to me, is how the Institute can best achieve the purposes to which it is addressing itself and those whom it is designed to help; namely, victims of oppression and those in countries advocating legitimately the redress of grievances. I would hope that the structure and management of the Institute could be a model of independence so that it would have maximum credibility abroad.

Section 5 in particular, it seems to me, which refers explicitly to the Secretary of State and relationships with the Office of the Secretary of State, might alarm potential beneficiaries of the Institute and perhaps confirm the prejudices of those who would seek to oppose it.

I would hope that consideration might be given to rewording of this section to emphasize a separation rather than an interrelationship with the Office of the Secretary of State.

I think additionally that the wording as it is now established could even be counterproductive in terms of the interest of the Department of State itself.

Similarly, section 9 which refers to an annual report being made to the President and the Congress could, I hope, be reconsidered so that it would be issued publicly by the Institute as an expression of its concern generally with the promotion of international human rights.

The audience or the constituency for this proposal to a considerable extent resides in the Third World. The shape and the development of many of these countries still remain unfinished and uncertain; several of them at least are open to the possibility of constructive change. They need to have confidence in the independence and integrity of this proposed Institute.

I would, therefore—and I believe Mr. Marks referred to this, too—be concerned about the continued references throughout the bill to the phrase “in foreign countries” which gives the impression of the United States sitting in judgment of others. It might even give credence to the belief, which I have heard expressed by Third World leaders,

genuinely concerned men, that the Western concern, the Western emphasis on human rights is now a strategic ploy to divert attention from the urgent needs of poorer countries for social and economic growth.

I would try to avoid, therefore, this kind of "them and us" psychology which might be inferred from the present legislation.

Mr. FASCELL. Let me just comment on that. I think that phrase is probably a jurisdictional one and can be dealt with.

Mr. HEAPS. I am sure it can be. I think this is a question of formula rather than substance, but it can be misconstrued.

I fully endorse the emphasis on the nongovernmental sector. This, it seems to me, is an additional reason why the Institute should not be viewed as an arm of the U.S. Government. However, I think when one looks abroad at the potential audience and constituency for an institute of this nature there should be sufficient flexibility so that the concept of assistance to nongovernment organizations should not be held with undue and absolute rigidity.

In many parts of the world, as we know, repression is due to a variety of factors—cultural, ethnic, traditional, historical—and is not due only to the willful acts of evil governments. Sometimes governments are merely a reflection of the culture of the country. Sometimes, indeed, governments in some countries may be the only or primary means for beneficent change. Agencies which are connected with the government or have approval of government, such as a legal aid society in Indonesia which exists with the approval of government or a university which is a state-sponsored entity, may be channels through which one can attempt to achieve a greater understanding or greater degree of acceptance of the principles of human rights.

I would not want to see them disqualified from the possibility of assistance by the wording of this bill.

I also have a question, sir, about the Institute being operational as I now construe it from the present bill. Section 3 uses the phrase to "sponsor and conduct" program activities of various kinds.

I should think that possibly the most felicitous way for an institute like this to be conducted would be through the funding of other independent agencies which themselves will carry out operations, but that the Institute would maintain a nonpartisan neutral position of not conducting or sponsoring programs. It would use as its clients in various parts of the world a variety of different sources representing a diversity of views, of needs, of interests.

I would think that an institute of this nature might find itself unnecessarily compromised by conducting and sponsoring specific program actions rather than allowing them to be undertaken by appropriate bodies, some of which are represented here by their spokesmen, which would be the rightful operational vehicles to receive the funding.

Finally, as has already been pointed out, I believe that an institute of this kind must be able to be responsive to urgent needs in a rapid, flexible way. Bureaucracy should be cut to a minimum. The Institute should be flexible, streamlined, its personnel chosen on the basis of qualifications and experience.

I should think that changes of this nature which reiterate the independent character and disinterested nonpartisan approach of this Institute could have a significant bearing on promoting international human rights and the purposes which are embodied in this bill.

[Mr. Heaps' prepared statement follows:]

PREPARED STATEMENT OF DAVID HEAPS, PRINCETON, N.J.

These comments are submitted from the vantage point of extensive association with a wide range of non-governmental organizations concerned with human rights in this country and abroad, and of residence over several years in developing countries. They are made in a personal capacity. I was the responsible program officer for establishing the Ford Foundation program in this field over three years ago, and for the past two years have been an independent consultant associated with the Ford Foundation, the Rockefeller Brothers Fund, and other non-governmental organizations concerned with this and related humanitarian issues.

The proposed Bill raises, in my judgement, serious questions about the dangers of politicizing an endeavor which must be sedulously independent and non-political if it is to have effective external acceptance. The present language would prejudice credibility of the Institute abroad, and thus render it counter-productive in terms of assisting those persons and purposes which it was specifically designed to support. Unless this can be remedied, I question whether the Institute will properly be able to serve the important objectives it seeks to accomplish.

I am at the outset confused by what appears to be a contradiction in the language in Sections 1 and 2. Section 1 states that "it is the purpose of this Act to establish...an independent institute..." Section 2 states "There is created as an agency of the United States a body corporate..."

To the lay reader, this latter phrasology would appear to indicate a proprietary governmental relationship which would be in conflict with the earlier declaration of institutional autonomy. The independent character of the Institution should be reaffirmed in Section 2.

I am particularly concerned by Section 5 which states: "The Secretary of State shall keep the Institute fully informed on United States foreign policy as it relates to the activities of the Institute. The Institute shall give consideration to the foreign policy of the United States in carrying out this Act...." This reference would alarm potential beneficiaries of the Institute and confirm the prejudices of its adversaries. I would favor rewording this section to emphasize the separation of the Institute from the direction and authority of the Secretary of State. For similar reasons bearing upon the need for institutional autonomy, I would favor deleting in Section 9 (Annual Report) references to the President and the Congress. A provision would be substituted requiring public issuance of the report on an annual basis.

The basic thrust of the institute as stated in the legislation is to promote by a variety of means the advancement of international human rights, with emphasis on assistance to non-governmental organizations. The proposed legislation recognizes implicitly that sustained concern about international human rights will reside primarily within non-governmental sectors. This principle is true not only for democratic societies, but in totalitarian societies where courageous dissidents at great personal sacrifice have sought to give expression to the aspirations of their fellow citizens for more humane standards of political and social conduct. However, even among democratic societies official attitudes can change with successive administrations or be subject to political trade-offs which constitute the consensual

basis by which policy decisions are reached.

I question therefore the recommendation embodied in Section 6 that "the management of the Institute shall be vested in a board of directors... appointed by the President, by and with the advice and consent of the Senate", and that the majority of these appointees "may be of the same political party". The Institute, to fulfill effectively its fundamental purposes, should have impeccable credentials in all particulars among the human rights communities in this country and abroad. This objective will be difficult enough for any body created by an act of Congress and funded by American dollars. It will be rendered more difficult if doubts prevail about the independence and authority of the management of the Institute. I would suggest therefore a less overtly political formula for management of the Institute which would exemplify the principles of professional independence and insulation from potential political influences. The Board should therefore consist in majority measure of private citizens of high qualifications, and should be appointed by an illustrious private panel empowered for this purpose. In its final form the Institute should be akin to other prestigious bodies, like the Smithsonian Institution, sustained largely by public monies but administered on the premise of structured autonomy and intellectual integrity.

The functions of the Institute as described indicate that it is conceived primarily as a funding and non-operating agency whose primary purpose is to reinforce or activate non-governmental organizations with the capacity for independent operational or academic undertakings. I believe however that this essential purpose may be inconsistent with Section 3 (a) (2) which authorizes the Institute to "sponsor and conduct" various kinds of actions "on human rights and fundamental freedoms in foreign countries." A recast

Institute should be non-operational and restricted to the funding of activities by non-governmental organizations in this country and by appropriate bodies abroad. Operations conducted under direct Institute sponsorship could be construed by those uncertain or skeptical of Institute purposes as an expression of official U.S. policy or intentions rather than as the disinterested pursuit of impartial actions on behalf of international human rights.

The description of the functions of the Institute throughout Section 3 emphasizes the intention to assist non-governmental organizations and individuals "in foreign countries," and to undertake other forms of support to promote human rights outside the United States. The consistent refrain is -- "in foreign countries." Again, if we are to be concerned with maximum credibility and acceptance by those to whom this program essentially is directed, it is in my judgment dubious that its directives should contain such an explicit geographical delineation. Many responsible Third World leaders believe sincerely that the United States emphasis on human rights is a strategic ploy to divert Western attention from the overwhelming social and economic needs of their countries. The functions of the Institute as described in the present Bill would aggravate this belief by creating a "them and us" psychology in which this country gives the impression of sitting in judgment on the conduct of poorer and less favored societies. The functions of the Institute should therefore be directed to the study and promotion of international human rights anywhere in the world where they require attention, and should not explicitly exonerate this country from such scrutiny.

Section 3 states that "assistance may be provided under this Act only to non-governmental organizations and individuals" (my emphasis). This is in principle a sound doctrine, but it should be open to modification or flexibility of interpretation. In many parts of the world the causes of

repression may not be due only to overt government action but can derive from cultural, ethnic or other traditional factors. The mechanisms of government may be the only immediately feasible avenues through which beneficent change can be sought. A suitably revised Act should not preclude the possibility of assistance to legitimate overseas institutions or organizations, such as legal aid societies, which exist with the approval of their governments but which still carry out useful programs to alleviate undesirable local conditions. Rigid adherence to the principle of assistance uniquely to the non-governmental sector abroad may exclude promising sources of indigenous development from support, direct or indirect, by the Institute.

In order best to fulfill the purpose of being a catalyst and stimulus for the promotion of international human rights, an independent Institute should moreover be flexible, streamlined and capable of speedy responses to urgent needs. It should, in short, be as unbureaucratic as possible. It should have enlightened and imaginative direction, and a minimum of administrative encumbrance if it is to establish functions that are distinctive and well-defined. There are, it should be recalled, diverse other organizations in both the private and public sectors with serious experience which are already active in the field, either operationally or as funding agencies. A few have respectable financial resources. The issue no longer is exclusively a question of money, although money is still needed. Even more important, however, is the need for ideas and originality. The justification for the proposed Institute is that it should embody an intellectual and programmatic quality which is now lacking in the field or which can supplement current programs. For this purpose, the most qualified persons must be obtained on the staff and directorial levels without concern for political affiliation or connection. They should be few in numbers, but free to enlist as required

the best talent and experience in this country and abroad.

I note in this regard that Section 7 refers to the possibility of staff employment "not to exceed twenty-five individuals at any one time." There is always the danger in any organization that the stipulated staff maximum becomes the norm. Twenty-five people is a large number indeed for an organization that is to be concerned primarily with funding, and therefore with stimulating the program ideas and actions of those already active in the field. A staff of this magnitude could militate against the purpose of a small and flexible academy emphasizing bold and venturesome action, and foster instead an unduly burdensome bureaucracy in relation to the proposed budgetary resources. Administrative procedure can be the inexorable enemy of intellectual exploration. Staff meetings and internal reports could obscure the essential vision that the preeminent objective of the Institute at all times is the relentless search to help victims of persecution and to raise international levels of humanitarian consciousness. I would hope therefore that serious consideration could be given to an operation which, at least for the early stages, would be limited to a much smaller staff component. Otherwise, I fear that the proposed Institute could share the regrettable reputation of certain other Washington-sponsored agencies to be viewed as a dinosaur at a time when a whippet is required.

Mr. FASCELL. Thank you very much, Mr. Heaps, for your thoughtful analysis. I appreciate it very much.

We have a vote on right now. I think the best thing to do is to go vote and come back.

We will take a short recess.

[Whereupon, a short recess was taken.]

Mr. FASCELL. The subcommittees will be in order.

Rabbi Rosenthal.

STATEMENT OF RABBI MORTON M. ROSENTHAL, DIRECTOR, LATIN AMERICAN AFFAIRS DEPARTMENT, ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

Rabbi ROSENTHAL. Thank you, Mr. Chairman.

I appreciate the invitation to be here today. I join with those who have spoken in expressing support of the general concept which the bill enumerates. We recognize that this bill that is before us is not a finished product, but merely a formulation of certain principles which would serve to enhance and extend our country's emphasis upon human rights.

We have certain reservations about the bill which we wish to bring to your attention. Essentially they focus on two points: One, the matter of autonomy, and the other of control. Unlike some individuals who have testified on section 5, we believe that there is a danger that the board might engage in programs which are contrary to U.S. policy and U.S. interests and feel that the board in formulating programs and policy should adhere rather closely to the general direction of U.S. foreign policy.

Now, as for the matter of controls, we note that the bill as drafted does not provide any standards by which potential recipients of funds are measured. We think that it would be appropriate to insure that those individuals or organizations receiving such funds meet a certain minimal standard. In the absence of appropriate standards or safeguards we believe it is possible that funds emanating from the U.S. Government could be put to uses which are not anticipated by the Institute.

For example, it is conceivable that an organization which presents itself as having laudable ends might, in turn, divert the funds or make them available to an arm of that organization which engaged in acts of violence. In other words, we feel it would be appropriate, one, to have certain minimum standards which would indicate the type of groups and type of organizations that are eligible to receive funds and, second, to have some kind of accounting control, accountability for funds expended.

We do not note any reference to auditing the expenditures. We believe there should be some provision to insure that the funds received by the various individuals and organizations are expended for the purposes for which they were granted to them.

We note that in section 7(9) the Institute is authorized to accept gifts and grants. In this regard we anticipate that various entities would make such gifts or grants to the Institute in order to defray the cost of specific programs.

Now, it is possible that if the Board of this Institute were of a particular political slant, the Institute could be approached by groups, perhaps of extremist nature, possibly for representing governments, offering funds which would ostensibly be used for human rights activities. However, these human rights objectives might be very narrow and partisan or extremist in nature.

Again, the matter of controls is raised as to the types of groups or entities which can give funds to the Institute and, in relation to that, the types of activities which could be carried out by the Institute with funds received from various outside organizations.

Essentially those are two main areas of concern, that of autonomy and that of controls.

We do take note of the fact that other Government agencies are engaged in some activities which relate to the area of the work of the Institute. For example, ICA carries out programs of public education abroad. We think that in order to get maximum utilization of the resources of the Institute there should be some coordination, to insure that the activities carried out by the Institute or recipients of these funds might utilize the resources of other Government agencies engaged in educational programs overseas and thus get the maximum mileage for each dollar spent.

With these comments, again, I wish to reiterate that we feel generally that the concepts and the purposes of this bill are very laudable. We support it and hope that from the collective deliberations of the individuals today and other hearings you will be able to put together a bill that carries out the purposes stated.

Thank you very much.

[Rabbi Rosenthal's prepared statement follows:]

PREPARED STATEMENT OF RABBI MORTON M. ROSENTHAL, DIRECTOR, LATIN
AMERICAN AFFAIRS DEPARTMENT, ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

Honorable Chairmen:

I am Rabbi Morton M. Rosenthal and I am the Director of the Latin American Affairs Department of the Anti-Defamation League of B'nai B'rith. On behalf of the Anti-Defamation League, I wish to express our appreciation for your invitation to appear before this Body to present our views on the proposed H.R. 11326, a Bill to establish an Institute for Human Rights and Freedom, to promote respect for and observance of human rights and fundamental freedoms in foreign countries.

The Anti-Defamation League was founded in 1913 as an official arm of B'nai B'rith, a service organization of Jews which was created in 1843. The function of the League, as envisioned by its founders, was and has been to advance good will and mutual understanding among people of all creeds, races and nationalities and specifically to combat anti-Semitism and anti-Jewish activities. ADL programs are carried on not only within the United States, but through its Latin American, European and Middle Eastern Affairs Departments, ADL conducts activities directed to these ends throughout the world. These departments maintain a continuing relationship with Jewish communities and with other organizations, Jewish and non-Jewish, which are interested in their respective regions.

As Director of the Latin American Affairs Department, I have made many visits to Latin America and witnessed, at first hand, the often cruel effects of dictatorships upon societies which were once free and democratic. Each such visit served to reaffirm my conviction as to the merits of democracy and the preciousness of the freedoms which we, in this country, enjoy.

The Anti-Defamation League shares fully these principles and values and we, therefore, welcome our government's increased commitment to the promotion and defense of human rights around the world. ADL's efforts, and those of other non-governmental organizations with similar goals, have been immeasurably helped by the fact that the United States stands for human rights around the world.

President Carter's inaugural pledge that "Because we are free, we can never be indifferent to the fate of freedom elsewhere" has resounded in the hearts of oppressed people everywhere. Our government's decision to make human rights an integral component in the formulation of foreign policy has had a salutary effect. Although the results are often less than desired, continuing statements by government officials and specific actions in defense of human rights have yielded tangible benefits. Of equal, and in some cases greater, importance are the intangible benefits of our human rights policy. It has given the United States and other democratic nations a spiritual boost, a sense of purpose that was desperately needed.

It is fitting to take note of the fact that although the Administration has given special emphasis to human rights, it did not originate the concept of elevating human rights/^{as}an important concern of U.S. foreign policy. It was your subcommittee, Mr. Fraser, acting long before the 1976 election campaign, which formulated concepts and proposed legislation designed to raise the priority of human rights in United States foreign policy. You, Mr. Fascell, are no stranger to the human rights themes either, having held extensive hearings on Chile and other countries affected by our country's human rights concern. It is, therefore, logical that you should be the joint sponsors of this Bill, H.R. 11326, which calls for the establishment of an Institute whose purpose is the promotion of international respect for and observance of human rights and fundamental freedoms.

The Anti-Defamation League considers laudable the purposes of the Institute as set forth in H.R. 11326. Because the quest for freedom and dignity is basic to human nature, programs such as those envisioned in the Bill will undoubtedly strike responsive chords in the hearts and minds of millions of people, particularly those deprived of their basic freedoms. We believe that the Institute can

sustain people's hopes and nourish the institutions upon which freedom and human rights are based.

We are particularly pleased to note that the Bill anticipates that the Institute will engage in an extensive program of education as a principal means of achieving its objectives. The experience of the League has shown that educational programs are effective in efforts to promote better human relations and protect human rights. These programs are most successful when they are institutionalized, i.e. incorporated into curricula of schools and ongoing programs of various institutions.

Because the forces challenging human rights and fundamental freedoms are so powerful and widespread, it is imperative that the Institute have at its disposal adequate resources. We, therefore, suggest that consideration be given to the possibility of the Institute coordinating some of its programs with existing federal agencies so as to magnify its impact on a worldwide basis.

Although we support the concept of the Bill, we have reservations about certain aspects of the Bill in its present form and wish to share our concerns with the subcommittee.

First and primary is the large measure of autonomy which the Institute would enjoy and the concomitant absence of adequate safeguards to insure that its programs will be in harmony with U.S. policy with regards to human rights. Experience with other quasi-governmental agencies has shown that politicization of such entities can develop, in the absence of adequate controls.

The fact that the Institute need not be guided by U.S. foreign policy may create certain problems. Sec. 5 states that the Institute "shall give consideration to the foreign policy of the United States in carrying out this Act", but does not require that it act in consonance with U.S. foreign policy. It specifically states that it, "shall not

be subject to the direction of the Secretary of State in carrying out its responsibilities under this Act". Thus, the danger exists that the proposed seven member board, if politicized, may authorize programs that are contrary to U.S. policy and interests and embarrassing to our government.

Second, Sec. 3 sets forth the functions of the Institute, but it does not provide standards which potential recipients of Institute support must meet to qualify for funding. Neither does it provide safeguards with regard to how the money is spent, such as the delineation of unauthorized activities and the monitoring of expenditures to insure compliance with the intent of the Act. In the absence of such standards and safeguards, the potential for abuse is great, including the possibility that organizations could apply for and receive funds for laudable purposes and then use those funds to carry out violent and destructive acts.

Sec. 3 (1) states that the Institute may provide assistance to "nongovernmental organizations and individuals that promote human rights and fundamental freedoms in foreign countries by means consistent with the United Nations Charter..." The danger of politicization of worthy institutions and the subsequent perversion of their noble purposes is best illustrated by the United Nations and some of its operating agencies. The shocking and infamous UN resolution which equated Zionism with racism still stands as an official UN action. Conceivably, Institute funds could be used to underwrite terrorist efforts motivated by this offensive U.N. resolution.

Third, Sec. 7 (9) authorizes the Institute to accept gifts and grants which would, presumably, be used to defray the cost of specific programs. Experience with various federally funded agencies operating domestic programs has shown the vulnerability of autonomous agencies to manipulation by politically oriented

individuals or groups. Without adequate controls, it is conceivable that extremist or radical groups or even governments might contribute funds in an effort to use the Institute to advance their narrow ends, under the banner of human rights.

To insure that the noble purposes of the Institute are maintained in its programs, we strongly recommend that the act contain adequate safeguards and controls. We believe that, with such amendments, this Bill can contribute in a significant way to the stated purpose of promoting international respect for and observance of human rights and fundamental freedom.

Mr. FASCELL. Thank you.
Mr. Ranard.

STATEMENT OF DONALD L. RANARD, DIRECTOR, CENTER FOR INTERNATIONAL POLICY, THE FUND FOR PEACE, WASHINGTON, D.C.

Mr. RANARD. Thank you, Mr. Chairman.

Sir, I come to this hearing perhaps from a different perspective than others.

Mr. FASCELL. That is good.

Mr. RANARD. If I may be allowed, I would like to make a comment as concerns the reasons why I rather regard this Institute as important.

I note that the functions direct themselves toward nongovernment organizations and private persons, and surely that is to be encouraged. As I see it, however, one of the values of this organization may well be its long-run impact on foreign policy. I think it is a sad commentary that the initiative for human rights in foreign policy did not come from within the Department of State nor within the executive branch where surely the sensitivity to these issues in foreign affairs should be the keenest, but rather came from outside.

Mr. FASCELL. And Don Fraser.

Mr. RANARD. That's what I meant when I said outside the executive branch. It seems to me that the commitment within the Department of State to the recognition of human rights in foreign policy is fairly thin. Progress has been spotty and irregular and I think in too many instances it is dependent upon individual sensitivities. Aside from the Bureau of Humanitarian Affairs and Human Rights whose top leadership comes from the outside and, in any case will probably leave at such time as there is a change in administration, the movement has yet to make much of a dent on the personnel of the career Foreign Service to whom the leadership in foreign policy formulation must fall. It is in this regard that this Institute can have a tremendous impact on perpetuating, if you will, in the Department of State a concern for human rights in foreign affairs.

Obviously this Institute should be about as independent in organization and analysis as is compatible with the fact that it is going to be an agency of the U.S. Government. In its relationship with the Department of State it should be cooperative but unrestricted in its determinations. This principle should also guide its relationships with foreign governments.

I don't think the Institute should exist to substitute for those functions which the Department of State by law is required to do; namely, reporting on the status of human rights abroad and on which, in my judgment, it has yet to establish standards of either accuracy or objectivity.

As a matter of fact the Institute could easily serve to energize, if you will, and to generate the impact of human rights on foreign policy and bring to our executive branch findings so that it will move toward a greater commitment.

In terms of its functions I would hope that this organization would conceive of functions and priorities in the broadest most constructive

and most urgent sense. The ones that are ascribed I agree with. Yet while conferences and seminars on human rights can serve to continue the debate they are not going to resolve any issues. I think all of us at this table probably have an invitation at least once a week and surely at the outside once a month to attend such conferences.

Mr. FASCELL. We have one witness who suggests to strike that part out.

