

itemize their taxes because they own a home or give money to church or synagogue or charity or have education expenses. The other half do not. So we help both in the legislation that we passed. We double the standard deduction for those who do not itemize for joint filers to twice that of singles and for those who do itemize, and of course most middle-class families own their home so they are required to itemize their taxes. So we help them by widening the 15 percent bracket so that joint filers can earn twice as much in the 15 percent bracket as a single filer. It is fair that way.

We also help, I would point out, the working poor with addressing the marriage penalty that is in the eligibility for joint filers for married couples for the earned income credit to help the working poor. So we double the standard deduction. We widen the 15 percent bracket. We address the earned income credit marriage penalty, and we help 25 million married working couples by being fair.

It is time that we make the Tax Code fair. It is time that we make the Tax Code marriage neutral so that one is not punished when they get married. Of course, I am proud our proposal does not raise taxes on anyone else in order to wipe out the marriage tax penalty.

So two single people, two married people, no one pays more taxes than the other. It is the fair way to do it; and I am proud that 268 Members of this House, every Republican and fortunately 48 Democrats, broke from their leadership and supported our effort to wipe out the marriage tax penalty. That is progress, tremendous momentum. An overwhelming majority of the House supported our effort to wipe out the marriage tax penalty, an issue of fairness for 25 million married working couples.

I am concerned, though. I have been told that there are some in the Senate who want to load up the marriage tax elimination effort. They want to put poison pills, and they want to put other extraneous provisions on this bill. My hope is we can avoid that. My hope is that we can convince the Senate to keep it a stand-alone, clean, marriage tax elimination bill. That is the best approach. That way it is fair. There are no excuses for the President to veto it this time. He said during the State of the Union that he thought we should address the marriage tax penalty. We want the President to keep his word. We want to give the President the opportunity to do that by sending him a stand-alone bill.

There is no need for partisan politics. We had a bipartisan vote when this legislation passed the House this past week; and what better gift to give 25 million married working couples on this Valentine's Day than enactment into law the Marriage Tax Penalty Act.

THE STRUGGLE TO MANAGE GROWTH PROPERLY IS A KEY CONCERN FOR ALL AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in 5 short minutes, when I sit down, there will be 6 more Californians. Twenty-four hours from now, 1,700 people will either be born or move to the Golden State. This continued relentless growth, coupled with patterns of unplanned development, congestion, pollution, and the loss of open space has created a backlash in our Golden State. The front page of the Sunday New York Times yesterday contained a dramatic example of the controversy surrounding a huge development, the Newhall Ranch in the Los Angeles area, and what it represents for their community.

The struggle to manage growth properly is a key concern for all Americans, but the implications for California are critical. Just as families across America watched on Disneyland the progress on the Walt Disney Show every Sunday night for weeks during the mid-1950s, America has been watching the struggle to manage developed area in our Nation's largest State.

In the Los Angeles area alone, from 1970 to 1990, the developed area tripled to encompass an area the size of the State of Connecticut, growing six times faster than the growth in population.

This explosive growth is not just limited to Southern California. It has created a crisis in livability in the Bay Area, Silicon Valley, and the Central Valley, home to America's most precious farmland, arguably. Fresno County produces more agricultural product than 24 States combined. Yet, if the projections to triple its population with the current land uses are realized, there will be a million acres of farmland lost.

Since 90 percent of all of California's agricultural output is near the urban fringe, this has critical implications all across the State.

California has many examples of smart growth initiatives led by individuals like State Treasurer Phil Angelinas and his insightful report detailing how California State government can invest in smart growth. There are communities that have taken in their own hands to establish limits on urban growth and protect their natural resources through local initiatives.

The Silicon Valley Manufacturers Association for years has identified as the top priority for this business group affordable housing, protection of open space and transportation.

The wildly successful and popular Coastal Zone Management Program is an example of sound land-use planning in the State of California, but what the

State does not have is a statewide framework that would assure that every local government does its job and that nobody can grow at the expense of their neighbors.

It is time that the voters or the State legislature provide the same thoughtful framework for the rest of the State. Californians should also insist that Congress not stand idly by as they struggle to maintain the livability of their State.

Candidly, many of Congress' well-intended programs in the past, from massive water projects to the interstate freeway system, have fueled California's explosive growth and some of the problems. There are simple steps that we can take here in Congress. We should require that the substantial sums of Federal money for infrastructure and water projects, road transit, should be spent only after careful planning and analysis to protect community resources and the environment.

The Federal Government should increase its investment in brownfield cleanup through subsidy low-interest loans and tax incentives and continue efforts to reform the brownfield and Superfund cleanup process.

The Federal Government should reform the flood insurance program, passing a little piece of legislation that the gentleman from Nebraska (Mr. BE-REUTER) and I call two-floods-and-you-are-out-of-the-taxpayers'-pocket so that the Federal Government no longer subsidizes people living where God has repeatedly shown that he does not want them.

The Federal Government should be leading by example, whether protecting the vast Federal resources like Yosemite Park, treating it like a livable community or leading by example by making sure that the post office obeys local land-use laws, zoning codes, and environmental laws.

The California experience is just one more example of why every politician in the year 2000 should have a program to promote livable communities, what the government can do to be a better partner to make our families safe, healthy, and economically secure.

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PERMANENT MOST FAVORED NATION TRADING STATUS FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, today I rise because of my concern about granting permanent normal trade relations to China.

Mr. Speaker, there are good people on both sides of this issue and as we consider granting China MFN; we need to be honest in our debate. Yesterday, the New York Times had an article written by Joseph Kahn with the headline, "Executives Make Trade With

China a Moral Issue." This article describes how some members of the business community in Florida approached one of our colleagues saying that passing MFN was a moral issue, that extending normal trade status to China is a moral necessity.

