

The results were not accepted by everyone with equanimity, however. Following the parliamentary elections, in which some 90 percent of registered voters went to the polls to cast their ballots (a figure that should be taken as instructive even for mature democracies such as our own), some opposition groups organized protest demonstrations in the capital city of Addis Ababa.

In an unfortunate series of events, Ethiopian police and security forces shot at the crowd, killing about 40 of the demonstrators. Then, in October, another demonstration took place, in which some of the protesters came armed with clubs and grenades, resulting in the death of six police officers and another 335 officers injured. Forty-six protesters were also killed.

In mass arrests that took place following these demonstrations, more than 11,000 people were detained on a range of criminal charges, from misdemeanor public disturbance to plotting to overthrow the government. Of these, 2,000 remain in jail, awaiting trials that are scheduled to be within the next few weeks. The Ethiopian government has assured us that all the detainees have access to legal counsel and contact with their families, and that due process of law will be followed in each and every case that comes before the courts.

Ethiopia's Prime Minister, Meles Zenawi, established an independent commission to investigate the events and to bring recommendations for improving ways in which the police handle large crowds and demonstrations. He has stated publicly that he regrets the deaths, adding "I don't want to justify it when policemen get in a panic, but I can understand it when there are people throwing hand grenades and using guns."

These actions and assurances are very important, but the underlying situation remains disturbing. I would like to commend to my colleagues the recent remarks of Dr. Jendayi Frazer, who serves as assistant secretary of State for African Affairs. At a press briefing on December 5, Assistant Secretary Frazer was asked about the situation in Ethiopia, and she replied, in part, by saying:

We have condemned what's going on in Addis Ababa. We have done it here in Washington and our Ambassador, who is the Chargé, has done it in Addis Ababa. Basically, we've condemned the police shooting of demonstrators. We've condemned the broad-based arrests of demonstrators. So certainly we've been on—we are on the record as putting pressure on Prime Minister Meles to allow for greater freedom of assembly and certainly freedom of expression.

We have—my Deputy Assistant Secretary Don Yamamoto just returned from Ethiopia, in which he carried the same message to Prime Minister Meles and to the Foreign Minister. So we're continuing to hold the government accountable for allowing greater democratic space and respect for human rights.

That said, I must say also that it's the responsibility of the opposition as well because when the opposition takes stones and pelts the police forces, they have to respect the rule of law when they're demonstrating freely. And so I think that the responsibility—this is true of Ethiopia but it's true across Africa—there's responsibility that has to be there for both the opposition and for the government. Whereas we hold the governments even more accountable because they are supposed to be the upholders of the rule of law, we still must say when the opposition goes out of bounds as such.

And this is a very diverse opposition in Ethiopia. There are some who are demonstrating to sit in parliament, to create greater democratic space. There's others who are demonstrating to overthrow the government. And that's true that there are different—there are some who want to reclaim Eritrea.

So this opposition—there's democrats within the opposition and there are non-democrats within the opposition. I would say the same thing for the government. But still we hold the government more accountable for not allowing free demonstrations. We've called on the government to free the many who are jailed and we've called on them to free the leaders of the opposition who are in jail right now, who are detained. . . .

As I said, we've already pressured the Government of Ethiopia to release the detainees. We've been very, very clear. We've asked them to conduct free and transparent judicial processes for those who are not released and to allow international observers to be present at the trials. So we've been very clear and unequivocal in our message.

I met with Prime Minister Meles at the UN General Assembly with Under Secretary Nick Burns and we were very, very clear with Prime Minister Meles at that time. You know, that was prior to these demonstrations, but even at that time we were saying you have to respect the right of people, citizens of Ethiopia, to demonstrate freely and to express themselves freely, that there shouldn't be these wide-scale arrests.

And so we're going to continue. We have conversations constantly with members of the opposition. At the Africa Bureau at State Department we meet with them, we talk with them. We're meeting with them and talking with them and their families in Ethiopia. And so I think that we're very engaged. You know, we're continuing to put pressure. But I say this and I say this broadly and I'm not saying it about Ethiopia. I'm actually making a point about the progress of democracy in Africa. And the opposition also has to be responsible.

You know, and I'm saying this about—you know, across the continent. If you get—and this is—you know, the opposition in Ethiopia is a broad-based opposition. It's a coalition opposition. So I'm not speaking about any particular or in general. But I am saying that one of the elements of democratic progress that we need to see in Africa is real democrats in the opposition. You know, opposition leaders who want to be part of government; they want to be as democrats. You know, it's not personal. It's not sort of overthrowing governments. It's not—and I'm not—again, I want to be very clear. I'm not talking about Ethiopia here. I'm talking about oppositions in general.