Mr. RANARD. Also while financial support for the legal defense of human rights in foreign countries is a worthy cause, the fact of the matter is that lawyers have been defending political prisoners in repressive governments of left and right without impact on the most causes of human rights violations or without the creation of just laws or constitutional systems that guarantee due process of law. This leads me to believe that what we need is an institute that is prepared to undertake some fairly penetrating examinations of the relationship of economic assistance and economic development to the status of economic and political rights or the relationship, if you will, of national security and military assistance to authoritarianism, or the role of private banking as well as Government financing in the maintenance of repressive governments.

We need more critical studies on the impact of arms transfers, overseas military basing and American-financed multinationals on the status of human rights abroad. Unless we examine the systemic roots of repression abroad, including I might say some self-examination of the extent to which the United States itself is involved, no matter how many institutes are established, deprivations of human rights of every dimension will continue. This Institute could thus come to be regarded as simply another manifestation of an acceptance of the status quo or some kind of cosmetic attempt, if you will, to engage in rhetoric while directing attention away from corrective action.

This proposed Institute has a unique opportunity and I think those of us who are concerned about these issues will support it. I have not made any remarks today, Mr. Chairman, regarding the language of specific sections of the legislation because I had an opportunity to do that in private session.

Thank you.

Mr. FASCELL. Thank you very much.
John Richardson.

STATEMENT OF HON. JOHN RICHARDSON, JR., PRESIDENT, FREEDOM HOUSE

Mr. RICHARDSON. Mr. Chairman, I have set forth in my prepared statement my reasons for being enthusiastic about this bill, so I will confine my oral remarks as others have to the particulars and also make a few comments, if I may, about projects, as Mr. Marks did, that might be of the kind that I would contemplate the Institute supporting.

Mr. FASCELL. Good; that might stimulate a dialog among the panelists and help me.

Mr. RICHARDSON. With respect to the relationship with the Department of State, I agree with the witnesses who suggested that it should be independent. The language in section 5 certainly needs revision and I think it might be adequate if the Secretary of State were required to keep the Institute fully informed on U.S. human rights

policy. I think that is useful and provides, it seems to me, enough of the underpinnings for all the coordination you need and would obviate any risk that the Institute's Board of Trustees would feel they have to follow particular U.S. policies in particular parts of the world with respect to specific kinds of interests and pressures.

I think it is wise to say that the Institute will not be subject to the direction of the Department of State in carrying out its responsibilities under the act. It should on the other hand be guided by the broad U.S. purpose of furthering in the world the kind of societies and constitutional systems that make the world the sort of place the United States can live in and that is what it is all about.

In that sense, the broad U.S. purpose and policy is directly served, it seems to me, by this Institute but its capacity and ability to function effectively will be greatly reduced if it is subject to particular Ambassadors' views about what it should do in particular countries, in my view.

On the matter of the relationship or overrelationship, excess influence, with American voluntary organizations, I think that is a matter that has to concern any grantmaking institution of the Federal Government. While it does not seem to me desirable to insert into this bill language limiting the capacity of the Institute to link itself to any degree it wants with any organizations, it seems to me there should be wording in the report of these committees which directly emphasizes the importance of this Board and the management being very sensitive to exerting excessive control and influence on voluntary organizations. That, it seems to me, is as far as you need to go in protecting them.

Some have expressed concern about this Institute's being vulnerable to the charge of Americanizing the whole international rights movement. That also can be handled by the committee report which can suggest to the Board that it exercise great restraint and that one way to proceed is to make use of non-American consultants and advisers.

If it really does that seriously and systematically around the world, it is not likely to get into the difficulty of appearing to impose American views on the world human rights debate. We don't have to be embarrassed about our views, but we do not want to be perceived as trying to take over the debate, it seems to me, through this or any other program.

Going to the particulars of the projects, let me quickly tick off some that seem to me worth looking at: Deputy Secretary Christopher, who is coming before this committee in a week or so, has suggested an international private or public monitoring agency in effect to try to produce objective information about the progress of freedom and human rights throughout the world.

That is an agency, if it were to be set up by someone, which this Institute could help to fund, it seems to me, very appropriately.

Another organization that now really does not exist would be a secretariat for the parliamentary and other democratic political parties in the world which are interested in providing services to other countries struggling for democracy. Such a secretariat could systematize the provision of international observers for elections—which Congressman Fraser has been particularly interested in—and similar projects that democratic parties are particularly suited to sponsor.

For the first time, the American side could provide a source of money for that sort of thing. Political parties have never had a place to go for money for these kinds of activities.

Another kind of activity, and this is a broad range, would be those directed toward the formation or development of specialized competence and commitment within professions, within institutional frameworks, within scholarly disciplines. Let me tell you what I mean.

Recently we had within the World Psychiatry Association a movement to condemn Soviet practices in misusing mental hospitals. If the proposed Institute had been alive 10 years ago it might have helped those who were working within that association to develop that interest in that association. Association action might have come 10 years earlier and been that much more effective in putting pressure on reducing the misuse of psychiatric facilities for political purposes.

Another example: Journalists, publishers, broadcasters could be encouraged, as Mr. Marks suggested, in a lot of different ways to promote their own profession more effectively around the world. There could be a far better system for training and for encouragement to journalists, publishers, broadcasters around the world so that they would function more professionally, more autonomously, and therefore more effectively, in the interests of more open, more free societies.

Third, there are educational systems at all levels in all countries of the world that can be influenced, can be helped to have regard for basic human rights, be concerned about learning respect for human dignity, to educate about free institutions. There is no reason why an institution of this kind cannot foster that sort of tendency in educational systems at all levels all around the world.

The same goes for the whole free trade union movement which now has an international outreach but which could be encouraged to do much more in the world. Not just the American union movement although it is active but also other trade union movements which could make their international outreach more effective if they had more money for the kinds of things that would promote institutional development as well as defense of human rights. You can think of a whole range of other useful activities once you think in terms of this Institute's promoting within professions, disciplines, and interest groups the concern for freedom that this Institute stands for. I would include business, public administration, ethics, law. There are many fields where tendencies inherently exist to be interested in human rights and fundamental freedoms, but with a little encouragement their tendencies can become more active and produce a much wider range of constructive consequences.

That is enough perhaps of the kinds of examples which, it seems to me, to be worthwhile in trying to think about how such an institute might actually function. In addition, there are the more obvious matters of strengthening the capacity for expression of those whose struggle for freedom either within oppressed countries or outside oppressed countries, whether they are artists, writers, political leaders; there are many ways to help them amplify their voices.

Next, another category of action I think important is to increase what I would call collaborative cross cultural research into the basic meaning of human rights and freedom as the world is evolving now

and in the future. There is an enormous amount of basic thinking that needs to be done that has not been done.

Most of the thinking that now is on the very narrow issue of human rights; there is very little broad study of the role of free institutions and how they have to adapt to changing circumstances in the future. Here is an institution that can sponsor that research on a cross-cultural, interdisciplinary basis. Nobody seems to be doing it.

Mr. FASCELL. You mentioned the magic word.

Mr. RICHARDSON. I know I have heard those words often from you, Mr. Chairman.

Finally, it seems to me an obvious strategy is to strengthen the emphasis in award and other recognition systems on contributions to freedom in all fields including the creative arts, academic scholarship, business, trade unions, whatever. There should be a systematic effort to develop and expand and promote recognition systems for those who are doing something positive in this whole broad area with which we are concerned.

Mr. FASCELL. You mean like an international board that would pin blue ribbons on the right people?

Mr. RICHARDSON. Sure. Not just one international board but a multitude of different kinds of awards that could be encouraged in different areas once you decide it is important to do it.

At the moment there is no agency of the U.S. Government I think that has any authority to do that. Here is one that could do that working through voluntary international organizations.

Mr. FRASER. Increase foreign aid.

Mr. RICHARDSON. That is another way. That is an alternative. This is cheaper.

Finally, Mr. Chairman, I want to say that I think it is very important to have the flexibility in the bill to provide resources not only to private organizations but also to some quasi-government organizations such as educational institutions. The school of journalism in Africa, the example which Mr. Marks used, is an ideal example. I don't think that really needs a major drafting change. I am sure that could be done with minor editing. The primary emphasis of the Institute could well be on voluntary organizations but that should not be the exclusive emphasis.

A question was asked by Mr. Fraser at the last hearing about what kind of people should be on the Board and how are you sure that the thing maintains its independence and stature. I don't know.

It seems to me about all you can do is to arrange that this institution will have a constituency that cares about it and seeks to impose on the appointing authority standards as to the kinds of people that are to be appointed. I should think the constituency ought to be concerned to see that the Board is comprised of people with broad experience, stature and independence as well as interest in the field of human rights and freedom.

I agree with Mr. Marks that a lot can be done with little in this field and that a \$5 million budget—to begin with anyway—is about right.

[Mr. Richardson's prepared statement follows:]

PREPARED STATEMENT OF HON. JOHN RICHARDSON, JR., PRESIDENT, FREEDOM HOUSE

My name is John Richardson, Jr. Professionally, I was successively an attorney and investment banker in the '50's, Chief Executive Officer of Radio Free Europe from 1961 to 1968 and Assistant Secretary of State for Educational and Cultural Affairs, 1969-1977. For the past year I have been Executive Director for Social Policy at Georgetown University's Center for Strategic and International Studies and Research Professor of International Communication at Georgetown's School of Foreign Service.

My voluntary activities in the 50's included the organization of a successful medical assistance program in Poland, and service as Treasurer and President of the major non-denominational refugee resettlement agency, the International Rescue Committee. During the 50's and 60's I also participated in the domestic civil rights movement having been co-founder of a Fair Housing Committee in my local community, Chairman of the Metropolitan Mission of the United

Church of Christ in New York City, Board member of the Mount Vernon, New York and New York State chapters of the NAACP and a founding member of Westchester Residential Opportunities, Inc.

I am now the volunteer President of Freedom House in New York, which develops and publishes the annual Comparative Survey and Map of Freedom.

This lengthy recital is intended only to suggest my intense interest in the subject-matter of these hearings. I am enormously grateful to all the members of the subcommittee but in particular to Chairman Fascell and Chairman Fraser as well as to Chairman Zablocki for the serious consideration the International Relations Committee is giving this extraordinarily important and constructive proposal.

Let me explain the reasons for my enthusiasm.

For many years the Congress and in particular these two subcommittees have taken the lead in developing new means of promoting human rights and fundamental freedoms in the world. I recall in particular the remarkable series of hearings on international communication chaired by Mr. Fascell in the 60's, the Title IX AID legislation, the establishment of the Inter-American Foundation (I was fortunate to be an original member of the Board), the establishment of the Board for International Broadcasting to sponsor Radio Free Europe/Radio Liberty, the establishment of the Commission on Security and Cooperation in Europe, the establishment of the new office of Assistant Secretary of State for Human Rights and Humanitarian Affairs and of course the continuing series of hearings on Human Rights chaired by Mr. Fraser beginning, I believe, in 1973 which have had such a profound impact on the American conscience on a great deal of foreign relations legislation and on the

moral component of US foreign policy.

Each of these initiatives has aided those in various parts of the world who struggle with non-violent means to erode the foundations of tyranny, to increase political participation and to strengthen human rights.

In the past year we have all welcomed as well the unprecedented priority given to human rights by President Carter and his Administration. His leadership has lifted the spirits of those in every country in the world who seek to reduce the human suffering imposed by political systems which subordinate elementary standards of justice and humanity to considerations of power and anti-democratic ideologies.

Both the Congress and the President are building on the firm ground of American traditional commitment and on values and aspirations as characteristic of young Americans today as at any time in our history.

But we have not yet succeeded, in my view, in developing strategies and means sufficiently attuned to the reality of an increasing complex world order in which direct diplomatic pressures are becoming less and less efficacious for any purpose. The emerging world system is characterized by a proliferation of actors, from political pressure groups to transnational businesses, from intergovernmental organizations to terrorist networks and from religious movements to professional, scholarly and artistic communities.

This emerging system is energized by information and ideas impacting so pervasively and powerfully as to produce the most

rapid evolution in basic beliefs, assumptions and expectations in the history of the world.

One of the most fundamental, and hopeful, of such changes has resulted in a world-wide surge of resistance to tyranny. The human rights movement, officially launched in the UN after World War II, has developed powerful momentum in recent years. The Helsinki follow-up on "Basket Three", events in Southern Africa, Uganda, Chile, the Philippines, South Korea and Cambodia, among other places, have helped to raise public consciousness levels and focus official attention in many parts of the world. So have the increasing assertiveness of ethnic, linguistic and religious minorities, the women's movement and the new surge of concern, especially in the developed democracies, for the aged, the disabled, abused children and other groups suddenly perceived to be unjustly treated.

This is obviously a situation where the proliferation of actors and their increasing activities on the world scene are making a major difference. Transnational actors include Amnesty International, the Commission of Free Jurists, Freedom House, the US Helsinki Commission, the United Nations and regional human rights commissions, the World Peace through Law movement, organized ethnic, religious, minority and women's groups, refugee relief, exile and other political interest organizations -- as well as Committees of the Congress.

Their various activities, reported by the mass and specialized media to ever growing audiences around the world, are having an important impact on the values, knowledge, frustrations and the

political behavior of elites and broad publics as well. When Time magazine runs a cover story on political torture (as was the case in the summer of 1976), opinion leaders all over the world are alerted. (This is one area where the media penchant for sensation helps public understanding of basic political issues more than it hurts.)

This emerging situation in which transnational as well as national consensus with respect to elementary human rights becomes not only feasible but a sensitive issue of practical politics makes this Bill extraordinarily timely. At a broader level, one of the most constructive emerging tendencies which the Institute of Human Rights and Freedom could foster is the increasing transnational cooperation among democratic political parties. When, as was the case in the recent Guatemalan elections, they can collaborate in providing a team of international observers (in which I participated) it may be seen as a modest but hopeful harbinger of more extensive cooperation in promoting free elections to come. The same tendency can be discerned in programs of international social, economic and political development in which the European Christian Democratic and Democratic Socialist movements continue to play a major role. Much more could and should be done to link and reinforce the energies of people world-wide who appreciate the relationship between the rule of law, political participation and human destiny.

On a world stage where the actors are multiplying and communication among them intensifying, there is no reason for the parti-

sans of more open, free and just societies to stand in the wings while the authoritarians of left and right dominate the action. The Institute proposed by this Bill would at least provide the means for us to play a modest role.

But, quite apart from meeting the urgent need for practical support of those in the front-line in the struggle for human rights and fundamental freedoms, this Bill is timely for another reason.

It is timely because US human rights policy is at a cross roads.

In the last year, declared Administration policy has been concerned almost entirely with government-to-government relations. The chosen strategy at first featured the "stick" of public criticism and withholding assistance. Now the "carrot" of improved economic and other treatment, bilateral and multilateral, is featured as well. But the channels through which the influence is exerted are still almost entirely diplomatic, with all the consequent disabilities:

--direct official pressures, especially from a super-power like the United States, sometimes force closet liberals in the offending government to line up with the hardliners on penalty of appearing unpatriotic

--we are often perceived as hypocritical because the US record on injustice may not seem as favorable to others as it does to us; it is as difficult to avoid a moralistic tone in direct diplomatic communication as it is in official public rhetoric

--the credibility of the policy will be increasingly difficult to sustain because of competing US interests in every diplomatic relationship and the wide disparities in cultural, political, social and economic circumstances of other countries which require discriminating treatment

I do not intend by this recital of difficulties to suggest

abandoning diplomatic strategies in the struggle for human rights. Government-to-government channels as well as the channeling of US views through the mass media and US information facilities such as the Voice of America to publics abroad play an indispensable role.

But what is urgently needed to compliment, reinforce and undergird our government-to-government and government-to-public messages on human rights is a whole new dimension of effort, so far largely missing in the Administration strategy. It is what I call the programmatic or people-to-people approach.

This Bill is timely because it emphasizes and institutionalizes (and makes program resources available for) a non-provocative, low profile, positive, reinforcing and sustainable non-governmental approach to the human rights problem. The emphasis is on tangible support for those individuals, groups and organizations which seek to understand and to promote human rights, the rule of law and political participation. The proposed Institute would be able, to an important degree, to disassociate itself from official diplomatic arms -- and vice versa --. Its structure, in common with those of Radio Free Europe/Radio Liberty, the East-West Center and the Inter-American Foundation would permit it to operate autonomously enough to be relatively unburdened by the diplomatic, political and bureaucratic constraints which so severely limit the effectiveness of AID program managers, among others.

Finally, the Institute is an urgently important initiative because in historic terms the whole idea of free institutions, of liberal democracy, of individual dignity protected by the rule of law is threatened by statist responses to growing complexity and

by a perceived loss of momentum of the forces of freedom. (Defeatism is the order of the day in spite of four major, clear-cut and recent victories in Spain, Portugal, Greece and India.)

Through its capabilities to sponsor research and to link research activities, the Institute will help develop in many parts of the world new thinking, new insight, new perspective on the potential for free institutions in coping with the challenges of the future.

In doing so, it will meet a need to which very few other funders, public or private, are responding. There could be no more important purpose for the use of taxpayers' dollars. Continuing American freedom is inconceivable in a world where belief in freedom is dead.

In summary, the new Institution would provide the United States with a capability we have never had -- the capability for overt and practical support and encouragement to those everywhere who seek through peaceful means to construct free societies and defend human rights.

The result would be to institutionalize the Administration's -- and America's -- commitment in a way nothing else could. The Institute's programs would escape the vulnerabilities that beset the diplomatic approach and fuel a low profile, indirect and potentially powerful programmatic strategy.

Ladies and Gentlemen, I have a few minor comments on the drafting of the Bill, but I would not want them to detract from the enthusiasm I have tried to express in this statement. Thank you for permitting me to express my views. I will be happy to respond to questions.

Mr. FASCELL. Thank you very much.
Ambassador Stephansky.

**STATEMENT OF HON. BEN STEPHANSKY, ASSOCIATE FOR LATIN
AMERICAN PROGRAM DEVELOPMENT, CARNEGIE ENDOWMENT
FOR INTERNATIONAL PEACE**

Mr. STEPHANSKY. Thank you, Mr. Chairman.

I appear before you today in a personal capacity, not on behalf of the Carnegie Endowment.

I fully endorse the concept of the bill. I endorse it as a potentially very significant step in the evolution of the U.S. human rights policy.

Up until now, our policy has been rather narrowly based, it has been sharply sanction oriented. I think the time has come when we ought to contemplate a more affirmative policy, affirmative set of actions which this bill, I think, addresses.

Yes; there will be overlaps. There will be areas that might run into the jurisdiction of other organizations. I think those things could be cleared up as one goes along. I, too, feel one ought to look rather carefully at ICA's activities. I have heard of some rather interesting ones recently, especially human rights conferences in Rwanda, and it may be useful for ICA officials to testify before these two subcommittees.

Along with others, I have participated in some discussion with staff with regard to certain specific provisions. I am not going to go over all the provisions which we discussed for some 3 to 4 hours on that particular day, but there are one or two additional comments I should like to make. Before I do so, however, let me proceed by suggesting that I join with those who seek the deletion of section 5. And, I would also add that perhaps it might be useful to consider deleting section 3(b)(4). Deleting these provisions reduces the possibility of people around the world looking at Institute projects as requiring State Department approval or as having been approved by the local government. I should also add, by the way, that another reason for recommending the deletion of section 3(b)(4) is that in many cases it is not the question of laws that are enforced in a particular country which is the issue.

In many cases it is the oppressive government operating under martial law, or states of emergency which really involve suspension of their own laws.

I have some doubts also about section 7, on page 7, beginning with line 21. If the support contemplated is totally administrative, then I would have no objection. On the other hand, if you go beyond that, it may need a little bit of modification.

It is imperative that the Institute is so created that it emerges as one with full autonomy. If the Institute can be established as fully autonomous, I would not have the kind of reservations as expressed by Mr. Heaps about its operational character.

In fact, I think that an institute which is doing some operational work may really be fulfilling an important criterion for innovation.

There are five enumerated functions of the Institute and section 3(a)(7) is the section which I look at as potentially being the innovative section.

Let me indicate to you what I mean. There are going to be in Latin America in the next 6 months or 1 year, some interesting new openings. We are beginning to see them in the cases of Ecuador, Bolivia, and Peru, with decisions on the part of military regimes to move toward constitutional government.

Some interesting developments are occurring in Brazil with regard to potential new openings, and some interesting debate is beginning to develop in Uruguay which has been tight as a clamp up until now.

Now, as these developments occur, it seems to me there may be new opportunities, there may be new possibilities for imaginative activity. There are going to be new political parties, and there are new generations coming of age in these countries. When new generations enter politics, there will be many people untested, without prior background in government, without prior background in politics, without prior background in administration.

There very well might be, within the next year, a number of new opportunities, and this kind of institute should be very sensitive to these developments. If, indeed, as I think, it represents a new step toward affirmative policy, then I suggest that an operational function would seek to explore and define new projects suited to transitions toward constitutional government.

If there is a possibility of developing democratic institutions in these three countries, and perhaps in some others, the issue will be whether the democratic institutions can be more durable institutions, and there very well may be some innovative work by an institute of this kind, some of which kind of work was suggested by Mr. Richardson. I am sure others will be suggested as well.

While it is true, of course, that voluntary agencies can do this sort of work and, in fact, can have some of this kind of work delegated to them, it seems to me that it is a good idea for this Institute to have the options of doing some direct work, itself.

What should not be precluded is that the Institute might fund directly within a country a nongovernmental agency, or a quasi-governmental agency. There should be ample flexibility, and direct funding, I believe, should not be precluded.

I call attention to the fact, that the bill provides on page 8, beginning with line 15—

The Institute shall establish a principal office. The Institute may establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere.

If, the term "elsewhere" includes establishing some kind of base in a foreign country, and it may be feasible to do so, I feel that option should not be precluded.

In closing, I repeat this bill is a new and interesting step toward a more affirmative human rights policy. While it treads on familiar ground in many respects, I believe it has rather important potential for innovation.

The entire ground of human rights, we all know, is beset with difficult and sensitive problems. If we are going to encourage the further development of policy for human rights we can well begin with this kind of institution and look also to its creative potential for further evolution of policy. Thank you.

Mr. FASCELL. Thank you very much. Let me make some comments.

I see two general things by way of context. One is the Institute would fund those programs which are identifiable and not now being funded. And the other is to look for new ways to be innovative.

I do not think one should be emphasized any more than the other. But if I were going to make a choice in the long run, I think I would go with innovation, but certainly, things that ought to be done are not being done. That is the short-term thing.

In the long run, to get the multiplier effect, we need to look at real innovation. How do we inculcate attitudes? I think the Board has to have the flexibility to do that and it ought to be an important part of its mandate.

Mr. Fraser.

Mr. FRASER. I would like to raise a question about the recommendation to change the language to "public reports" rather than "reports of the President and the Congress" as someone suggested today.

I have two questions. One is: Should that report speak to human rights problems in particular countries? The second is: Should it speak to U.S. policies in relation to how the United States is dealing with the human rights problem around the world?

Since I do not see any direction here on that issue, I am curious as to what you think would be desirable.

Mr. MARKS. Mr. Chairman, let me say the provision in this bill is quite common. All reports to the President and the Congress of this nature are public and widely disseminated. The advisory commissions that formerly existed to USIA and the State Department regularly reports and distributes their reports through the Government Printing Office.

There is nothing in this provision that is sinister.

Second, I do not think you should proscribe in this legislation what the reports should contain. That is up to the Institute. They should report on their stewardship consistent with broad legislative reports. I would report not only on the grants that were made, but I would offer suggestions for legislative policy or Executive action that the Institute would not by itself be able to command and suggest the policy for human rights.

I do not think legislation is the place to circumscribe or prescribe what the report should contain.

