

maintaining in its present form. And thus, it is from this point of view that we take an active interest in Hong Kong affairs now, and will most likely continue to take in the post-1997 world. How faithfully the PRC adheres to the Sino-British Joint Declaration and the Basic Law is of importance to us because of the impact such adherence—or lack thereof—might have on these specific areas, and, in turn, on our economic stake.

These are the logical steps that our Chinese friends do not seem to follow. I think their failure is best illustrated by an article in the May 8 edition of the Hong Kong Chinese-language newspaper *Wen Wei Po*—a newspaper with close connections to the PRC. In commenting on a speech by the United States Consul General in Hong Kong, the newspaper reported:

In his speech, Mr. Mueller said that the United States not only has tens of thousands of citizens, over 1,000 companies, and tens of billions of dollars of investments in Hong Kong, but also exports billions of dollars' worth of products to Hong Kong. These facts, he noted, show that maintaining and developing economic and trade relations with Hong Kong is conducive to safeguarding the common interests of Hong Kong and the United States, this being indeed the point Mr. Mueller was trying to make. *What is strange is that Mr. Mueller suddenly shifted from economic topics to topics such as democracy, the legal system, and human rights in Hong Kong* * * *. (emphasis added).

So, let me explain simply how desiring to safeguard our economic interests triggers a concomitant interest in those topics. If the PRC cannot or does not firmly establish and safeguard a local independent judiciary in Hong Kong after 1997, then businesses will become skittish, pull out of the area, and the economy will suffer. If the civil and human rights presently available to Hong Kong citizens are not safeguarded, and are instead limited to reflect those presently available to citizens on the mainland where the government is not known for its sterling democratic reputation, then businesses will become skittish, pull out of the area, and the economy will suffer. If the present orderly and stable bureaucracy is replaced by one such as that currently in vogue in provinces like Guangdong where family or party connections and a large amount of renminbi are more important than the rule of law, then businesses will become skittish, pull out of the area, and the economy will suffer.

We understand very well the PRC's verbal pronouncements that everything is fine and will remain so after 1997. But as I pointed out after the visit here of Lu Ping, to be credible and calming those pronouncements need to be backed-up with substantive actions. So far, in some areas, that has not been the case, and it is this lack of substantive assurances that concerns us. Let me illustrate.

A free press is one of the elements essential to Hong Kong's future as a center of international trade and finance.

China has spoken about maintaining freedom of the press, but we have seen growing signs of a move to chill the colony's traditionally raucous press—a press which has been quite even-handed at denouncing Beijing and London, but has denounced Beijing nonetheless. There have been declarations that the PRC will not allow Hong Kong to become a “nest of subversives”—which in the PRC's lexicon could well include free-minded members of the media. The PRC's Ministry of Public Security recently confirmed that it has been gathering information on Hong Kong citizens who are “against the Chinese government.” The PRC also tried in secret Hong Kong reporter Xi Yang and sentenced him to 12 years in prison for “stealing state financial secrets”—a term which could include such simple figures as production levels of consumer goods, provincial GDP's, etc. Finally, there were the not-so-coincidental hostile actions taken by the PRC against the Beijing commercial establishments of Hong Kong publisher Jimmy Lai after Lai published an open letter critical of Li Peng.

A continuation of the present common law, independent judiciary is another element of Hong Kong's continuing economic success after 1997. Businesses feel secure if they know that any commercial dispute in which they may be involved will be determined using settled points of law adjudicated by jurists beyond the influence of local politics or influence. The PRC has promised a continuation of this system, but again their actions speak louder to us. Beijing has failed to endorse the Hong Kong Government's draft legislation designed to implement the Court of Final Appeal; failure to do so soon may leave the Hong Kong SAR without such a court for the critical period just after 1997. Moreover, China's past commitment to the rule of law has been very spotty at best. Although a signatory to the International Convention on Arbitration, the PRC has blatantly violated that accord by allowing a Shanghai firm to refuse to pay an arbitral award against it in favor of a U.S. concern named Revpower. China is a signatory to several agreements concerning intellectual property rights, but their compliance until lately was almost nonexistent. The terms of contracts in general in China appear to be binding on the foreign firm, and fungible as far as the Government is concerned—witness the recent unilateral breaking of McDonald's lease for a site on Tiananmen Square with which my colleagues are no doubt familiar.

Aside from our specific interest in these specific issues and the ramifications they will have for Hong Kong's future, how the PRC handles this transition also has implications in other non-Hong Kong specific arenas. How well the PRC keeps to their word will, I think, demonstrate their dependability as they seek to accede to the WTO and other similar organizations. More-

over, it will serve as an indicator as to whether the Chinese are serious about their own commitments to foreign investors, and will be a signal to those considering future investment.

Mr. President, on May 25 the Subcommittee on East Asian and Pacific Affairs, which I chair, will hold a hearing on this topic entitled “Hong Kong: Problems and Prospects for 1997.” I look forward to hearing from several Hong Kong specialists about the present state of the transition, where the problem areas are, and what they think the prospects are for the continuation of the colony's present economic prosperity after 1997.

