

\$100m this year) cannot possibly sustain their operations in Congo.

Once in Congo, the interveners found commercial reasons to stay. The war has created huge business opportunities which have obscured its primary, political, cause. Hundreds of dodgy businessmen, mercenaries, arms dealers and security companies have come to the region. Diamonds are a big prize and the main source of foreign exchange for Mr. Kabila. It is hardly surprising that the war ground to a halt around Mbuji-Mayi, the main diamond-producing area. Congo pays for Zimbabwe's presence with a diamond-mine concession. It has also formed a joint oil company with Angola.

Senior military officers from all the armies, as well as their political cronies back home, make money trading diamonds, gold, coffee and timber, and from contracts to feed and supply their troops. They have little interest in peace. Local and foreign businessmen often pay them to provide troops to guard a valuable mine or a farm. The Kilo Moto gold mine in Kivu has been taken over by freelance diggers, but the entrance is guarded by Ugandan soldiers who tax them. Kigali and Kampala are crawling with diamond dealers and others looking for Congo's rare minerals, such as tantalite and niobium. The loot is not confined to minerals. One Ugandan unit, returning from Congo, caused fury in both countries by having their newly acquired Congolese wives and girlfriends flown home with them at government expense. War booty, said chauvinistic Ugandan politicians. Rape and theft, said Congolese men.

#### THE KABILA DISASTER

When Laurent Kabila was catapulted to power by Uganda and Rwanda, everyone thought Congo would change. He could hardly do worse than Mobutu, they argued. Perhaps he would turn into one of the much-vaunted "new leaders" of Africa. He had few enemies. Everyone wanted to help him rebuild Congo. Sadly, he turned out to be little more than an outsize village chief, adept at staying in power, but with no vision and a deep distrust of competence. He has surrounded himself with relatives, friends and oddballs he scooped up on his march to Kinshasa. Mentally he is stuck in the cold war of the early 1960s, imagining global plots against Congo.

The formal economy is dead. Nor far from the central bank in central Kinshasa, carefully tended cabbages have sprung from a small patch of waste ground by the roadside. Nearby, families having moved into the ruins of a half-built office block, hanging their washing over the abandoned concrete pillars and cooking on open fires on the floors of rooms designed for board meetings. Only about 20% of the city's 4m-5m people have jobs. Most of these pay, if at all, about \$8 or \$9 a month. The city has little fuel, so people get up before dawn to walk to work. Most eat nothing all day, then return on foot to the one daily meal of cassave porridge or bread. Less than 30% of the capital's children are in school and few can afford medicine if they are ill.

Mr. Kabila blames all this on the war. It has more to do with his old-fashioned statist policies and his arbitrary way of handing out contracts and concessions and then canceling them. That has frightened off foreign companies. So has his policy of locking up foreigners and demanding ransom. Heineken, a Dutch brewing company, recently paid \$1m in cash to the finance minister to secure the release of its two senior executives in Kinshasa. Maurice Templesman, an American diamond dealer, also lost millions of dollars when his staff were seized and thrown out of the country. One foreign security

company in Kinshasa says its best new business is negotiating the release of foreign nationals arrested by the government.

Mobutu played the country and its political elite like a chess master. Mr. Kabila tries the same techniques; putting people in power or in prison and playing the ethnic card. But he is no expert. Long in exile, he barely understands Congo. There have been splits and mutinies in his fledgling army and his ministers are at each other's throats. Only in the south-east, his home territory, does he still have some support. The impoverished people of Kinshasa despise him, but will not demonstrate against him for fear of being accused of supporting the rebel movements—which they do not.

Mr. Kabila is currently trying to get the Lusaka accord rewritten. He has blocked the development of UN military observers and humiliated and rejected Ketumile Masire, the former Botswana president, who was appointed to organize a national dialogue. He even failed to turn up at meetings with his backers, Angola and Zimbabwe. President Eduardo dos Santos of Angola warned him in August that he had "had enough of his arrogance", and that the allies would withdraw from Congo if he continued to obstruct the peacemakers. But Mr. dos Santos knows there is, as yet, no alternative to Mr. Kabila and that there would be chaos if the allies withdrew now.