Mr. RICHARDSON. I agree with Mr. Marks, but would add that I think it would be undesirable for the report to become a substantive reporting system on the development of human rights worldwide.

I do not believe this Institute is the right organization to do that. It ought to be done to some degree by official bodies and it ought to be done to a much greater degree than it is now by many others in addition to Freedom House, Amnesty, and those who are already doing it.

I think Mr. Christopher's ideas or other ideas for new institutes on arrangements to monitor human rights and freedoms in the world are in the right direction. I do not think this Institute ought to be the instrument because it should be mainly a low-profile grantmaking foundation even though it has some operational role.

Mr. FASCELL. You have two reports now that are being made. One is by the President on human rights and the other is by the President to the Helsinki Commission.

Mr. MARKS. You have one from the State Department to Congress on human rights.

Mr. RICHARDSON. That is why there is need for others.

Mr. RANARD. Mr. Chairman, I thought from your remarks that you were not thinking so much in terms of legislating the character of the Institute's annual report, but incorporating into the committee's report of the hearing various ideas so that at some future date when the Institute sits down and tries to figure out what it is supposed to do it will be aware of the way the people feel about its activities.

I think the most important thing that the organization can do is to be as innovative as possible, and examine a variety of issues as they relate to human rights. I hope it would not turn out to be a duplicate, if I may say so, of the Ford Foundation or some other grantmaking organization whose primary responsibility is merely giving money.

I would hope it would see its long-range impact in terms of what it can do to create original thought on the relation of human rights to such perplexing problems as military assistance, foreign troops, or multinational corporations. I would like to see the Institute report on these issues.

Mr. HEAPS. That sort of objective is included implicitly in programmatic activities. Mr. Fraser raised the question of the report. As Mr. Richardson noted, the report should be a factual accounting of the stewardship of the Institute, on an annual or semiannual basis, in which the actions taken during the period in question are recorded and described in both their narrative and financial aspects.

Mr. FRASER. I do not know the statutory basis for their work, but the U.S. Civil Rights Commission makes periodic an inventory on the status of human rights in the United States. I gather you do not see this as an international counterpart, or at least necessarily.

Mr. RICHARDSON. I don't, Mr. Chairman, because it is not international, it is American and governmental. It could foster that being done at the international level, but it is not an international organization and it is not private. I think, therefore, it would not have the authority that the Civil Rights Commission had in U.S. affairs.

Mr. STEPHANSKY. That is a rather close question. The discontent I have felt with the State Department reports is that they have shown the signs of struggle, there is a lot of battling that goes on as to what should or should not be reported. What emerges is a sort of compromise, how to say some things delicately, how to say some things not at all, and how to say some things—well, not too offensively and here and there they say some things pretty sharply.

By and large, the impression one gets is that the reports are not all that candid. Rather than have that sort of report, I would say let us forget it. There has to be some place somewhere, some reporting agency that is going to tell the story, it seems to me.

Mr. FRASER. Freedom House and Amnesty.

Mr. STEPHANSKY. Amnesty does pretty well. I think the International League for Human Rights has put out some pretty good reports from time to time. It occurs to me that, perhaps, one of the projects to be undertaken under section 3(a)(4) could be addressed to the kind of report there ought to be to tell the story around the world.

I rather think that this Institute should be telling the story of its work, and if from time to time on occasion calls for some broader statement of the condition of human rights in the area of work it has done, proceed to do it.

Mr. FASCELL. My own feeling is that I believe it would not be useful for this Institute to review and state its findings with respect to human rights conditions in country X and then justify its grant to some particular project in that country as an advance on human rights based on their findings.

I do not think that is necessary. The project will speak for itself, it seems to me. Why try to get a measuring stick of how far you have gone against the problem which is really not a very good criterion anyway.

That is the problem as I see it, with an overall assessment on human rights around the world by this particular institution in effect justifying its grant. I think it would be misleading criterion and not really accomplish anything.

Rabbi ROSENTHAL. Is there not a danger that the reaction of the government to an annual report might impair the ability of the Institute to work in that country?

Mr. FASCELL. That is the point that Mr. Stephansky brought up. You will wind up being so careful about the language you use that you might not be able to say anything anyway, so why bother. Go on the assumption you would not fund it unless you thought you were making a contribution and the grant stands on its own merits.

You assume something is wrong or you would not make a grant. Why go about justifying it again once the Board has made up its mind? That is the way I see it.

I would like to discuss for a minute the question of autonomy, operations, and control because it seems obvious that all three are interlinked. Which route you go depends on all the connections that have to be made in those three fields.

I would like to talk aloud for a minute and get the reaction, if there is any. I can see the desirability of autonomy, obviously, and some loose relationship is necessary to foreign policy guidance. There are a lot of ways to do that and we have done it all along.

Autonomy is no big problem as I see it. One of the key questions would be operations. It seems to me that we have to define what it is that we are talking about. I have heard direct funding in a foreign country and I have heard indirect funding and I think I know what those mean. But I do not envision, for example, that a grant to an individual in a recipient country coming directly from the Board is different from a grant to an organization which would make the grant to the individual in that country.

I do not see a big difference there. I do not see why you would want to strain it through some nongovernmental or nonprofit organization if the Board sees fit to make a grant to an individual. Do it directly.

Mr. FRASER. They call it laundering. [Laughter.]

Mr. FASCELL. The other question that arises is: Do you want this Board to be, in its autonomy, totally as a grantor in a nonoperational sense? There are reasons for that kind of separation which we now use in the Board for International Broadcasting as an example, and direct operations by that Board is not precluded.

Simply, the Board is a grantor to a nonprofit organization and that is it. I do not see any reason either to get into the whole discussion of whether or not a direct operation or operator as a representative of the Board is in a foreign country.

Why do that when you do not really need that person in that country if your Board has decided what it is you are trying to do? I have real question marks on that one. It seems to me the last thing you want to do is have an institution that has that kind of operational problem.

I might not want to close the door on it, but I would not start out advocating that as a method of operation. I think that would be the least desirable method of operation. So now, we get down to the question of the laws of the country, whether or not you are going to have to work with the U.S. Ambassador, whether or not you are going to have to get the permission of the recipient country and all those kinds of detailed questions with respect to actual practice operations.

It seems to me that you would want to avoid all of those problems if there is any way reasonably and sensibly to do so and not get into a big foreign policy squabble about what it is you are doing. Obviously, the host government, or recipient government, or the government in which the recipients reside at any point that it feels politically sensitive is going to make the strongest kind of representation to the U.S. Government.

I think that takes care of that problem, and we ought to leave it there. That is the way I see it.

We had better go vote. I want to thank all of you gentlemen for your contributions to our discussion, for your very thoughtful suggestions, and the time that you have spent with our staff in making your recommendations to them and providing us this information at the hearing today.

Thank you very much.

[Whereupon at 4:30 p.m. the subcommittees adjourned to reconvene at 2 p.m., Tuesday, April 25.]

INSTITUTE FOR HUMAN RIGHTS AND FREEDOM

TUESDAY, APRIL 25, 1978

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEES ON INTERNATIONAL OPERATIONS
AND ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittees met at 2:15 in room 2172, Rayburn House Office Building, Hon. Donald M. Fraser (chairman of the Subcommittee on International Organizations) presiding.

Mr. FRASER. Today the Subcommittees on International Operations and on International Organizations continue consideration of H.R. 11326, a bill to establish an Institute for Human Rights and Freedom to promote respect for and observance of human rights and fundamental freedoms in foreign countries.

During the course of these hearings, several key questions have been raised in relation to the proposed Institute. There appears widespread agreement that the Institute's credibility and effectiveness require it to have complete independence from the Department of State and the executive branch. The second principal concern regards the effect of the Institute's activities upon the integrity and autonomy of nongovernmental organizations both here and abroad.

A third concern is that the Institute, in terms of its programs, should exemplify the virtues of objectivity and demonstrate equal concern regarding human rights violations in all countries regardless of the ideological perspective of the governments concerned.

A more detailed listing of questions concerning the Institute has been distributed to the witnesses for their consideration.

Today we are pleased to first receive testimony from Hon. Warren D. Christopher, Deputy Secretary of State.

After his testimony, we shall hear from the following public witnesses: William J. Butler, chairman, Executive Committee, International Commission of Jurists; Joseph T. Eldridge, director, Washington Office on Latin America; Dr. Ernest W. Lefever, director, Ethics and Public Policy Center, Georgetown University; George Lindsay, member, Executive Committee, Lawyers' Committee for Civil Rights Under Law; Ambassador Laurence Silberman, senior fellow, American Enterprise Institute for Public Policy Research; and David Weissbrodt, associate professor of law, University of Minnesota.

With respect to our public witnesses, I understand some of you have prepared statements. Since these statements will be published in their entirety in the record of the hearings, I would like to request that the witnesses begin with some brief opening remarks of no more than 5 minutes in length. After all the witnesses have had this opportunity, we will address questions of any of the witnesses.

Secretary Christopher, we are delighted to have you here. Why don't you proceed?

**STATEMENT OF HON. WARREN D. CHRISTOPHER, DEPUTY
SECRETARY OF STATE**

Mr. CHRISTOPHER. Messrs. Chairmen, that is in the plural, is it not? We have the good fortune to have the chairmen of two important subcommittees and Mr. Buchanan. I appreciate this opportunity to testify before the subcommittees on the proposed Institute for Human Rights and Freedom.

I want to pay tribute to the two sponsors of this proposal, Chairman Fraser and Chairman Fascell, who have long been active in this country's efforts to promote human rights. They have been leaders in the cooperation between our two branches of Government in this important area. Chairman Fascell's work as Chairman of the Commission on Security and Cooperation in Europe has been an outstanding recent example of this cooperation between the executive and legislative branches. Chairman Fraser's outspoken and well-informed support for U.S. foreign assistance programs has helped maintain the momentum of America's commitment to the developing world.

The Carter administration has made the advancement of human rights a fundamental goal of its foreign policy. In many ways, we have given greater weight to human rights concerns. We believe that the response to our efforts across the broad reach of the globe has been very positive. I think no one can question that human rights has moved from the periphery to the center of the dialog between nations.

In our bilateral relations, in our position in multilateral organizations, and in our decisions on foreign assistance, and in many other ways, we have reflected the President's belief that "We can never be indifferent to the fate of freedom elsewhere." Our actions have contributed to a rising worldwide awareness of human rights issues. This growing consciousness not only helps curb existing human rights abuses; it also acts as an important deterrent to new abuses.

In pursuing our human rights policy, we are receptive to new and creative endeavors. If the Institute is carefully structured, and I will address those concerns in a moment, we believe it could make a valuable contribution in efforts on behalf of human rights. Perhaps its most important role would be to offer needed assistance to nongovernmental organizations which we know familiarly as NGO's.

The valuable work of the NGO's in promoting human rights long predated this administration, and we have learned much from them and been helped by them. In turn, we believe that our own efforts to promote human rights have given their work new impetus by helping focus international attention on the causes they long have supported.

Over the long run, Mr. Chairman, private efforts to promote human rights may well outdistance Government initiatives. The record of the Carter administration to date has demonstrated that it is possible for the U.S. Government to have a positive effect on human rights conditions in other countries, but nongovernmental organizations can do things a government cannot do.

For example, by pursuing a people-to-people approach, they can be particularly effective in helping build support for human rights around the world. Local groups working to promote human rights may well hold the best hope of bringing about fundamental and lasting improvements.

We believe that it should be the policy of the United States to encourage the growth of such local groups without at the same time diminishing their long-run effectiveness. This can be done in a variety of ways, including perhaps by aid from the kind of institute contemplated by the present bill.

Beyond its salutary effect on private human rights organizations, creation of the Institute contemplated by the bill through an outstanding congressional initiative would be viewed as a reaffirmance of our national commitment to the promotion of human rights. The bipartisan nature of this human rights commitment and the breadth of its support in Congress, are prerequisites to the success of our efforts around the world on behalf of human rights.

Our respective staffs, as you know, Mr. Chairman, have already had discussions about the details of the proposed legislation. We look forward to continued consultation in order to ascertain the best means to effectuate the principles underlying your proposals. We want to keep working with you, and I will not take up the time today with detailed discussion of suggestions for the language of the bill. Rather, I would like to comment on some of the questions which in our view must be seriously addressed in any consideration of an entity such as that envisioned by the bill, questions, Mr. Chairman, which you have in many respects already identified in your opening statement.

First, there is the significant question of whether the Institute would be independent of direction or control by the executive branch. I think all would agree that unless such an institute were independent, its credibility and perhaps the credibility of nongovernmental organizations which it would support might be questioned.

I think we must ask ourselves to what degree the Institute could be authentically disassociated from the U.S. Government which would create it and finance it. Very careful thought and mature consideration will be required to achieve that kind of credible independence. The challenges involved are illustrated by section 5 of the bill. As you know, that section stipulates that the Secretary of State shall keep the Institute informed on U.S. foreign policy as it relates to the activities of the Institute. The section also provides that the Institute shall consider U.S. foreign policy in carrying out its responsibilities, but at the same time it should not be subject to the direction of the Secretary of State.

We support the intent of this passage, because it seeks to safeguard the Institute's independence while taking due account of the relationship between the Institute and the U.S. Government's foreign policy. However, we would be willing, I should say, Mr. Chairman, to inform the Institute about our human rights policies and other relevant foreign policies, whether or not directed to do so by the bill.

At the same time, I would hope that the Institute would take U.S. foreign policy into consideration even while it tries to maintain the independent character so important to it, which is conferred elsewhere in the bill.

A second, fairly closely related question, Mr. Chairman, which we think must be addressed, is whether the independence of nongovernmental organizations might somehow be adversely affected by support from the Institute. I am sure it would be common ground that it would

be most regrettable if the Institute should have the unintended effect of eroding the credibility of the NGO's it was created to support.

To avoid this pitfall, it might be desirable for the Institute to provide funding to the NGO's for general rather than specific purposes. In this way, the Institute might avoid any impression that it is trying to tell a private organization which individuals or causes to aid.

A third and once again somewhat related question is whether in carrying out its own activities the Institute itself would become directly involved in specific human rights issues and cases. If the Institute were to do so, it might be drawn into matters that could be better addressed at the operational levels by the NGO's. This problem might be eased, for example, by a requirement that the Institute restrict itself to educational and cultural activities such as sponsoring research and conferences.

A fourth question, and one of a somewhat different character, Mr. Chairman, is whether the costs of the proposed Institute have been accurately foreseen or could be effectively controlled. It is the general policy of the Carter administration to reduce rather than increase the number of Federal agencies. In that light, we must candidly address the difficulties that inevitably attend the creation of any new Federal agency.

We must ask whether a proposed new entity does not in fact duplicate activities of existing agencies. In the case of the Institute under consideration, it may be that some of the activities envisioned for it are already being adequately handled or could be undertaken by existing entities, such as the International Communication Agency, or the National Endowment for the Humanities. These potential overlaps should be carefully studied during the course of the consideration of the bill.

Moreover, while the bill sensibly proposes a limitation on the size of the Institute, it is important before the Institute is created that we consider ways to control its potential, some would say inevitable, growth. Similar comments apply to the Institute's funding.

In short, before creating a new entity such as the Institute, we should have the clearest possible picture of the fiscal implications.

Mr. Chairman, let me emphasize as forthrightly and sincerely as I can that the questions I have raised and you have raised are not raised in any spirit of opposition to the proposal, but rather because of its importance. Whatever the ultimate outcome, it is my conviction that the product will be vastly improved if the hard questions are candidly addressed during the course of the legislative passage.

Let me conclude, Mr. Chairman, by emphasizing once again our support for imaginative and creative developments in our country's promotion of human rights. We share the conviction behind your proposal, the conviction that the United States should be promoting human rights around the world by open, nonviolent means which are consistent with the United Nations Charter and other international obligations of the United States.

Congress has already made a very important contribution to this work by its various legislative provisions which require that human rights concerns be brought to bear on the distribution of U.S. foreign assistance. The United States, I think, under the Carter administra-

tion has a vigorous human rights policy which has included conscientious implementation of these congressional initiatives, and which has led, we believe, to encouraging progress.

For their part, private organizations have a unique and invaluable role. We must consider carefully the best means of assisting them in carrying out that role.

We stand ready to pursue this inquiry in cooperation with the Congress, and we stand ready, Mr. Chairman, to work with you and your staff in connection with this very important legislation.

I would be glad to respond to any questions you might have, or to try to.

Mr. FRASER. Thank you very much, Mr. Secretary.

In section 5 of the bill—I do not know if you have the bill available.

Mr. CHRISTOPHER. Yes, sir, I have one before me, sir.

Mr. FRASER. It is the section which refers to the Institute's being kept advised about policy and so on. Would you see any big problem if we just took section 5 out?

Mr. CHRISTOPHER. Mr. Chairman, I believe if you took section 5 out, we would continue to do under our existing authorization precisely what section 5 provides. That is, we would keep the Institute fully informed of the U.S. foreign policy as it relates to the activities of the Institute. We try to do this with nongovernmental organizations. Certainly we would do it with an organization which had Federal funding. I would hope, as I said in my statement, that the Institute would give consideration to U.S. foreign policy, whether or not it was so provided in the bill.

Mr. FRASER. Maybe if we took it out, it would not have all that much practical impact.

Mr. CHRISTOPHER. We would do our part, Mr. Chairman, whether it is in or out.

Mr. FRASER. Chairman Fassel?

Mr. FASCELL. Mr. Secretary, I want to thank you for your thoughtful statement. The questions you have raised are ones which we indeed are addressing and which need to be addressed. I agree with you it must be done openly and candidly. We want to give as much positive and affirmative strength to this concept as we can, and in order to do that, I think we have to answer the questions you have raised one way or the other.

I can assure you they are most seriously being considered in committee, and the suggestion which Chairman Fraser made is one which appeals to me. Frankly, I see no problem in eliminating that section altogether. The other suggestions I think we would have to consider very carefully in terms of operations. I can see how it could be done either way, frankly, but I would want to explore it more in depth. I am not sure that we want to spell out the operational mode in legislation. I do not think that is necessary, either, but we will have to give that some thought.

I could see, for example, where the agency would become solely a contractor, and all operations would be done by whomever the contract is with, if that is a nongovernmental organization, on a general basis, and if there were specific problems, they could be addressed in other ways. So, it is certainly plausible and possible. Whatever arrangements were to be made, for example, between an NGO and the agency would be simply a matter of discussion.

I do not think the Agency would necessarily want to dictate, but on the other hand, that is a matter for the organization to assess at the time the issue is raised. In other words, I do not think we need to spell all that out legislatively. Do you?

Mr. CHRISTOPHER. I agree with you. You have set up a strong independent board, and I am sure you would look to that board not only for its independence but for the carrying out of those operational details. Congress may wish to provide some guidelines so that you can insure the independence of the Institute and also try to insure that it will not affect the integrity of the NGO's, but when you get down to operations, you will certainly have to depend upon the Board and the staff to carry out the will of Congress.

Mr. FASCELL. I think we have plenty of examples of operations between NGO's and the Government in terms of either assistance or funding, which I think, predominantly have shown that the NGO's can maintain their independence and not have any unwarranted intrusion by the Government, even though the Government is spending public funds to carry out a legislative purpose.

Mr. CHRISTOPHER. In some instances, Mr. Chairman, you may find that the NGO's would be unwilling to take a grant from a governmental agency, and I think you should not be surprised by that.

Mr. FASCELL. Absolutely not.

Mr. CHRISTOPHER. In other instances, you might find NGO's unwilling to take more than a small fraction of their budget from a governmental organization.

Mr. FASCELL. That is an assessment the Board and NGO would have to make. It is a matter of adjustment. Obviously, it would do no good in the affirmative cause of human rights if by simply having a relationship you had a counterproductive response. That would be ridiculous. Neither of them would want that.

The other thought is an interesting one, which is whether or not we can divide the operations between those which would be contracted for by organizational effort and a direct operation where it might affect an individual that the agency wanted specific work from and some NGO did not want to be specifically bound to undertake the responsibility. I think we have to give some careful consideration the possibility of whether or not the agency itself will be an operator in the sense of the program. There again, I am not sure we should spell that out in the legislation.

I believe the dynamics of the situation will take care of that. If an NGO, for example, does not want to underwrite the publication of a book by a particular author somewhere in the cause of human rights, then the question arises as to whether or not the agency should do it directly. But I think that is a decision that could be made at the time, don't you?

Mr. CHRISTOPHER. Yes, Mr. Chairman, and I think my first reaction would be that there are advantages in channeling the limited funds that the agency will have, the Institute will have, through the NGO's, and experiment in that direction.

Mr. FASCELL. I think as a general proposition there cannot be too much arguing about that, but I would not want to limit by law the capability of the agency. That is the only point I was making. It becomes a policy matter, in other words.

Mr. CHRISTOPHER. I hope, Mr. Chairman, my record, without being immodest about it, might indicate that anything that would effectively promote human rights would be something I would be in favor of, and certainly we have common ground on that.

Mr. FASCELL. I think it is quite clear in your statement and also in your responses to the questions, I have absolutely no doubt about that. I would just raise these additional matters, to determine whether or not there was a greater depth in terms of concern, other than that which has been expressed, to be sure that my understanding and yours are on the same railroad track in terms of policy determination. That is all.

The final issue is a very important one which we have not glossed over. That is the possibility of using an existing organization. I could see, for example, in a scenario where, if you were simply going to fund nongovernmental organizations in the broad policy context without conditions, details, or limitations, it would be very easy to use existing organizations, because all it is then is a conduit for public funds within the framework of a policy. But when you add other aspects to it, I think it becomes a little more difficult, because then you are clothed with the governmental aura of whatever that particular agency is, and they might not be in a position to undertake a separate direct program, whether it happens to be an individual or an organization, which we do not at the moment envision.

Therefore, I am a little reluctant to close that possibility off by simply saying, well, the obvious easy thing to do would be to use existing Federal institutions. We are going to have to give that some very careful consideration. Thank you.

Mr. CHRISTOPHER. Thank you, Mr. Chairman.

Mr. FRASER. Mr. Buchanan?

Mr. BUCHANAN. Thank you, Mr. Chairman.

Mr. Secretary, I would again like to express my appreciation for your personal leadership in our Government in this area of human rights. You have spoken of the current administration's human rights policy, and the role of the State Department in that policy. Tomorrow at 3 o'clock we begin to mark up State Department authorization legislation, and I ought to ask you an unscheduled question. I would like to ask you, do we have an in-house capability that is great enough? Are there enough persons in the Department of State at this moment to do the work that is on their table to do in the area of human rights?

Mr. CHRISTOPHER. Congressman Buchanan, I suppose in the broadest sense that there will never be enough people in the Department of State to do the work that needs to be done in the human rights field. That is a field in which there are needs that cry out all over the globe for our attention and assistance. I would say that under Secretary Vance and with the strong support of the President, we have been able to substantially increase what used to be the Office of the Human Rights Coordinator, and is now the Assistant Secretary for Human Rights, Ms. Patt Derian, who is sitting behind me. Not only has her leadership enhanced that role, but she has brought under her leadership a larger number of people than have ever been working on human rights in the U.S. Government.

It will never be enough, and it is not enough now, but I think it is as much as the budget realities will permit.

Mr. BUCHANAN. Thank you very much. I am sure it is as much as OMB will permit, but not everyone will share the same outlook about this. I certainly concur in the fact that you are doing more than ever before, and under very capable leadership, I must say.

You mentioned the problem of funding, the questions that are raised by the funding of nongovernmental organizations, and how it is done. As Chairman Fascell said, there is plenty of precedent of funding of nongovernmental organizations. I do think in this you have pointed to one of the real problem areas we have got to look at very hard.

