

Recently, the Advocacy Forum and Human Rights Watch jointly published a report entitled "Waiting for Justice: Unpunished Crimes from Nepal's Armed Conflict." The report describes the impunity that continues to shield those who have been credibly alleged to have violated human rights. The report includes a number of recommendations for the Nepali Government to ensure that the perpetrators of these heinous crimes are brought to justice. I urge the Nepali authorities to study the report and implement its recommendations. For the rule of law to prevail in Nepal, it must be demonstrated that human rights crimes are investigated and prosecuted and that no one is above the law.

Finally, I want to mention the issue of the implementation of the Leahy amendment in Nepal. This law, which I sponsored a decade ago, requires, among other things, thorough vetting of candidates for U.S. military or police training to ensure that they have not been involved in violations of human rights. This is important because we do not want to afford the benefits and legitimacy of U.S. training to individuals who have engaged in such crimes, and we want to encourage their governments to bring them to justice. I am concerned with reports that the Leahy amendment is not being adequately implemented in Nepal, and that some Nepali military officers who have been credibly implicated in human rights violations have been approved for U.S. training. This is a matter that must be effectively addressed by the U.S. Embassy.

During the war, the Maoists and the Nepali Army were responsible for widespread atrocities, including arbitrary detention, torture and extrajudicial killings. This eventually led to a suspension of U.S. military assistance to Nepal. After the collapse of the monarchy and the end of the fighting, that suspension was lifted, but any U.S. training of Nepali military officers should be conducted with the utmost caution and only after thorough vetting.

In the past year, the focus has shifted to military reform. The U.S. can assist in this effort, particularly through our expanded international military education and training program, but we need assurance that the Nepali Army command recognizes the need for reform and to be accountable under the law.

Madam President, I ask unanimous consent that the key recommendations in the Advocacy Forum-Human Rights Watch report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WAITING FOR JUSTICE: UNPUNISHED CRIMES
FROM NEPAL'S ARMED CONFLICT
KEY RECOMMENDATIONS

The new government of Nepal needs to ensure that perpetrators of grave human rights violations are brought to justice. Human Rights Watch and Advocacy Forum call on the Nepali government to:

Vigorously investigate and prosecute all persons responsible for abuses, including members of the security forces, in the 49 FIR cases highlighted in this report, as well as other cases of human rights violations.

Suspend all security forces personnel named in the 49 FIRs, or in other complaints, against whom there is prima facie evidence of criminal activity until the investigations and any prosecutions are complete.

Reform the criminal justice system, including by reviewing the role of the Nepal Police and Attorney General's Office to improve their effectiveness in investigations of serious crimes.

Criminalize "disappearances" and torture—whether committed by the security forces, Maoists or other actors—and ensure these offenses when committed by the army will be subject to investigation and prosecution by civilian authorities and courts.

Amend the Police Act, Army Act, and Public Security Act to remove all provisions that grant security forces and government official's immunity from prosecution for criminal acts.

Establish an independent, external oversight body for the Nepal Police.

Strengthen the NHRC by giving it the necessary powers to carry out credible investigations, including the power to require the attendance of witnesses and the production of evidence. The government should ensure that all the NHRC recommendations are speedily implemented by the relevant state authorities. The NHRC should be given clear powers to refer cases for prosecution and to seek legal redress against unlawful acts by state authorities.

Establish a Truth and Reconciliation Commission that does not grant amnesty for serious human rights abuses.

LATIN AMERICA

Mr. SPECTER. Madam President, I have sought recognition to report on a trip I made to Latin America during the August recess. Specifically, from August 17 to 23, I traveled to Mexico and Venezuela to investigate conditions relating to national security, immigration and counterdrug efforts. I also explored the current state of our diplomatic relations with these two important neighbors in the Western Hemisphere. I last visited both countries in 2005, and I was eager to assess firsthand the impact of recent changes in their domestic political landscapes.