That is the crux of the problem. Mr. Kabila has failed, but there is no one else who enjoys national support or looks remotely capable of pulling the country together. Mobutu ensured that every politician in Congo was smeared with his corruption. Nor do the rebel movements present an alternative. The Congolese Rally for Democracy (RCD) split apart, with one faction supported by Uganda and the other by Rwanda. Uganda then launched the MLC and, in June, the former allies fought a full-scale battle in Kisangani for six days, destroying much of the town's centre and killing 619 civilians. This engagement also destroyed the credibility of the two leaders, Mr. Museveni and Rwanda's president, Paul Kagame, in Congo. America and western countries were furious with them and blocked Uganda's promised debt relief as punishment.

Both factions of the RCD are now deeply unpopular in their own areas. The clumsy intervention of Rwanda and Uganda in South and North Kivu has stirred up bitter ethnic rivalry. Much of this region suffers from the same Hutu-Tutsi divisions that exist in Rwanda and Burundi. The intervention has upset the fragile balance, and the region flares with massacre and counter-massacre.

Local communities have tried to defend themselves against all outsiders by forming self-defense militias, but many of these have degenerated into wandering gangs of mercenaries and bandits, the "negative forces" of the Lusaka accord. Some are linked to Rwandan Hutus, some fight against them. Mr. Kabila is fanning the flames by sending them weapons across Lake Tanganyika. The Kivus are now a horrendous mess of wars and sub-wars that will burn on long after the national war is over.

In northern Congo, the picture is slightly better. Jean-Pierre Bemba, the young MLC leader and a businessman, is popular there because his Ugandan-run army is fairly disciplined and, in Mobutu's home area, he is seen as his successor. It is a label he vigorously rejects, since he knows it will kill support for him in other places.

#### WHAT HAPPENS NEXT

The present situation is deadlocked and unstable. The UN will not deploy its forces until it is convinced that all parties are serious about peace, but the "negative forces",

Hutu militias, gangs and others have signed no ceasefire and have little interest in peace. That means the foreign forces cannot fulfill the Lusaka accord and leave. But their governments, even the oil-rich Angolans, are worried about the cost. They are all engaging in bilateral talks with each other; but that increases mistrust and suspicion.

The Rwandans, realising how unpopular they are in Congo, have given up hope of overthrowing Mr. Kabila and instead have offered to withdraw their troops to the Kivus. Zimbabwe, hard-pressed by domestic problems, wants its 12,000 troops out as soon as there is a face-saving formula. Their departure could destabilise Mr. Kabila. Maybe the Angolans, left holding the fort, will remove him. At present they seem to be trying to bring in Mr. Bemba and a representative of the unarmed opposition to create a trumvirate with Mr. Kabila. To achieve this, the Angolans have to trust Mr. Bemba's backer, Uganda. They don't, because Uganda has been a conduit for arms to UNITA rebels in Angola. Besides, the Ugandan army and the MLC are still pushing westwards towards the strategic city of Mbandaka, garrisoned by Angolans.

And what of the Congolese people in all this? Impoverished, disregarded and oppressed, they still give one clear message almost unanimously in every conversation: they do not want Congo to break up. But the long decomposition of this vast country seems inevitable, whoever rules in Kinshasa.

This war could rumble on for years, if not decades. The Lusaka accord, concedes a senior UN representative, is not going to work; but no one has a better plan. The best he can suggest is that outsiders remain engaged, help the victims, try to understand what is happening—and make it worse. Congo's experience of outsiders is, to put it mildly, discouraging.

#### REPORT ON THE DEPARTMENT OF JUSTICE

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 15, 2000*

Mr. WAXMAN. Mr. Speaker, this fall, the House Government Reform Committee majority released a report on the Department of Justice that contains numerous inaccuracies and that unfairly smears several individuals. The minority filed views that discuss the unsubstantiated allegations in the majority's report.

The majority's report prompted letters from one of the individuals named in the report, and from an attorney for another of the individuals named. Both letters take issue with the majority's assertions. In the interest of a complete record on this matter, I submit into the RECORD a December 11, 2000, letter from C. Boyden Gray, and an October 31, 2000, letter from Barry B. Langberg.

WILMER, CUTLER & PICKERING,  
Washington, DC, December 11, 2000.

Hon. DAN BURTON,  
Chairman, Committee on Government Reform,  
House of Representatives, Rayburn House  
Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We were dismayed to see your Committee Report, "Janet Reno's Stewardship of the Justice Department," made final without providing us with the right to review and comment as promised in response to my letter of September 21, 2000. Accordingly, there is no point in detailing

here the errors in that Report that we would otherwise have identified.

