

Judge Black was an institution in Houston, a city he truly loved. He was born and raised in Houston, attending the city's public schools before attending the University of Texas for his bachelor and law degrees. He was an active citizen of the Houston community, a member of several civic and professional organizations including the Houston Philosophical Society, Congregation Beth Israel, and many, many more. His legacy of good work will be missed.

Judge Black was recommended to the bench by my uncle, Senator Lloyd Bentsen, and appointed by President Carter in 1979. He had previously served as a Federal magistrate in Houston for 3 years and had practiced law before that. He stepped down from his post of chief judge of the southern district last December, as required, upon turning 65. But he remained active, maintaining senior status in order to remain on the bench to handle his own cases and fill in as needed for other judges around the district.

Judge Black will be remembered not only for his position, but for the manner in which he served. He was a Texas gentleman, presiding on the bench as an even-tempered and courteous man of justice. He was one of the best-liked jurists on the Federal bench. He consistently received the highest ratings in the Houston Bar Association's annual poll. He will be remembered for his legal mind as well as his duty to the people he served. He had the compassion and understanding to recognize how his decisions impacted the lives of real people. He was, indeed, one of our very best.

Judge Black revered the law and recognized its importance. As an instructor at the University of Houston Law School and an adjunct professor at South Texas School of Law, he taught students to show respect and dignity for the law. He criticized "Rambo-type" attorneys who fought endlessly over minor points and impugned the integrity of their colleagues, calling them bad role models for young lawyers. He always recalled that when he began practicing law in the 1950's, young lawyers strove to be more like "Perry Mason"—polite, dignified and dedicated to serving their client.

Judge Black was more than just a great judge; he was also a great Texan, a loyal friend, a devoted husband, father, and grandfather. We offer our sincere condolences to his wife, Berne, his two daughters, Elizabeth Berry of Houston and Diane Smith of Austin, and his entire family. We feel their loss as we mourn the passing of Judge Norman Black.

JOHN BRADEMAs ADDRESSES CYPRUS ISSUE

HON. LEE H. HAMILTON
OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. HAMILTON. Mr. Speaker, for the first time in a long while there is reason for guarded optimism in Cyprus.

A few weeks ago Cyprus President Clerides and Turkish Cypriot Leader Ruff Denktash met in New York under the auspices of the United Nations. Another round of face-to-face talks, the first in over 2 years, is planned for later this summer.

The Clinton administration's appointment of Richard Holbrooke as U.S. Special Envoy for

Cyprus is the best signal yet that the administration intends to give high priority this year to a settlement in Cyprus and moving Greek-Turkish relations forward.

It has always been my firm belief that only high-level and sustained United States attention will convince all parties to try to resolve the Cyprus issue.

In this context, I believe that Members will read with interest an excellent speech on "The Cyprus Problem: U.S. Foreign Policy and the Role of Congress" by our distinguished former colleague in the House of Representatives, Dr. John Brademas.

I ask that a portion Dr. Brademas' cogent remarks, delivered in London, England, on July 10, 1997, be inserted in the CONGRESSIONAL RECORD. The address follows:

"THE CYPRUS PROBLEM: US FOREIGN POLICY & THE ROLE OF CONGRESS"

(By Dr. John Brademas)

THE ROLE OF CONGRESS

Before I address myself to the issue of Cyprus, I must say a word about certain fundamental factors that characterize the American form of government. You may all be familiar with them but I assure you that many Americans are not.

First, we have a separation of powers constitution; second, our parties are decentralized, that is to say, by comparison with parties in a parliamentary system, undisciplined.

People know the phrase, "separation of powers," but too few understand its meaning. Some think that in the American system, Congress exists to do whatever a president wants it to do. But this is not the way the Founding Fathers intended the government of the United States to work and, you must all be aware, that in both domestic and foreign policy, Congress has in recent decades reasserted the separation of powers principle.

Another factor complicates matters: Presidents and Congresses are elected separately, by different constituencies and for different periods of service. The President, each Senator—there are 100—and each member of the House of Representatives—there are 435—has his own mandate and sense of responsibility to the people.