In closing, let me reiterate that we are not seeking to meddle in Great Britain and China's purely bilateral affairs. But, where the actions of either party might effect the business climate in Hong Kong—and thus international investment—I believe that we have a legitimate reason for showing interest, and the parties can be sure that we will. This is our message to Beijing. ●

THOUGHTFUL HOMILY OF MOST REV. EDWARD M. EGAN

● Mr. LIEBERMAN. Mr. President, I recently came across a copy of a homily delivered last year by the Most Rev. Edward M. Egan, bishop of Bridgeport, that I believe is worthy of inclusion in the RECORD.

With so much debate of late about the quality of public discourse in this country, the words of Bishop Egan remind us of the need to be respectful of the heartfelt opinions of others, no matter how strongly we might disagree with their point of view.

The bishop's homily was delivered at the red Mass at Saint Matthew's Cathedral here in Washington on October 2, 1994. The red Mass is an annual Mass celebrated for people involved in the legal profession and the bishop urges lawyers, as “protectors of thought and its free expression,” to do all they can to protect the speech of those who utter unpopular beliefs and to ensure that all people in our society are allowed to enter the national dialogue over the issues that govern our fate. Speaking to leaders of the legal community, including the Attorney General, and members of the Supreme Court, Bishop Egan cautioned that lawyers must “insist that the unapproved point of view be heard and explored.”

Bishop Egan has provided wonderful leadership in his time in Connecticut in so many different ways. I am proud to consider him a friend. Whether my colleagues agree or disagree with all of Bishop Egan's words and examples regarding political correctness, I know they will find his homily to be eloquent and thought-providing. It is in that spirit that I ask that it be printed in the RECORD.

The homily follows:

HOMILY OF THE MOST REV. EDWARD M. EGAN,
BISHOP OF BRIDGEPORT

Your Excellency, Archbishop Cacciavillan, Reverend Clergy, Members of the John Carroll Society, Distinguished Representatives of the Bench and Bar, and Friends All:

This past summer, in Canton in the South of China, I sat in a hotel restaurant with a Chinese tour-guide who spoke English quite well. He had brought a busload of tourists to a store that sold porcelain and silk; and once they were safely inside, he invited me to join him for a cup of tea.

He was forty-five years of age, he told me. In his youth he had dreamed of mastering the English language and French as well. However, in the second year of his university studies, the so-called Cultural Revolution had intervened.

His eyes flashed as he described that decade of madness in China. He and dozens of his fellow students had been forced to watch two of their professors killed in a public square by a government-inspired mob. He had stood at attention for hours on several occasions as thousands of books from the university library were destroyed in bonfires. And in due course, he had been taken to the West of China to labor for three years on collective farms, his whereabouts unknown to family and friends.

"What," I asked him, "were the leaders of the Cultural Revolution hoping to achieve with all of this?"

"They wanted the people to stop having unapproved thoughts," he replied. "They felt that the nation could prosper only if all were thinking in the same way—their way, the approved way."

He winced a bit as he offered this explanation but was clearly convinced that his analysis was correct. For he repeated it word for word as he stared into his empty teacup: "They felt that the nation could prosper only if all were thinking in the same way—their way, the approved way."

You and I, my dear friends, are privileged to live in a land in which the imposition of thought by government is rejected out of hand. And in no small measure we have the legal profession to thank for this blessing.

It was lawyers like Montesquieu and Montaigne who were crucial in developing the basic political ideas of our free society. Twenty-five of the fifty-six who signed the Declaration of Independence, with its cry for justice and equality, were practicing attorneys. Even more, the fundamental charters of our nation, such as the Constitution and the Bill of Rights, with their uncompromising commitments to freedom of thought, were largely the work of legal experts with names like Jefferson, Adams, Wilson, Jay, Wythe, and Marshall.

Still, there are in our country today rumblings in many quarters about thoughts that are approved and thoughts that are not. Thus, the expression, "politically correct," has become a staple in our vocabularies. Indeed, over the past year or two it has graduated to the level of a familiar abbreviation. Few there are who do not know the meaning of "p.c."

One is politically correct, we understand, when one agrees with the "important" newspapers, the "quoted" professors, the "best" commentators, the "most influential" personalities. Nor can there be any doubt that this understanding is operating with remarkable efficiency. From Atlantic to Pacific, the vast majority of adult Americans are able to identify with extraordinary ease and accuracy those ideas, positions, and thoughts which are today in our land "correct" or, if you prefer, "approved."

The Readings from Sacred Scripture in our Mass this morning remind us of two cases in

point. The first of these Readings, from the Book of Genesis, is among the most familiar in all of Holy Writ. It speaks of the mind of the Divinity as regards the basics of the human condition. The male, we read, was from the time of creation not to be left alone. Rather, he was to be joined by a companion, a partner, a wife, so that together they might live out their years, two in fact but one in heart and love. And from that love was to result a miracle within the wife, a miracle before which every generation since creation has stood in awe.