Mr. Speaker, this could be a dangerous line of reasoning for those who favor granting China MFN, particularly given China's human rights record.

In light of what so many Chinese citizens face at the hands of the Chinese Government, the term "moral" is of concern.

There are now at least eight Roman Catholic bishops being held in prison. Here is a picture of one of those, Bishop Jia. He had been arrested on August 15, 1999, been arrested to prevent him from conducting mass on an important Roman Catholic feast. He is 66 years old, has been in jail in a Chinese labor camp for 20 years.

I will tell the gentleman from Florida, this is a moral issue.

Just a few days ago, the Chinese Government arrested another Roman Catholic bishop, surrounding him late in the night by 150 policemen. Scores of Roman Catholic laymen were arrested. This is a moral issue.

Countless Protestant house church leaders have been arrested and imprisoned simply for practicing their faith. Here is a photo of Pastor Li showing the police grabbing him and taking him off to jail. He has been in and out of prison since 1983. This is a moral issue.

I have been to China. I have been to Tiananmen Square and seen where the tanks have rolled over the people and flattened them in the wake. I have been to Beijing Prison Number One where Tiananmen Square demonstrators were working on socks to export to United States. This, I would tell the gentleman from Florida, is a moral issue.

I visited Tibet several years ago. In Tibet the Chinese have raped and pillaged that peaceful country, committing untold atrocities upon the Tibetan population. Scores of Buddhist monks and nuns are in prison because of their faith. This is a moral issue. There are more prison labor camps in China now than there were when Solzhenitzen wrote the book "Gulag Archipelago." This is a moral issue.

The Muslims in China are being persecuted daily and no one speaks out. This is a moral issue.

As a Member of Congress, I am able to attend various national security briefings that I cannot go into here on the House, but I can say that the Chinese military presents fundamental dangers to the West and to our men and women in the armed services. We need to tread very carefully in our actions which give aid to the Chinese military and the government and who knows what the future may hold where the battle lines could be drawn. This is a moral issue.

The People's Liberation Army are dumping assault weapons into the United States that are killing women and children. This is a moral issue.

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So I would say that the Clinton administration and others in support of MFN should be careful in crafting their arguments in support of MFN by using moral language. This administration has done little or nothing to speak up with regard to China's human rights, going so far as to actually meet with the Chinese officials in Tiananmen Square. This administration has done nothing in many of these areas.

So, in closing, there are good people on both sides of the issue in this Congress who care deeply about this. The Congress is split, however. I would say we need to focus on the real moral issues; the persecution of the Roman Catholics, the persecution of the Protestants, the persecution of the Buddhists in Tibet, the persecution of the Muslims, the prison labor camps, and the threat to our national security. These are moral issues.

I would say to those gentlemen, have they written the State Department to ask that the pastor be released? Have they written the State Department to say, please, let the bishop out; he has been in jail for 20 years? My sense is they have not. And this, I would tell my colleagues on both sides of the issue, this is the moral issue that this Congress will have to face.

Every segment of the United States is opposed to granting MFN for China until there is improvement on human rights because the American people care deeply about these moral issues.

Mr. Speaker, I include for the RECORD additional information regarding this subject.

TIBET—A FIRST HAND LOOK—AUGUST 9-13, 1997

(By Representative Frank R. Wolf)

INTRODUCTION

I recently returned from a journey to Tibet where I visited during the period August 9-13, 1997. Accompanied by a member of my staff and by another Western man fluent in Tibetan and steeped in its culture, history and religion, we traveled with U.S. passports and on tourist visas issued by the government of China. At no time was I asked nor did I make known that I was a Member of Congress. Had I done so, I am sure that my visit would not have been approved just as other Members of Congress requesting permission to visit Tibet have been turned down.

No sitting Member of the U.S. House of Representatives has visited Tibet since China began in 1959 its relentless (and largely successful) effort to squeeze the life and very soul out of this country, its culture and its people. Only three U.S. Senators have visited Tibet in the last several decades and they were closely shepherded by the Chinese. Aside from U.S. ambassadors in Beijing and Assistant Secretary of State John Shattuck, I am unaware of visits by senior officials from any presidential administration during these years.

To be sure, an approved delegation visit to Tibet would not likely be all that revealing since frank conversations with individuals

could not take place. I cannot think of another place in the world where a tighter lid is kept on open discussion. Government agents, spies and video cameras guard against personal outside contact. Offenders, even suspected offenders, are dealt with quickly and brutally.

HUMAN RIGHTS PROTECTION

My interest in Tibet and the driving force behind my visit centers on work to help in stopping religious persecution and protecting basic human rights. In 1996, the House passed three measures concerning these issues, one specifically relating to Tibet. This year I introduced H.R. 1685, the Freedom From Religious Persecution Act of 1997, which contains specific provisions relating to Tibetan Buddhism. It has over 100 cosponsors. These are areas about which I and others care very deeply.

In Tibet humane progress is not even inching along and repressed people live under unspeakable brutal conditions in the dim shadows of international awareness. I want the world to know what is going on in Tibet. When people know, they will demand that China change its policy of boot-heel subjugation and end what one monk I met termed "cultural genocide."

I found that the PRC has a near-perfect record of vicious, immediate and unrelenting reprisals against the merest whisper of Tibetan dissent. I met with monks, men and women on the street and others who risked their personal safety and well-being to steal a few moments alone with me to tell me how bad conditions are in Tibet and to petition help and support from the West.

