

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

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

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

TRIAL AND CONVICTION OF CHINESE HUMAN RIGHTS ACTIVIST WEI JINGSHENG

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

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

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

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

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

ed States could better influence Chinese behavior.

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

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

EXECUTION OF THE INNOCENT

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

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

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

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

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

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

The editorial follows:

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

EXECUTION OF THE INNOCENT

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

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

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

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

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

PRESIDENT CLINTON'S EXTREMISM ON THE BUDGET

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

extremist scare tactics being used by President Clinton and his administration. Day after day, the American people are subjected to a steady stream of disinformation about the economic realities which confront this country.

The Clinton administration has raised the standard on Washington doublespeak to a new all time high. It is unfortunate that President Clinton refuses to offer our Nation leadership at this decisive moment in our Nation's history. Instead, the only thing he offers is more fear, more taxes, more spending and more debt.

Let's look at the facts. On the balanced budget, what has the Congress done? The Congress has passed a plan for balancing the budget in 7 years using honest and real numbers. What did President Clinton do? He cooked the books and offered four budgets none of which are balanced. Furthermore, he vetoed the only honest balanced budget plan offered this year.

Looking at the facts and not at the harsh rhetoric of the Clinton administration, it should be clear to all Americans that Congress has accepted responsibility for the budget and the President has gone AWOL—absent without leadership. Instead of offering a serious plan, he offers the American people fear and unending deficit spending. The facts speak for themselves and they speak louder than the disinformation spread at White House press conferences.

Let's look at some more facts. We are in the fourth day of a partial Government shutdown. What has the Congress done? Congress sent three spending bills to the President which would have kept open the Departments of Veterans Affairs, HUD, Commerce, Justice, State, and Interior. What did President Clinton do? He vetoed two of these bills and says he intends to veto the third. He had the power to prevent the shutdown of these agencies and to keep Federal workers on the job. Instead, with the stroke of a pen he sent thousands of Federal workers home.

That wasn't enough for this President. He also threw in some fear-mongering for good measure. The administration fired-up its disinformation machine and unleashed a tirade of doomsday rhetoric against those spending bills. The facts speak for themselves. The Congress did its job and passed appropriations bills which responsibly reduced government spending and which would have kept most agencies open. But, President Clinton wasn't interested in that. He was looking for a photo opportunity. He vetoed funding bills and closed down parts of the Government. He should be held and will be held accountable for this shutdown.

Let's look at some more facts. The President's Medicare trustees informed the administration earlier this year that Medicare is on the verge of certain bankruptcy. What did Congress do? We passed a plan to rescue Medicare from bankruptcy and preserve it so that it

will be there for all Americans when they retire. What did President Clinton do? At first, he turned a blind eye toward the problem—as if by ignoring Medicare the problem would go away. Then he engaged in a well orchestrated campaign to frighten America's senior citizens about congressional efforts to save Medicare.

Since President Clinton has no serious Medicare plan to offer, he instead offers fear instead. This display of self-serving political opportunism has no match in Washington. Such desperate and dishonest tactics should be and will be rejected by all Americans who are serious about integrity in government because the facts simply don't support the President's rhetoric. The Medicare reform plan passed by Congress, in reality, provides for greater spending increases than the socialized health care plan offered by Mrs. Clinton just last year.

The President is knowingly misleading the American people about Medicare. He should stop his campaign to frighten our senior citizens and he should get serious about saving Medicare.

When you look at the budget, the Government shutdown, and Medicare—the facts simply don't support the President's false rhetoric. In reality, this crisis has been engineered by the President to bolster his reelection campaign. After being viewed as irrelevant for so long, the President has now identified himself with something he believes in passionately. He is passionate about deficit spending. He is passionate about the preserving the status quo which heaps trillions of dollars of debt on our children and grandchildren.

I hope that he will abandon his extremist scare tactics and get serious about balancing the budget. So far, he has stone-walled congressional negotiators. He has refused to offer a balanced budget plan using honest numbers. He prefers to cook the books as a way to balance the budget. Such policies will not lead to a balanced budget. They never have and they never will. President Clinton has chosen the path of certain failure. Congress will not follow him down that dead-end road.

I believe that we need another vote on the balanced budget amendment. I can think of no better Christmas present for America. I believe that the American people sent a clear message to Congress in 1994. They demanded that Washington put its financial house in order. Another vote on the balanced budget amendment will show who is serious about achieving this necessary goal for our children and grandchildren.

Sadly, President Clinton worked hard to defeat the balanced budget amendment earlier this year. The Nation is now entirely focused on this all important issue. Let's bring up the constitutional amendment for another vote before the end of the year. Then the American people will know who is committed to a balanced budget. They will

also know who to blame if the budget is not balanced. They will know who to blame if our future is mortgaged beyond our ability to comprehend.

I support the balanced budget amendment and I support the legislation passed by Congress to balanced the budget in 7 years using honest numbers. Unfortunately, the President oppose both. And, no amount of extremist rhetoric from the White House can hide that fact.●

THE PRO-SERB MONTENEGRINS

● Mr. SIMON. Mr. President, occasionally as we read magazines and newspapers, we find articles on things in unlikely sources.

Recently in reading the *Christian Century*, I came across an article by Paul Mojzes titled, "The pro-Serb Montenegrians" which I ask to be printed in full in the RECORD.

It describes the situation in Montenegro, a small Province in what was once Yugoslavia but a Province that has produced leaders including Milovan Djilas, Slobodan Milosevic, and Karadzic.

It is not a particularly encouraging article, but it is informative and because I have seen nothing about this anywhere else, I believe it merits placing in the CONGRESSIONAL RECORD so those interested in this area can read it.

The article follows:

TRAVELS IN THE BALKANS: THE PRO-SERB MONTENEGRINS (By Paul Mojzes)

The Montenegrians are fond of joking that if their rugged mountain terrain were ironed out, the area would be as huge as Russia. Living in the tiniest and least populous republic of the former Yugoslavia, Montenegrians have tried to compensate by identifying with Russia and by propelling themselves into the ruling elites of other Yugoslav republics as fiery communists or fierce nationalists. They have produced such leaders as Milovan Djilas, Slobodan Milosevic and Radovan Karadzic.

During World War II Montenegro spawned the most feared nationalist Chetnik units as well as fierce communist Partizans. Members of both groups slaughtered the opposition even if that meant turning against their own families. Vendettas and a fixation on revenge complicated the conflict by making people cross ideological lines out of tribal loyalty.

During the current Balkan wars no direct fighting has taken place in Montenegro, though Montenegrin "volunteers" ravaged nearby Dubrovnik and its vicinity. Consequently, travelers have been able to move about Montenegro unobstructed. The terrain of these "black mountains" is rocky, yielding neither timber nor agricultural products. Nor are there many mineral deposits. But fabulous tourist attractions abound, particularly along the Adriatic seashore, one of the most beautiful in the world.

Foreign tourists are now avoiding the area while most Serbs and Montenegrians are too impoverished to travel. For those who venture here this may be a plus. None of the services are overburdened and both food and transportation are readily available. However, travelers flying to Belgrade from one of the two Montenegrin airports have been