We would nevertheless make the following observations which we would hope you could make part of the record: (1) as the Minority Report makes clear, Rebekah Poston never asked her investigators to do anything illegal ("In fact, contrary to the Majority's allegations, no evidence received in the Committee demonstrates that Ms. Poston instructed private investigators to break the law"); (2) throughout the hearing, the two investigators at issue, Philip Manuel and Richard Lucas, each testified under oath that Ms. Poston had never asked them to do anything which they thought was illegal; (3) the Department of Justice ultimately granted her request for information by informing her that there was no information to provide in any event; and (4) it was entirely improper to hold and structure a hearing for the evident and sole purpose of provoking a claim of Fifth Amendment rights in order to create the impression that Ms. Poston had done something improper.

Accordingly, we respectfully request that you include this letter as part of the Congressional RECORD relating to the above-described report.

Sincerely,

C. BOYDEN GRAY.

STROOCK & STROOCK & LAVAN,  
Los Angeles, CA, October 31, 2000.

Hon. DAN BURTON,  
Committee on Government Reform, Rayburn  
House Office Building, Washington, DC.

Hon. HENRY A. WAXMAN,  
Rayburn House Office Building, Washington,  
DC.

DEAR CHAIRMAN BURTON AND REPRESENTATIVE WAXMAN: I represent Soka Gakkai, a lay Buddhist association with more than 10 million members. Soka Gakkai and I are both mentioned in Chapter IV of the Committee's report on "Janet Reno's Stewardship of the Justice Department." Without waiving any applicable privilege, I write to bring to the Committee's attention serious flaws in Chapter IV, which contains numerous demonstrable factual errors, and recklessly accuses private individuals of criminal wrongdoing without any pretense of due process or any substantive evidence. Chapter IV overstates its conclusions and ignores errors and omissions in the investigation.

The report acknowledges that the issues discussed in Chapter IV relate indirectly to litigation in Japan between Nikken Abe and Nichiren Shoshu, on the one hand and my client, Soka Gakkai, on the other. E.g., p. 161. It appears from various sources, including the report's Exhibit 56, that representatives of Nikken Abe and Nichiren Shoshu have had contact with the Committee staff, in an attempt to have the Committee issue a report that would be helpful to their position in the Japanese litigation. The three-judge panel of the Japanese trial court has already ruled unequivocally in favor of Soka Gakkai in that litigation, finding that the position of Nichiren Shoshu and the testimony of Nikken Abe were not credible. The matter is now on appeal and the efforts of Nichiren Shoshu's representatives to influence the Committee are simply an attempt by the losing side to use the Committee to influence the Japanese appellate process. The Committee should guard against such abuse of its processes.

More specific errors include:

1. The report recklessly accuses several private individuals of crimes, including several whom the staff never interviewed. The report accuses several individuals of committing serious crimes. It also accuses others of misleading the Committee. Such

charges, cloaked with the authority of the Committee, are outrageous when made with so little concern for fairness or due process. It is significant that the report modifies many of its charges with qualifiers like "apparently" or "possibly" (e.g., p. 162), but that does not excuse such reckless charges. Simply put, there is no evidence that Soka Gakkai, Jack Palladino or I committed any crime or engaged in any improper activity whatsoever. As the report acknowledges, the staff failed even to interview Mr. Palladino or me about our role in this matter. Id. n. 801. These charges are particularly objectionable because they are not even relevant to the report's central thesis, that Ms. Poston and others working at her direction received favorable treatment at the hands of the Justice Department. E.g., pp. 159-60. Thus, these serious attacks are made almost casually, without any claim or relevance to any public purpose.

In fact, even a preliminary investigation would have revealed that the so-called "reliable source," Richard Lucas, never met with Mr. Palladino or discussed with him any of the facts or issues concerning this matter. Further, an investigation would also have shown that I had no personal involvement with the activity criticized in the report.