In our system, as distinguished from yours, the chief executive is not chosen from the legislative majority and, indeed, often does not even belong to the party controlling Congress. This is, of course, precisely the situation today with a Democrat in the White House and Republicans in control of both the Senate and House of Representatives.

THE AMERICAN WAY OF GOVERNING

So the American way of governing was not designed for peaceful coexistence between the executive and legislative branches. The result has been a process, over two centuries long, of conflict and accommodation, dispute and detente—and this is the case even when, as I shall illustrate with Cyprus, the president and both bodies of Congress are controlled by the same party.

Although service on the Education and Labor Committee meant that most of my legislative energies were directed to domestic concerns, I continued my interest of student days in foreign policy. As Majority Whip of the House of Representatives, I joined Speaker Thomas P. "Tip" O'Neill, Senate Majority Leader Robert Byrd and other Congressional leaders for breakfast at the White House every other week with President Carter, Vice President Mondale and the president's top aides to discuss the entire range of issues facing the president and Congress, including foreign affairs.

Yet it was during the administration of President Lyndon Johnson that I became personally engaged in a foreign policy question: I made clear my strong objection to the military junta in Greece that came to power in 1967. Although then the only Member of Congress of Greek origin (and a Democrat), I testified against the Administration's request for United States military aid to Greece which, I reminded the House Foreign Affairs Committee, was a member of the North Atlantic Treaty Organization. The NATO Charter was created to defend nations that adhere to democracy, freedom and the rule of law; the military dictatorship ruling Greece, I asserted, supports none of these principles. The United States should, therefore, not provide Greece military assistance. During the years of the junta, I refused to visit Greece or to set foot in the Greek Embassy in Washington.

INVASION OF CYPRUS

In 1974, however, I found myself deeply involved in American policy toward Greece. In July of that year, the colonels engineered an unsuccessful coup against the President of Cyprus, Archbishop Makarios. Although the coup precipitated the fall of the military regime and triggered the restoration of democracy in Greece, it was also the pretext for an invasion by Turkish military forces of Cyprus. The initial invasion, in July, was followed, in August, by Attila II, a massive intervention of 40,000 Turkish troops.

Because the Turkish forces were equipped with weapons supplied by the United States, Turkey's government was in direct violation of US legal prohibitions on the use of American arms for other than defensive purposes. And because American law mandated an immediate termination of arms transfers to any country using them for aggressive purposes, I led a small delegation of Congressmen to call on Secretary of State Kissinger to protest the Turkish action and insist that he enforce the law, i.e., order an immediate end to further shipments of American arms to Turkey. Kissinger apparently did not take us seriously and neither he nor President Gerald R. Ford took any action in response to our admonition.

TURKISH ARMS EMBARGO

Consequently, several of us in Congress, notably the late Congressman Benjamin S. Rosenthal of New York, then Congressman Paul S. Sarbanes of Maryland and I in the House of Representatives and Senator Thomas Eagleton of Missouri led a successful effort in late 1974 to impose, by Congressional action, an arms embargo on Turkey. We were strongly supported not only by other Democrats but by a number of leading Republicans.

In this unusual episode, my colleagues and I had active allies outside Congress. Not only did we, understandably, have the help of Greek American and Armenian American persons and groups across the country but also of many others who shared our commitment to the rule of law. The reasons my colleagues and I prevailed were straightforward: We were better organized politically both within Congress and in the country at large and we had a superior case, both legally and morally. It was this combination of factors that brought what was a remarkable victory.

THE CURRENT SITUATION

President Clinton's appointment last month as his Special Envoy for Cyprus of Richard Holbrooke, architect of the Dayton Accords and a diplomat of wide experience, is, I believe, a significant indication of the priority the President and Secretary of State Madeleine Albright have assigned to Cyprus.

