

Mr. JEFFORDS. I do agree.

Mrs. BOXER. I am particularly troubled that under current law, States are required to develop an IEP for eligible students even if they have been sentenced to life without the possibility of parole or even sentenced to death. Would the Senator from Iowa comment on the authority to modify an IEP for such incarcerated individuals?

Mr. HARKIN. Public agencies may modify an IEP for bona fide security or compelling penological reasons. For example, the public agency would not be required to develop an IEP for a person convicted as an adult and incarcerated in an adult prison who is serving a life sentence without the possibility of parole or is sentenced to death.

This exception applies to those inmates for whom special education will have no rehabilitative function for life after prison. Our aim in assuring that prisoners receive special education is to make them better able to cope after prison, resulting in a safer environment for all of us. This goal does not apply for those who will not return to society.

In addition, the provisions requiring participation of students with disabilities in statewide assessments will not apply. Further, the transition services requirements will not apply to students whose eligibility will terminate before their release from prison.

Finally, the obligation to make a free appropriate public education available to all disabled children does not apply with respect to children and 18 to 21 to the extent that State law does not require that special education and related services under this part be provided to children with disability, who, in the education placement prior to their incarceration in an adult correction facilities, were not identified as being a student with a disability, or did not have an IEP.

Mrs. BOXER. Does the legislation modify in any way the responsibilities of adult prisons to prisoners with disabilities under section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act?

Mr. HARKIN. No, these laws still apply.

Mrs. BOXER. Does the bill make any changes to current law with respect to disabled students incarcerated in juvenile facilities?

Mr. HARKIN. No.

Mrs. BOXER. I thank the Senator for entering into this colloquy with me.

Mr. HARKIN. I thank the Senator for raising these important issues.

Mr. JEFFORDS. Mr. President, I would make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Reserving the right to object, I would like to just get us out of the situation we are in and then be happy to turn it over to morning business, if that is all right with the Senator.

Mr. WELLSTONE. I am sorry. Yes, of course.

Mr. JEFFORDS. I yield back the remainder of my time.

#### MORNING BUSINESS

Mr. JEFFORDS. I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I yield the floor.

#### RELEASE WEI JINGSHENG

Mr. WELLSTONE. Mr. President, I rise today to ask the Chinese Government that the Chinese Government immediately release Wei Jingsheng, an extraordinary man who tells truth to power, authoritarian and arbitrary power. I meant to bring his book to the floor. It is being released today, May 13.

Mr. President, the publication date of this book is today. The title of the book is "Courage To Stand Alone." I have very limited time, but I just want to say on the floor of the Senate, because I really believe there ought to be a focus on Wei Jingsheng, that this is a man of tremendous courage. I have had a chance to skim-read the book. I am going to read it word for word.

I know that Wei Jingsheng was in prison from 1979, I believe, until 1993. Then he was released, and then again he spoke out, as anyone should do, about the importance of freedom and democracy, and again he finds himself in prison.

Mr. President, I hope that my colleagues will all help me in calling for his release. I know Senator HELMS has signed this letter. So has Senator KENNEDY. I am very pleased to work with both of those Senators, and, in addition, Senator MOYNIHAN has signed this letter as well. We are going to add more and more signatures. We are talking about a man who is in very poor health. I just want to quote from Wei's outline of "My Defense" which was delivered at his trial on December 13, 1995.

To sum up, the basic error of the indictment . . . is that it confounds the actions of defending human rights and promoting democracy and reform with "conspiracy to subvert the government." Therefore, anything that can be linked to the "Democracy Movement" or "human rights" is an act of conspiracy and subversion. . . . A government that can be subverted by a movement of human rights and democracy can only be a government with a contradictory and opposite nature, a government that does not respect human rights or promote democracy, a government of "feudal, fascist dictatorship."

. . . According to our Constitution and laws, the people are the owner of this nation and the government is merely an agent of the people. The government must respect the sovereignty of the people, namely the individual freedoms and political rights of each citizen, including the right of people to know, the right to criticize and supervise the government, even to replace the government. If the government abolishes or suppresses such democratic rights, then it becomes an illegal government and loses its legitimacy, which is based on the Chinese Constitution. Therefore, if the general charges brought by the indictment against the human and democracy movement are valid, then the government it represents is not the legal Chinese Government and the charges it brings are illegal.