TIBET ON THE MAP

Tibet is known as the roof of the world and, indeed it is. The Tibetan plain rises above 12,000 feet. At night, with skies so clear, more stars beam down on the observer than one can imagine. Beneath this roof is the former home of the Dalai Lama, the religious leader who ruled the country from the impressive Potala Palace in the capital of Lhasa. In 1959, when China commenced a relentless program to erase Tibet from the pages of history, the Dalai Lama left his homeland for India where he and countless other Tibetans who followed remain in exile today.

Tibet is about the geographic size of western Europe with a Tibetan population of around six million. It has been estimated that in the past two decades nearly one million Tibetans have been killed, starved or tortured. At the same time the PRC has undertaken a program of mass infusion of Chinese people who probably now outnumber Tibetans in their own country. There are no valid census data, but some estimate that in the capital of Lhasa there are about 160,000 Chinese and only about 100,000 Tibetans. The difference in numbers may be less startling in remote areas but the inescapable conclusion is that China is swallowing Tibet. Stores, hotels, bazaars, businesses and tradesmen are largely Chinese. Storefront signs bear large Chinese writing beneath much smaller Tibetan inscriptions. Driving out from Lhasa, one encounters as many Chinese villagers, shepherds, farmers, construction workers and travelers as Tibetan. In short, Tibet is disappearing.

Tibet lies along the border of Bhutan, Nepal, India and Pakistan and is rich in resources including agriculture, timber and minerals. Its importance to China is both strategic and economic. China seems certain to maintain its death grip on this land and strives to do so behind sealed doors. There is no independent press in Tibet. I did not see a single newspaper or magazine available to the people. Television is extremely limited and tightly controlled by the PRC. Outside press is not welcome and not allowed. Only

Voice of America, to which virtually all Tibetans listen, and Radio Free Asia, which is relatively new, beam information into Tibet. Nothing goes the other way except slips of information carried out by occasional tourists and visitors.

TIBET UP CLOSE

What do the Tibetan people say? Before my trip I was told that individuals would seek me out as an obvious Western visitor to hear their story. I was also told this was very dangerous to them; that informers were everywhere and being caught talking to a westerner was a guaranteed ticket to prison and more. Frankly, I was skeptical that anyone would approach us. I was wrong. Someone took advantage of almost every opportunity for a guarded word or two.

During our first encounter with a Tibetan who realized we were westerners and one of us was fluent in Tibetan, we found that he could not contain himself. "Many are in jail, most for political reasons." We saw Drapchi prison, which is off the beaten path in a slum area. Guards in pairs were ever present.

We saw the Sangyip prison complex and then Gusta prison. Prisons seem to be a growth industry in Tibet. We told the Tibetan not to take chances. He said it is so important that we see these places that he didn't care and we continued on what had become a nightmare tour. We passed the main security bureau, the intelligence headquarters and then the prison bureau, each heavily guarded. All the while we heard about monks and nuns and common men and women who were dragged away to prison and tortured. He said, "Don't worry about me at all," and continued to tell of the torture to which prisoners were subjected.

They are routinely beaten with sticks and kicked and poked with electric sticks (cattle prods with a huge electric charge). Political prisoners are isolated from the general prison population and kept in unlighted and unheated areas with no sanitary or medical facilities and almost no food or water.

He added that the people have no rights. They cannot talk freely. Even though Tibetans view the Dalai Lama as their spiritual and political leader, they are forbidden to show their love for him. Possessing a picture of the Dalai Lama is an offense which could draw harsh and brutal punishment and imprisonment. "We (Tibetans) must have permission from the Chinese to do everything," he said. "We can do nothing on our own."

He further said, "The Chinese say we have freedom of religion but it is a life. Despite the Chinese saying that Tibetans have freedom, there are no freedoms—not even one. Everything is controlled by the Chinese and we are repressed. We listen to Voice of America say that the West supports Tibet, yet they continue doing business with China. That doesn't help. Tibet feels left out and ignored."

"The Dalai Lama has asked America and Taiwan for help," he continued. "Please help the Dalai Lama because we are being ruined. The Chinese send Tibetan children to China for education and teach them Chinese ways. Tibet is disappearing little by little. The Tibetan language is being increasingly de-emphasized in schools and our culture is being wiped out."

All this from one man telling of his agony and the agony of his people. Yet, he ended by saying, "I am not afraid. Someday the sun will again shine in Tibet." Throughout, we found overwhelming support for and faith in the Dalai Lama by every single Tibetan with whom we had contact.

RELIGIOUS PERSECUTION

We visited numerous monasteries where monks, nuns and others sought us out. Their stories amplified what we had already

learned. Every monastery we visited was tightly controlled by a small group of resident Chinese overseers. Every report was heard told of a dramatic reduction in the number of monks at each monastery. Many were imprisoned for not turning their back on the Dalai Lama or even refusing to give up pictures of him. Young monks under 15 (it was possible to enter a monastery as young as 6 years of age) were turned out. Since the cultural revolution many monasteries had been largely destroyed. Rebuilding has been painfully slow.

The slightest resistance to Chinese interference was met by the harshest punishment. It was common to hear reports of monks being imprisoned, many during "reeducation" which involves turning one's back on the Dalai Lama. Imprisonment is for a long time. Imprisonment means years of brutal beatings with infrequent visitors from the outside. And when imprisonment finally ends, monks are expelled from their monastery and exiled to their home village. Many try to escape to India or Nepal. Many do not make it.

We were told on several occasions that all monks are afraid. When asked what message they would like me to take back to America, I was told to say that they are not allowed to practice their religion and that the people are suffering greatly. Their biggest hope is to be free from China. One said, "Please help us. Please help the Dalai Lama." He said if he were overheard talking to us he would immediately be put in prison for four or five years.