Indeed, last month, before talks in Washington with Cypriot Foreign Minister

Ioannis Kasoulides, Secretary Albright said, "In our meeting today . . . I will assure the Minister of America's interest in seeing the people of Cyprus achieve a lasting settlement to the intercommunal dispute on their island. There could be no more dramatic a demonstration of that commitment than the President's decision to name Ambassador Richard Holbrooke as our special emissary to promote the Cyprus settlement. . . ." She continued: ". . . What we see is the unification of Cyprus. We believe that the division of the island is unacceptable. . . . [We] continue to support the establishment of a bizonal, bi-communal federation. We will do everything we can to bring the process forward."

POTENTIAL FOR A CYPRUS SETTLEMENT

Now, given the impasse of a near quarter century and in light of the current instability of the Turkish political scene, I think it would be a mistake to expect a breakthrough in the short term. Holbrooke himself has said, "This is going to be a long haul. It's not going to be a short, intense negotiation like Dayton was."

As you know, Ambassador Holbrooke has said he would not "do anything specific" until after this week's UN-sponsored talks between President Clerides and Mr. Denktash.

I add that the distinguished British diplomat who has been working on the issue, Sir David Hannay, welcomes Ambassador Holbrooke's intervention as does the US Congress, which has been concerned with the lack of progress on Cyprus.

And if there is agreement between the Executive Branch and Congress on the need to intensify efforts for a settlement on Cyprus, there is also, especially in the House of Representatives, bipartisan agreement. The International Relations Committee of the House, chaired by Ben Gilman, Republican of New York, joined by the senior Democrat on the Committee, Lee Hamilton of Indiana, on June 25 favorably reported their resolution urging "a United States initiative seeking a just and peaceful resolution of the situation on Cyprus." The measure includes a call for "the demilitarization of Cyprus and the establishment of a multinational force to ensure the security of both communities."

ELEMENTS OF A SETTLEMENT

As we meet tonight during the week of the Clerides-Denktaş talks, I believe I can best contribute to a discussion of the Cyprus issue by telling you what, on the basis of my conversations in recent weeks with a number of persons, some in government and some not but all at senior levels and from the various countries concerned, seem to be factors fundamental, 23 years after the events of the summer of 1974, both to understanding the Cyprus problem and to forging a viable, realistic and just settlement of it.

Many in this room are far more knowledgeable than I about Cyprus and, of course, are free to disagree with me on any or all of these points, some matters of fact, others normative.

1. Greek-Turkish Relations

First, I would assert that a normalization of relations between Greece and Turkey depends upon a resolution of the issue of Cyprus. Indeed, a senior Turkish diplomat made this same point to me a few months ago even as I heard this view echoed in Istanbul in May during a Carnegie Endowment for International Peace Forum. The Forum, composed of seven Greeks, seven Turks and seven Americans, of whom I am one, involves academic, business and political leaders from all three countries, including two former Greek and two former Turkish foreign ministers and senior retired military officers from the two countries.

At a dinner one night in Istanbul, a leading Turkish business figure asked me what I thought was the most important action to improve Greek-Turkish relations. I replied, "Cyprus." He said, "I agree. And what you [Americans] must do is help us [Turks] get out graciously and without humiliation."

I must tell you that it is my impression—reinforced by the comments of others—that the forces in Turkey pressing most vigorously for moderation, modernization and democracy there and for better relations with Greece are these top Turkish businessmen. We must encourage them.

2. Turkey's National Interest

Second, Turkish political and military leaders must be persuaded that resolving the Cyprus question is in the national interest of Turkey. I certainly think that is true.

In economic terms, for example, Ankara's officially acknowledged aid to Turkish-occupied Cyprus this year totals \$250 million, not including the cost of keeping 35,000 Turkish troops there.

Here I would offer another argument for this proposition: Turkish armed forces on the island are now considerable, of such size and nature that to protect them adds further to the security commitments of Turkish military commanders. It is a burden that Turkish leaders have taken on themselves, and one must ask, from a Turkish point of view, is it a wise one?