Mr. President, these are words that might have been uttered by Thomas Jefferson. I again want to just rise in the Senate today and call on all of my colleagues to stand up for Wei Jingsheng, this extraordinary man. He has now been sentenced to 14 years in prison under austere conditions that threaten his life. Today is the publication of the book, "Courage To Stand Alone." This is a collection of Wei's letters to Chinese leaders, prison officials, and to his family.

He is a remarkable man, as I have said before. This is an extremely important work. He is eloquent. If you think about the conditions under which he has written these letters, it makes this all the more remarkable.

It is not only urgent that the Chinese Government release Wei, but also that it provide him with the medical care that he desperately needs but has been denied. He has a heart disease that threatens his life, severe hypertension, and a serious back ailment that renders him unable to hold his head erect. The Chinese Government ought to release this courageous man. He is a prisoner of conscience.

Today is the publication of a remarkable book, "Courage to Stand Alone." Wei Jingsheng is a man who represents the very best of the tradition of our country. He is a man who has spoken up for human rights and democracy and has paid a terrible price for it. I believe it is important for all of us, regardless of political party, all of us in our country to speak up for prisoners of conscience. In this particular case, I take the Senate floor to call on the Chinese Government to release Wei Jingsheng from prison, to release him from prison today and to provide him with the medical care that he needs.

Mr. President, again, I hope my colleagues will join me in this effort. I hope my colleagues will have a chance to read this remarkable work, "Courage To Stand Alone." I hope it becomes a best seller in the United States of America.

In the 30 seconds I have left, let me just say, personally I do not know how people find the courage. If I lived in such a country and I thought that by speaking up I could wind up in prison, or even worse, that my children could be rounded up and that they could end up being tortured or they could end up

being in prison, which so often happens in these countries headed by repressive governments, I do not think I could find the courage to speak up.

I think it is time all of us in the U.S. Congress speak up for men and women like Wei Jingsheng who have had the courage to stand alone. I think it is extremely important that we do everything we can to call on the Chinese Government and to make it crystal clear to the Chinese Government that they ought to release this courageous man from prison, and other prisoners of conscience as well. If they do not do that, then I think all of us ought to look at trade relations and other relations with China and other countries that violate the basic human rights of their citizens. We need to exert leadership and we need to make a difference. I yield the floor.

#### FREEDOM FOR CHINESE DISSIDENT WEI JINGSHENG

Mr. KOHL. Mr. President, I rise today to call for justice for Wei Jingsheng. Mr. Wei is a Chinese citizen who has devoted his life to the cause of democracy and tolerance in the People's Republic of China. In exchange for his selfless effort, Mr. Wei has spent almost 20 years in prison. We must, as a Senate and as a country, call upon Chinese leaders to recognize Mr. Wei's genuine love of his country, to respect his right to dissent, and to set him free to live his life in peace.

I have chosen to make this statement today because today we celebrate the publication of Mr. Wei's book, "The Courage to Stand Alone: Letters from Prison and Other Writings." In these unadorned yet powerful reflections, Mr. Wei provides insight into the tortures he has suffered in prisons and labor camps, as well as the passion and commitment which have maintained his fighting spirit. His straightforward missives on the obvious need for democracy remind us all of our fundamental civic values.

Wei Jingsheng is a hero. With a background as an electrician, and with the weight of the Communist leadership against him, he became what the New York Times called the strongest voice of China's democracy movement. It is with awe and sadness that I note Mr. Wei's ability to persevere these many years despite his and other Chinese dissidents' virtual invisibility on the international scene.

We can not allow Mr. Wei to be invisible. As Americans we have always supported the cause of democracy and tolerance. In our own country we are lucky. Democracy as law and tolerance, though we must always be vigilant for transgressions against it, is an integral part of our social fabric. In other parts of the world, including the People's Republic of China, democracy and tolerance remain elusive. Mr. Wei is a hero because he fights against the tide. The leaders of China will be heroes when they realize that men and

women like Wei Jingsheng can strengthen and enrich their country—if only they are set free.