Other monks voiced their concern with not being free to practice their religion. Hundreds have been imprisoned simply for not removing pictures of the Dalai Lama from places of worship. Their prayers are restricted and they have few opportunities to talk away from the overseers, even in the monastery.

From monasteries all around Lhasa and the surrounding area, the message was the same. I am reluctant to be too specific in describing conversations because I do not want them traced back to a specific monk or person. To do so would be to impose a heavy sentence and punishment on someone already suffering an unbelievable burden.

At one place we met a woman at worship. When she realized we were American, she burst forth. As she talked she began sobbing. Tears poured down her face as she told us of conditions. She said, "Lhasa may be beautiful on the outside but, inside, it is ugly. We are not allowed to practice what we want to practice. Senior monks are gone and there are no replacements and they are our teachers."

Asked for a message to America, she said, "Please help us. Please help the Dalai Lama. When there is pressure from the West, things loosen up a bit before returning to as before. Please have America help us."

Every single person with whom we spoke had positive feelings toward America. We were always given a thumbs up or a smile or a comment such as, "America is great." People would not stop talking to us, even when their safety was threatened. Sometimes we had to turn away just to keep them from being seen talking with us. Some even risked exposure by gesturing to us from roof tops to meet with them.

THE CHINESE STRANGLEHOLD

China's assault on the city, the countryside and the environment has been no less harsh than its assault on the people. Tibetan areas in Lhasa are being demolished and replaced with smaller and more confined structures with the remaining space given over to Chinese uses. The area at the base of the Potala Palace has been completely leveled

and a new open space similar to Tiananmen Square has been created. Forests are being leveled and many have seen convoys of trucks piled with timber moving north into China.

This is not a pretty picture. The glowing reports of progress from Beijing or Shanghai where business is booming, skyscrapers are rising and industry, education and the standard of living are all soaring has a false ring when heard from the plain of Tibet.

America and the rest of the free world must do more to urge China to back off from its clear goal to plunder Tibet. The true story of Tibet is not being told. Aside from a courageous few journalists working largely on their own, the real story about Tibet is not reaching our ears. America and others must strive for more open coverage.

The U.S. government's policy seems to be based solely on economics; to open more and more markets with China and to ignore every other aspect of responsible behavior. The American people need to hear this message about Tibet. Knowing the real story, I believe the American public will decide that we need to do better and that we can do better. I hope this report is a beginning.

The clock is ticking for Tibet. If nothing is done, a country, its people, religion and culture will continue to grow fainter and fainter and could one day disappear. That would indeed be a tragedy. As one who visited a Soviet prison camp during the cold war (Perm Camp 35) and Romania before and immediately after the overthrow of the ruthless Ceausescu regime to see things first-hand, I believe conditions in Tibet are even more brutal. There are no restraints on Tibet's Chinese overseers. They are the accuser, judge, jury, prison warden and sometimes executioner rolled into one. Punishment is arbitrary, swift, vicious and totally without mercy and without recourse.

CONGRESSIONAL DELEGATION TO THE SOVIET UNION AND PERM LABOR CAMP 35, U.S. REPRESENTATIVES FRANK WOLF AND CHRIS SMITH, AUGUST 4-11, 1989—FINAL REPORT DELEGATION FINDINGS AND FOLLOW-UP, OCTOBER 1989

This report provides a brief account of the findings of the Wolf/Smith delegation to the USSR, outlines our joint follow-up initiatives, and offers recommendations for U.S. officials and non-government organizations and activists interested in the progress of legal and penal reforms, prison and labor camp conditions, and the status of alleged political prisoners.

Purpose of the trip: Inspection visit to Perm Labor Camp 35 and substantive discussions on legal and penal reforms and human rights. U.S. Reps. Frank Wolf and Chris Smith, accompanied by Richard Stephenson of the U.S. State Department, interviewed 23 of the 38 inmates reportedly still in Perm 35 at the time of the trip, and one inmate at the Perm investigation prison.

BACKGROUND AND FINDINGS

Perm 35, a Soviet correctional labor camp known for its severe conditions and mistreatment of prisoners, including prisoners of conscience, was the principal focus of our delegation. Marking the first time any U.S. or Western official has been allowed into a Soviet "political" labor camp, the trip's findings served to confirm and amplify much of the existing documentation on camp conditions and the existence of many prisoners believed to be incarcerated for basically political activities.

Helsinki Watch, Amnesty International, and others, including former prisoners themselves, provided background information for this trip. Many well-known political prisoners have been confined in the Perm Camp

complex, which now includes only Perm 35: Natan Sharansky, Professor Yuri Orlov, Alexander Ginsburg, Deacon Vladimir Rusak, Father Alfonsas Svarinskas, and many others.

Interviews with prisoners ranged from 5-40 minutes, all in the presence of camp administrators and an official of the Soviet Ministry of Internal Affairs (MVD). We viewed punishment cells and other areas of the camp and were permitted to take photographs and videotape much of the camp and our interviews with prisoners.

The broader purpose of the delegation was to discuss Soviet progress toward legal reforms advancing the "rule of law" in Soviet society. That is, our discussions focused on the need to institutionalize the positive changes occurring in Soviet human rights practices, open up the Soviet prison and labor camp system to greater scrutiny, and establish due process. We held discussions with Ministry of Foreign Affairs (MFA) officials on legal reforms, including the critically important draft laws on "freedom of conscience" (whose principal impact will be upon religious communities), draft laws on emigration, and reform of the Soviet criminal code. The delegation questioned representatives of the Procurator General and Ministry of Internal Affairs (MVD) regarding the Soviet penal system.