2. The report repeatedly relies on a witness who lacks credibility. Many assertions in the report—including many of the most misleading, erroneous or otherwise objectionable assertions—are cited only to Mr. Lucas. E.g., notes 799, 806, 814, 822-24. Mr. Lucas is not a credible witness for several reasons: much of his story to the Committee is contradicted by his own sworn affidavit; he is apparently engaged in a legal dispute with one of the Committee's other witnesses and thus has an incentive to blame that witness for his own conduct; and he committed a conscious and intentional breach of his contractual and ethical obligations to the Steel Hector & Davis law firm. After having been retained by the law firm, he entered into a relationship with individuals hostile to the firm and the interests of its clients, and repeatedly breached his ethical and contractual obligations by secretly and systematically providing the opposing side in a litigation matter confidential information about the law firm's and client's activities.

A further sign that Mr. Lucas is simply not reliable is that he authored several memoranda under a pseudonym, "Michael Wilson." The report never discloses that fact. The report also frequently relies on these memoranda, without any other corroborating evidence. E.g., notes 831, 832, 837. That Mr. Lucas felt compelled to write memoranda under a pseudonym, in a complete departure from ordinary business practice, seriously undermines his credibility and shows that Mr. Lucas understood there was something about his conduct that needed to be hidden. Moreover, the memoranda themselves demonstrate that Mr. Lucas was violating his contractual and ethical duties to the Steel Hector & Davis law firm, and thus are independently not worthy of belief.

Significantly, the report itself accuses Mr. Lucas of criminal misconduct. E.g., p. 168.

3. The report contains sensational charges that it fails to support. The report's headings repeatedly charge individuals or organizations with illegal acts. E.g., p. 162 ("Soka Gakkai Illegally Obtains Information on Nobuo Abe Through Jack Palladino"); p. 163 ("Poston Requests Her Private Investigators To Break The Law"). Those inflammatory headings are not supported by the text. For example, the passage about Mr. Palladino is modified by the word "apparently," and it is sourced only to Mr. Lucas, the tainted witness; as the report concedes in the very next footnote, it did not even bother to discuss

this allegation with Mr. Palladino. Mr. Palladino has publicly stated that he had nothing to do with illegally obtaining any information about Nobuo Abe and had no involvement with obtaining information from any federal source whatsoever. Similarly, Ms. Poston testified that she at no time asked her investigators to break the law.

4. The report lends unmerited credibility to mere speculation. The report seeks to suggest that an employee of the Bureau of Prisons "planted" a fabricated record in the NCIC involving an arrest in Seattle in 1963. The report recognizes this as "speculation," and attributes it to some unnamed "individuals involved in the case," p. 162. There is no evidence to support this speculative theory, and again the staff failed to perform any of the investigative work—such as interviewing knowledgeable law enforcement officials from the Seattle area—that would have helped clarify these facts. The report's careless presentation of the speculation may be injurious to the parties to the lawsuit in Japan—a lawsuit that, once again, the report specifically acknowledges, p. 161.

I ask that the report be corrected in light of this information, or, at a minimum, that this letter be made part of any final report issued by the Committee.

Yours very truly,

BARRY B. LANGBERG.

#### TRIBUTE TO CHAIRMAN JOHN HICKS

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 15, 2000*

Mr. GILMAN. Mr. Speaker, I am honored to pay tribute to a remarkable constituent who has dedicated his life to serving others.

John S. Hicks, an attorney in my Congressional District whose offices are located in Chester, New York, has been Chairman of the Republican County Committee of Orange County, NY, since 1995. In that capacity, he has diligently worked to build a strong two party system in our country. John never lost sight of the fact that his only motivation for politics is good government.

John encouraged delivering the Republican message by providing a full time Republican Party Headquarters, and by publishing a supplement to our local daily newspaper which he entitled "The Eagle" and which has been an effective vehicle to publicize the principles of our party and the activities of our candidates.

John Hicks, who is a native of Fayetteville, North Carolina, has been a resident of Warwick, NY since he was five years old. A product of the public school system of Warwick, and a graduate of Colgate University and Albany Law School, he has been engaged in the practice of law since 1977.

In 1964, John registered to vote as a Republican at the age of 21, and maintained his dedication to Republican policies during and after his three year stint in the Army during the Vietnam era.

John is a Member of the American, New York and Orange County Bar Associations. He is active with the National Federation of Independent Businesses, the U.S. and the Orange County Chambers of Commerce. He is also active in Warwick's Rotary, the Warwick Community Bandwagon, and the Orange County Citizens Foundation. John also serves on the