For example, what you propose might reduce any impression of an NGO being used by a government. On the other hand if you have an NGO that is lobbying in Congress, and you support his budget, then you might be funding lobbying activities here on the Hill, which could also be problematic.

Mr. FASCELL. We have been doing that for years around here.

Mr. BUCHANAN. Anyway, I think you have raised very important questions which I am sure we will seriously address.

Thank you.

Mr. CHRISTOPHER. Thank you, Mr. Buchanan.

Mr. FRASER. Mr. Secretary, thank you. Let me add my commendation for what I regard as the first-rate leadership you have provided in the human rights area. I know how many pressures there are in the conduct of American foreign policy that tend to put human rights into a subordinate position, and I think you have done remarkably well in being able to keep those issues at a high level of consideration. Knowing the difficulties, I think you have done really an outstanding job. Thank you very much.

Mr. CHRISTOPHER. You cannot imagine how welcome those kind words are, Mr. Chairman. Thank you very much.

Mr. FRASER. We turn now to our nongovernmental witnesses. Will the witnesses come to the table. Mr. Butler, if you are willing we would like to change the order. Laurence Silberman has a time constraint, so perhaps he should go first. We expect not to run that long. Mr. Silberman?

STATEMENT OF HON. LAURENCE H. SILBERMAN, SENIOR FELLOW, AMERICAN ENTERPRISE INSTITUTE

Mr. SILBERMAN. Thank you very much for your courtesy, Mr. Chairman, and thank you, sir.

I did not have too much prior notice of the hearing, and therefore have not had an opportunity to provide a written statement, but I should like to make several points.

First of all, in structural terms, I think the idea embodied in this bill is quite meritorious. That is to say, I think the notion of setting up a separate institute outside the State Department with this responsibility probably is an excellent idea, in that it tends to take the question of human rights and freedom, which are ideological questions, somewhat out of the operational constraints of the State Department, which always in any administration will inhibit the full and free discussion of matters covered in your bill; matters which should be discussed and indeed discussed by a portion of our Government, but a portion which does not have a continual operational responsibility dealing with foreign countries.

However, I am troubled about certain aspects of the bill, and it is perhaps because I have not heard prior testimony, and it may well be that members of this committee have already considered and thought of the matters which I shall bring to your attention, but I should like to do so for your pleasure.

First of all, I think you might be better off, in fact I do think you would be better off if you had a definition of human rights and freedom. If, for instance, your definition coincided with the working definition of an organization such as Freedom House, I would feel much more comfortable, an organization which rates countries all around the world, and I think in a noncontroversial, respected fashion.

That definition also might well carry the implications for another omission of a concept which I think should be in the legislation, and that is a sense of priorities. There are violations of human rights and deprivations of human freedom, and there are violations of human rights and deprivations of human freedom. There are vast questions of degree, and what I would be enormously worried about is that you would set up an agency that would spend all of its effort and time focusing on those areas where there are indeed some measure of violation of human freedom and deprivation of human rights, but where they are marginal compared to other areas where they are much more pervasive.

Indeed, at the risk of even suggesting a measure of criticism of the present administration, some of us get the impression that human rights violations are particularly vulnerable if they are perpetrated by people who speak Spanish, but not necessarily if they speak other languages, such as Slavic languages. So I am troubled about that and I am troubled about the prospect of unleashing an agency without much more sophisticated, clear guidelines which the Congress of the United States set forth and which will reflect a sense of priority.

Otherwise, I am afraid Congress will once again delegate to an executive branch agency so much discretion as to in fact set it up without any guidance at all, perhaps because it is difficult to get agreement in the Congress as to what a definition would be or what priorities would be, but if it is that difficult to get agreement in Congress, then I wonder at the propriety of delegating it to an executive branch agency, because then you are in fact formulating policy outside the policy-formulating branch.

In that regard, Mr. Chairman, I am troubled at what appears to me to be something of a conflict between section b(4), which prohibits assistance in a foreign country not consistent with the laws of that country on the one hand, and on the other hand, 3 (2) and (3) and even (4), which provide authority to assist for the publication and dissemination in foreign countries of books suppressed for political reasons and other activities suppressed for political reasons. I do not understand the interconnection between those sections. If the books are suppressed for political reasons, they are surely suppressed in accordance with the so-called law of that country, so I have difficulty understanding how you will reconcile those several provisions.

That is in a sense an offshoot of my earlier comments. What would trouble me very much about the operation of such an agency that you would set up would be the prospect that it would be most active in those countries which are authoritarian rather than totalitarian. That is to say, in those countries where you may legally believe or the agency

may legally believe it has some authority even under the laws of that country to provide assistance not inconsistent with its laws almost by definition and deprivation of human rights and the denial of human freedom will be considerably less than would be so in other countries where the publication or the seminars or whatever the activities you are seeking to sponsor would be, as in a totalitarian regime, palpably in violation of so-called legal authority.

So, I suppose, Mr. Chairman, what I am getting at is, both in terms of the absence of your priorities, your omission of definition, and the interrelationship of your clauses would lead me to be concerned and worried that if such an agency were set up, an agency which I think would have a great impact in adding an ideological, and I use that in a broad sense, an ideological factor of foreign policy which indeed the human rights crusade does, that such an agency would spend, to put it simply, all its time in Nicaragua and none of its time in Eastern Europe, the Soviet Union, Cuba, Cambodia, Vietnam, or a number of other countries where the deprivation of human rights and the denial of human freedom are certainly more pervasive.

Thank you.

Mr. FRASER. Thank you very much, Mr. Silberman.

We will proceed to the other witnesses. Mr. Butler.

STATEMENT OF WILLIAM J. BUTLER, CHAIRMAN, EXECUTIVE COMMITTEE, INTERNATIONAL COMMISSION OF JURISTS

Mr. BUTLER. Mr. Chairman, I am chairman of the Executive Committee of the International Commission of Jurists in Geneva, Switzerland, and president of the American Association for the International Commission of Jurists, and I regret to say that neither the Executive Committee of the ICJ in Geneva nor the board of directors of the American association has had sufficient time and opportunity to consider what their attitude might be toward the establishment of an Institute for Human Rights and Freedom.

However, I would like to express some of my views, personal ones, based upon my experience of over 25 years in the area of civil liberties and human rights. One is dedicated to the doctrine of the supremacy of law and the creation of independent judiciaries as an indispensable ingredient to the realization of human freedoms.

Mr. Chairman, today we have a special problem, because in the international field of human rights, certain criteria apply which normally do not apply, domestic civil liberties matters within the domestic jurisdiction of the United States.

My major thesis, Mr. Chairman, is that there is a great sensitivity concerning the realization of human rights and fundamental freedoms throughout the Third World. Most Third World countries, as you well know, Mr. Chairman, have adopted the policy of nonalignment. Accordingly, agencies and activities which appear to be instruments of U.S. foreign policy or, for that matter, the foreign policy of any other nation in this field are likely to be viewed with great suspicion.

International organizations in the field of human rights have to be extremely careful to maintain their independence and not expose themselves to the charge of being the tools of any nation or group of

nations. I am sorry to say, Mr. Chairman, that that is particularly true of activities or agencies of the United States.

Here we are in the post-Vietnam war period. Here we are in a post-CIA period, where it has been publicly revealed that certain governmental agencies of the United States had been engaged in indeed illegal and immoral activities throughout the world. Any organization created by the United States will have to defend itself on the basis that it is independent and it truly is concerning itself with the objectives set forth in this particular bill.

I hope, Mr. Chairman, that it is not a case of guilt by association, but it certainly sounds that way, because whenever the United States creates an agency proclaiming certain fundamental principles today, there is a tremendous suspicion of the reasons for such an agency or for such an institute, as the one which may be created here.

Since the real danger in my judgment, Mr. Chairman, is one of politicizing the Human Rights Institute, the following comments may be helpful to this committee in its consideration of this legislation.

Section 1 provides for "an independent Institute." These words seem to us to be inconsistent with other pertinent sections of the bill. For instance, section 2 provides that the Institute shall be "an agency of the United States." Most of us do not know exactly what this means.

Second, section 5 provides that the Institute shall give consideration to the "foreign policy of the United States." Quite frankly, Mr. Chairman, we do not know what this means.

Third, section 6 provides that the management of the Institute shall be vested in a Board of Directors of seven appointed by the President with the advice and consent of the Senate. This section also provides that the Chairman and Vice Chairman of the Institute are to be designated by the President.

Mr. Chairman, many of us are very uncertain and even skeptical that an institute based upon these prerequisites could truly be "independent," and therefore its credibility could be seriously questioned outside the United States.

Here are some suggestions that I would like to offer you today.

It is respectfully submitted that the following steps might be taken to better insure the independence of such an institute from U.S. Governmental interference: First, Perhaps the Directors should be appointed by an independent group, in other words, the Chief Justice of the United States, the president of the American Bar Association, the presidents of three leading universities, or the deans of three leading American law schools, or any combination thereof, or indeed others who may have the credentials to appoint Directors who in turn would protect the autonomy and independence of the Institute.

Second, may I suggest that the words "any foreign countries" when used throughout the proposed legislation be deleted and the words "outside the United States" be inserted? The present language, believe me, Mr. Chairman, may seem very condescending to many nations and states throughout the world, and language such as the aforesaid should be avoided. It also should be remembered that international organizations do not operate in foreign countries. They operate everywhere in the world, and they apply universal standards for the elevation of their principles throughout the various jurisdictions in which they care to concern themselves.

Finally, Mr. Chairman, if the Institute is to be "nonoperating," it is hard to conceive why a proposed staff of up to 25 is needed for an expenditure of \$5 million. Indeed, if this provision goes into effect, it is conceivable that a major portion of the funds will be allocated and consumed by the expenses and overhead of the staff, thereby effectively reducing the effectiveness of the Institute itself. It smacks of the creation of another bureaucratic entity in Washington which, if unchecked, could be counterproductive if the Institute is to carry out its goal.

Therefore, Mr. Chairman, may I respectfully submit that the proposed legislation be rephrased in an appropriate way so as to include sufficient protection for the independence, autonomy, and nonpolitical nature of the Institute? Otherwise, Mr. Chairman, I feel the bill in its present form may be counterproductive and not in the best interests of the advancement of human rights and fundamental freedoms outside the United States.

Thank you, very much.

Mr. FRASER. Thank you, Mr. Butler.

We turn now to Joseph Eldridge, director of the Washington Office on Latin America.

STATEMENT OF JOSEPH T. ELDRIDGE, DIRECTOR, WASHINGTON OFFICE ON LATIN AMERICA

Mr. ELDRIDGE. Thank you very much, Mr. Chairman.

Just a word of gratitude to both of these subcommittees for the pioneer work they have been doing for quite a number of years in the whole area of human rights. I, for one, appreciate this opportunity to come and talk to you about some of our concerns.

The Washington Office on Latin America is an ecumenical church office which has been working in the area of human rights for the last 4 years. We have taken the liberty of sharing this bill with a number of our constituency, both in this country and institutions and individuals in Latin America. My comments for obvious reasons will be limited to a peculiar Latin American focus.

What emerges after lots of conversations and discussions is considerable ambiguity, which did not particularly please me, because I liked the notion of an institute from the very beginning. I would like to share some of that ambiguity, and if I can get away with it, and so satisfy my constituency, not take an up or down position, but simply and briefly reveal some of our preoccupations and concerns.

In the first place I want to reiterate what Mr. Butler was saying. The first problem I think, is a conceptual one. It is a U.S. agency, but it is not. It is independent, but it consults with the Secretary of State. Now, for groups in Latin America, this clarification is very important to make. Maybe in fact it would be better to stress the Government connection and let the potential clients decide what they want to do about it.

Some nongovernmental organizations in Latin America for their particular reasons prefer not to receive moneys from government sources, so the openly governmental nature of this institution would necessarily limit and restrict the number and type of its potential clientele, but a restricted clientele, I think, in the long run would be

preferable to complicating the lives of people already doing good human rights work in Latin America.

Open records, which would be a necessity of an institution like this, will similarly, I think, restrict potential recipients.

Now, within this framework from a Latin American perspective, who would be eligible and willing to receive some of these grants? Who could be potential recipients? In countries with severe violations, nongovernmental organizations working closely with victims and their families, I think, would be in great danger if they accepted money from a foreign government.

Two, it seems to me there is the possibility that some nongovernmental organizations might have sufficient weight to withstand the host government's displeasure, for example, the bar association, or a church organization. To date, in Latin America these groups have been willing to accept funds from foreign, nongovernmental organizations, but not other governments' moneys.

The remaining eligible groups may have some government linkages, and frankly be more opportunistic than committed. I think these are very careful considerations that need to be taken into account. I know that in São Paulo the archdiocese returned money from the Inter-American Foundation for precisely some of these reasons. They are doing human rights work in the São Paulo Archdiocese in Brazil. In countries with less severe problems, the possibilities are greater. There are more possibilities because the political climate permits greater flexibility in terms of some of these decisions.

In this connection, as you further deliberate this bill, maybe it would be a good idea to question potential recipients directly, and get some of their ideas, suggestions, and recommendations.

The U.S. Government, as has already been mentioned, has a problem with credibility. In some countries where the United States for too long has been identified with governments which consistently violate human rights, the irony of a U.S. Government Human Rights Institute, I think, was a little difficult to swallow, although some might be open to giving it a whirl. As has already been pointed out, human rights and freedoms are not defined in the bill. The bill itself is not a suitable vehicle for responding to the wider questions of nuance and interpretation.

Therefore, the report, I think, will be a critical exercise, and should address itself to some of the following questions, and if you would permit me, I will tick off some of these questions.

Does the phrase "human rights and freedoms" include economic and social rights and civil and political rights, or does it simply refer to rights affecting the integrity of the person?

Is there any priority to the rights being promoted? For example, would bilateral food aid, the actions of the International Committee of the Red Cross, programs of the Voice of America, and refugee assistance all be included?

How is the Board of Directors to determine which projects are more important?

Will there be some language providing that in the selection of the Board there are some safeguards to guarantee an ideologically diverse and pluralistic Board?

Would it be possible to internationalize the Board, for example, have one of the Directors be a person from one of the afflicted areas?

Could the Institute consider grants from NGO's in the United States that are working to inform the U.S. public of the conditions of human rights in other countries, or examining the root causes of human rights violations wherever they might occur?

There are some other questions which I know you have already raised, but I will raise them again very briefly.

Would the Institute become a pretext, for example, for the State Department to no longer be required to write these uncomfortable and bothersome human rights reports, country reports?

Would the Institute in any way impede the administration's responsibility to speak openly and clearly about human rights and factoring human rights into the matrix of U.S. foreign policy?

Is the Institute perceived to be an aid granting or a funding institution or program agency?

There are just some of our concerns, and again, I appreciate very much this opportunity to come and address these issues.

Mr. FRASER. Thank you, Mr. Eldridge.

We turn now to Dr. Lefever.

STATEMENT OF ERNEST W. LEFEVER, Ph. D., DIRECTOR, ETHICS AND PUBLIC POLICY CENTER, GEORGETOWN UNIVERSITY

Mr. LEFEVER. Mr. Chairman, I am the founder and director of the Ethics and Public Policy Center of Georgetown University, which is a research and publication effort concerned with relating the Judeo-Christian tradition to public issues, including the respect for the dignity and sanctity of the human person.

First, I would like to make some semiphilosophical observations about the nature of the U.S. human rights crusade, and then some specific comments about the proposed Institute.

I think we all must grant that the American human rights effort is highly motivated, and is an authentic expression of two persistent tendencies in the American character. One is a crusading and missionary strain, driven by a desire to make the world safe for democracy, if not to remake it in America's image. The other equally valid strain emphasizes the efficacy of quiet example.

The less strident approach was expressed by John Quincy Adams when he reportedly said, "We are the friends of liberty everywhere, but the custodians only of our own." Thirty years later, Lincoln spoke of "liberty as a heritage of all men and in lands everywhere," but he did not claim that the United States, much less the U.S. Government, was the chosen instrument for fulfilling this heritage.

There is more than a touch of ambiguity and arrogance in the current official U.S. campaign to promote respect for and observance of human rights in other people's countries. Whatever this campaign has accomplished, Mr. Chairman, there are flaws in the drive, and in my view these flaws are sufficiently serious to throw into question the entire concept of an official Institute for Human Rights.

Let me briefly identify six flaws as I have observed them at home and during considerable recent travel in Asia, Africa, and Latin America.

First of all, there is a tendency in the campaign, as was mentioned by Ambassador Laurence Silberman, to underestimate the totalitarian threat. The greatest threat to human rights comes from messianic totalitarian regimes whose brutal grip brooks no opposition. Here is where the profound political problem of our age lies. In their preoccupation with minor abridgements of certain rights in authoritarian states, the human rights activists often overlook the massive threat to the liberty of millions from totalitarian Communist regimes.

For example, they attack the curtailment of civil rights in South Korea and at the same time call for the United States to withdraw its ground forces, an act that may invite aggression from North Korea. It would be a great irony indeed if Washington in the name of human rights would adopt a policy that would deliver 35 million largely free South Koreans into virtual slavery.

A second flaw is the confusion of totalitarianism with authoritarianism. In terms of political rights, moral freedom, and cultural vitality, there is a profound difference between authoritarian and totalitarian regimes.

Three, another flaw is the overestimation of America's influence abroad. If the human rights zealots do not indulge in what Dennis Brogan once called "the illusion of American omnipotence," they tend to overestimate our capacity, especially the capacity of our Government to influence the external world, particularly domestic developments in other countries.

The fourth flaw is the confusion between domestic and foreign policy. This is a very important one. Many human rights crusaders confuse the fundamental differences between domestic and foreign policy, which are rooted in age-old practice, international law, the U.N. Charter, and common sense.

The fifth is a flaw in moral understanding implicit in the effort to impose our standards and practices on other societies by pursuing policies of reward and punishment. This leads inevitably to a kind of arrogant reform intervention. We Americans have no moral mandate to transform other societies, and we rightly resent such efforts on the part of the totalitarians.

The sixth and final flaw is the distortion of foreign policy objectives. A consistent and singleminded implication of the human rights standard in making U.S. foreign policy decisions would subordinate, blur, or distort other essential considerations. It has limited goals; namely, national security and international peace, both of which, of course, have a great impact on the larger issues of human rights.

President Carter's public preaching and punitive policies have angered a score of American allies. Brazil, Argentina, Uruguay, and Guatemala have refused military assistance from Washington. Brazil has served notice that it wishes to withdraw from its security assistance agreement of 25 years' standing.

It is by no means clear, Mr. Chairman, that U.S. effort directed toward Eastern Europe has resulted in relaxation of Soviet restrictions against emigration or political dissent. A December 30, 1977, page 1 story in the New York Times reported: "The small Soviet human rights movement is at its lowest point in years after a campaign of arrests, threats, and forced exile."

The fundamental flaw in the present campaign reflects moral confusion and insensitivity. Any policy rooted in the presumption of American righteousness or in our capacity to sponsor virtue in other states is bound to lead to consequences which subvert our noble intentions.

Now to the specific question: Would the Human Rights Institute called for in this bill help the cause of human rights to which we all in this room and, I hope, all in this country are ardently dedicated? If you grant even some of the flaws I have noted as well as some accomplishments in the present program, would institutionalization correct the flaws or enhance the accomplishments?

Let me address, briefly, four issues which bear on this question. First. Can or should a U.S. Government-financed and controlled institute be independent? Without citing the various sections, the answer is "no." You cannot have it both ways. It is either independent or it is a creature of the U.S. Government and an instrument of U.S. foreign policy. In fact, such an institute cannot and should not be independent of the State Department or the White House. It would be rightly seen at home and abroad as an action arm of the U.S. Government, and in many countries it would be regarded as a "subversive" instrument.

Second. Can an official institute be as effective as private efforts? This raises a deeper question. How effective can any external agency be in reforming the domestic customs, laws, and practices of another society or government? If one believes, as I do, that every society must make its own justice and earn its own liberty in accordance with its own culture and history, there is little that other governments can do short of employing morally and politically unacceptable coercive measures. But as a free people, individual Americans and voluntary groups can communicate their views to others near and far. There is ample opportunity for private American international initiatives in the laudable effort to advance rights abroad.

The excellent work of privately financed Freedom House in New York comes to mind. Additional efforts can be mounted as Americans feel compelled to help lift the burdens of fear and oppression, just as Americans traditionally have organized voluntarily to help the victims of earthquake, flood, and famine. There is no arbitrary barrier to American concern and imagination.

Third. How would the Human Rights Institute choose what agencies to support? Here I am deeply concerned. The bill says that the organizations that would promote human rights "by means consistent with the United Nations Charter and other international obligations of the United States," but since the Institute's Board and staff are independent of, though fully informed on U.S. foreign policy by the State Department, who would monitor the wisdom of their selection of agencies to receive U.S. tax money?

I can see it now—a long line of self-appointed agencies each seeking a piece of the action, each claiming to be an effective vehicle of rectitude and reform. One illustration comes to mind. In its humanitarian concern for refugees and the victims of racism, the World Council of Churches has made financial grants to various groups in Africa, but as it turned out, some of these groups were less interested in refugees and humanitarian concerns than they were in gaining political power through the barrel of Marxist guns.

So, the World Council of Churches found itself in the anomalous position of supporting financially guerrilla warfare aimed at establishing undemocratic regimes. I ask you this question, Mr. Chairman: How many genuine, highly qualified, and politically reliable agencies are there that could help advance human rights in foreign countries with American tax money? How many would be free from efforts to grind their own ideological ax?

There are agencies which claim to operate in harmony with the U.N. Charter which have U.N. observer status and which most Americans seem to regard as terrorist groups; yet they operate under the lofty banner of the ultimate human rights—"liberation."

Fourth. Why a new institute—and here I reiterate a point made earlier.

Mr. FRASER. Dr. Lefever—

Dr. LEFEVER. I am sorry. Is the time up?

Mr. FRASER. No; we have a vote underway. I thought perhaps we might finish, but apparently you have 1 or 2 minutes left. I think we will take a recess and come back in about 8 minutes.

[Whereupon, a brief recess was taken.]

Mr. FRASER. The subcommittees will resume their sitting.

Dr. Lefever, you were on your fourth point.

Dr. LEFEVER. About a minute and a half.

Mr. FRASER. I did not mean to rush you on time.

Dr. LEFEVER. The fourth point about the Institute, Mr. Chairman, is why a new institute—a point that has been made before. If one grants the need for an official effort to sponsor and make grants to private groups, which I do not grant, qualified official agencies already exist. I would nominate the State Department, since it is the responsibility of the State Department to oversee and conduct foreign policy. The human rights effort and the proposed Institute should be an instrument of foreign policy.

My conclusion, then, Mr. Chairman, is this. It is apparent that I have grave reservations about the human rights campaign as such and even greater doubts about the institutionalization of the effort. My fundamental concerns are with the moral arrogance implicit in the campaign, the naive assumption that external agencies can effect basic changes in other societies, and the view that Washington should preach to and punish faithful allies to bring about changes in their domestic practices.

In your opening statement at these hearings, Mr. Chairman, you expressed a somewhat similar misgiving when you said that the proposed Institute must "be sensitive to the concern that it not be interpreted as an effort to Americanize the international human rights effort."

Recently I visited several of our allies in South America and Northeast Asia, where I talked with officials and ordinary citizens who are as concerned as you and I about human rights. Many of them expressed perplexity and irritation at the U.S. rights campaign and said, in effect, that American preaching and pressure are making the arduous task of building freer institutions more difficult.