But much more important than economic reasons, there is a powerful political rationale for Turkey to move, at long last, toward a Cyprus settlement. Consider the present situation in Turkey. Beleaguered by economic troubles, pressures from the military, hostility between Islamists and secularists, widespread criticism on human rights and dealing with the Kurds, thoughtful Turkish leaders know that the occupation of Cyprus is not only a continuing financial burden but a huge obstacle to Turkish ambitions for stronger ties with Europe.

Even this week the new government led by Melsut Yilmaz declared, in a statement of its hope for eventual membership in the European Union, "Turkey will ensure its rightful place in the new Europe that is being drawn up." Yet it must be clear that even putting aside demands from the European Parliament concerning democracy and human rights, so long as the Cyprus question goes unresolved, Turkish membership in the EU is not possible.

Here I note the recent statements of Greek Foreign Minister Pangalos and Undersecretary Kranidiotis that if political objections can be overcome, Greece has no philosophical or dogmatic objection to Turkish accession to the European Union. This posture, coupled with Greek removal of a veto on Turkish participation in the Customs Union with the EU, means that the Greeks are saying, "We're not the obstacle to Turkish entry into Europe." Yet if membership in the European Union is not on the immediate horizon, enhancement of the relationship with the EU can be a significant incentive for a Turkey that seeks to be in Europe.

3. Cyprus and the European Union

Third, another basic ingredient in the search for a solution, the prospect of membership by Cyprus in the EU, was described by Holbrooke as the "the biggest new factor in the 30-year stalemate."

With the commitment of the Council of Ministers of the EU in 1995, following approval of the Customs Union with Turkey, to start negotiations with the Republic of Cyprus on its accession to the EU within six months of the end of the Intergovernmental Conference (just concluded in Amsterdam), no longer is Cyprus to be held hostage for membership to Ankara. Certainly neither

the Turkish government nor Mr. Denktash should be allowed to block accession by Cyprus, and the United States should continue to support Cyprus membership.

In light of Turkish objections to accession by Cyprus to the EU, incentives to both Turks and Turkish Cypriots to greater involvement in Europe should vigorously be explored.

4. Security on Cyprus

Fourth, the matter of security—for both Greek and Turkish Cypriots—is obviously among the factors indispensable to a solution. For it seems to me that in any settlement acceptable to both sides and to Greece and Turkey, there must be, following departure of foreign troops, provisions for a multinational peacekeeping force to assure such security for all Cypriots.

Such a force might well be a NATO operation for NATO is, aside from the UN, of course, the one organization where Greece and Turkey are on the same level. From my perspective, it would be wise for such a force to include troops from the United States as well as other members of NATO. Even a modest commitment of US forces would represent a powerful demonstration of the seriousness with which American leaders of both parties in both the Administration and Congress regard the importance of defusing what Dick Holbrooke has rightly described as "a time bomb."

5. A United Cyprus

Fifth, I turn to the matter of the constitutional arrangements for a united Cyprus.

The United Nations, the European Union, the United States and the Republic of Cyprus are all agreed that there must be on the island a bizonal, bicomunal federation, with a single sovereignty.

I remind you here of successive Security Council resolutions, including Resolution 1092, adopted on December 23, 1996, which declares that any settlement, "must be based on a state of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities . . . in a bicomunal and bizonal federation, and that such a settlement must exclude union in whole or in part with any other country or any form of partition or secession. . . ."

The goal now will be to negotiate an agreement that provides for such a single sovereign state within which Greek Cypriots will accord a significant degree of self-government to Turkish Cypriots who, in turn, must agree to territorial compromises that will enable them to share in the economic growth that both reunification and membership in the EU would entail. After all, everyone is aware that there is a huge gap in per capita annual income between Greek Cypriots—\$12,000—and the North—\$4,000.

The challenge here must be to take into account the fears and apprehensions of both Greek and Turkish Cypriots so that both communities will feel they are dealt with fairly.

I observe, by way of suggesting an example of the tone or attitude that one hopes would characterize a federation that can command the support of both communities on the island and both Greece and Turkey, that the proposal of my friend Costa Carras for cross-voting should be given serious consideration. Rather than voting only for candidates of their own community as before, Greek Cypriots and Turkish Cypriots would vote twice, all citizens casting ballots in the elections of both communities. In this way, candidates and legislators from each community would for the first time acquire a stake in appealing to the other.