As members of the U.S. Commission on Security and Cooperation in Europe (Helsinki Commission), we emphasized that our interest in proposed Soviet legislation is to find indications that changes are systemic and not simply arbitrary. We reminded Soviet officials of the importance which the American people place on respect for fundamental human rights like freedom of speech, peaceful assembly and the right to publish and organize independent groups. While not presuming to "teach" this to the Soviets, we spoke about the lasting impression such changes would make on the American people. For religious believers, in particular, a well-written law on conscience will offer legal recourse should local authorities decide to be heavy-handed. With respect to the 1991 Human Rights Conference in Moscow, we stressed that the adoption and implementation of laws guaranteeing freedom of conscience will have a direct bearing on U.S. support and enthusiasm for the Conference.

The rights of religious believers, including those in prison, was our major concern in meetings with the MVD, Council on Religious Affairs and religious officials, including the All-Union Council of Evangelical Christians/Baptists (Baptist Union). We also spoke with activists and dissidents in the religious communities, including former prisoners, to find their perspective on the present situation for religious communities in the USSR.

Our visit to Perm Labor Camp 35 was a key element in the overall equation of assessing Soviet human rights performance. The Soviet "gulag" (Russian acronym for the Soviet labor camp system) remains a stark symbol of "old thinking" in a country where political reform and dissent are coming into the open. Glasnost, or openness, has failed thus far to penetrate into the gulag, either to change conditions in the labor camps or to impact penal procedures which have led to systematically cruel and unusual punishment. It is important to recognize that the lingering fear of incarceration in the Soviet gulag threatens to hold hostage any meaningful reforms in Soviet society. Bringing "glasnost to the gulag" is an important step the Soviets can take to deal with concerns that President Mikhail Gorbachev's reforms might be reversed or undermined.

We have urged the Soviets to begin a process of opening up prisons and labor camps to

independent human rights monitors, both Westerners and Soviet citizens. We have encouraged human rights organizations to request access to prisons and labor camps. And finally, we pressed the Soviets to permit visits by clergymen and to allow religious literature into prisons and labor camps.

Our foremost concern remains the plight of the 24 prisoners whom we met in Perm 35. They have endured severe conditions and several of them are already counted by the United States among the nearly one hundred remaining suspected political prisoners in the Soviet Union. U.S. human rights policy has long embraced advocacy for individual prisoners' cases, a practice rooted in American values recognizing the inherent dignity and rights of each human being.

Our evaluation of the Perm 35 cases in question is based on the claims of several inmates that they are political prisoners, the documentation of human rights groups which support those claims, and the findings from our interviews. Our conclusion is that, regardless of any dispute over these definitions of political prisoners, most of these prisoners would not be prosecuted for similar "crimes" today, or their offenses would be treated far less severely. In view of the excessive punishment endured by these prisoners, we have called on the Soviets to reexamine their cases in the context of "new political thinking" and release them on humanitarian grounds.

FINDINGS ON PERM CAMP 35

The prisoners and camp conditions

Mikhail Kazachkov has spent nearly 200 days of his 14-year incarceration in punishment cells, up to 15 days at a time in the "shizo" cell.

We were given a rare glimpse of the infamous "shizo." Veterans of the Soviet gulag have provided vivid accounts of this notorious four-by-eight-foot cell. It contains a wooden plank fastened to the wall on which to sleep, with no bedding or blankets, and a cement stump on which to sit. The cell, and the punishment, is designed to make the natural cold of a Soviet labor camp that much more severe—that is, the unbearable, cold temperature is used as torture. Prisoners complained that it is difficult to sleep on the hard, narrow plank. The walls are made of a rough pointed-like concrete, which scrapes and cuts prisoners who might lean or sleep up against it.

We had to insist that Kazachkov be offered the opportunity to speak to us. He had been moved from Perm 35 to the Perm investigation prison shortly before our visit. While describing some instances of physical abuse in Perm 35, Kazachkov explained that general-purpose beatings were no longer a regular occurrence in Perm 35. Kazachkov suffered an injured arm in trying to resist a forced head-shaving, a practice which he described as a widespread form of humiliation against Soviet prisoners.

Kazachkov, imprisoned in 1975 one week after applying to emigrate, recently led eight other inmates at Perm 35 in a work strike to protect unsafe working conditions. Together these prisoners formed a Helsinki/Vienna human rights monitoring group in Perm 35. Through completely within their rights under the Helsinki Accords and the 1989 Vienna agreement "to promote the Helsinki process," camp authorities used harsh measures to stop them. Just three weeks after our visit, Kazachkov was singled out for his role in the protest. He was put on trial for "refusal to work" and sentenced to serve the next three years of his 18 and one-half year term in the more severe regime of Chistopol Prison.

We interviewed 23 inmates in Perm Labor Camp 35 who requested to meet with us. A

theme running through their stories emphasized the conditions and treatment of prisoners in the camp: long periods of isolation in punishment cells, severe cold used as torture, and being cut off from family and friends due to routinely intercepted mail and arbitrarily canceled visits. We were never allowed to meet alone with any prisoners. Prisoners gave their side of the story boldly and bravely, several of them condemning the abuses of the KGB and camp officials in their very presence. Many, though not all, of the 24 inmates we met (those in Perm 35 plus Kazachkov) claimed to be political prisoners. Many of the prisoners expressed thanks to those in the West who had written letters to Soviet officials on their behalf and to them personally.