This view was also expressed privately by many of our own top-ranking Embassy officials.

There are other voices in these countries, usually members of the political opposition who have a different story, but we must recognize

that an expression of support for human rights by a particular opposition politician in a Third World country may be as much an appeal for U.S. support for his side as it is a humanitarian concern for the rights of his fellow citizens. We must be very careful with those activists who use the human rights crusades as a cloak or promoting antidemocratic ideologies.

Any effort, however nobly motivated, Mr. Chairman, in which its most ardent supporters focus their moral outrage on the small sins of our authoritarian allies and tend to overlook or downplay the massive sins of our totalitarian adversaries hardly deserves the reward of institutionalization and visibility that this bill calls for. Thank you.

[Dr. Lefever's prepared statement follows:]

PREPARED STATEMENT OF ERNEST W. LEFEVER, PH. D., DIRECTOR, ETHICS AND
PUBLIC POLICY CENTER, GEORGETOWN UNIVERSITY

Mr. Chairman: In response to Mr. R. Michael Findley's invitation, I am delighted to give my views on H.R. 11326. I am the founder and director of the Ethics and Public Policy Center of Georgetown University, a research and publishing effort which seeks to relate major domestic and foreign policy issues to the central values of our Judaeo-Christian heritage, including respect for the dignity and sanctity of the human person. But here I speak only for myself. The Center as such does not take positions on specific issues. With your permission, Mr. Chairman, I would like to append a brief statement of the Center's purpose and the names of its Advisory Board.

Two Approaches to Human Rights

The current American human rights effort is a highly motivated and authentic expression of one of two persistent tendencies in the American character. All Americans believe that the rights and responsibilities of a free society should be enjoyed by all mankind. We want to proclaim the blessings of liberty to the world, but we differ on how this should be done. One strain in our character is crusading and missionary, driven by a desire to make the world safe for democracy, if not to remake it in

America's image. The other strain, equally dedicated to human rights, emphasizes the efficacy of quiet example. To some extent, perhaps, we all reflect both of these tendencies.

The second, and less strident approach was expressed by John Quincy Adams when he reportedly said "We are the friends of liberty everywhere, but the custodians only of our own." Thirty years later, Abraham Lincoln spoke of "liberty as the heritage of all men, in all lands everywhere," but he did not claim that the United States, much less the U.S. Government, was the chosen instrument for fulfilling this heritage.

Many thoughtful political observers have sensed more than a touch of ambiguity and arrogance in the current official U.S. campaign to "promote respect for and observance of human rights and fundamental freedoms in foreign countries," to quote H.R. 11326. Whatever its accomplishment, there are flaws in the current human rights drive, and in my view they are sufficiently serious to throw into question the whole concept of an official Institute for Human Rights, a wholly owned U.S. Government corporation, designed to "promote" drastic internal changes in a hundred or more states whose regimes practice of permit violations of the fundamental rights. One might well ask who has given the government of one sovereign state a mandate to monitor and attempt to correct the behavior of other governments? In criticizing the State Department's annual score card on "human rights" among recipients of U.S. aid, the Washington Star likened Washington's behavior to that of a "common scold." (February 12, 1978)

Six Flaws in the Rights Campaign

Washington's drive to promote human rights in other peoples' countries by giving, withholding, or threatening to withhold economic,

military, or nuclear assistance--in practice and concept--has reflected six interrelated flaws. They can be identified briefly. (A fuller analysis of these flaws is found in my article, "The Trivialization of Human Rights," published in Policy Review, Winter 1978, which is appended to this statement.)

1. Underestimating the Totalitarian Threat

Human dignity and freedom are under siege around the world. It has been ever so. The islands of community protected by humane law have been contracting ever since postwar decolonization began. The citizens of most of the newly independent states in Asia and Africa now experience less freedom and fewer guaranteed rights than they did under Western colonial rule.

But the greatest threat to human rights comes from messianic totalitarian regimes whose brutal grip brooks no opposition. Their self-anointed and self-perpetuating elites have become the arbiters of orthodoxy in every sphere--politics, economics, education, the arts, and family life.

The human rights activists, in their preoccupation with the minor abridgement of certain rights in authoritarian states, often overlook the massive threat to the liberty of millions. They attack the limitation of civil rights in South Korea and at the same time call for the United States to withdraw its ground forces, an act that may invite aggression from North Korea. It would be a great irony if Washington in the name of human rights would adopt a policy that would deliver 35,000,000 largely free South Koreans into virtual slavery.

2. Confusing Totalitarianism with Authoritarianism

In terms of political rights, moral freedom, and cultural vitality, there is a profound difference between authoritarian and totalitarian regimes.

There is, for example, far more freedom of choice, diversity of opinion and activity, and respect for human rights in authoritarian South Korea than in totalitarian North Korea. There is also far more freedom and cultural vitality in Chile--even under its present military regime--than in Cuba.

Another crucial difference is the capacity of authoritarian rule to evolve into democratic rule. This has happened recently in Spain, Portugal, Greece, and India. In sharp contrast, no Communist dictatorship has ever made a peaceful transition to more representative and responsive rule.

3. Overestimating America's Influence Abroad

If the human rights zealots do not indulge in what Denis Brogan once called "the illusion of American omnipotence," they tend to overestimate our capacity, or the capacity of our government, to influence the external world, particularly domestic development in other countries. America is powerful, but it is not all-powerful. Our considerable leverage of the 1950s and even our diminished leverage of the 1960s has been seriously eroded by OPEC, the great leap forward in Soviet military might, and our abandonment of Vietnam.

Quite apart from our limited capacity to influence intractable realities abroad, there is and should be a profound moral constraint on efforts designed to alter domestic practices, institutions, and policies within other states.

4. Confusing Domestic and Foreign Policy

Many human rights crusaders confuse the fundamental distinctions between domestic and foreign policy which are rooted in age-old practice, international law, the U.N. Charter, and common sense.

U.S. foreign policy toward another state should be determined largely by the foreign policy of that state. Domestic factors and forces are significant determinants only if they bear on external realities. Washington is allied with Iran, Taiwan, Thailand, and South Korea, not because their governments are authoritarian, but because these states are regarded as vital in the struggle against the expansion of Soviet or Chinese power.

5. The Impulse to Reform

The impulse to impose our standards or practices on other societies, supported by policies of reward and punishment, leads inevitably to a kind of reform intervention. We Americans have no moral mandate to transform other societies, and we rightly resent such efforts on the part of the totalitarians.

6. The Distortion of Foreign Policy Objectives

A consistent and single-minded invocation of a human rights standard in making U.S. foreign policy decisions would subordinate, blur, or distort other essential consideration. After all, our foreign policy has vital but limited goals--national security and international peace-- both of which have a great impact on human rights.

Our policies of nuclear deterrence, for example, should be determined by our understanding of Soviet nuclear threat, and our trade policies toward Moscow should be determined by our economic and security interests. Neither should be influenced, much less determined, by the extent of human rights violations in the Soviet Union. Likewise, in dealing with Third World countries, their foreign policy behavior should be the determining factor, not their domestic practices.

President Carter's public preaching and punitive policies have angered a score of American allies. Brazil, Argentina, Uruguay, and Guatemala have refused military assistance from Washington. And Brazil has served notice that it wishes to withdraw from its Security Assistance Agreement of 25 years standing.

It is by no means clear that the U. S. effort has resulted in any relaxation of Soviet restrictions against emigration or political dissent. On December 30, 1977, the New York Times reported: "The small Soviet human rights movement...is at its lowest point in years after a campaign of arrests, threats, and forced exile."

In some circumstances, notably South Korea and Iran, the invocation of a rigid rights standard in determining our policies could undercut our security ties and invite a disaster in which millions of persons now living under partial freedom would be forced to exist under tyranny.

The fundamental flaw is conceptual, and indeed moral. Any policy rooted in a presumption of American righteousness or in our capacity to sponsor virtue in other states is bound to lead to consequences that subvert our noble intentions. The policy is full of irony because good intentions may lead to dire consequences. Irony results not from evil design or malice, but rather from a hidden defect in virtue. Among the human rights zealots, the fundamental defect is a kind of vague, romantic optimism and an excessive confidence in the power of reason and goodwill.

There are many aspects of the human rights problem and in one area-- humanitarian rights-- the United States has long been an acknowledged leader. Our government and private agencies have been and are active in helping the victims of natural disasters, wars, and civil strife.

The current campaign has added little to these traditional and largely non-controversial efforts. The controversy attaches largely to official U. S. attempts to modify or reform domestic civic and political institutions and practices.

Would a Human Rights Institute Help the Cause?

If one grants the existence of contradictions and flaws in the human rights campaign, as well as some positive accomplishments, one cannot readily assume that an official institutionalization of the effort would correct the flaws or enhance the accomplishments. It is more plausible to assume that the flaws would be perpetuated, if not exaggerated, under the patronage of Federal tax funds and the propensity of government bureaucracies to demand more time, resources, and authority. It should be noted that the proposed Institute would have "perpetual succession unless sooner dissolved by an Act of Congress" and that it may adopt "a corporate seal which shall be judicially noticed." (Section 7)

One wonders how long the Institute's Board, executive director, and Congressional sponsors would be satisfied with a \$5 million budget and a staff of 25 persons. Turning to more consequential matters, several issues bear scrutiny:

1. Can or should a U. S. Government financed and controlled institute be independent? Section 5 states that the Institute "shall not be subject to the direction of the Secretary of State in carrying out its responsibilities" and Section 6 says its management "shall be vested in a board of directors which shall direct the exercise of all the powers of the Institute." This is an anomaly. You can't have it both ways. The Institute, under the bill's terms, would be a creature of the U. S. Government and an instrument of foreign policy, just as is the newly-

named International Communications Agency and its Voice of America.

It would not be and should not be independent of the State Department or the White House. It will be seen at home and abroad as an action arm of the U. S. Government, and in some countries it will be regarded as a subversive instrument.

2. Can an official Institute be as effective as private efforts?

This raises a deeper question: How effective can any external agency be in reforming the domestic customs, laws, and practices of another society and government? If one believes, as I do, that every society must make its own justice and earn its own liberty in accordance with its own culture and history, there is little that other governments can do short of applying morally and politically unacceptable coercive measures. We have no moral or political mandate to reform other societies. But as a free people, individual Americans and voluntary groups can communicate their views to others near or far. There is ample opportunity for private American and international initiatives in the laudable effort to advance human rights. The excellent work of privately financed Freedom House in New York comes to mind. Additional efforts can be mounted as Americans feel impelled to help lift the burdens of fear and repression, just as Americans traditionally have organized voluntarily to help the victims of earthquake, flood, and famine. There is no barrier to American concern and imagination.

But the bill specifies that the Human Rights Institute will operate only through private agencies or international organizations. Would this not remove the sting of operating directly as an instrument of U. S. foreign policy interests? The answer is, no. In fact, this mode of operation invites charges of deception and raises other serious questions.

3. How would the Human Rights Institute choose what agencies to support? According to the bill, the Institute would dispense tax funds to private agencies, American and foreign, and to international organizations interested in promoting human rights "in foreign countries by means consistent with the United Nations Charter and other international obligations of the United States." Since the Institute's board and staff are independent of, though "fully informed" on U. S. foreign policy by the State Department, who would monitor the wisdom of their selection of agencies to receive U. S. tax money to promote reform in other societies?

I can see it now--a long line of self-appointed agencies, domestic, foreign, international, each seeking a piece of the action, each claiming to be an effective vehicle of rectitude and reform. An illustration comes to mind. In its humanitarian concern for refugees, the World Council of Churches has made financial grants to a number of groups in Africa, but as it turned out, some of these groups were less interested in refugees than in gaining political power and several of them engaged in terrorist tactics. So under the rubric of providing humanitarian assistance, the World Council of Churches was actually aiding Marxist-oriented guerrillas.

One can reasonably ask: How many genuine, highly qualified, and politically reliable agencies are there that could help advance human rights in "foreign countries."? How many would be free from efforts to grind an undemocratic ideological ax? There are agencies which claim to operate in harmony with the U. N. Charter and which, in fact, have official U. N. observer status which to most Americans seem to behave as terrorist groups. They operate under the lofty banner of

the ultimate human right-- "liberation." What protection does the American taxpayer have against his money being used by organizations with high-sounding names which may be directly or indirectly advancing totalitarian objectives and subverting U. S. interests in the Middle East, Africa, or elsewhere?

4. Why a new Institute? Even if one grants the need or desirability of Federal subsidies for private "human rights" efforts, which I do not, there are several existing official U. S. agencies which can serve as conduits for such support. And they are probably more qualified to make wise foreign policy judgments than an "independent" Institute. The State Department itself, would be the most qualified agency since it is charged with the conduct of foreign policy, of which the present human rights campaign is rightly or wrongly regarded as an instrument.

Concluding Observations

It is apparent that I have grave reservations about the human rights campaign and even graver doubts about institutionalizing the effort along the lines called for in the bill before us. My fundamental concerns are with the moral arrogance implicit in the campaign, the naive assumption that external agencies can effect basic changes in other societies, and the view that Washington should preach to and punish faithful allies to bring about changes in their domestic practices. A prime sponsor of this bill, Congressman Fraser, seems to have some apprehensions along the same line. In his opening statement at these hearings on April 13, he said that the Institute must "be sensitive to the concern that it not be interpreted as an effort to Americanize the international human rights effort."

Recently I have visited several of our allies in South America and

Northeast Asia where I talked with officials and ordinary citizens who are as concerned about human rights as you and I, Mr. Chairman. Many of them expressed perplexity and irritation at the U. S. rights campaign and said, in effect, that American preaching and pressure are making the arduous task of building freer institutions more difficult. Many of our own Embassy officials take the same view. I recognize that other voices in these countries—usually members of political opposition groups—have a different story. But we must recognize that an expression of support for the human rights campaign by a particular opposition politician may be as much an appeal for U. S. support for his side as it is a humanitarian concern for the rights of his fellow citizens.

In my conversations abroad, I found more resentment directed against the selective application of U. S. human rights concern than any other aspect of the program. Last December during his visit to Poland, President Carter praised Warsaw's rights record and said: "Our concept of human rights is preserved in Poland." to which a Polish writer replied: "The words are the same," but they "mean different things in the United States." The impropriety, not to say irony, of raising the rights issue in a Communist state whose problematic autonomy is precariously maintained at the sufferance of a totalitarian superpower was astounding. During the same visit Mr. Carter criticized his hosts for not permitting a handful of dissident journalists to attend his press conference. By focusing on these dissidents in a country where the entire population is held in bondage by the Soviet Union, the President of the United States distorted and trivialized the real meaning of human rights.

An effort, however nobly motivated, in which its most ardent supporters focus their moral outrage on the small sins of our authoritarian allies and tend to overlook or downplay the massive sins of our totalitarian adversaries hardly deserves the reward of institutionalization and visibility that this bill calls for.

ETHICS AND PUBLIC POLICY CENTER

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Origin and Purpose

Ethics and politics in our time are often seen as separate spheres which make contradictory claims on citizens and statesmen alike. To many persons the Judeo-Christian heritage seems irrelevant to the clashing interests and compromises of political life. The coinage of political and moral discourse has been debased by this estrangement from our cherished Western values, and we have become confused by cynical forebodings on the one hand and utopian expectations on the other.

The Ethics and Public Policy Center affirms the moral validity and political relevance of the great Western ethical imperatives—respect for the human person, individual freedom, social justice, and the rule of law. It also affirms the necessity for moral reasoning and empirical calculation in discussing and deciding public issues. Established in 1976 at Georgetown University in Washington, D. C., by Ernest W. Lelewer, the Center has undertaken a program of research, writing, publication, and conferences designed to encourage reflective debate on major domestic and foreign policy problems.

The Center addresses selected controversial issues, always seeking to clarify the options available and the values at stake. This calls for a continuous effort, explicit or implicit, to relate the facts of a policy decision to its economic, political, and human costs and consequences.

The Center also focuses attention on the behavior of the churches, schools, and communications media as bearers and interpreters of fundamental ethical concepts and political ideas. Its program is designed to consult, involve, and inform leaders in religious, political, academic, and economic life.

Research and Writing

To address effectively a variety of specific issues, the program is divided into four study projects. The first three—on the churches, the schools, and the media—deal with verbal, value-bearing institutions, and the fourth—on the corporations—deals with questions of production and distribution. Center publications on current issues such as human rights, nuclear energy, the environment, national defense, public safety, or foreign assistance will draw on these four projects.

Religious Institutions Project: Protestant, Catholic, and Jewish pronouncements and actions on specific public issues are being examined to ascertain their policy relevance and their fidelity to their separate religious traditions.

School Project: Several of the most widely used social science textbooks are being examined to ascertain how well they transmit core Western values without short-changing American pluralism. Other issues of educational significance, such as "affirmative action," federal financial support, and public vs. private schools, will be addressed.

Mass Media Project: Selected media, especially network TV programs, are being examined to determine what values and policy advice are being transmitted and whether all major views and perspectives on controversial issues are represented fairly.

Corporate Responsibility Project: The achievements, problems, and shortcomings of domestic and multinational firms are being examined. A distinction is made between criticism designed to improve business behavior and the ideological assault on the corporation and the competitive market. The behavior of the churches in corporate criticism is receiving special attention.

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Mr. FRASER. Thank you, Dr. Lefever.
We turn now to George Lindsay.

STATEMENT OF GEORGE N. LINDSAY, MEMBER, EXECUTIVE COMMITTEE, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

Mr. LINDSAY. I was invited here to testify because of a long-term connection with the Lawyers' Committee for Civil Rights Under Law, and probably particularly with its southern Africa project.

The Lawyers' Committee is primarily domestically oriented, having been organized in 1963, at the initiative of President Kennedy, in order to cope with our own civil rights situation and partially in response to the findings of the Kerner Commission in its report that the United States was in danger of evolving into two societies. So in this country it pretty well limited itself to civil rights that related to race, and internationally the Lawyers' Committee has done the same. Unlike other NGO's who have talked to you, it has not concerned itself with the broad aspects of human rights throughout the world, but has deliberately focused on the abridgments of human rights that involved race relations.

That brought it to South Africa as the crucial area in the world in that respect.

The committee has also generally chosen not to take the cloak of an objective observer. It has entered the fray, and supported legal defense with funds to the lawyers that were involved in defending persons charged under the Terrorism Act and other similar legislation in South Africa, which was enacted in order to enforce the principles of apartheid. So, we have had some direct experience in legal assistance in a crucial area of the world.

I have prepared and submitted a written statement, which I will not go through. The essence of the statement is support for this bill. In my judgment, it is an innovative and unusual adjunct to the human rights policy of the Carter administration.

I believe, unlike the last speaker, that the initiative of this administration in the human rights field was a tremendous step forward, but it has not been and it will not ever be in the future an easy policy to live with. It will always raise the kind of difficulties which have been discussed with other countries. Changes in policies and compromises may inevitably be forced in the interest of what seem to be overriding considerations. Economic policy, military policy, international politics all may at various times be seen by our own executive department, at least in the short run, as being at odds with specific efforts to advance human rights.

In this situation, I see the proposed Institute as a kind of constant giving the United States, with its commitment toward international human rights, the ability to advance and support a principle throughout the world, using to some extent the partial divorce and partial autonomy of the proposed Institute.

The Institute's autonomy should serve to protect it and its programs against the pressures of day-to-day negotiations and decisions, and to permit such programs to have continuity and integrity. Of course, this does not mean that the existence of the Institute, if it is formed,

should let the State Department or the Executive off the hook, so to speak, with the difficult questions of their own human rights programs.

Of course, autonomy and independence are relative terms. It is hard to say that anybody whose members are appointed by the President and the activities of which are funded by Congress is independent of the Government. Applied to such a field as foreign affairs, the approach of a quasi-independent institute created by the Government itself is certainly an experiment.

I think we can have it two ways. At least I think the experiment is very worth pursuing, as other speakers have. I feel that the autonomy and independence can be strengthened by changes to the bill. The conflict between the terminology of agency and the terminology of independence has already been noted, as well as the problems directly raised by section 5.

You heard the Deputy Secretary of State give his view that deletion of section 5 should not impede the purposes of the bill, and I would urge that that be done. If it is not done, perhaps the words "foreign policy," which imply military, economic, and other policies, could be changed to "policy in relation to human rights."

I very much support the remarks that Mr. Butler made with respect to international perceptions, and the advisability of removing the words "in foreign countries" throughout section 3 of the bill. Despite repeated disavowals of an attitude of self-righteousness, resentment of what is perceived as this persists, and may be reinforced if the United States establishes an Institute of Human Rights and Freedom which in the preamble and in the terms says it is concerned with human rights only in foreign countries.

I have no question that the focus should still be abroad as opposed to at home, where the Civil Rights Commission and a number of other agencies exist with domestic functions. The Institute will not be big enough to do both, but I think its principal direction outside the United States could be indicated, without limiting its powers to activities in foreign countries, by a phrase such as "in any country throughout the world" in the opening lines of section 3, or perhaps the phrase adopted by Mr. Butler of "outside the United States."

Finally, I would like to focus on subsection 3(b)(4) which requires that assistance in a foreign country must be provided consistent with the laws of that country. This sounds like a reasonable clause, in order to have some acceptability of the Institute and the concept abroad, and perhaps it means only that the assistance itself must be consistent with local law governing contributions from outside sources, but it is certainly ambiguous, and might, for example, be thought of as barring aid aimed at challenging particular laws or even as barring legal defense which might be thought of as challenging substantive laws.

Repressive Government activities are usually carried out under the claimed sanction of internal domestic law, and the subsection might well be cited as justifying the prohibition of any institute legal assistance.

I might add that the Lawyers' Committee has at all times given its legal aid in southern Africa openly, and we believe, lawfully, by checks sent in the ordinary mail directly to the attorneys involved in defense actions in South Africa. Open identification of the source and

purpose has to date at least been a strength and protection to the work of the committee. However, the South African Government has within the past year refused to grant the director of the project or myself visas, thereby to some degree hampering the committee's ability to render effective assistance, and a governmental commission there has recommended regulation which may mean curtailment of foreign legal assistance.

Faced with this, I am not actually sure in thinking about the proposed Institute in this bill whether an organization such as the Lawyers' Committee involved in legal defense in any country such as South Africa would be helped or hurt by accepting a grant from an Institute as a quasi-U.S. organization. I certainly think the experiment is in order.

I also wish to add my voice to Mr. Butler's on the size of the staff. We note that the section is only permissive, and we hope the Institute would start with a small staff and grow if the appropriations grow beyond the \$25 million contemplated.

Most important, of course, is the quality of the appointed directors. I have considered but have not recommended that some directors be appointed by others than the President, such as the Chief Justice or a panel of citizens, so as to add to the Institute's aura of independence. However, I came to the conclusion that Presidential appointment, with the advice and consent of the Senate and what will undoubtedly be the watchdog concerns of many NGO's and persons interested in human rights, might best serve to launch the Institute as an effective organization.

I also am not as concerned as other speakers over the lack of definition of human rights and other terms. This committee and Congress and maybe the Institute itself, if it were formed, could spend years trying to reach agreement on such definitions. There is a certain advantage to looseness in a field which should not be structured. The concept of top-quality directors for a somewhat independent organization should be the protection.

Thank you.

[Mr. Lindsay's prepared statement follows:]

PREPARED STATEMENT OF GEORGE N. LINDSAY, MEMBER, EXECUTIVE COMMITTEE,
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

My name is George N. Lindsay, and I am a lawyer practicing as a member of a firm in New York City.

