

Again, I congratulate Richard Grasso on his receipt of the Cooley's Anemia Foundation first annual Humanitarian of the Year Award. With his continued support and assistance, I am confident that we will indeed live to see a cure. He is an example for us all.●

#### VICTIMS OF VENGEANCE

● Mr. SIMON. Mr. President, recently, I read in a denominational magazine, the Lutheran, an article by Judge Richard L. Nygaard on capital punishment.

It was of interest to me that the South African Supreme Court unanimously ruled against capital punishment, making South Africa join the large majority of modern, civilized nations that outlaw capital punishment.

The article has practical wisdom for all of us, coming from a judge who has no political agenda.

I ask that the article be printed in the RECORD at this point..

The article follows:

#### VICTIMS OF VENGEANCE

(By Richard L. Nygaard)

Perry Carris is dead. I doubt that many mourned him. Even among those who did not want him to die, most would readily admit that the world is a better place without him. He was a brutal killer. He and a friend entered the home of the friend's elderly uncle and aunt, then killed and robbed them. The uncle was stabbed 79 times and the aunt, who weighed only 70 pounds, 66 times.

But, you see, Carris didn't just die—we killed him. One night last year officers of the prison where he spent his final hours injected him with lethal chemicals, and, quietly, he met eternity. Many more are scheduled to die in like fashion. Moreover, the new federal crime bill imposes death as a penalty for 50 more crimes.

Is it not time to think about what society is doing? What we are doing? Carris' act was deliberate. So was ours. Carris' motivation was a cruel disregard for life. What was ours? The first killing clearly was criminal and unjustified—and sinful. But how about the second?

The death penalty as the ultimate sanction brings punishment sharply into focus. It is the surrogate for society's frustration with the failures of government to maintain order and protect them.

As a form of punishment, the killing of criminals is an issue with which Christians also must reconcile their beliefs. Many who are quick to condemn abortion because it kills an innocent being are just as quick to accept the death penalty, ostensibly because it kills a guilty being. Each is the killing of a human: The first is one whom Jesus said knows no sin; the second is one whose sin Jesus said could be forgiven. Is there a difference? Is this a paradox? Or can we reconcile our ambivalent attitudes about death?

#### WHY WE PUNISH

It is important first to know the purpose of our punishment. American penology is really quite simple. We have just three means of criminal punishment: probation, incarceration and death. And we rely upon only four justifications: rehabilitation, deterrence, containment and retribution. How does the death penalty serve these ends?

When we look at each possible justification, it becomes clear that both society's motivation and the penal system's justification for the death penalty is simply retribution: We are "getting even."

First, one can easily reject rehabilitation as the goal. The death penalty surely does not rehabilitate the person upon whom it is imposed. It simply takes his life.

The second purpose, deterrence, is more problematic. Statistics uniformly show that condemned criminals on death row did not consider the possibility that they might die for their crimes. Others, of course, may have thought of the consequences—and did not kill. But this possibility has been little-researched. We simply do not know much about this aspect of deterrence. Death, of course, is permanent deterrence. But the question is whether it is necessary. Life imprisonment will protect society from further criminal acts by the malefactor—and at less expense than execution.

Containment, the third justification for punishment, also poses a philosophical problem because it punishes a person for something as yet not done. We use the crime already committed to project, sometimes without further information, that he or she will do it again. Then we contain the person to prevent that.

Although killing the offender does, in a grim and final sense, contain and so protect society we must ask again: Is it necessary? It is not. Penologists recognize that an offender can be effectively and economically contained in a prison. They also reject containment to justify the capital punishment.

#### THE ULTIMATE PAYBACK

This leaves only retribution. Revenge—the ultimate payback. As a tool of retribution, death works wonderfully.

The desire for revenge is the dark secret in us all. It is human nature to resent a hurt, and each of us has a desire to hurt back. Before the time of law, the fear of personal reprisal may have been all that kept some from physical attacks upon others or property crimes against them. But with law, cultures sought to limit personal revenge by punishment controlled and meted out in a detached fashion by the sovereign.

Revenge between citizens is antithetical to civilized society. It invites a greater retaliation . . . which in turn invites counter reprisal . . . which invites more revenge. A spiraling escalation of violence between society and the criminal subculture results. By exacting revenge upon criminals, society plays on their terms and by their rules. We cannot win.

#### 'ACCEPTABLE' REVENGE

Leaders know, and have for centuries, that civilization requires restraint. They know that open personal revenge is socially destructive and cannot be permitted. That, indeed, it must be renounced. Official revenge is not better, and the results are no less odious. By catering to the passions of society, government tells its citizens that vengeance is acceptable—it is just that you cannot do it.

Leaders today respond politically to the base passions of society rather than act as statesmen upon the sociological necessities of civilization. Vengeance requires a victim. In putting a criminal to death, our government gives us one. "Paying back," although destructive to culture and family alike, is politically popular. And so it is the law.