We sought and received assurances beforehand from Soviet officials in the Procuracy, Ministry of Internal Affairs and the camp that no retribution would be brought against any prisoner. We repeated this Soviet promise loudly during meetings with many prisoners. The prisoners told us there had been reprisals against some who met with New York Times reporter A.M. Rosenthal during his visit to Perm 35 in December 1988 (the first visit by any Westerner to a labor camp). Some prisoners said that they understood reprisals were a possible consequence of speaking to us; however, we continued to stress that assurances had been given by the Soviets that there would be no reprisals. One prisoner simply said, "there is nothing more they can do to us."

Most of the Perm 35 cases demand a review by the Soviets, including the following:

Oleg Mikhailov said that he was put in "shizo" simply for requesting to meet with Rosenthal. Mikhailov was imprisoned in 1979 on charges of "treason to the motherland" and "anti-Soviet agitation" for preparing to steal and escape the country in a cropduster plane. He condemned the Soviets for their treatment of prisoners. Although one and one-half years of internal exile remain on his sentence, the Soviets have stated that the system of exile has been abolished. Mikhailov is due to be released October 21.

Byelorussian Christian Alexander Goldovich was charged with "treason" for attempting to flee across the Black Sea in a rubber raft, and carrying pictures allegedly depicting how bad life is in the Soviet Union. Goldovich admits to having the pictures, which the Soviets charged was secret information, and explains that they were snapshots of his apartment.

Goldovich is a physicist. Arrested April 21, 1985. Sentenced December 2, 1985, to 15 years strict-regimen labor camp and 5 years exile on charges including treason (Article 64), anti-Soviet agitation and propaganda (Article 70) and leaking government secrets. Accused of attempting to escape from the USSR and intending to leak secret information. To be released April 2005.

Goldovich had requested a Bible during the Rosenthal visit to Perm 35. He was denied one by camp authorities. We gave him a Bible and offered Bibles to any other prisoners who wanted one—all but two did. The Soviets assured us they would be allowed to keep them. Several times, he thanked people in the West for writing on his behalf. Asked whether there is any glasnost in the Perm camp, he replied, "No, not in the smallest degree." Goldovich's case has been raised continually with the Soviets.

Ukrainian Bohdan Klimchak attempted to flee from the USSR to Iran carrying his science fiction short stories, which he intended to publish abroad. After nine days in Iran, he was returned to Soviet custody. His writings were deemed "nationalistic," and he was arrested in November 1978 and sentenced to 15 years strict-regimen labor camp

and five years exile. His sentence was reduced under amnesty and Klimchak was due to be released in September 1989 (end of exile around March 1992). Convicted under Articles 64 ("treason") and 70 ("anti-Soviet agitation and propaganda") of Soviet criminal code.

Ruslan Ketenchiyev, a lathe worker, was arrested August 27, 1982, charged with "treason," and sentenced to 10 years strict-regimen labor camp. Ketenchiyev tried to contact American journalists and U.S. embassy personnel in order to emigrate to the West. Instead of the American diplomat he expected to meet, a disguised KGB agent entrapped him and he was prosecuted on treason charges. His sentence reduced under amnesty, Ketenchiyev is due to be released January 21, 1990.

Ketenchiyev told us of terrible conditions and various punishment methods in Perm 35, including the well-documented use of cold in punishment cells. He particularly noted the lack of medical care in the camp. Responding to prisoners' formal complaints about the extreme cold, camp doctors declared the temperature in punishment cells to be sufficiently warm.

Leonid Lubman, an economist and electronics engineer, was arrested August 29, 1977, charged with "treason," and sentenced to 13 years strict regimen labor camp. He is scheduled to be released on August 29, 1990. Lubman compiled a manuscript providing 30 profiles of corrupt officials and attempted to send it abroad.

Lubman may have become mentally disturbed in labor camp and suffers from chronic headaches and stomach ailments. He looked well over his 50 years and spoke much slower than the others we met. He said the authorities have an interest in not releasing him because he has learned the methods of his incarcerators. He described some sort of torture, which sounded like electrical shock and exposure to infrared waves. He said he was punished after the December 1988 visit by Rosenthal to Perm 35.

Resolving the Perm 35 cases

Many of the acts committed by those in Perm 35 would not have been considered crimes under Gorbachev. Although the Soviets frequently contend these prisoners are criminals, Soviet officials have repeatedly declined to open their files. They refused to open the files to us, although the U.S. State Department has provided court records and case files to the Soviets on disputed U.S. cases. The exception was a brief look at Kazachkov's file when Procuracy official Alexander Korshunov sought to refute charges of punishment made by Mikhail Kazachkov. When the open file revealed a picture of a head-shaved Kazachkov, it was quickly snapped shut.

Prior to the signing of the Vienna Concluding Document, in December 1988, Mikhail Gorbachev declared at the United Nations that there are no longer any persons in prison "sentenced for their political or religious convictions."

However, the release of remaining political prisoners was made a condition for U.S. agreement in Vienna to schedule a Helsinki follow-up conference in Moscow in 1991. The Vienna agreement was signed in January 1989. The Soviets subsequently agreed to a process of review for most of nearly one hundred prisoners remaining on U.S. political prisoner lists. Many of these "disputed cases" are the cases of those we met in Perm 35.

The prisoners who remain in Perm 35 are held under basically three charges: attempting to flee the country (including hijacking, in some cases); war crimes; and espionage. Many languish under Article 64 of the Soviet criminal code, "treason" in combination

with more clearcut political offenses like Article 70, "anti-Soviet agitation and propaganda."

Soviet officials claim they hold no political prisoners because all who were sentenced exclusively under one of the four purely political criminal code articles (like Article 70, those used to prosecute free speech, peaceful assembly, etc.) have been released in amnesties under Gorbachev.