As important as I see it in terms of the progress of democracy, we have to put a lot of emphasis on these independent national electoral commissions because they conduct the elections and they often count the votes. And so if we get these institutions to be credible, it will give greater confidence to civil society that they've had a free and fair election. So we need to strengthen these institutions. That's a key component of democratization. We need to hold accountable the governments that are not allowing a level playing field. We have to put more pressure on them to allow that level playing field.

And we also have to get the opposition to act responsibly. You know, many of them, as soon as they're about to lose, they then decide it was unfair or they decide to boycott because they know they're going to lose, you know. And so I think that there's all elements of society that are responsible for the progress of democracy.

Certainly in Ethiopia, we hold the government accountable. We've protested the arrests. We've protested the political violence with the Ethiopian Government and we are going to continue to do so. We're putting tremendous pressure on Prime Minister Meles.

(Source: State Department Washington File, December 7, 2005, "State's Frazer Heralds Spread of Democracy in Africa.")

Mr. Speaker, Assistant Secretary Frazer's remarks suggest a fair, balanced, and judicious approach to a sensitive and dynamic situation in Ethiopia. I urge my colleagues to monitor Ethiopia's emerging democracy in order to keep the pressure on both government and opposition there to respect the rule of law and protect civil liberties. This is important to U.S. interests because, to paraphrase the testimony of Ambassador Donald Yamamoto, stability in the Horn of Africa is a priority for the U.S. Government in the global war on terrorism.

PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 14, 2005

Ms. LEE. Mr. Speaker, on December 14, 2005, the House voted on H. Res. 575, a resolution stating that Hamas should not be permitted to participate in Palestinian elections. I voted "no" because this resolution is based on a faulty premise; that democracies should limit who participates in elections.

First, I want to be clear: I unequivocally denounce and condemn any and all terrorist acts, whether committed by Hamas or any other terrorist group. I believe that the United States should do everything within its power to strengthen President Abbas's ability to establish and ensure respect for the rule of law, to demand that all individuals renounce violence, and to successfully disarm all militant groups.

Participation of Hamas in elections and integration of Hamas into mainstream Palestinian politics is a risky strategy. However, demanding that President Abbas exclude Hamas from participation—and threatening consequences if he does not meet this demand—also involves risks, including undermining the nascent Palestinian democracy and sparking more bloodshed and possibly even civil war.

There is no question that Hamas can and must be disarmed. However, I do not believe the best way to achieve this is necessarily through ultimatums. I believe that the administration and Congress should be working with President Abbas to strengthen his authority, bolster moderates, and ensure that his own strategy for taking on militants—from Hamas and from other parties, including his own Fatah—succeeds. Our shared vision is for a stable and democratic Palestinian state where views are expressed through legitimate political channels rather than violence—a state where there is, as President Abbas has repeatedly stated, one authority and one gun. Our goal must be to find ways to make this happen.

As the former military governor of the West Bank and Israeli Deputy Defense Minister,

Ephraim Sneh, wrote in the Washington Post on October 19, 2005: "Attempts to postpone the elections yet again, or to prevent Hamas's participation, or Israeli disruption of the elections as 'punishment' for the participation of Hamas, will strengthen Hamas in the Palestinian street instead of weakening it. The short time left before the elections must be used to empower all who oppose Hamas, first and foremost the supporters of the elected Palestinian president, Mahmoud Abbas."

Mr. Speaker, I am committed to doing all we can to support the fragile peace in the Middle East. Sabre-rattling resolutions like this are only counterproductive.

INTRODUCTORY STATEMENT TO  
ACCOMPANY THE NATIONAL SECURITY  
LETTER AND CONGRESSIONAL  
OVERSIGHT ACT

**HON. JANE HARMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Ms. HARMAN. Mr. Speaker, two days ago, the House passed the conference report to H.R. 3199 reauthorizing certain expiring provisions of the USA PATRIOT Act.

The final bill failed to include adequate safeguards on national security letters, NSLs, which are requests for personal data and records issued directly by Government agencies without the approval of a judge.

NSLs have existed since the 1970s, but their use—primarily by the FBI—greatly expanded after 9/11. Using NSL authorities, the Government has collected and maintained data on thousands of Americans.

NSLs are important investigative tools, but their use has grown rapidly—and without adequate oversight.

NSLs may be issued by the FBI without asking a judge for a warrant. In this way, they differ from orders under the Foreign Intelligence Surveillance Act, FISA, for business records under section 215 of the PATRIOT Act, the so-called library provision. Section 215 orders must be approved by a Federal judge.

NSLs have been characterized as "back doors" for obtaining library and other records that may not be available under FISA. If 215 orders can be called "fishing licenses," then NSLs allow fishing without a license.

Defenders of NSLs liken them to grand jury subpoenas. However, they are different in important respects. First, grand jury subpoenas may only be issued by a U.S. Attorney as officer of the court. NSLs may be issued by an FBI agent in the field without any review by a jury or court. Second, grand jury subpoenas may only be issued after suspicion that a Federal crime has occurred; for NSLs, the standard is much lower—requiring only that the information sought is "relevant" to a national security investigation.