For many years I have been interested in international human rights, working as a board member or in similar roles, with a number of non-governmental organizations. However, I am making this statement particularly on behalf of The Lawyers' Committee for Civil Rights Under Law, which I served as Co-Chairman from 1969 to 1971, and since as a member of its Executive Committee and as Co-Chairman of its Southern Africa Project. While speaking for the needs served by the Committee and the Project, I do so as an interested individual, rather than in an official capacity, since the Executive Committee of the Lawyers' Committee has not had the opportunity to consider H.R. 11326.

The Lawyers' Committee is perhaps unique among non-governmental organizations in the field of international human rights, in that it is primarily oriented towards domestic problems and has limited its international efforts to Southern Africa. There is a reason for this focus. The Lawyers' Committee was organized in 1963 at the request of the President of the United States to involve private attorneys throughout the country in the national effort to assure civil rights to all Americans. Its formation was to some degree a response to the report of the Kerner Commission and the fears there expressed that the United States was in danger of evolving into separate black and white societies. The Committee's membership today includes two former Attorneys General, ten past presidents of the American Bar Association, two former Solicitors General, a number of law school deans, and many of the nation's leading lawyers.

The Committee has not sought to enlarge its activities to cover all that might be encompassed in the phrase "civil rights", but rather to emphasize those that bear particularly on minority rights and the efforts to improve the position of minorities in our society. Similarly, in its international work, the Committee has focused principally on the abridgements of human rights

which have a racial background; hence its involvement in Southern Africa. Its role there has generally not been that of an observer or critic. Through financial assistance, provision of expert witnesses and like measures, the Committee has actively supported legal defense efforts in cases involving the Terrorism Act or other legislation designed to quash opposition to apartheid. Most recently the Committee, working with South African church groups, assisted the family of Stephen Biko in the inquest proceedings that exposed the circumstances of his death.

The commitment of President Carter's administration to advancing the cause of human rights as a fundamental tenet of our foreign policy was a tremendously welcome and significant step. It aims at one of the roots of international discord. It recognizes that the curtailment of human rights destroys the opportunities for peaceful change and evolution, without which a society is doomed to increasing oppression and violence. It proclaims that human freedom is an international goal as a matter of self interest, as well as of humanitarian concern. It provides a moral base that can guide, even if it cannot always control the direction of our foreign policy. Its inauguration as an element of policy refreshed Americans who were

jaded by a foreign policy guided solely by what was seen by those in charge as the pragmatics of the moment.

But, it has not and will not in the future be an easy plank to live with in the nation's foreign policy platform. Compromises may be forced in the interests of what are seen to be overriding considerations. Economic policies of every sort -- trade, balances of payments, monetary and internal development -- military policy, and international political policy all may at various times be seen by the executive to be, at least in the short run, at odds with specific efforts to advance human rights.

There is nevertheless the constant that regardless of economic, military or political policy, the advancement of human rights and fundamental freedoms anywhere and everywhere in the world is almost bound to be in our long-term interests. This, I believe, is the assumption underlying this legislation creating an independent institute to manifest the United States commitment and carry out on-going programs. We support it as a concept, and the suggestions which I offer would, I believe, aid in its realization. I wish to express my appreciation to Subcommittee Chairmen Dante Fascell and Donald Fraser for introducing the bill and for inviting me to testify on it.

The Institute as an
Independent Organization

The proposed Act, and specifically Section 1, provides for the establishment of an "independent" institute. Fundamental to its success is the concept of independence and of the Institute's divorce from United States foreign policy other than policy in respect of human rights. The Institute's autonomy should serve to protect it and its programs against the pressures of day-to-day negotiations and decisions and to permit such programs to have continuity and integrity.

Stated otherwise, the creation of a reasonably autonomous Institute may enable our own Government to pursue, as it should, the cause of human rights, without being hampered by real or seen impediments in terms of other legitimate goals, and perhaps without having those other goals in fact impeded by the continued pursuit of human rights advanced through the Institute.

Effectiveness of the Institute will also be, at least to some degree, dependent upon the way in which it is regarded abroad and the ability of those who need help to receive assistance. Even persons or organizations in countries receptive to the ideas represented by the Institute might deny themselves its assistance if the Institute were seen to be tied to United States foreign po-

licy. Countries desiring to bar such assistance would find the tie -- or the apparent tie -- an easy excuse and justification for imposing such a bar, whether the assistance comes from the Institute or from some other beneficiary of the Institute. Again, autonomy in fact and appearance should enhance the ends of the legislation.

Of course autonomy and independence are relative terms. It is hard to say that any body whose members are appointed by the President and the activities of which are funded by Congress is independent of the Government. Applied to any aspect of foreign affairs, the approach of an independent institute created by the Government is to some degree an experiment. That experiment could be aided by some changes in drafting.

As has been noted by others, Section 2 terms the Institute an "agency" of the United States. Unless for some reason required by law, that terminology should be deleted. Almost by definition, "agency" is inconsistent with independence.

For similar reasons, Section 5 erodes the concept of independence too much by mandating that the Institute shall give consideration to the foreign policy of the United States, despite the language of the bill negating direction by the Secretary of State. Interaction

between the Secretary of State, officials involved in United States human rights policy and the Institute is inevitable and could be very helpful. But the mandatory language could be used domestically to justify compromising the independence of the Institute and overseas to discredit the work of the Institute as "political". We recommend that Section 5 be deleted or, if retained, that the words "foreign policy" be changed to "policy relating to human rights" so as clearly separate from the subjects of interaction economic, military and like elements of foreign policy.

International Perceptions

Frequently a perception is manifested in this country that the United States is above violations of human rights. As Henkin put it, "the United States has seen international human rights as designed for others only. Our respect for human rights, we believe, already surpasses any foreseeable, acceptable international standard; the need is to bring the blessing of our liberties to others." Despite repeated official disavowals of such an attitude, resentment of what is perceived as American self-righteousness persists and may be reinforced when the world community learns that the United States has established an Institute of Human Rights con-

cerned with human rights only in foreign countries. This would perhaps best be obviated by deleting the phrase "in foreign countries" through Section 3(a) which sets forth the Institute's authorized powers. We have no question that the Institute's focus should be abroad as opposed to at home, partly because of the United States Commission on Civil Rights and other already created governmental agencies with domestic human and civil rights functions, and partly because the bulk of the Institute's rather limited resources could easily be consumed by domestic activities. The Institute's principal direction outside the United States could be indicated, without limiting its powers to activities "in foreign countries", by a phrase such as "in any country throughout the world" in the opening lines of Section 3(a) after the word "authorized".

Application of Local Laws

We recommend that subsection 3(b)(4) be deleted. It requires that assistance in a foreign country must be "provided consistent with the laws of that country." This seems to mean only that the assistance itself must be consistent with local law governing contributions from outside sources. But it is subject to some ambiguity and might, for example, be thought of as barring aid aimed at challenging particular laws. Repressive governmental

activities are usually carried out under the claimed sanction of internal domestic law, and the subsection might be cited as justifying the prohibition of any Institute legal assistance.

I might add that the Lawyers' Committee has at all times given its legal aid openly, and we believe lawfully, by checks sent in the ordinary mail, directly to the attorneys involved in defense actions in South Africa. Open identification of the source and purpose has to date, at least, been a strength and a protection. However, the South African Government has within the past year refused to grant the director of the Southern Africa Project, or myself, visas, thereby to some degree hampering the Lawyer's Committee's ability to render effective assistance, and a governmental commission has recommended regulation (which might mean curtailment) of foreign legal assistance.

* * *

I conceive of the Institute as not being itself engaged in operations, but rather as an organization, akin to a foundation, primarily making grants to individuals and organizations in aid of its purposes. The maximum staff of twenty-five permitted by Section 7 would be too small for the Institute to become an operating entity. But it would seem too large for the Institute as a grant-making body

with an annual appropriation of \$5,000,000.

We hope it will start with a small staff of high quality and permit growth only if appropriations grow so that a real need is evident.

Most important, of course, is the quality of the appointed directors. I have considered, but have not here recommended that some directors be appointed by others than the President, such as the Chief Justice or a panel of citizens, so as to add to the Institute's aura of independence and to ensure what might be called professional standards. However, I concluded that Presidential appointment, with the advice and consent of the Senate and the watchdog concerns of the many organizations interested in international human rights, might best serve to launch the Institute as an effective organization.

Without eventually having greater resources than presently contemplated by the proposed appropriation for fiscal 1979, the Institute would not achieve anywhere near its potential. I agree that it must on its own achieve acceptance and demonstrate professional standards and independence to merit the higher level of funding that will be needed, and with which it can have world impact.

Mr. FRASER. Thank you very much, Mr. Lindsay.

We have another vote in progress, so we will have to take one more recess. This is final passage, so I do not expect any more votes for a while.

[Whereupon, a brief recess was taken.]

Mr. FRASER. The subcommittees will resume their sitting.

Professor Weissbrodt, I guess we are about to turn to you.

**STATEMENT OF DAVID WEISSBRODT, ASSOCIATE PROFESSOR OF
LAW, UNIVERSITY OF MINNESOTA**

Mr. WEISSBRODT. It is an honor to appear before you and Congressman Fascell, because you both have had a fundamental role in promoting international human rights as a central focus of congressional foreign policy and international concern.

Indeed, at the University of Minnesota, where I am an associate professor, I teach a seminar in international human rights, and both of your contributions have often been discussed in the seminar.

I would like to summarize my views on the role of the proposed Institute and present several ideas as to how the Institute might assist the implementation of human rights.

Several speakers have mentioned the problem of the independence or impartiality of the Institute and the need to protect international nongovernmental organizations from the risk to their independence if they receive support from the Institute.

I believe that human rights may be an idea whose time has come, but the institutions to implement that idea are still in a very early stage of development. The Institute could provide such substantial sums and could wield its new financial power in such a way that might distort and perhaps destroy the independence of these organizations. But many of the speakers today have spoken about that problem. To the extent feasible, the Institute ought to be given the independence and right to be impartial, so that its assistance will not bring its recipients into question.

The real question here is the one Deputy Secretary Christopher pointed out in his statement, which was, can we authentically disassociate this Institute from the U.S. Government. Mr. Eldridge had two solutions for this terribly difficult problem. One solution was to give up the effort and essentially to make the Institute a part of the U.S. Government. Indeed, one might even go so far as to take Deputy Secretary Christopher's suggestion and put the function of the Institute into a presently existing agency.

I see a problem with that idea: I think most of the organizations, which would be willing to take money from the State Department directly or from a nondisassociated institute, would be the sort of organizations that are amply supported and do not deserve support. Therefore, I would not be in favor of that proposal.

So I am left with the very difficult task of trying to suggest ways of getting independence for the Institute, aware that it may not be possible to disassociate the Institute entirely from U.S. policy. But I think the attempt is worth it.

My suggestions would start with the name of the Institute. I think the name of the Institute might well be changed to something like

the Institute for International Human Rights and Fundamental Freedoms. Why do I pick that language? The language tracks to some extent the U.N. Charter, the Universal Declaration of Human Rights, section 502(b) of the Foreign Assistance Act, and, indeed, the purpose section of this bill itself.

That language invokes the broad definition of human rights found in the U.N. Charter and the international bill of human rights. Any narrower language might suggest that the Institute should be concerned only with a smaller selection of rights, perhaps even a distinctly American selection. In order to be effective in the international human rights field, the Institute must refer to human rights and fundamental freedoms which partake of a broad consensus as to the meaning of human rights.

Similarly, I would generally omit any reference to human rights only in foreign countries, or at least broaden the Institute's scope in some way. If the Institute were too narrow, it might not be able to demonstrate its impartiality. The Institute ought to be able in this country and in other nations to promote public understanding of internationally recognized human rights and fundamental freedoms. I have suggested language in my written statement that might bring about those ideas.

I agree with the other speakers as to the desirability of omitting the present section 5 of the bill, which deals with information from the State Department and how the Institute might consider that information. I believe that removal of section 5 would be important to the independence and impartiality of the Institute.

I have another proposal for protecting the impartiality of the Institute. The Institute's appearance of independence from the U.S. policy might be promoted if Congress structured the appropriation for the Institute so that it would be unnecessary for the Institute to return for periodic appropriations. A large initial grant could be deposited in the U.S. Treasury as an endowment fund for the Institute. The Institute's financial needs could then be supplied by interest from the fund. Such a provision would insulate the Institute from the threat of appropriations cutoffs, and thus insulate the Institute from threats to its impartiality. The Institute would thereby be freer to exercise its impartial judgment concerning which organizations or individuals should receive assistance and for what programs.

Other ways of promoting the independence might follow Mr. Butler's suggestion about how the Board ought to be appointed. I made some suggestions in my written comments about language for restricting the kinds of individuals who really must have a fundamental education and understanding of international human rights in order to be appointed to the Board. I am not absolutely certain that I agree with Mr. Butler's precise suggestions for how the Board ought to be appointed but I think his ideas deserve more thought.

Another suggestion would be that the Institute might not be placed in Washington, D.C., but should be located in a location where it will not be quite so much associated with the policies of the U.S. Government. Another possibility would be to make sure that no one on the Board and no one who was employed at the Institute would have been previously employed for several years with the U.S. State Department, because, of course, such employees would associate the Institute with the policies of the U.S. Government.

Because I have not, except for some comments by Mr. Lindsay, heard too much about what the Institute might do with its money, let me say a few words about that subject. My first suggestion in this regard concerns the language of the bill which might be construed to exclude certain governmental and intergovernmental organizations from receiving assistance. Indeed, the language might arguably preclude support for research at the University of Minnesota, the University of Texas, the University of California, and other public universities. Indeed, it might also prevent public universities in other countries from receiving money. I am sure the drafters did not intend this result. Similarly, I am concerned that the bill might be construed to preclude assistance for projects involving intergovernmental organizations. There are quite a number of very active intergovernmental organizations such as the Inter-American Commission on Human Rights, the International Committee of the Red Cross, the U.N. High Commissioner for Refugees, and the U.N. Human Rights Commission. These are very effective human rights organizations.

The U.S. Government has given contributions to some of these organizations in the past, and the Institute might justifiably consider nongovernmental organizations as its first priority for assistance. Nevertheless, the bill's present language should be construed, or the bill should be amended, to give the Institute authority to allocate its funds to projects involving nongovernmental, intergovernmental, university, and even some governmental institutions, so as to maximize the Institute's effectiveness in promoting international human rights.

In regard to aid for nongovernmental organizations, I must say that initially I agree with Deputy Secretary Christopher's suggestion that the Institute might stress general support for nongovernmental organizations rather than aid to specific projects. Indeed, the Institute should be careful to supply only a relatively modest portion of any single organization's budget so as to protect the independence and impartiality of the organization. I would also agree with Congressman Fascell that such allocation problems constitute the kind of policy decisions for the Board eventually to decide. Indeed the Board might decide to support such worthwhile projects as the Lawyers' Committee for Civil Rights Under Law, southern Africa project, with its assistance in retaining lawyers for defending the victims of apartheid in southern Africa, or other projects supporting the families of human rights victims.

Perhaps, the greatest problem facing nongovernmental organizations, intergovernmental organizations, and researchers concerned about human rights is the need for human rights documentation. These organizations must collect information in order to have a reliable basis for action. Academics need human rights documentation as a basis for their human rights research. Unfortunately, most human rights material is extremely difficult to collect, particularly for libraries. The most relevant human rights materials must be found in pamphlets, newspaper clippings, mimeographed documents of intergovernmental organizations, miscellaneous publications of nongovernmental organizations, national codes, and other very miscellaneous sources. The Institute might provide assistance for the establishment of regional human rights documentation centers to serve as facilities for informed

human rights activity and research. I have suggested language in my written statement that might bring about that proposal, although the language of the bill would permit that kind of activity, as it is now written.

I am particularly pleased to note that the Institute proposal mentions the possibility of assisting human rights internships and fellowships. For nearly 2 years I have been the director of the international human rights internship program at the University of Minnesota. The internship program, which is supported by the Ford Foundation, seeks applicants who have had some education or experience in international human rights. The internship program has placed 29 interns in 16 nongovernmental organizations and intergovernmental organizations, including the International Commission of Jurists, the Inter-American Commission on Human Rights, the Lutheran World Federation, the Washington Office on Latin America, and the Interfaith Center on Corporate Responsibility.

Although the program has placed interns from various fields, our experience at the University of Minnesota has shown that there are a great many more individuals who would be eager to serve as interns than our program could accommodate, and similarly, there are a larger number of organizations which would like to have interns than we can supply with interns under our limited budget. The Institute might want to establish a similar internship program. But unless the Institute is truly independent of U.S. foreign policy, it might have grave difficulty in placing interns with international, national, and nongovernmental human rights organizations.

I have also noted in my prepared statement a number of research proposals which might be the focus of assistance for the Institute. I will leave those suggestions to the prepared statement, but I would be pleased to answer any questions you may have about these further ideas.

Thank you for this opportunity to present my views on the Human Rights Institute.

[Professor Weissbrodt's prepared statement follows:]

PREPARED STATEMENT OF DAVID WEISSBRODT, ASSOCIATE PROFESSOR OF LAW,
UNIVERSITY OF MINNESOTA

It is an honor to appear before you, because you have had such a fundamental role in promoting human rights as a central focus of congressional, foreign policy, and international concern. As an Associate Professor of Law at the University of Minnesota, I teach a seminar on International Human Rights Law where we have often discussed your important contributions.

I am particularly pleased to have this opportunity to discuss with you today the very important proposal in H.R. 11326, which would establish an Institute for Human Rights and Freedom. You have, in the past, drawn world attention to human rights violations in various parts of the world and to the efforts of inter-governmental organizations, nongovernmental organizations, and the U.S. Government in dealing with these human rights problems. You have also taken a lead in developing legislative provisions which would disassociate the United States from repressive regimes. The Institute proposal appears to be very much an outgrowth of your previous human rights efforts, but the Institute might also make a distinctive, new contribution to the promotion of human rights.

I would like to discuss the role such an Institute might have in the promotion of international human rights, make a few comments on the language of H.R. 11326, and present several ideas as to how the Institute might assist the implementation of human rights.

The Mission of the Institute

The Institute is apparently designed to assist individuals and nongovernmental organizations in the promotion of international human rights. In order to assist nongovernmental organizations the Institute proposal must take into account the vulnerable nature of the human rights movement and particularly of nongovernmental organizations concerned with human rights. "Human rights" may be an idea whose time has come, but the institutions to implement that idea are still in a very early stage of development. With an initial appropriation of five million dollars the Institute would provide much-needed support to these fledgling organizations. But the Institute could provide such substantial sums and could wield its new financial power in a way which might distort and actually destroy the organizations or efforts the Institute might be attempting to assist.

The effectiveness of an international nongovernmental organization's human rights work depends upon its reputation for impartiality and independence. A large contribution from an Institute closely allied with United States foreign policy might undermine the recipient organization's effectiveness. Similarly, research in international human rights must be independent and impartial, if it is to be respected.

Accordingly, the Institute must, to the extent feasible, be given the independence and right to be impartial so that its assistance will not bring the recipients into question. Obviously, the drafters of this Bill had precisely this sort of problem in mind when section 3(b)(3) was inserted to require all assistance to be given openly. In this spirit I would urge a number of other modifications to the name, purposes, and other provisions of the Bill.

Comments on the Language of the Bill

First, the Institute might be more appropriately named an Institute for International Human Rights and Fundamental Freedoms in keeping with the language of the U.N. Charter, the Universal Declaration of Human Rights, section 502B of the Foreign Assistance Act, and the statement of purpose in section 1 of this Bill. I believe that section 502B uses, and this Bill ought to use, the language "internationally recognized human rights" and "human rights and fundamental freedoms" because those phrases invoke the broad definition of human rights found in the U.N. Charter and the International Bill of Human Rights. Any narrower language might suggest that the Institute should be concerned only with a smaller selection of rights or even a distinctly American selection of rights. In order to be effective in the international human rights field, the Institute must refer to "human rights and fundamental freedoms" which partake of a broad international consensus as to the meaning of "human rights." Similarly, I would generally omit any reference to human rights only "in foreign countries" or at least broaden the Institute's scope. In order

for the Institute to demonstrate its impartial concern for human rights, it must not narrow its focus to only some areas of the world. The Institute should also be able, in this country and in other nations, to promote public understanding of internationally recognized human rights and fundamental freedoms.

Accordingly, section 3(a)(1) ought to be amended to encourage assistance that promotes "human rights and fundamental freedoms worldwide, regionally, and in foreign countries by means consistent with the United Nations Charter and other international obligations of the United States; . . ." Otherwise, the prefatory statement and sections 3(a)(2), (3), (4), (5), (6), and (7) should omit "in foreign countries" and ought to provide that the Institute shall promote respect for and observance of "internationally recognized human rights and fundamental freedoms," or just "human rights and fundamental freedoms."

Since the Institute should exhibit an impartial concern as to all human rights, sections 3(a)(3) and 3(a)(5) might be too narrow. Section 3(a)(3) provides assistance for publications, dissemination, and display of materials which have been suppressed only for political reasons. But many works of this sort are also suppressed for religious, racial, ethnic, or other reasons. In order to assist the publication, dissemination, and display of works suppressed for these various reasons, this section should provide for dissemination of works which have been suppressed in violation of internationally recognized human rights and fundamental freedoms.

Similarly, section 3(a) (5) should provide for assistance to nongovernmental organizations which support victims (and the families of victims) of human rights violations. At present, the Bill provides only for the victims of political persecution. Many people are persecuted for their race, religion, or for other impermissible reasons. This section should provide aid to these human rights victims as well.

In order to promote and protect the independence and impartiality of the Institute and those who would receive assistance from it, certain other sections should be omitted or changed:

Section 5, which provides for consultation with the Secretary of State and consideration of the foreign policy of the United States, should be omitted. The Institute should be independent of the foreign policy of the United States in order to protect the image of independence of those who receive assistance from the Institute.

Section 6(b) (1) provides for a board of directors to be appointed by the President. No more than four directors are to be members of the same political party. This requirement serves only to make the Board appear to be politically oriented. It would be easy enough for the President to find politically sympathetic members of different parties in order to undermine the limited purpose of this requirement. Since the Institute should be and appear to be impartial as well as politically independent, this provision on political appointments should be omitted.

I am very pleased to see that the Board of the Institute should be constituted by individuals with a demonstrated concern

for, and experience in matters pertaining to, human rights and fundamental freedoms. Such qualifications should insure that only individuals with truly considerable education in, experience in, and commitment to, international human rights would be eligible for the Board. In order to reinforce the international human rights orientation, expertise, education, and commitment of the Board I would recommend that the word "international" be placed before the words "human rights and fundamental freedoms" in section 6(b)(1). Although the Board should not, perhaps, be all academics, I would stress the need for Board members with education in international human rights and would thus suggest adding to section 6(b)(1) the words "education in," so that the fourth, fifth, and sixth lines of that provision would read in pertinent part: "from individuals in private life with a demonstrated concern for and either education in or experience in matters pertaining to, international human rights and fundamental freedoms."

Section 3(b)(4) provides that assistance for use in a foreign country must be provided consistent with the laws of that country. This provision may directly conflict, for example, with section 3(a)(3) which provides for publication, dissemination, and display of artistic works which have been suppressed. Hence, section 3(b)(4) may be inconsistent with the overall purposes of the act -- that is, to promote respect for and observance of internationally recognized human rights and fundamental freedoms. Therefore, section 3(b)(4) should either be omitted or amended to except situations in which the laws of a country are in conflict with the International Bill of Human Rights. But adding this

exception would require the Institute to make determinations as to whether a law conflicts with the International Bill of Human Rights. Since such a decision might be difficult, section 3(b)(4) should probably be omitted. The requirement that the assistance be provided openly should be sufficient protection against improper uses of the funds.