On Sunday, August 17, I flew to Mexico City, Mexico. There, I was greeted by Robyn Prinz, a Foreign Service officer from the economic section of our Embassy, who served as my guide in Mexico. That evening, I enjoyed a taste of Mexico's rich cultural heritage by attending the famous Ballet Folklórico, a performance of Mexican folk dances, at the Palacio de Bellas Artes.

On Monday morning, August 18, I began the day by meeting with a large team from our Embassy. Ambassador Antonio Garza was traveling, so the Embassy team was led by Deputy Chief of Mission Leslie Bassett. In addition to Ms. Bassett, my meeting included representatives of the Department of Homeland Security, DHS, Customs and Border Protection, CBP, the Drug Enforcement Agency, DEA, the Defense Attaché Office, the U.S. Agency for

International Development, and the Department of Justice. I explained to the group my interest in learning about current efforts to combat drug trafficking and the attendant violence in Mexico and the extent to which U.S. aid can be of assistance in tackling these problems. In particular, I inquired about the likely impact of the Merida Initiative, a multiyear proposal to provide funding to Latin American countries to support counternarcotics, counterterrorism, and border security efforts, as well as programs designed to build accountable public institutions and ensure the rule of law. Earlier this year Congress approved the initial sum of \$400 million for Mexico and \$65 million for Central America, the Dominican Republic, and Haiti. Finally, I asked our representatives in Mexico about Mexican efforts to stem the flow of illegal immigrants into the United States.

According to Ms. Bassett, in the 18 months since he was elected, Mexican President Felipe Calderón of the center-right Partido Acción Nacional, PAN, has moved quickly to bolster law enforcement and counterdrug efforts. He has also launched economic reforms intended to make Mexico more attractive to Mexicans. Ms. Bassett further noted the importance of our bilateral trade with Mexico. She pointed out that Mexico is now the third largest trading partner of the United States. And, as transportation costs continue to rise, trade between Mexico and the United States will likely become even more important.

David Gaddis, the regional director for DEA in Mexico, explained that President Calderón's efforts to combat drug traffickers have been costly for Mexico—not only in terms of enhanced resources but also in terms of lives lost. The press has taken note of this unfortunate reality. In June 2008, the New York Times wrote, "[s]ince Mr. Calderón came to office in December 2006, he has sent thousands of federal police officers and troops to reclaim cities and states where [drug] traffickers controlled local officials through bribes and threats. The offensive has unleashed a war among different cartels that has killed more than 4,000 people, among them about 450 soldiers, police officers and public officials." Nevertheless, according to Agent Gaddis, Mexico has achieved significant successes against the traffickers, arresting key leaders and extraditing many of them to the United States to stand trial. The DEA has also seen large improvements in the level of information sharing and cooperation from Mexican officials. This interaction directly benefits the United States because the major cartels in Mexico can be tied directly to drug traffickers in the United States. To drive home this point, Agent Gaddis provided a map showing cases in every state with links to Mexican drug trafficking organizations.

As the assembled agency representatives noted, of course, the drug problem is not a one-way street. High demand for illegal drugs within the United States fuels much of the drug trade. And, just as drugs are smuggled into the United States, weapons and money are increasingly being smuggled into Mexico from our country. By some estimates, more than 90 percent of the weapons being used by Mexican drug traffickers originate in the United States. Erik Moncayo, the CBP attaché in Mexico, pointed out that the United States has been far more focused on contraband, hazardous materials, and persons entering the country than those leaving it for Mexico. As a result, bulk cash shipments totaling more than \$12 billion are reportedly smuggled into Mexico annually. Among other things, these illegal proceeds are used to pay off corrupt police and public officials.

Although the Mexican Government has begun to implement new legal reforms, including a shift away from a confession-driven judicial system to one that places a greater emphasis on other evidence, corruption is still a major problem in Mexico—especially among the ranks of the local police. This breeds mistrust of the very officials who should be relied upon by the public to keep them safe. This mistrust was illustrated in a tragic case that occurred shortly before my arrival in Mexico and which was mentioned in nearly every meeting I had there.