Prosecution on charges of treason for the forbidden activities of the Brezhnev era no longer makes sense in today's Soviet Union. Article 64 was interpreted far too broadly under Soviet law and used to threaten prisoners with capital punishment and to extract testimony before they have even seen a lawyer. Those who landed in Perm 35 for acts of violence related to hijack attempts, or other acts of violence, are not political prisoners, although cruel punishment should not be simply excused in their cases either. It is high time, however, for review of the excessive punishment meted out for nonviolent "crimes" that would not be prosecuted today, or would be treated far less seriously.

We conveyed to the Soviets that it was in the interests of all sides for these cases not to linger beyond preparations for the Vienna Follow-up Meeting at Copenhagen in 1990. Should they linger until the already controversial Moscow Human Rights Conference in 1991, the Soviets would face a great embarrassment.

While these prisoners' cases remain unresolved, we sensed from our discussions the Soviets' desire to be cleared of the charges that political prisoners remain. Therefore, we call on the Soviets to reexamine these cases in view of their "new political thinking" and release them on humanitarian grounds.

PROSPECTS FOR LEGAL AND PENAL REFORMS

To the Soviets' credit, the kind of access we were granted to Perm 35 would have been unthinkable even months ago. The Soviets have closed down two political labor camps in the vicinity of Perm 35 for lack of need as a result of prisoner amnesties. Soviet authorities say that they have removed hundreds of camp guards responsible for past human rights abuses. Officials of the Soviet Procuracy, as well as the new Supreme Soviet legislature, have talked about penal reforms. The highest ranking Soviet procurator supervising Legality in Correctional Facilities, Yuri Khitrin, admitted to us that it was necessary to discuss "humanizing" the Soviet penal system.

These statements would bode well for the prospect of reform. However, the practical impact on prison and labor camp conditions has thus far been minimal, and the Soviets have publicly stated few commitments to improve or reconstitute their gulag practices. On the other hand, the Soviets have promised for more than two years to institute legal reform which will decriminalize political dissent.

We discussed legal reforms with officials of the Council on Religious Affairs. Deputy Minister Alexander Ivolgin explained to us that they were reluctant to discuss a draft of "laws on conscience" which we put before them—one of two thus far published. Ivolgin claimed that the new law on religious groups had not yet been formally drafted for consideration by the Supreme Soviet. An official from CRA's legal office, Tatyana Belokopitova, offered a very disappointing response on the question of requiring registration of religious groups. The latest proposal would establish the right of "judicial person" (legal recourse) only for religious groups who submit to registering with central religious authorities. This proposal would fail to resolve either the present lack

of legal rights for all churches or the desire of many believers not to register—it would instead pit these concerns against each other.

In a meeting with First Deputy Foreign Minister Anatoly Adamishin, the question of new religious laws was side-stepped by referring us to the Council on Religious Affairs. However, Mr. Adamishin assured us that the Supreme Soviet would place a high priority on new religious laws during its fall session. He was less optimistic about action on draft emigration (exit/entry) legislation. In general, Adamishin declared that economic and constitutional reforms would take precedent over both matters. On freedom of conscience, Adamishin commented, "We used to have a problem in regards to freedom of conscience, but we never had a total absence of religious freedom. The freedom to perform religious rites was always allowed, so we are not starting from scratch."

Regarding penal reforms, there appears to be a much tougher hill to climb. We met with a panel of procurators and investigators from the All-Union Procuracy and Ministry of Internal Affairs who denied our references to the arduous conditions in prisons and labor camps. We encountered a Soviet willingness to discuss "rule of law" questions, even while some observations caused a degree of discomfort: prosecutors bring charges only with sufficient evidence for a presumption of guilt; they are held responsible for "losing" cases; and all trial attorneys are answerable to the Procurator General.

We raised the issue of establishing due process for charges brought while prisoners are serving sentences—no sooner had we left than Mikhail Kazachkov was victimized for such pitfalls in the Soviet system. We identified those issues raised by former prisoners: cruel punishments, malnourishment, inadequate medical care, severe restrictions on family visits. We were assured that draft legislation excludes provisions which disallowed family visits in the past. In addition, we were told that the Procuracy now shares the responsibility for supervision of correctional facilities with public commissions under the new Supreme Soviet which guarantee "law, legality and order."

The Soviets indicated openness to future visits to prisons and labor camps by official and non-official groups. Mr. Khitrin offered agreement in principle to a follow-up visit by Director of the U.S. Bureau of Prisons, Mr. Michael Quinlan, and Chairman of Prison Fellowship International, Mr. Charles Colson. We mentioned that groups such as Amnesty International, Helsinki Watch and the International Red Cross should be permitted access to prisoners in prisons and labor camps to monitor and report on conditions. We advocated on behalf of independent Soviet monitors who wish to have access to correctional facilities.

Finally, we received assurance that prisoners could have Bibles and other religious literature and that clergy would be allowed to visit. Both have been forbidden in law and practice in the past. Khitrin told us that a decision had been made that from now on "all correctional labor colonies will have Bibles in necessary quantities and permit ministers of faith to visit." We urged the Soviets to put such commitments into practice by granting requests to visit prisons and camps.

FOLLOW-UP AND RECOMMENDATIONS

Release of Perm 35 prisoners

We have an obligation to work for the immediate release of all remaining Perm prisoners on humanitarian grounds. The Soviets are obligated to release all political prisoners in compliance with their commitments under the Helsinki Final Act and Vienna Concluding Document. In addition, one criteria for agreeing to the Moscow Human

Rights Conference was the release of all political prisoners. While Soviet authorities have raised questions in connection with many of these cases, we as members of the Helsinki Commission have argued that the burden of proof is on the Soviets to prove the individuals in question are criminals. We have initiated or recommended the following action on behalf of remaining prisoners, including those in Perm 35:

(1) We have publicly called on the Soviets to release all those in Perm 35 convicted for nonviolent acts. We believe that in view of the excessive and cruel punishment these prisoners have suffered, a positive Soviet response would signal a truly humanitarian gesture.