Christians also must confront what institutionalized killing is doing to our attitudes toward ourselves. As a judge, I have seen the defiant and unrepentant murderer. I know how easy it is to identify only with the innocent and injured. But should we not, as Christians, strive to exemplify the grace and mercy of Jesus? Should we not desire this quality also in our society?

On the eve of one execution last year, crowds gathered outside the prison to await a condemned man's death. And at the fateful

hour, they cheered. The Sunday before another execution, the newspaper printed a photograph of the stretcher upon which the offender was to die.

By urging vengeful punishment, society exposes its own desire for violence. Yes, the death penalty is constitutional. It is legal. But is it proper for government to give vent to this base desire of its citizens? I doubt that we, as a society, can kill without doing psychological damage to our culture.

Perry Carris, I know, received a fair trial and his full measure of due process on appeal. I know because I sat on the court that declined to stay his execution. What, however, does his death and the deaths of others executed mean—to me or to you, Christians who must decide whether or not to support death as a penalty?

We are a government of the people. We citizens are obliged to scrutinize the reason our society, and thus our government, kills. We who are Christians also must be satisfied that the reason is reconcilable with the tenets of our faith. Is it, when the reason is revenge?●

#### UKRAINIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, Ukrainian Independence Day, August 24, is a time to remember Ukraine's past and to look to its bright future. Since Ukrainian independence in 1991, much has been accomplished in all areas of the country.

The recent legislative and Presidential elections give cause for hope. The open and fair manner in which they were carried out is evidence that democracy has taken root in Ukraine. Ukraine exhibits signs of a healthy democracy, including the existence of multiple interests represented within the government.

In the economic arena, Ukraine has exhibited much potential. Its significant natural resource endowment, focus on heavy industry, and its most important resource, the innovative and hard-working people of Ukraine, can combine to transform the country into a successful economic player in the world. Ukraine has taken significant steps to alleviate the natural strains that a country experiences when changing from a centralized to a free-market economy. These economic problems are similar to those now being experienced by many of the other countries of the Commonwealth of Independent States.

Under the guidance of the International Monetary Fund, Ukraine is working to halt hyperinflation and to achieve other beneficial goals, such as securing an efficient and cost-effective source of energy for the country. President Kuchma's plan of tight fiscal and monetary policies, price liberalization, foreign trade liberalization, and accelerated privatization appears to be the right economic track for Ukraine. The recent partnership signed with the European Union is another step in the right direction. It will give Ukraine most-favored-nation status and other trade advantages, and opens the possibility of a free trade agreement after 1998.

Ukraine's actions in the area of national and regional security are also encouraging. The government is to be congratulated for its efforts to rid Ukrainian soil of nuclear weapons. Ukraine has faithfully followed guidelines for the elimination of nuclear weapons from its borders under the START I treaty and other similar agreements. It is also heartening to know that Ukraine has ratified the Non-Proliferation Treaty. And, in joining the Partnership for Peace program for NATO membership, Ukraine has positioned itself to become a member of the strongest military alliance the world has ever known.

Ukraine's transition to a democratically governed free-market economy has not been without its problems. But these strains are natural in such a progression. In the face of such turmoil, Ukraine has shown strong leadership by pledging itself to adhere to the principles of the Helsinki Final Act. This will insure that whatever problems Ukraine may encounter in the future, they will continue to be an example of respect for civil and human rights in the region.

The people of Ukraine deserve our admiration and support for the fine work they have done in such a short period of time. I know that the Ukrainian-American community here in Michigan is in the front ranks of such support. We will all be watching Ukraine closely this next year as it works to finalize a new constitution.

This is truly an historic time for Ukraine, one in which it is possible to witness the citizens decide for themselves what kind of government and what kind of future they want for their country.●

#### “LOST YEAR, LOST PEACE”

● Mr. SIMON. Mr. President, one of the gravest injustices perpetrated by the American government in our more than two centuries of history was in February 1942, when we told 120,000 people who lived in the States of California, Oregon, and Washington that they had 1 to 3 days to sell all their property and put everything they own into one suitcase and they would be taken to camps.

Almost all of these 120,000 people were Japanese-Americans. A few were actually citizens of Japan.

Gary Matsumoto, a national correspondent for NBC, had an op-ed piece in the New York Times about his family's experiences.

Our colleague in the House, Congressman NORMAN MINETA, was moved from California to a detention camp.

Not one person, among all those 120,000, had been charged with any crime.

My reason for paying special attention to this is that I grew up in the State of Oregon. My father was a Lutheran minister there. When this occurred my father made a statement on a local radio station, KORE, that it

was wrong to treat American citizens in this way. My mother also recalls that he wrote a letter or two to the editor of the local newspaper, though I have no recollection of that.