In June 2008, the 14-year-old son of a wealthy family—the founders of a chain of sporting goods stores—was kidnapped and held for ransom. Rather than call the police, however, the family reportedly hired a private negotiator to deal directly with the kidnappers. Then, after they had paid millions of dollars in ransom money, their son's body was found in the trunk of a stolen car abandoned in Mexico City. This tragic case, and the deep mistrust of the police it reveals, underscores the serious challenge faced by President Calderón and his administration as they seek to reform Mexico's criminal justice system.

On the illegal immigration front, Ms. Bassett noted that there had been a decrease in illegal immigration from Mexico, but she acknowledged that the causes could range from a weakened U.S. economy to enhanced border security to increased opportunities in Mexico, or some combination of these factors. Mr. Moncayo, the CBP representative, highlighted a successful joint operation with Mexican officials—dubbed the Oasis program—under which more than 800 cases involving alien smugglers have been prosecuted by Mexico during the last 3 years, using evidence collected in part by U.S. authorities, with a nearly 98 percent conviction rate.

In response to my question about Mexico's willingness to accept criminal aliens being deported by the United States, Ms. Bassett said that Mexico

actively cooperates with such repatriation efforts. I was pleased to hear this news because I have been particularly concerned about the refusal by some countries to accept their nationals back after they have served criminal sentences in the United States and been ordered deported.

Later on August 18, I met with Mexico's Secretary of Public Security, Genero García Luna. Secretary Luna is charged with the daunting task of reforming Mexico's federal police force and forging new, cooperative arrangements with the country's state and local police. A July 13, 2008 profile in the *New York Times Magazine* notes that "García Luna cultivates the image of a cop in a world of politicians, a doer in a world of talkers." The article also quotes a security analyst as saying that Secretary Luna has "the hardest job in the country."

I found the Secretary to be sincere and enthusiastic about his mission. He described ongoing efforts to improve police pay, regulate the requirements for new recruits, and require comprehensive "trust" centers—akin to community policing centers—for citizens to interact with police and prosecutors in the states and localities. He also focused on the need to stem the tide of illegal weapons entering Mexico from the United States.

Secretary Luna represented that more than 95 percent of the firearms used by Mexican criminals come from the United States. He said that, in the first 2 years of the Calderón administration, approximately 20,000 high-caliber weapons have been seized by Mexican law enforcement. While acknowledging the value of assistance from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, in tracing the origins of such weapons, Secretary Luna urged a crackdown on retailers along the southwest border selling weapons for export to Mexico.

With respect to the recent, high-profile kidnapping and murder of a 14-year-old boy, Secretary Luna noted that kidnapping is not a federal offense in Mexico; a fact that limits his ability to investigate such cases. I cited the 1932 kidnapping and murder of the young son of aviator Charles Lindbergh as the catalyst for making kidnapping a Federal offense in the United States and suggested that Mexico may have reached a similar moment in its legal evolution. The Secretary agreed and said that members of the administration planned to meet with legislators later in the week to consider such a change.

Although somewhat outside his jurisdiction, I asked the Secretary for his views on the impact of the North American Free Trade Agreement, NAFTA, on security matters and the standard of living in Mexico. I also asked about his department's cooperation with other countries to combat drug trafficking, particularly Colombia, Venezuela, and Cuba. Secretary Luna said that he thought NAFTA had

been very important for job creation in Mexico, with incidental benefits for security. With respect to international cooperation on drugs, he said that cooperation with Colombia was very good. He said that the cooperation with Venezuela and Cuba was more difficult but noted that they had worked collaboratively through third-party organizations. For example, he cited cooperation with Venezuela through Interpol.

I further inquired about Mexico's cooperation with the United States on terrorism matters. Secretary Luna was very positive about the level of cooperation. He said, for example, there was an active effort to preempt potential terrorists from the Middle East from seeking entry into the United States via Mexico.

Following my meeting with Secretary Luna, I met with Mexico's Attorney General, Eduardo Medina-Mora Icaza. I had met the Attorney General during my last visit to Mexico, when he was serving as the Director of the Center for National Security Investigations, Mexico's equivalent of the CIA. Once again, I found him to be articulate, intelligent and dedicated to public service—though he also has a strong background in the private sector and brings a business person's pragmatism to the work of government.