In our time, however, the miracle has become as well a source of controversy. Simply put, the matter under discussion is this: May society stand idly by while a private party puts a violent end to the miracle?

Those who have embraced the "approved" thinking, the "correct" thinking, answer with a resounding "yes." The miracle, they allege, may be killed with impunity.

Others, however, dare to sing outside the chorus. Their reasoning should not be difficult to understand. The being within the mother, they note, gives strong indications of being a human being, a person with an inalienable right to live. Certainly, no one has ever been able to prove the contrary. Hence, they conclude, society has no choice but to fulfill its most fundamental duty as regards the being in question. It must protect it against attack.

There is no hint of religion in any of this unapproved thinking, though many religious people, for a multitude of religious reasons, support it. There is no mention of doctrine, dogma, sacred writings, or anything of the sort. At issue are only matters which are properly and strictly matters of the law: the meaning of personhood, the basic rights of individuals, the power of legal presumptions, and the most elementary and essential duties of society. These and nothing more.

Still, there is a tactic abroad in our land to characterize the unapproved thinking as exclusively religious and to refuse to allow it a fair hearing on this score. The tactic is clever, widespread, and effective. It should also be frightening to all who cherish the free and honorable exchange of ideas, positions, and thoughts—lawyers first and foremost.

The Gospel Reading, too, calls to mind a controversy of our time in which only certain thoughts appear to be approved.

The Lord, in the lovely account of Saint Luke, instructs His closest followers not to keep children from Him. "Let them come to Me, do not hinder them." He says, "for it is to such as these that the kingdom of God belongs."

Parents there are, to be sure, who would not be comfortable with having their children, the miracles of their love, accept such an invitation. And in this free land of ours their point of view is properly and vigorously protected. But other parents there are who firmly believe that the invitation of the Lord is most worthy, parents who wish their offspring to be educated according to the mind and will of the One Whom they call their God.

The thought of this second group is, of course, unapproved; and the tactic for dismissing it is well-known. All monies that governments collect to support schools, it is announced, must go only to those institutions in which every mention of the Divinity is outlawed. For otherwise, the state would be sustaining religion.

But when such a rule is implemented, the unapproved thinkers protest, is not irreligion being sustained? Why erect a wall only between religion and the state? Why not erect another, no less high, between the state and irreligion? Or more to the point: Why not simply concede to all parents equally the right to choose the schools of their

children and to share in the funds gathered by society to support them.

The plea is somehow ruled out of order. The "important" newspapers, the "quoted" professors, the "best" commentators, the "most influential" personalities have spoken. It remains, it would seem, for lawyers to insist that the unapproved point of view be heard and explored. For they are uniquely positioned to do this as counselors, judges, writers, thinkers, and legislators; and what is more: they have a long and noble tradition in this land of respecting and defending thought, even when it is "unapproved."

But the second Reading of our Mass this morning, from the Epistle to the Hebrews, provides yet another reason for lawyers to address the aforementioned issues of unapproved thinking and any others that come to mind. That reason is, I confess, plainly and exquisitely religious. It is simply this: We are all children of the one Father in heaven; hence, we have no choice but to listen to one another with attention, concern, and love.

Many years ago I pastored a parish on the Southside of Chicago. The community was African-American. In fact, one of my parishioners often reminded me that I was very likely the only white voter in the precinct.

My closest adviser was a retired army major who spent many an evening chatting with me about life in the distressed neighborhoods of the Windy City.

"Father," he used to tell me, "we are never going to be the nation we should be as long as any of us are kept out of the national conversation. We've got to find some powerful folks to let us all in."

This morning, thanks to the very kind invitation of the Archbishop of Washington, James Cardinal Hickey, I have the honor to speak to just such "powerful folks." Over the past thirty years, we as a nation have learned that the Black community must be a respected participant in the "national conversation." We are every day becoming more aware that the same is true of the Hispanic community. I pray that now is the time for the religious community as well. And I pray too that lawyers will lead the way in this regard, not only because of their historic position as protectors of thought and its free expression but also, and especially, because they realize, indeed, embrace in faith, that we are all children of one God, sisters and brothers who need—and have a right—to be heard.●

TRIBUTE TO MR. DARWIN HINDMAN AND THE DOLPHIN DEFENDERS

● Mr. BOND. Mr. President, I rise today to pay special tribute to Mr. Darwin Hindman of Columbia, MO, and the Dolphin Defenders of St. Louis, MO. These outstanding Missourians are among 15 honorees nationwide to receive this year's Chevron-Times Mirror Magazines Conservation Award. This honor is being bestowed in recognition of the contributions made by Mr. Hindman and the Dolphin Defenders to environmental conservation and development. I congratulate them for their highly notable achievements and encourage their continued efforts to create balanced solutions to natural resources problems.

Mr. Darwin Hindman, Jr., the newly elected mayor of Columbia and president of Missouri Rails Trails Foundation, Inc., is one of five receiving the Citizen Volunteer Award. Mr. Hindman