Sections 3(a)(1) and 3(b)(1) provide for assistance to non-governmental organizations and individuals. At present, the Bill might be construed to exclude certain governmental and inter-governmental organizations from receiving assistance. For example, the Institute might arguably be precluded from supporting research on human rights at public universities in the United States, such as the University of Minnesota, Texas, or California, and also public universities in other countries. I am sure that the drafters did not intend to exclude such efforts from the Institute's purview.

Similarly, the Bill might not permit projects involving intergovernmental organizations which are very active in the promotion of international human rights, for example, the Inter-American Commission on Human Rights, the International Committee of the Red Cross, U.N. High Commissioner for Refugees, and the U.N. Human Rights Division. The United States Government has given contributions to some of these organizations in the past and the Institute might justifiably consider the nongovernmental organizations as a first priority for assistance. Nevertheless, the Bill's present language should be construed or the Bill should

be amended to give the Institute authority to allocate its funds to projects involving nongovernmental, intergovernmental, university, and even some governmental institutions, so as to maximize its effectiveness in promoting international human rights. Accordingly, section 3(a)(1) might "provide assistance primarily to nongovernmental organizations, educational institutions, and individuals that promote human rights and fundamental freedoms." This language would maintain the present focus of the proposed Institute, but would also permit assistance to other active human rights work.

Another proposal which may increase the Institute's appearance of independence from U.S. policy would be to structure the appropriation for the Institute in order to make it unnecessary for the Institute to rely on further periodic appropriations from Congress. A large initial grant could be deposited in the Treasury of the United States as an endowment fund for the Institute. The Institute's financial needs could then be supplied by interest from this fund. Such a provision would insulate the Institute from the threat of appropriations cut-offs. The Institute would thereby be freer to exercise impartial judgment concerning which organizations or individuals should receive assistance and for what programs.

Human Rights Activities to which the Institute
Might Provide Assistance

The Institute might assist international nongovernmental organizations (NGOs) and other nongovernmental organizations concerned with the promotion of human rights. There are several

dozen international nongovernmental organizations which collect information about human rights violations and which use diplomacy, publicity, the fact-finding procedures of intergovernmental organizations, relief to victims, and similar techniques for dealing with these violations. Most of these organizations are quite impecunious and could use general support for their activities. While each organization may have its peculiar characteristics and special needs for funds, the Institute should probably not provide more than a relatively modest portion of any single organization's budget. Otherwise, the Institute might undermine the recipient organization's appearance of independence and impartiality. Similarly, the Institute should respond to NGO requests for general support rather than always insisting upon requests for funds to support specific projects. The Institute might thus avoid an appearance of trying to influence the programs of human rights NGOs.

There will, of course, be some NGOs which may seek Institute assistance for specific human rights projects, which might constitute a substantial part of the NGOs' activities. For example, an international or U.S. organization might seek the Institute's help in retaining lawyers to defend the victims of Apartheid in Southern Africa, or in supporting the families of political prisoners. Such a project lies within the stated purposes of the Institute and obviously deserves the Institute's assistance.

Perhaps, the greatest problem facing nongovernmental organizations and researchers concerned about international human rights

is the need for human rights documentation. Nongovernmental organizations must collect human rights documents in order to have a reliable basis for action. Academics need documentation as a basis for their human rights research. Unfortunately, most human rights materials are very difficult for libraries to collect. The most relevant human rights material must be found in pamphlets, newspaper clippings, mimeographed documents of intergovernmental organizations, miscellaneous publications of nongovernmental organizations, national codes, constitutions, books, and periodicals. A thorough human rights documentation facility must have available a significant number of people with varied linguistic skills and a professional retrieval system. The Institute might provide assistance for the establishment of regional human rights documentation centers to serve as facilities for informed human rights activity and research. Although the present Institute proposal would permit assistance to human rights documentation, the need for such human rights documentation centers is so great that I would recommend the addition of "documentation centers" to section 3(a)(4) of H.R. 11326. The pertinent part of section 3(a)(4) would thus read:

"(4) provide assistance for documentation centers, research, fellowships, internships, and studies on human rights and fundamental freedoms."

In addition, the Institute might assist scientific and professional organizations in monitoring the human rights of their members or colleagues. A number of national and international organizations, such as the American Academy of Arts and Sciences

and the American Physical Society, have expressed concern about colleagues who have been imprisoned. Such expressions of concern have been quite successful in dealing with human rights violations. The Institute might provide assistance to these scientific or professional organizations, the principal activities of which may not be in the human rights field, but which can make a positive contribution in some cases.

The Institute might also assist bar associations and other indigenous organizations in other countries which, for example, support the defense of people accused of political offenses, provide education about international human rights, or promote cooperatives in rural areas. Such indigenous human rights organizations may be the most effective in fostering human rights on a day-to-day basis. Accordingly, they deserve the proposed Institute's support.

I am particularly pleased to note that the Institute proposal mentions the possibility of assisting human rights internships and fellowships. For nearly two years I have been the Director of the International Human Rights Internship Program at the University of Minnesota. The Internship Program, which is supported by the Ford Foundation, seeks applicants who have had some education or experience in international human rights organizations. The Internship Program has placed 29 interns in 16 nongovernmental and intergovernmental organizations, including the International Commission of Jurists, the Inter-American Commission on Human Rights, the Lutheran World Federation, the Washington Office

on Latin America, and the Interfaith Center on Corporate Responsibility. Although the Program has placed interns from various fields, including law, political science, anthropology, history, and journalism, our experience at the University of Minnesota International Human Rights Internship Program has shown that there are a great many more individuals who would be eager to serve as interns than our Program can accommodate. Also, there are a large number of organizations which would like to have interns, but for which we cannot find interns within our limited budget. The Institute may want to establish a similar internship program. Unless the Institute is independent of U.S. foreign policy influence, however, it may have difficulty in placing interns with some international and national human rights organizations. At its best, such an internship program can substantially assist human rights organizations and can help build a constituency of trained human rights experts.

The Institute could also support research projects and follow-up activities in this country and elsewhere. For example, assistance could be provided for studies of the role of human rights in the context of differing legal systems, cultures, political systems, and economies. Such studies could examine the extent to which international legal efforts for human rights have been effective in differing national contexts. The success of future human rights efforts may depend upon understanding these differing national responses to human rights efforts.

Research needs to be done on issues which face all human rights organizations: Which techniques (e.g., information gathering, diplomacy, conciliation, publicity, missions, bilateral aid, multilateral aid, trade, refugee policies, relief, etc.) are most effective, as to which countries, in which circumstances, and in regard to which human rights?

Support could be provided for studies or activity regarding domestic public interest legal work for human rights. Such legal activity would require a comprehensive review of U.S. laws to determine where there might be a potential for useful suits. The human rights movement might have much to learn from how public interest lawyers in the fields of poverty law, environmental regulation, and civil rights selected their targets and how effective their efforts have been.

The Institute could provide assistance for the establishment of clinical programs for teaching law students about international human rights procedures and for achieving human rights objectives through activity in domestic courts, administrative agencies, and other institutions.

Almost every provision of the two Human Rights Covenants might be the subject of a study. Economic, social, and cultural rights, in particular, have gone without serious consideration. Studies could be done on the degree to which there can be an enforceable international right to a minimum standard of health, housing, or education. Also, the derogation clauses of the Covenants, which allow violations in the case of emergency or for reasons of public order, have not been subjected to serious scrutiny.

Analysis could be done regarding the role of transnational corporations in protecting human rights. The U.N. Commission on Transnational Corporations has begun to establish a minimum standard of conduct for such international companies. But no one has considered how these corporations might be used to improve human rights or may engage in practices inimical to human rights.

I would be happy to elaborate on any of my suggestions during the question period. Before concluding, I want to thank you again for your leadership in the cause of human rights, which has brought forth this Institute proposal.

Mr. FRASER. Thank you very much, Professor Weissbrodt.

Dr. Lefever, let me pose a question to you. You referred to the tendency on the part of some people interested in human rights or others to underestimate the threat of totalitarian societies and concentrate too much on the transgressions of the authoritarian countries, many of whom are allies of the United States. One reason I think that that perception develops is that with respect to countries like the Soviet Union or the Warsaw Pact countries, our leverage over them is modest. They are not recipients of military or economic assistance. We not only complain about their human rights problems, but there is a general sense of hostility, so that there is a tendency to focus more on countries where we have some leverage.

Could a case be made that an institute such as this, which would not have access to these levers and was not involved in aid giving and really could only deal with words, ideas and helping groups who deal with words and ideas, have a more dispassionate overview of the worldwide situation?

That is, it might turn its attention to the problems of Soviet human rights shortcomings, and such major problems to a greater extent than the U.S. Government does because we do not have the leverage.

Mr. LEFEVER. Mr. Chairman, you may have a point. The most vocal groups in the human rights field are ideologically motivated and they operate by a selective morality. You can tell by their budgets. I am talking about independent, self-appointed, private groups. They seem to be more interested in the small sins of Chile than the massive sins of Cuba. This selective attention is not the result of funding from the U.S. Government or supervision by the State Department. This particular distortion is a result of their own ideology.

Therefore, if there were a new institute, I would much prefer it to be under the aegis of the U.S. Government, so that it would operate in harmony with U.S. foreign policy and security objectives. All Government financed efforts abroad have a moral obligation to serve U.S. national security and foreign policy goals and interests, which we hope, of course, are in harmony with the legitimate rights and interests of other states.

My fear is that the greater autonomy this Institute would have, the greater the danger that it would be captured by ideological groups that are not interested in human rights at all, but are interested in promoting revolutionary ideologies under the guise of being concerned with human rights. There are many such groups, both religious and secular. The case of the World Council of Churches is well documented. Money intended for humanitarian purposes has in fact gone to support Marxist guerrilla groups in Africa. So the real danger does not derive from the State Department or U.S. policy. The danger derives from being captured by an ideology alien to Western concepts of democracy and human dignity.

What I would prefer, in short, is that concerned Americans would band together, giving voluntarily of their funds in efforts such as Freedom House and other responsible groups. Why do it with taxpayers' money? The resources are available. The Government does not create money. If there is sufficient concern, Americans could create a \$100 million institute voluntarily.

It seems to me inappropriate for the U.S. Government to give money to private groups operating abroad without monitoring the way the money is used. The funds should serve their intended purpose. After all, the Congress has a responsibility to oversee the State Department, the CIA, and the FBI. The Congress, which appropriates public funds, should provide guidance for the proposed Institute. For these reasons, I believe it is unwise to provide public funds to private groups for reforming domestic practices in other sovereign states.

Mr. FRASER. Do any others want to comment on that question?

Mr. WEISSBRODT. I can comment on both the previous answer and the question. I think in answering the question first you suggested that there is some possibility that the Institute might become more independent because it would be free from concern about the particular U.S. leverage over certain regimes. Indeed, I think, Mr. Chairman, that such independence would be a possible advantage of the Institute.

As to the previous answer, I have several disagreements. I think that it is very difficult to prioritize one's efforts in the international human rights field. I have difficulty in deciding as an abstract question which is more important, 1,500 disappeared people in one country, thousands who are in prison in another country for political reasons, thousands who might die from hunger because of the policies of another government, or thousands who might be tortured by another government. I have difficulty in deciding which is so much more important that they therefore require special emphasis. I think it would be dangerous to hamstring this Institute by such prioritization.

As a result, I think the freedom, which Chairman Fascell suggested would be appropriate for the Institute. If the Institute were appropriately independent it might be able to effectively achieve the purposes of this bill.

Mr. FRASER. Mr. Butler, did you have a comment?

Mr. BUTLER. Mr. Chairman, there is some precedent. We have the history of the Latin American Foundation, which I looked into before I came down here today, I was assured by the administration there that their autonomy has been respected and that there has been no attempt to influence by government offices the carrying out of their program. I think the Legal Services Corp. also was very fearful of this type of interference when it was started, and I understand that their autonomy has been pretty protected, I am not too sure whether or not there will be political control exerted on the activities of this foundation, but it will look to the world as if this foundation is an instrument for U.S. foreign policy.

So, as my friend, George Lindsay, here, says, it may be worth the experiment to find out whether or not this autonomy and independence could be developed. I think it is a policy question that Congress will have to cross before this bill is passed.

Mr. FRASER. Mr. Lindsay?

Mr. LINDSAY. I think the doctor in responding to your question, seemed to have an idea that there are on the one hand legitimate foreign policy objectives, and on the other hand an interest in human rights, without recognizing that an interest in human rights can be by itself a foreign policy objective that meets the criteria of supporting the interests of the United States. In the long run, and I think

other panelists would agree with this, the challenges to our civilization have come mostly from authoritarian and totalitarian governments, and the increase in human rights is the greatest protection against that. Simply to create a climate around the world in which there is constant pressure against governments' natural tendency to coalesce power, and in support of people who are fighting internally for that, is in itself an end which I think is worth carrying out at all times, and is a proper function for U.S. Government money.

Mr. FRASER. Mr. Eldridge?

Mr. ELDRIDGE. Very briefly, it seems to me that human rights, for better or for worse, operates in a politically charged atmosphere. It seems to me it is a very delicate situation in some ways. There is a political content to the whole question of human rights. You have a *tabula rosa*. You have an empty vessel, and in the architecture from the very beginning of the creation and formation of this Institute it seems to me that above all you are going to have to pay scrupulous attention to the whole question of impartiality, because once an institution like this reputation is sullied in one way or another, at least again from a Latin American point of view it is virtually not recuperable.

So, I would emphasize the necessity to the extent it is possible within the formation of an institution like this that utmost heed be paid to absolute strict impartiality. I think this is critical, because right now it is nothing. It does not have an identity. Very soon, if the thing goes through the Congress, it is going to have an identity, and from the very beginning, if you are going to paint that and begin to put the machinery in motion, those kinds of decisions from the very beginning, will be of critical importance.

Mr. BUTLER. Mr. Chairman, may I just add one thing to that. I think I could spell out the scenario of what is going to happen if this bill is passed. International nongovernmental organizations are going to wait and see.

There is nothing in the bill that says they have to take the money. What they will do is, they will wait and see. They will see how the directors are appointed. They will see who is administering the program. They will see what the selection is as to the issues. They will test the independence point, and if over a certain period of time they are convinced that this has credibility and status in the world community as an independent sort of ICRC reputation in the world, then it may apply for funds, but I do not think you are going to see a rush for funds from any responsible international nongovernmental organization until the track record is very clear.

Mr. FRASER. Chairman Fascell?

Mr. FASCELL. I do not have anything to add. I want to thank all of you for appearing, and for your thoughtful analyses.

The issues, I think, are rather clear. I think it is what Mr. Butler said, the people out there will be the judges of whether or not the Institute is going to do anything and whether it will be acceptable or credible. I am certain that people who are going to be on the Board are going to be sensible, and equally skilled and knowledgeable as those of us who are in this room, and maybe more so, and that they will also see these problems. Therefore, having very carefully read the record

and all of the suggestions that have been made in the committee report, they will have common sense to go and do what has to be done notwithstanding. I think that is about all I have to say, Mr. Chairman.

Mr. FRASER. I want to thank the panel, I think what Mr. Fascell is saying in part is, and I wish to make it explicit, that if we had you on the Board, we could proceed in full confidence. I think we are restraining our questions somewhat by the fact that there is another vote, and rather than have you wait for that vote to be completed and us return, we will adjourn now.

Mr. LEFEVER. Thank you, Mr. Chairman.

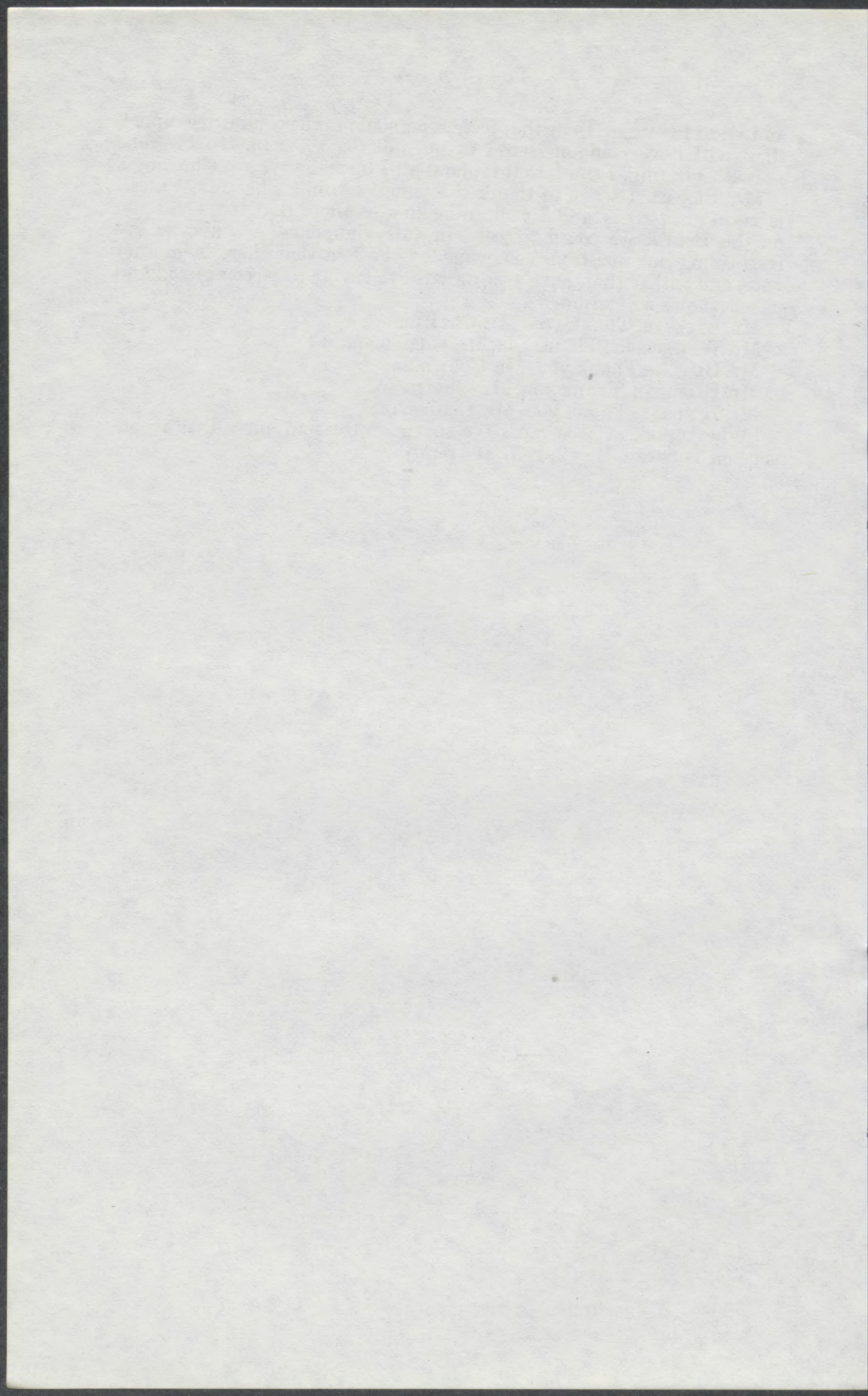
Mr. WEISSBRODT. Thank you, Mr. Chairman.

Mr. BUTLER. Thank you, Mr. Chairman.

Mr. ELDRIDGE. Thank you, Mr. Chairman.

Mr. LINDSAY. Thank you, Mr. Chairman.

[Whereupon, at 4:35 p.m., the subcommittees adjourned, to reconvene on Tuesday, May 2, 1978, at 3 p.m.]



INSTITUTE FOR HUMAN RIGHTS AND FREEDOM

TUESDAY, MAY 2, 1978

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEES ON INTERNATIONAL OPERATIONS
AND ON INTERNATIONAL ORGANIZATIONS,
Washington, D.C.

The subcommittees met at 3:25 p.m. in room H-236, the Capitol, Hon. Donald M. Fraser (chairman of the Subcommittee on International Organizations) presiding.

Mr. FRASER. The subcommittees will come to order.

This afternoon, the Subcommittee on International Operations and the Subcommittee on International Organizations meet to consider H.R. 11326, a bill to establish an Institute of Human Rights. The subcommittees held 3 days of hearings on this legislation, April 13, 18, and 25, and heard from 19 witnesses.

Mr. Fascell and I have agreed on a draft substitute which takes into account many of the criticisms directed at the legislation during the hearings and during consultation between staff and State Department representatives.

[The draft substitute which was subsequently incorporated as title VII of H.R. 12598, Foreign Relations Authorization Act, Fiscal Year 1979, follows:]

TITLE VII—INSTITUTE FOR INTERNATIONAL HUMAN RIGHTS

SHORT TITLE

SEC. 701. This title may be cited as the "Institute for International Human Rights Act".

STATEMENT OF PURPOSE

SEC. 702. It is the purpose of this title to establish, as a manifestation of the commitment of the United States to human rights and fundamental freedoms, an independent institute which will openly carry out programs to promote universal respect for and observance of human rights and fundamental freedoms.

ESTABLISHMENT OF INSTITUTE

SEC. 703. There is created as an independent agency of the United States a body corporate to be known as the Institute for International Human Rights (hereafter in this title referred to as the "Institute").

FUNCTIONS OF THE INSTITUTE

SEC. 704. (a) In order to promote universal respect for and observance of human rights and fundamental freedoms, the Institute is authorized to—

- (1) provide assistance, primarily to nongovernmental organizations and individuals, for programs that promote respect for and observance of human rights and fundamental freedoms;

(2) sponsor, conduct, and provide assistance for conferences, seminars, and other meetings on human rights and fundamental freedoms;

(3) provide assistance for the publication and dissemination of books and other written materials, and for the display or other presentations of artistic works, which have been suppressed;

(4) provide assistance for research, fellowships, internships, and studies on human rights and fundamental freedoms;

(5) provide assistance to nongovernmental organizations which support victims (and the families of victims) of persecution;

(6) provide assistance for nongovernmental organizations that furnish assistance for the legal defense of human rights and fundamental freedoms; and

(7) carry out other programs which the Institute determines will promote universal respect for and observance of human rights and fundamental freedoms.

(b) (1) The Institute may only carry out or provide assistance for programs and activities relating to human rights and fundamental freedoms in foreign countries, including, where appropriate, regional or worldwide programs designed to promote international respect for and observance of human rights and fundamental freedoms.

(2) The Institute may only carry out or provide assistance for programs and activities which are consistent with the United Nations Charter and other international obligations of the United States.

(3) Financial and other assistance authorized by this title shall be provided openly.

(c) Financial assistance under this title may be provided in the form of grants or loans on such terms and conditions as the Institute may determine.

PUBLIC INFORMATION

SEC. 705. In addition to complying with the requirements of section 552 (relating to public information) and section 552b (relating to open meetings) of title 5 of the United States Code, the Institute shall, on an annual basis, make available to the public and to interested persons a statement with regard to each decision of the Institute during the preceding year to provide financial or other assistance under this title.

MANAGEMENT OF THE INSTITUTE

SEC. 706. (a) The management of the Institute shall be vested in a board of directors (hereafter in this title referred to as the "Board") which shall direct the exercise of all the powers of the Institute.

(b) (1) The Board shall be composed of seven members (hereafter in this title referred to as "directors") appointed by the President, by and with the advice and consent of the Senate, from among individuals who have a demonstrated concern for human rights and fundamental freedoms. No officer or employee of the Federal Government may be appointed as a director.

(2) One director shall be designated by the President to serve as Chairman of the Board and one director shall be designated by the President to serve as Vice Chairman of the Board.