What I do know is that we received some phone calls and experienced some minor unpopularity. I was 13 years old at the time, and I would love to relate to my colleagues in the Senate that I stood up and defended what my father did, but I did not. I remember him explaining it to my brother and me, why it was wrong. But I was embarrassed by what my father did and wished he had not done it, perhaps a typical reaction for a 13-year-old. But now, as I look back on my father's life, it is one of the things I am proudest of him for. He was active in what we then called race relations and was always responsive to the needs of people. Up until the last few weeks before he died, he was a volunteer every Thursday morning at a facility for the mentally retarded. But perhaps nothing my father did makes me prouder of him than standing up for Japanese-Americans when it was not popular to do so.

I ask that the Gary Matsumoto op-ed piece be printed in the RECORD, and I urge my colleagues to read it.

The material follows:

#### LOST YEARS, LOST PEACE

(By Gary Matsumoto)

For millions of Americans, this week's anniversary of V-J Day conjured up memories, celebrations and passionate embraces. My parents were reminded of barbed wire and dust.

They shared the fate of 110,000 Japanese-Americans living in California, Oregon and Washington after the bombing of Pearl Harbor. Amid anti-Japanese hysteria and irrational fears of treason, all were expelled from their homes and exiled to concentration camps. They were told it was for their own safety. The Constitution was forgotten.

My father, Kimitsu Matsumoto, was 15 years old and lived in Santa Maria, Calif. In the fall of 1942, he, his older sister, Imiko, and my grandmother were put aboard a dimly lit railroad car and whisked out of Los Angeles. For nearly 400 miles, they sat despondently, wondering if they would ever see home again.

The Government sent them to the Gila River Relocation Center, a desolate tract on the Pima Indian reservation in Arizona.

My father, being young, could adjust to the situation. He and friends made the best of it. They marked out baseball diamonds in the desert. Cactuses became football goal posts.

They sang around campfires, danced on weekends and participated in talent shows.

My Aunt Imiko, who was 22 in 1942, has darker memories. She answered the door when F.B.I. agents arrived before dawn to arrest my grandfather. Later, she delivered a shaving kit to him, standing her ground when a young G.I. lowered his rifle and threatened to run her through with his bayonet if she came any closer to the prison gate.

My grandfather spent the spring and summer of 1942 in a detention camp in Bismark, N.D., before being reunited with his wife and children in the Arizona desert. They lived in crude barracks with cinder block floors. Guard towers were equipped with machine guns and searchlights.

In the summer, the temperature reached 125 degrees, and the place would stink of roof tar. When the wind blew, clouds of suffo-

cating dust would blanket the camp. For these fastidious people, the dust was a ceaseless affliction that symbolized their ruin.

My grandparents missed the small cafe the family had run. My father missed the tortillas stuffed with beans he had bought from Mexican friends at school. My aunt missed her boyfriend, who had been drafted into the Army before the war broke out. (She eventually married him.)

My grandmother and grandfather had come to America in the late 19th century seeking opportunities that they could never know in Japan's stultifying, feudal society. They reared their children, born in California, to love Fords, meat loaf and the New York Yankees. After Pearl Harbor, they not only lost their homes, they lost the sense that they belonged.

My mother's family, who lived in Loomis, Calif., lost much more. They were sent to a camp, called Amache, in southeastern Colorado near the Kansas border. Before my grandmother left California, doctors warned that she could die in Colorado's altitudes: Amache was very high. Her blood pressure was high, and the air was thin. After several strokes, she was bedridden. For three years, my grandfather nursed her, first in the barracks, later in the camp hospital, where he would sleep on the floor beneath her bed. She died in the camp five days after the war ended, leaving seven children.

On V-J Day, Aug. 14, 1945, most interned Japanese-Americans thought their ordeal would soon be over. But for them the war did not end so tidily. The last relocation camp did not close until March 20, 1946.

Some people, especially the elderly, were afraid to leave. With their livelihoods destroyed and their children scattered, they reluctantly gave up the security of life behind barbed wire. When a family from the Amache camp returned to California, their shed was dynamited and shots were fired into their home.

What people forgot was that a Japanese-American regiment that fought in Europe was among the most decorated military units in the war. Japanese-Americans also served in the Pacific.

After the war, both sides of my family found shelter in Chicago from the virulent racism festering at that time on the West Coast. But they have never lost the fear that another cataclysm would provoke the Government to come for them again.

A generation removed from the war, I have never fully shared that concern. Then I look at my baby daughter—part Swiss, part German and Irish, but with a decidedly Asian cast to her eyes—and I wonder.

This year, a memorial was erected at the Gila River camp. Except for the concrete slabs where the barracks once stood, all that remains is the dust. But for my family and successive generations of Japanese-Americans, Gila River is a place in the heart, a wound that never quite heals.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS 104-16, 104-17, AND 104-18

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following three treaties transmitted to the Senate on September 5, 1995, by the President of the United States:

Extradition treaty with the Philippines, Treaty Document 104-16; Convention for the Protection of Plants, Treaty Document 104-17; and Treaty