(2) We have written Secretary of State James Baker to urge him to continue the practice of raising individual cases at the highest levels in U.S.-Soviet dialogue.

(3) We have discussed Soviet reforms and the status of prisoners with Deputy Secretary of State Lawrence Eagleburger, urging that human rights remain a top priority in U.S.-Soviet relations. While Soviet human rights improvements have occurred, we should continue identifying problems that persist and pressing our concerns while the Soviets seem willing to discuss and respond to them.

(4) We have urged human rights groups to advocate the immediate release of political prisoners.

(5) We urge concerned Westerners to reinvigorate campaigns on behalf of these prisoners, including letter-writing to Soviet officials, camp authorities and to the prisoners themselves.

Advancing glasnost to the gulag

The Soviets should begin a process of opening up prisons and labor camps to interested individuals and human rights groups. Only by following our inspection visit by permitting further visits will the Soviets make progress in erasing the Stalinist stigma of the gulag.

(1) We have urged Westerners and human rights organizations to request to visit prisons and labor camps and meet with prisoners in order to report on conditions.

(2) We have urged members of the media, particularly the Moscow press corps, to make visits and report on prisons and labor camps. Since our visit, a few members of the media have been granted access to camps.

(3) We have helped to secure official Soviet approval for the visit of Bureau of Prisons Director, Michael Quinlin, and Prison Fellowship International chairman, Charles Colson, to visit several prisons and labor camps in the USSR and discuss reforms and ways to reduced crime and recidivism in that country.

(4) We have urged that Western Leaders and human rights groups advocate on behalf of Soviet citizens who wish to visit prisons and labor camps, including clergy to perform rites or offer pastoral counsel.

(5) We have raised these concerns in congressional hearings, and support Helsinki Commission hearing to focus on conditions in the Soviet gulag.

Reforms

(1) We have shared our findings on the progress of legal reforms—including "freedom on conscience," freedom of emigration, and criminal code revisions—with prominent non-government organizations and urge their continued vigilance in encouraging further institutionalization of basic freedoms and that such laws be consistent with international law and with CSCE commitments.

(2) We have raised concerns about Soviet legal reforms in recent hearings sponsored by the Congressional Human Rights Caucus and, in the past, in CSCE hearings.

(3) We have expressed our support to Soviet and American officials for programs developed in a human rights framework to promote Soviet Progress on "rule of law" issues and in other areas where U.S. expertise is helpful and welcomed by the Soviets.

PRISONERS MET AT PERM 35

Following is the list of prisoners (not all of them are necessarily political prisoners) who spoke with Reps. Wolf and Smith at Perm Labor Camp 35 in August 1989. For more information on these prisoners and their cases, please contact Helsinki Commission (U.S. Commission on Security and Cooperation in Europe, House Annex 2, Room 237, Washington, DC 20515).

Mailing address for prisoners (Moscow post office box): SSSR, RSFSR, S. Moskva uchr. 5110/VS, Last name, First initial.

Aleksandr Goldovich, Ruslan Ketenchiyev, Bogdan Klimchak, Lenoid Lubman, Viktor Makarov, Nikolay Nukradze, Aleksandr Rasskazov, Mikhailov Kazachkov, Valery Smirnov, Oleg Mikhaylov, and Igor Mogil'nikov.

Yuriy Pavlov, Aleksandr Udachin, Arnold Anderson, Maksim Ivanov, Vyacheslav Cherepanov, Vadim Arenberg, Vladimir Potashov, Akhmet Kolpakbayev, Anatoliy Filatov, Igor Fedotkin, Vladimir Tishchenkov, Viktor Olinsnevich, and Unidentified Central Asian.

Acknowledgment: We wish to thank Richard Stephenson, Soviet Desk Officer at the State Department, who accompanied us on the trip to Perm 35, providing translation and other assistance.

□

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MORELLA) at 2 p.m.

□

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

O gracious God, the author of life and truth, be in our hearts this day with a message of faith and hope and love. May our faith be strong enough to stand against the schemes of evil that seek to turn people against one another; may our hope allow us to see a better and brighter day and honor the possibilities of the human experience; and may our love bind us together in such a way that we encourage one another, bear each other's burdens, and honor together all the gifts that You have so freely given to us. In Your name we pray. Amen.

□

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

□

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. UPTON) come forward and lead the House in the Pledge of Allegiance.

Mr. UPTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

□

JUSTICE DEPARTMENT INVESTIGATING THE JUSTICE DEPARTMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, when the Justice Department is accused of a crime, the Justice Department investigates the Justice Department. Think about it. Eighty Americans were killed at Waco Texas; the Justice Department investigated themselves. Eighteen of those killed at Waco were children, literally burned to death. The Justice Department investigated themselves. Unbelievable. Peers investigating peers; buddies investigating buddies. Who is kidding whom, Madam Speaker?

If the Justice Department was not guilty at Ruby Ridge, Idaho, when Vickie Weaver was shot right between the eyes, why did the Justice Department pay Randy Weaver \$5 million?

Beam me up. Congress should cosponsor H.R. 2201.

Madam Speaker, I yield back all the exonerating investigations, self-investigations, at the Justice Department.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,

Washington, DC, February 11, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 11, 2000 at 11:30 a.m. That the Senate passed without amendment H. Con. Res. 244.

With best wishes, I am
Sincerely,

JEFF TRANDAHLL,
Clerk of the House.