(3) Directors shall be appointed for terms of six years, except that of the directors first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A director appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon the expiration of his or her term of office, a director shall continue to serve until a successor is appointed and has qualified. Directors shall be eligible for reappointment.

(c) Directors shall receive not to exceed the daily equivalent of the annual rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315) for each day, including traveltime, during which they are engaged in the actual performance of their duties as directors, and shall be reimbursed for actual and necessary expenses (including transportation expenses) incurred while engaged in the actual performance of those duties.

(d) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the activities of the Institute may be carried out and in which the powers granted to it by this title may be exercised and enjoyed.

(e) A majority of the directors shall constitute a quorum for purposes of conducting business.

(f) The Board may appoint such committees as it finds to be in the best interests of the Institute, each such committee to consist of at least two directors. Such committees, together with officers and agents duly authorized by the Board, may, to the extent provided by the Board, exercise the powers of the Board in the management of the Institute.

(g) The chief executive officer of the Institute shall be an Executive Director who shall be appointed by the Board on such terms as the Board may determine. The Executive Director shall receive compensation at a rate not to exceed the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315).

POWERS OF THE INSTITUTE

SEC. 707. The Institute—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal which shall be judicially noticed;

(3) may, subject to the availability of appropriations therefor, make and perform contracts and other agreements;

(4) shall prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;

(5) may employ and fix the compensation of not to exceed seven individuals at any one time;

(6) may procure the services of experts or consultants or organizations thereof in accordance with section 3109 of title 5, United States Code;

(7) may accept money, property, and services of any kind by gift, devise, bequest, grant, or otherwise;

(8) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(9) shall have such other powers as may be necessary and incident to carrying out this title.

MISCELLANEOUS PROVISIONS

SEC. 708. (a) The Institute shall be a nonprofit corporation and shall have no capital stock. Except as provided in sections 706(c), 706(g), and 707(5), no part of the income or assets of the Institute shall inure to the benefit of its directors, officers, and employees, and such income and assets shall be used solely for the carrying out of this title. No director, officer, or employee of the Institute shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(b) The Institute shall be subject to the provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) relating to wholly owned Government corporations.

(c) Upon termination of the corporate life of the Institute, all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

ANNUAL REPORT

SEC. 709. The Institute shall submit to the Congress each year a report on its activities in carrying out this title during the preceding year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 710. There is authorized to be appropriated to the Institute to carry out this title \$1,000,000 for the fiscal year 1979. Amounts appropriated under this section are authorized to remain available until expended.

Mr. FRASER. If there is no objection, we will proceed with markup of the discussion draft.

The major changes between the bill and the draft are as follows:

(1) The name of the Institute will be the Institute for International Human Rights;

(2) The prohibition on aid to governmental organizations has been removed to eliminate any doubt about permitting aid to quasi-governmental units such as State universities, bar associations, et cetera;

(3) The provision requiring that assistance for use in a foreign country be consistent with the laws of that country has been eliminated. Instead assistance must be consistent with the U.N. Charter and other international obligations of the United States;

(4) Information about decisions of the Board will still be available, but will not be required to be printed in the Federal Register;

(5) Section 5 which dealt with the relationship between the Secretary of State and the Institute has been eliminated with the approval of the Department;

(6) The specification that no more than four members of the Board be from one political party has been eliminated;

(7) The ability of the Institute to establish offices abroad has been eliminated;

(8) The limit on staff has been reduced from 25 to 7; and

(9) The amount authorized for fiscal year 1979 has been reduced from \$5 million to \$1 million.

I am delighted to turn the Chair over to the distinguished gentleman from Florida, Mr. Fascell.

Mr. FASCELL. Where are we?

Mr. FRASER. We have the draft in front of us for consideration.

Mr. FASCELL. Are there any questions or any amendments?

Mr. DERWINSKI. I think, Mr. Chairman, that there has been some practical consultation. As a result, as I understand it, everyone is aboard as to the statement that Don so eloquently read to us.

Mr. FASCELL. I certainly appreciate your cooperation and helpful suggestions. I think it has improved the legislation.

Mr. FRASER. Mr. Chairman, I think that staff did an excellent job in reworking this. It is a much cleaner bill.

Mr. FASCELL. All those in favor of the substitute bill signify by saying "aye."

[A chorus of "ayes."]

Mr. FASCELL. All those opposed, contrary sign.

[No response.]

Mr. FASCELL. The "ayes" have it. The substitute bill is agreed to.

[Whereupon, at 3:25 p.m. the Subcommittee on International Operations proceeded to other business.]

APPENDIX

ADDITIONAL STATEMENTS SUBMITTED FOR THE RECORD

STATEMENT OF JOHN M. SZOSTAK, WASHINGTON CORRESPONDENT,
WASHINGTON LIAISON NEWS SERVICE

Mr. Chairman, my name is John M. Szostak, I am a Washington Correspondent for several foreign language newspapers and an active participant in the Human Rights movement for over 15 years. Recently I gave testimony to the Helsinki Commission on the violations of Human Rights in Poland both religious and civil rights violations. I appreciate the opportunity to testify in behalf of H.R. 11326 the bill to establish an Institute for Human Rights and Freedom for all the nations of the world. As one who for the most part of his adult years has worked in the area of human rights for the people of Eastern Europe we must now focus our attention toward the entire world. Only in a united world wide effort will the goals of genuine human rights be achieved not only in Eastern Europe but throughout the world.

The people of the world in the face of the grave situation in which they find themselves, due to the systematic violation of Human Rights, through torture; repression, terrorism; dependency; misery and the marginalization of these nations that grow worse each day and thwarts life; liberty and security the foundational basis of human life propose that Institute for Human Rights and Freedom be established for all the people of the world as an outgrowth of the Commission on Security and Cooperation in Europe—Basket III, the Helsinki Commission.

The responsibility of evolution in Human Rights of the people of Eastern Europe rests not upon a single international organization but upon everyone without exception. The Institute for Human Rights and Freedom can be instrumental in strengthening the international Juridical Mechanisms for the purpose of making effective the full operation of Human Rights of the peoples of the world a possible reality. This can only be achieved through evolution not by revolution.

In the face of the growing violation of Human Rights in which man finds himself caught in an uncontrollable spiral of violence, brought about by situations of injustice in which torture, repression, terrorism, imprisonment; political refugees, man has become a mere object and not the primary subject of the process of change today in this modern world that we live in. Suppression of Human Rights in these times have become institutionalized and thus violates the most fundamental rights of life, liberty and the security of the peoples of all the nations of the world.

The present situation in which the people of the world live in demand an urgent reflection and action in defense of human rights. This can only be possible through a joint effort of the Institute for Human Rights and Freedom and other similar international organizations that are concerned with human rights throughout the world. The violation of Human Rights cannot be treated only by it's effects and on the abstract level, without determining the causes of these injustices that the Institute on Human Rights and Freedom and achieve.

I am under the belief that the Institute for Human Rights and Freedom does not propose a campaign of revolution, but one of evolution that is to create or reactualize the world by an auto-critical conscience, in the hopes that with the collaboration of the Institute for Human Rights and Freedom members an international mobilization of effective mechanisms may be achieved and thus assure the realization and development of human rights to the people of the entire world.

The success of the Institute for Human Rights and Freedom rests on the result of the responsibility and the sum effort of everyone; governments; churches; national and international organizations both public and private who seek to share the same mutual interest in promoting human rights throughout the world.

The campaign for human rights in the world has become stronger since the signing of the Helsinki Agreement in August of 1975 and the hearing on Human Rights that followed at the Belgrade Conference in 1977-78. The creation of the Institute for Human Rights and Freedom will further intensify the cause of Human Rights in the World. Again the Institutes objective is to motivate through the international mobilization of governments, churches and international organizations not by revolution but by evolution.

Following are a list of recommendations that the proposed Institute on Human Rights and Freedom should consider adopting as a cornerstone for their activities to promote human rights around the world.

1. Analyze and reflect upon the concrete situations of Human Rights in each nation of the world.
2. Deal with situations of emergency in the world where proven cases exist of terrorism, torture cruel treatment and systematic repression.
3. An in-depth study of the existing juridical mechanisms depending upon the Institute for Human Rights and Freedom in the nations of the world.
4. Propose to the nations of the world the reform of the existing juridical mechanisms so that they (the people) may be given an effective opportunity for the full implementation of Human Rights.
5. Propose emergency observer commissions supported by the members of the Institute for Human Rights and Freedom in those countries of the world where there is visible evidence of a systematic violation of human rights.
6. The Institute for Human Rights and Freedom should seek the motivation and mobilization of all levels concerning human rights on the local, regional, national, and international in the nations of the world.
7. The Institute for Human Rights and Freedom should make it an effort that the voices of the people of the world be heard on everything that pertains to human rights via regional commissions as set up by the Institute.
8. The Institute for Human Rights and Freedom should seek to promote groups on the grass roots level: Churches student movements etc., to lobby for human rights on behalf of the people of the world who are striving for genuine human rights.
9. The Institute for Human Rights and Freedom should seek to interest existing national and international organizations on how to campaign for human rights by evolution NOT by revolution.
10. The Institute for Human Rights and Freedom should seek to develop campaigns of solidarity and support in concrete situations of violations of Human Rights to the people of the world.
11. Channel concrete and properly documented information on the violations of Human Rights to the peoples of the world to the Institute for Human Rights and Freedom via their respective regional commissions as set up by the Institute.
12. The Institute for Human Rights and Freedom should seek to avoid all partisan sectarian political interests. The campaign of the Institute should be directed to the human individual and his human rights.
13. Establish an international headquarters for a permanent implementation of the activities of the Institute for Human Rights and Freedom in a neutral nation like, Austria, Finland, or Sweden. Also select a National Secretariat as in the case of the United Nations on a rotating basis.
14. Propose a yearly convocation of the world member organizations of the Institute for Human Rights and Freedom to meet at a specified time and place in the world to discuss the world human rights problems and to submit its recommendations.
15. The activities of the Institute for Human Rights and Freedom should be independent of any influence of the government as to its actions in what they can and not do. This should be a strict neutral organization (Institute) and given this status by international law.

STATEMENT OF JOINT BALTIC AMERICAN NATIONAL COMMITTEE, ROCKVILLE, MD., REPRESENTING THE ESTONIAN AMERICAN NATIONAL COUNCIL, THE AMERICAN LATVIAN ASSOCIATION, INC., AND THE LITHUANIAN AMERICAN COUNCIL, INC.

DEAR CHAIRMAN: The Joint Baltic American National Committee represents the national Estonian-, Latvian-, and Lithuanian-American organizations in coordinating the presentation of issues which affect the Baltic States.

We laud the action of Congressmen Fraser and Fascell in initiating, through H.R. 11326, the establishment of the International Institute for Human Rights

and Freedom. The interest and accomplishments of both Members of Congress in the field of human rights are further enhanced by this valuable proposal, the realization of which should compliment and highlight, beyond the symbolic, the newly reasserted human rights concerns of the United States and other countries.

We strongly support the idea that the Institute is to be innovative, that it must become operative and seek new approaches and improve upon existing ones to better worldwide human rights conditions. As the present legislation does not give a definition of human rights and to forestall inevitable debates on that point, we feel that a broad definition would be appropriate and that pertinent language from the United Nations Charter, the Helsinki Final Act and other like documents could be used.

As expressed in the hearings on the bill to Mr. Fascell's and Fraser's subcommittees, it should be ensured that the Institute is not construed as an effort to "Americanize" the human rights movement. Thus, to underscore its credibility, we feel that the Institute should to some extent acknowledge domestic human rights concerns, even though the United States, by whichever yardstick used, could only be a minimal area of focus. Concurrently, the Institute should always be aware of the degrees of human rights violations throughout the world. Some governments, the Soviet Union's as one example, have through long practice effectively "institutionalized" human rights violations with repression having permeated through all levels of life. Other countries, the Philippines perhaps, seem to go through intermittent periods of repressions and relaxation.

In considering the "Functions of the Institute" as enumerated in H.R. 11326, it seems that the Institute's opportunity to act upon human rights violations may vary from country to country. In some countries in which there is not pervasive government control, the Institute may be able to provide direct assistance to individuals and non-government organizations—enviable situations which could lead to apparent results over the short term. Given the leverage which, through its sponsors, the Institute may have, a direct orientation toward less powerful human rights violators might be natural as the Institute begins its activities.

On the other hand, in those countries which are militarily strong or exist outside the interdependent framework of international relations, e.g., the Soviet Union, Cambodia, there would seem to be little chance of direct assistance. Here we see somewhat of an analogy between the proposed activities of the Institute and the work which the Commission on Security and Cooperation in Europe carries out. The latter, having a solely European mandate, has largely had to circumvent the East European and Soviet governments in furthering adherence to human rights principles and gathering and disseminating information. Without being pessimistic, it is hard to visualize a different or more successful approach by the Institute in that and other similar parts of the world. In such cases, where direct involvement may be extremely problematical, we hope that the Institute will undertake programs to widely publicize human rights conditions in the respective countries.

We would also welcome a working relationship between the Institute and domestic organizations which work to further human rights in foreign countries. Such a relationship might become necessary in those cases, as above, where access to foreign human rights activists may be nil and where domestic groups, by proxy, work to alleviate human rights conditions.

Much discussion has centered on Section 5 of the bill, on the independence of the Institute and its relationship to the Department of State. We concur with the view that as the Institute is created and will be funded by the U.S. Congress, general U.S. foreign policy guidelines would have to be considered. In this regard, the Institute might function along the lines of Radio Free Europe/Radio Liberty, which are seen as credible, independent bodies although created and funded by the U.S. Government.

At one of the hearings on H.R. 11326, Congressman Fraser expressed concern that as "everyone has their favorite human rights violators," how to ensure that the members of the Institute Board of Directors have equal concern for violations of human rights by governments of all ideologies. We echo that concern and hope that every effort will be made to constitute a widely representative Board.

We close with a short overview of the human rights situation in our area of concern, the Baltic States of Estonia, Latvia and Lithuania. Since the forced Soviet annexation of the Baltic States in 1940, the Baltic peoples, independent before that time, have been subject to the systematic violations of human and national rights experienced by all other Soviet dominated groups. Moscow pays

close attention to its border republics and nationalities and dissidence in those areas is dealt with extremely harshly. If one compares the sentences meted out to non-Russian dissidents vs. Russian dissidents, for comparably the same "crimes", one invariably finds that the former receive longer sentences, one manifestation of the Soviet drive to Sovietize, Russify and denationalize the Baltic peoples and many others.

With great interest, we look forward to the Institute becoming established and undertaking the task of having all governments of the world afford greater respect for human rights.

Respectfully,

MAIDO KARI,
Chairman and Estonian American National Council.
GUNARS MEIEROVICS,
American Latvian Association, Inc.
JOHN B. GENYS,
Lithuanian American Council, Inc.

[Mailgram]

STATEMENT OF CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA, CICERO, ILL.

Czechoslovak National Council of America speaking on behalf of Americans of Czech and Slovak decent wishes to go on record in support of H.R. 11326, a bill to establish an Institute for Human Rights and Freedom to promote respect for an observance of human rights and fundamental freedom in foreign countries. We wholeheartedly welcome the high priority given to the issue of human rights in our foreign policy and wish this to remain a permanent element of our effort to build a better, more peaceful world with freedom and justice for all. Nongovernmental organizations such as ours have an important role to play in the dissemination of this idea and in channeling useful information to our Government as was convincingly demonstrated in preparing for the recent Belgrade Conference. We see the urgent need for an Institute that would facilitate mainly these two tasks on a more permanent and institutionalized basis than was done in the past. For these reasons we strongly urge the passage of H.R. bill 11326.

DR. M. FERJENCIK,
President.
DR. FRANCIS SCHWARZENBERG,
Vice President.
STEPHEN PAPANEK,
Vice President.

STATEMENT OF KAZIMIERZ LUKOMSKI, POLISH AMERICAN CONGRESS, INC.,
CHICAGO, ILL.

NEW DEVELOPMENT IN THE STRUGGLE FOR HUMAN RIGHTS

U.S. Congress Initiates Establishment of the Institute for Human Rights and Freedom

(Translation of an article written by P.A.C. vice president, K. Lukomski, published in the Polish language press)

A bill to establish an Institute for Human Rights and Freedom "to promote respect for and observance of human rights and fundamental freedoms in foreign countries" has been recently introduced in the U.S. Congress. It is sponsored by Congressman Dante Fascell, Chairman of the congressional Commission on Security and Cooperation in Europe. As is well known, the Commission performed a valuable task during the preparatory work prior to the Belgrade Conference, assembling materials and documentation concerning violations of human rights and civil liberties by Russia and the satellite countries of Eastern Europe. Polish American Congress, which supported establishment of the Commission, later submitted extensive documentation relative to developments in Poland at a special meeting of the Commission last May.

According to the proposal, the Institute's objective would be to "provide assistance to nongovernmental organizations and individuals that promote human rights and fundamental freedoms in foreign countries by means consistent with the United Nations Charter and other national obligations of the United States."

The Institute would be authorized to "sponsor, conduct and provide assistance for conferences, seminars, and other meetings on human rights and fundamental freedoms in foreign countries"; "provide assistance for the publication and dissemination in foreign countries of books and other written works, and for display . . . of artistic works, which have been suppressed for political reasons"; "provide assistance to nongovernmental organizations which support victims (and families of victims) of political persecution by foreign governments"; "provide financial support for nongovernmental organizations in the United States that furnish assistance for legal defence of human rights and fundamental freedoms in foreign countries"; etc.

The bill provides, that any assistance must be provided openly, consistent with laws of particular foreign countries, and with the consent of the recipient. Management of the Institute would be vested in a board of directors consisting of seven members appointed by the President with the advice and consent of the U.S. Senate. Proposed annual budget of the Institute would be 5 million dollars.

Establishment of the Institute would manifest long-term commitment of this country in the cause of human rights and fundamental freedoms. "The pursuit of this cause is not an ideological luxury cruise with no practical port of call", stated Deputy Secretary of State Warren Christopher in a speech before the American Bar Association. "Our idealism and our self-interest coincide. Widening the circle of countries which share our human rights values is at the very core of our security interests. Such nations make strong allies. Their commitment to human rights gives them an inner strength and stability which causes them to stand steadfastly with us on the most difficult issues of our time".

The vital significance of human rights in the context of search for lasting peace was aptly stated at the Belgrade Conference by a member of the U.S. delegation, Prof. Joyce Hughes, "If basic human rights of every citizen of every nation are not observed, there can be no lasting peace; there can be no permanent security; there can be no real cooperation among nations", she said.

The struggle for basic rights and freedoms is being waged incessantly in countries ruled by communist dictatorships and dominated by Russia. According to well informed American diplomat, the forces of freedom in these countries are gaining in significance. In Poland, he observed, independent movements like the Social Self—Defense Committee—KOR and the Committee for the Defence of Human and Civil Rights/ROPCIO/enjoy an ever broader measure of popular support. In addition, independent movements are being formed at Polish universities.

Recognizing the vital importance of these movements, which in the countries ruled by communist dictatorships represent voices of democratic opposition, the proposal aims to provide them with critically needed assistance. There is little doubt that American Polonia will support this proposal.

The initiative to create the Institute coincides with the conclusion of the infamous Belgrade Conference. It should have been obvious, of course, that Belgrade will constitute only the beginning of the long and tortuous struggle leading to eventual establishment of universal recognition and respect for human rights. There is no doubt that Ambassador Goldberg's forthright denunciation of their flagrant violations by Russia and her satellite regimes in Eastern Europe played an important role in mobilizing American people in their cause. This in itself represents a significant achievement. Establishment of the Institute will represent the next, important development in the continuing struggle.

STATEMENT OF THE NORTH AMERICAN STUDY CENTER FOR POLISH AFFAIRS, ANN ARBOR, MICH.

April 25, 1978.

HON. CONGRESSMAN DANTE B. FASCELL,
Chairman, Subcommittee on International Operations, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FASCELL: On behalf of the North American Study Center for Polish Affairs I wish to express most enthusiastic support for the legislation to establish an Institute for Human Rights and Freedom.

The creation of such institute would allow a continuous study of the status of human rights in the world, with the pragmatic purpose of servicing the U.S. Government with objective diagnostic input on this subject.

In the light of the crucial function of the proposed institute Bill H.R. 11326 may be rightly regarded as a touchstone of the sincerity of our society's attitude to the fundamental ideal of human rights.

Sincerely,

ANDREW S. EHRENKREUTZ,
Chairman, Executive Committee.

STATEMENT OF ASSEMBLY OF CAPTIVE EUROPEAN NATIONS, NEW YORK, N.Y.

April 24, 1978.

Subject: Bill No. H.R. 11326.

Hon. DANTE B. FASCELL,
U.S. House of Representatives.

DEAR MR. FASCELL: On March 17, 1978, the Assembly of Captive European Nations (ACEN), expressed in writing, its deep satisfaction over the initiative taken by you and certain other members of the House of Representatives, to create the Institute for Human Rights and Freedom to promote respect for and observance of human rights and fundamental freedoms in foreign countries. At this time, after examining the provisions of the proposed bill H.R. 11326, we would like to take advantage of the opportunity to call to your attention, as one of the initiators of this legislation, the following observations.

According to the present wording of Section 3(a) (1), the text indicates that the Institute is to provide assistance to private organizations and individuals whose site or place of residence is outside the boundaries of the United States.

On the basis of Sections 3(b) (3) and (4), this assistance, which would be primarily financial, is to be "provided openly" and it "must be provided consistent with the laws of" the country in which the recipient resides.

The conditions stipulated in these two subsections completely eliminate the possibility that the Institute can ever come to the assistance of organizations or persons located in the Eastern or Central European nations ruled by Communist regimes which remain under Soviet control. The prevailing Communist laws within these countries prohibit all organizations and individuals from accepting foreign financial assistance for any political activity; there is certainly no doubt whatsoever that the struggle for human rights belongs to this category. Even if the present laws do not cover this specific form of foreign assistance, there is no question that such a gap can be filled immediately, particularly in view of the fact that in countries under Communist dictatorship every regulation becomes law. In short if the present formulation of the proposed section is retained, then it will have no practical application within the Eastern and Central European nations.

Under these circumstances we would like to suggest three alternatives:

(a) eliminate completely from the proposed legislation, all mention of assistance to be "provided openly" (page 3 line 21), and that this assistance "must be provided consistent with the laws of that country", (page 3, lines 22 through 24). Preferably both of these stipulations should not even be mentioned.

(b) existing organizations and individuals within the United States and western Europe already maintaining contacts with appropriate organizations and persons struggling to reestablish human rights within nations of Eastern and Central Europe, should be utilized as intermediates for the transmission of Institute aid and assistance.

This method of furnishing help had been already tested through the Aid Fund created by Alexander Solzhenitsyn as it effectively continues to assist Soviet dissidents during several years. Another example may be found in Polish organizations and Poles in the United States and western Europe who collect funds for the Polish Workers Defense Committee (Komitet Obrony Robotnika—KOR, which name had been recently changed to the Civic Self-defense Committee—Komitet Samoobrony Społecznej—KSS) and forward this financial aid from abroad to Poland by means known only to those directly involved. This purely technical matter of transmission of funds, actually should not come

(c) The bill should contain a provision which would indirectly encourage the creation within the United States and in foreign countries, non-governmental, private/public, non-profit, tax free, nation wide organizations to promote human rights; the income of these organizations would be derived from membership dues and public contributions, as well as from funds allocated to them by the Institute to carry out specific projects associated with the promotion of human rights where needed.

Respectfully,

STEFAN KORBONSKI,
Chairman, Assembly of Captive European Nations.