Congressional oversight of NSLs is almost nonexistent. Congress receives a classified one-page summary listing aggregate numbers of NSLs at least 6 months after they are issued. These reports are essentially meaningless and are the only oversight Congress at present exercises.

Clearly, there is a need to reform NSL standards and processes. This bill addresses

this need by incorporating checks and balances on the front-end and back-end of the process.

On the front-end, the bill: Restores the pre-Patriot Act standard for issuing NSLs: the government must show a specific connection to a terrorist or foreign power before an NSL could be issued; requires approval of each NSL by a FISA Court or designated federal magistrate judge; requires the FISA Court to set up an electronic system for filing NSL applications, so that requests are expedited and investigations will not be slowed down.

On the back-end, the legislation: Provides a Sense of Congress that, in cases where an NSL recipient challenges the "gag"/non-disclosure requirement, the government's certification that harm to national security will occur shall be treated as a "rebuttable" presumption, not as "conclusive" evidence that harm would occur; requires minimization procedures to ensure destruction of information obtained through NSL requests that is no longer needed; and requires detailed semi-annual reports to the Congressional Intelligence and Judiciary Committees on all NSLs issued, minimization procedures, court challenges, and how NSLs aided investigations and prosecutions.

We must arm our investigators with the tools to catch terrorists, spies and others who threaten our national security. But, we must do so in a manner that protects the cherished liberty and privacy expectations of U.S. citizens.

This legislation will not hobble the investigative process nor hamper our pursuit of the terrorists. It will impose much-needed accountability and oversight.

TRIBUTE TO HUBERT WILKENS

**HON. IKE SKELTON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Hubert Wilkens of Concordia, MO, who recently received the Safe Driver Award from OATS Public Transportation. He has distinguished himself and the Concordia community with dedicated service.

Hubert Wilkens was given the Safe Driver Award for 4 years of driving the OATS bus without an accident. Mr. Wilkens picks up senior citizens from the city of Concordia and the outlying rural area. He transports them to the grocery store, doctor, chiropractor, dentists appointments and to the Concordia Senior Center.

Mr. Speaker, Hubert Wilkens has been dedicated to making the City of Concordia a better place to live. I am certain that my colleagues will join me in wishing him and his wife Eunice all the best.

PERSONAL EXPLANATION

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. McDERMOTT. Mr. Speaker, I was unavoidably detained earlier today and therefore missed the vote on House Resolution 534.

Were I able to vote, I would have voted in support of the resolution.

RECOGNITION OF THE CENTER  
FOR RESEARCH ON EVALUATION,  
STANDARDS, AND STUDENT  
TESTING (CRESST)

**HON. HOWARD P. "BUCK" McKEON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. McKEON. Mr. Speaker, I rise to recognize the University of California at Los Angeles' (UCLA) Center for Research on Evaluation, Standards, and Student Testing (CRESST) for their work in helping to improve education performance.

For more than 30 years, the UCLA Center for the Study of Evaluation (CSE) and, more recently, CRESST, have been on the forefront of efforts to improve the quality of education, training, and learning in America. Located within UCLA's Graduate School of Education & Information Studies, CSE/CRESST has pioneered the development of scientifically based evaluation and testing techniques, vigorously promoting the accurate use of data, test scores, and technology for improved accountability and decision making. Their work has been used in both civilian and military learning sectors. CRESST has created products used by schools serving millions of students and adopted force wide by the Armed Services. They are also an internationally recognized leader in education assessment and evaluation.

UCLA/CRESST is truly a center of excellence for educational research, development, and evaluation. I look forward to their being able to continually serve our great country and to assisting the numerous federal agencies that need effective and objective education and training research, development, and evaluation techniques.

RECOGNIZE AND CONGRATULATE  
CHIEF DEPUTY C. PHILLIP  
BYERS FOR BEING SWORN IN AS  
SHERIFF OF RUTHERFORD COUNTY

**HON. PATRICK T. McHENRY**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 16, 2005*

Mr. McHENRY. Mr. Speaker, Rutherford County, in the 10th district of North Carolina, will be swearing in a new Sheriff on December 30th of this year. I would like to recognize and congratulate the extremely qualified Chief Deputy C. Philip Byers on becoming Sheriff of Rutherford County.

Sheriff-elect Byers has 15 years of law enforcement experience under his belt, and has faithfully served the Rutherford County Sheriff's Office for the past 4 years as the Chief Deputy. Having degrees from Appalachian State University and Western Carolina University, he was a teacher and a business owner before deciding to serve his community as a police officer. In addition, his wife Sheila is dedicated to serving the community through the North Carolina Vocational Rehabilitation