#### CALLING FOR THE RELEASE OF WEI JINGSHENG

Mr. ASHCROFT. Mr. President, I join with other Senators today in calling for the immediate release of Chinese dissident Wei Jingsheng. Wei Jingsheng exemplifies China's best aspirations for democracy, and his imprisonment exemplifies the worst of the Communist cadre that stands in the way of freedom for a nation of over one billion people. Wei's imprisonment is only one story in the broader tragedy of brutal political repression that has silenced all voices of dissent in China. In a world that is increasingly open to the benefits of freedom and the potential of free markets, the great hope is that the growth of capitalism in China will undermine Beijing's tyranny. The growth of free markets alone, however, will never replace individual acts of courage and conviction by people who defy China's Communist leadership. People willing to spend their lives for the freedom of their countrymen are mankind's true heroes.

Mr. President, Wei Jingsheng was first imprisoned in 1979 after criticizing the Government's suppression of the Democracy Wall movement in China. Since that time, he has spent all but 6 months of the last 18 years in prison. Inside China's prison system, Wei has been a constant target for harassment and reeducation by China's prison guards. Wei has fought the daily battle to maintain his integrity, the strength of his principles, and the conviction of his beliefs. After 14 years in prison, Wei was released in 1993 and promptly began condemning the Government's horrific record of political repression. He was imprisoned again for his courage and remains in a Chinese prison today suffering from a life-threatening heart condition.

Wei's love for his country is most clearly seen in the personal sacrifice associated with his forthright and constant stand against political tyranny. The Clinton administration could learn a lesson from Mr. Wei. In the long run, honesty is the best policy, and a forthright discussion of the atrocities being committed by Beijing will do more for a stable United States-China relationship than repeated acts of appeasement. True constructive engagement means that China is required to honor the trading agreements it signs, to avoid proliferating weapons of mass destruction, and to respect international norms for human rights. We in America need to realize what Wei recognized long ago—that the forces of justice and liberty are at work in the Chinese people just as they have been at work with such stunning effect in other nations around the world.

In the battle between liberty and tyranny in China, I am placing my wager on the side of freedom. As Ronald

Reagan said, "Democracy is not a fragile flower. Still, it needs cultivating. If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy."

Mr. President, we must ask ourselves if we are taking those actions to cultivate the flower of liberty in China. Has our commitment to human rights and civil liberties been constant? Have we defended international norms against weapons proliferation that the free people of the world have embraced for their mutual protection? One need only look at the record of political repression in China and China's arming of Iran to see that the Clinton administration is failing to press our concern for international human rights and protect our own long-term national security interests.

American foreign policy needs to return to its most enduring and noble aspect: our willingness as a nation to sacrifice in order to help other peoples achieve the individual liberties we enjoy. When the Chinese people eventually rid themselves of tyrannical leadership and establish a democracy—and they will just as the South Koreans, the Japanese, and the Taiwanese have done before them—I hope they will be able to say that America stood by them in their darkest hours. For the Chinese people, the torch lit in Tiananmen Square is flickering. The American people want to stand by the Chinese. The Clinton administration has been less clear. The administration can stand up for America and the Chinese people by insisting that Wei Jingsheng be released.

#### THE COURAGE TO STAND ALONE

Mr. MOYNIHAN. I rise today to bring to the attention of my colleagues the publication of "The Courage to Stand Alone," the letters of Wei Jingsheng, a fearless and outspoken dissident currently imprisoned by the People's Republic of China. For two decades Wei Jingsheng has been a leader in the struggle for democracy in China, as well as a passionate advocate of human rights for the people of Tibet.

Among the many crimes for which Wei has spent the last 18 years in prison, perhaps none is so onerous to his persecutors as his presumption to hold the totalitarian regime of the People's Republic of China to its own standard of law. As Andrew J. Nathan writes in his Foreword:

Wei's powerful statement of self-defense [at his 1979 trial] exposes how little difference there is between the new legal system and the old absence of a legal system. The prosecutors and judges search for a crime and find none, but they obey orders. They sentence Wei to fifteen years.

The outside world is outraged, but most Chinese at the time are wiser. They see Wei as the victim of his own naivete. He failed to appreciate the unwritten limits to free speech and legal reform. He committed the greatest offense in a dictatorship: taking words at face value.