Let me add that a significant result of accession to the EU by a united Cyprus would be that Turkish Cypriots would then be part of a Cypriot delegation to Brussels, one way of ensuring that Cyprus would not be hostile to Turkey.

Now, I believe most of us would agree that it is unlikely—one never says “never”—that there will be a sudden accord on an issue that for so long has eluded resolution by so many. Moreover, a breakthrough is probably not possible until after the elections in Cyprus in February. Nonetheless, it is important to begin laying the groundwork now, and UN Secretary General Kofi Annan's talks with Clerides and Denktash are part of this process as Sir David Hannay observed in a thoughtful essay in yesterday's International Herald Tribune (“At Long Last, Cyprus Should Seize the Chance to Heal Itself”). For we must build bridges today for action next spring.

NORMALIZING GREEK-TURKISH RELATIONS

With the end of the Cold War has come the possibility of resolution of many long-simmering conflicts. As we observe in the Middle East and Northern Ireland, however, not to speak of the on-going drama in the former Yugoslavia, it is not easy. Nonetheless, the rest of the world is moving toward solving difficult problems. The North Koreans have agreed to four-power talks aimed at formally ending the Korean War. The Indians and Pakistanis are discussing Kashmir. Formerly Communist states are being brought into NATO. China may be beginning to communicate with the United States in more rational terms.

Surely it is time for Greece and Turkey to normalize their relationship even as did France and Germany under de Gaulle and Adenauer, thereby paving the way to progress for both.

The report that this past Tuesday (July 8), Greece and Turkey, in what the Financial Times described as “the biggest breakthrough in their strained relations for a decade . . . pledged to respect one another's sovereign rights and renounce the use of force in dealing with each other” is solid evidence of what the FT also called “strong pressure from the US.” The statement by Greek Prime Minister Constantine Simitis and Turkish President Suleyman Demirel, the consequence of Secretary Albright's determined efforts, concluded the FT, “set a favourable tone for the high-level talks over the future of Cyprus which start near New York today.”

And surely, I reiterate, key to the relationship between Greece and Turkey is Cyprus. Settlement, during the year ahead, of an issue over two decades old would obviously be a major triumph for US foreign policy, for Europe, for Greece, and, most important, for all the people of Cyprus.

A CENTER FOR DEMOCRACY AND RECONCILIATION IN SOUTHEASTERN EUROPE

Now, if I have not exhausted you, I must tell you briefly of one other development that I believe relates directly to what I have been saying but goes still farther.

My own involvement in this effort is spurred in large part by my chairing the National Endowment for Democracy.

The National Endowment for Democracy, or NED, as we call it, is one of the principal vehicles through which American Presidents, Senators and Representatives of both political parties seek to promote free, open and democratic societies. Founded in 1983 by a Republican president, Ronald Reagan, and a Democratic Congress, the National Endowment for Democracy is a nonpartisan, nongovernmental organization that, through grants to private entities in other countries, champions, like your Westminster Founda-

tion, the institutions of democracy. NED grants are made to organizations dedicated to promoting the rule of law, free and fair elections, a free press, human rights and the other components of a genuinely democratic culture.

A planning group for the center

The project of which I want to say a particular word is the Center for Democracy and Reconciliation in Southeastern Europe, which my colleagues and I hope to establish beginning in early 1998.

In cooperation with my friend known to many of you, Costa Carras, a businessman and historian of much wisdom and a deep sense of public responsibility, and Matthew Nimetz, a distinguished lawyer who served as Counselor and Under Secretary of State during the Carter Administration and as President Clinton's Special Envoy in the 1994-1995 mediation between Greece and the Former Yugoslav Republic of Macedonia (FYROM), I convened last year a group to draw up plans to create what we called a Center for Democracy and Reconciliation in Southeastern Europe.

Following earlier discussions of the idea of such a center at conferences in Thessaloniki; Washington, D.C.; New York City; and at Ditchley Park, our group met last November in Lyon. The Planning Group, chaired by Ambassador Nimetz, is composed of persons from Southeastern Europe, Western Europe and the United States, nearly all of whom have expert knowledge of the region as well as experience in business and government. Unlike other organizations active in the Balkans, the Center will be directed by a board a majority of whose members are from the region itself. That people from Greece, Turkey, Romania, FYROM, Serbia and elsewhere are joining to establish the Center will give it credibility and relevance that US or West European based organizations cannot attain.

Mission of the center

The Center will devote attention to the fields of education and market institutions as well as to the practices of a pluralist democratic society, such as a strong and independent judiciary, free and responsible media, vigorous nongovernmental organizations, and effective and accountable central administrations—with active parliamentary institutions—and local governments.

We anticipate that the Center will have its administrative headquarters in Thessaloniki, Greece, which has excellent transportation and communication facilities, making it easily accessible throughout the region. The Center will eventually sponsor programs in all the countries of Southeastern Europe, including Cyprus, where a program on governance is planned, and Turkey, where a program on environmental issues will be established. The Center's programs are intended to be multinational in scope, bringing together participants from the several countries of the region.

The purpose of the Center's multinational approach is to foster greater interchange and understanding among the peoples of the area and to develop networks among individuals and groups committed to the democratic and peaceful development of Southeastern Europe.

Programs of the center

First, we intend to forge links with other nongovernmental organizations (NGOs) in the region to cooperate on specific projects and in some cases will establish offices in other countries to focus on a particular issue or theme. More broadly, the Center can be a forum to champion NGOs as essential components of a civil society, particularly important, of course, in Southeastern Europe

where such organizations are relatively new phenomena, especially in former state-controlled societies.

We want also to support development of a lively, responsible and independent press, again free of state control.

The Center plans to support projects on the writing of school textbooks and improving pedagogy at all levels in the countries of Southeastern Europe.

The Center will also address concerns of parliamentary and local governments and we hope to sponsor exchanges of parliamentarians.

Economic development clearly offers opportunities for regional cooperation and interchange. Independent business associations can be an integral part of a vibrant civil society.

Environmental challenges also open doors for cooperative endeavors throughout the region. Indeed, while in Istanbul last month, Matthew Nimetz and I called on His Holiness, Bartholomew, the Ecumenical Patriarch of Constantinople, who told us that he will shortly be leading an effort to deal with environmental problems in the Black Sea, an initiative that will involve Turkish government officials and business leaders as well.

CONCLUSION

I have told you of my own involvement in Cyprus as a Member of the United States Congress and of my continuing interest in improving relations between Greece and Turkey.

I have offered a list of what seems to me to be some of the factors essential to success in the on-going search for a just and enduring settlement of a problem—the tragedy of a divided Cyprus—that should affront the consciences of all who live in civilized, democratic societies.

I have expressed gratification that the United States is now moving toward much more intensive involvement in the issue.

And I have told you of an effort, in the form of the Center for Democracy and Reconciliation in Southeastern Europe, that although modest at the outset, can, in time, in a troubled part of the world, sow seeds of hope rather than despair.

How splendid it would be if, even before the start of the next millennium, we can see a united Republic of Cyprus, in which all its citizens enjoy the fruits of freedom, democracy and the rule of law!

THE 39TH OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. SOLOMON. Mr. Speaker, it is with a deep sense of personal conviction and pride that I submit for the RECORD an authoritative proclamation on Captive Nations Week, the 39th Observance, based on Public Law 86-90 and reflected in proclamations and observances of States and cities across our Nation this past third full week of July, 20-26.

In personal conviction, I am fully convinced that P.L. 86-90—which is uniquely vindicated by the historic changes these past 8 years in Central/East Europe, Central Asia, Africa, and Central America—will be completely vindicated as freedom forces in the world's democracies concentrate on the remaining captive nations under Communist party dictatorships in the People's Republic of China, Vietnam, Laos, North Korea, and Cuba. Unresolved issues