The Attorney General described his department's current relationship with U.S. law enforcement and our Justice Department as the "best ever" in his considerable experience. He said that, through joint operations, we have succeeded in challenging and disrupting the key drug cartels, which are now more fragmented than ever. He conceded, however, that we have not yet succeeded in significantly reducing the total output of drugs. He then focused on some of the concerns that had been discussed in my earlier meetings, particularly the smuggling of guns and bulk cash shipments into Mexico.

In addition to improved checkpoints for south-bound traffic, the Attorney General recommended some other avenues for exploration. For example, he noted that approximately half of the cash shipments smuggled into Mexico consisted of large-denominations, like \$100 bills. This suggests that the smugglers may have some contact with U.S. financial institutions, which may provide another avenue for investigation and interdiction. Further, the Attorney General said that most of the weapons shipped into Mexico were purchased by "straw" buyers, who were paid a fee for essentially renting their identification to the true purchasers—a practice that might be subjected to limitations without infringing on the second amendment.

On the issue of immigration, the Attorney General offered a thought-provoking demographic analysis of the subject. First, he acknowledged that the United States has the most vibrant economy in the world, supported by a host of desirable factors including the

rule of law the ability to innovate and profit from innovation; labor flexibility and mobility; and the ability to shift assets from one sector of the economy to another through the financial markets. Nevertheless, he argued that the United States simply does not produce enough humans to keep up with its economic growth. And, although concerns about illegal immigration may currently be focused on Mexico, the Attorney General further argued that—within just 15 years—Mexico won't be able to supply much labor to the United States because Mexico's labor force peaked in 2006 and is now growing at a rate of less than 1.4 percent. Indeed, Attorney General Medina-Mora suggested that the whole world may face a labor shortage within a generation, due to falling population rates across much of the globe. In contrast to years past, the Attorney General also said that today's migrants are not uneducated peasants but workers with an average of 9 years of education and sought-after skills.

I asked the Attorney General for his views on the value of dialog with other nations, even dialog with adversaries. He agreed that dialog is critical. With respect to my trip to Venezuela, Attorney General Medina-Mora said that isolating Venezuela would be the worst way to deal with the country. He said that Cuba ought to serve as an important lesson; namely, that isolation can actually help a disfavored regime to sustain itself. Of course, it would be naive to think that dialog is a silver bullet. In fact, at the time of our meeting, the Attorney General still appeared hopeful that dialog would ensure fair compensation for a Mexican-owned cement company that Venezuela was seeking to nationalize. As we later learned, however, efforts to engage the Venezuelan Government on this subject failed to prevent Venezuela's expropriation of the Mexican company by threat of force or at least under the supervision of national guard troops. Nevertheless, I believe that, over time, dialog often produces better results than heated rhetoric and posturing.

On Tuesday, August 19, following a brief tour of the beautifully restored Chapultepec Castle overlooking Mexico City, I departed for Caracas, Venezuela. Upon arrival in Caracas, I was welcomed by our Ambassador there, Patrick Duddy, and the Control Officer for my visit, Evan Owen. Due to a traffic accident, our trip from the airport to the Ambassador's residence turned into a tour of relatively impoverished enclaves perched on the steep slopes of a twisting mountain road. By the time we reached our destination, it was nearly midnight.

On Wednesday, August 20, I began my day with a briefing from Ambassador Duddy and key members of his Embassy team. They provided an overview of significant developments in Venezuela since my last visit in 2005. Perhaps most significantly, President Hugo Chávez lost a Constitutional Ref-

erendum in December 2007 that would have further consolidated his power, despite publicly characterizing the vote as a choice between himself and President George Bush. Now, as the New York Times reported on August 6, 2008, President Chávez is "using his decree powers to enact a set of [26] socialist-inspired measures that seem based on a package of constitutional changes that voters rejected last year."

Among other things, these decrees create new regional officers, appointed by the government, who could help President Chávez to retain influence in states and localities even if his party loses upcoming state and local elections. Similarly, the decrees elevate the status of a new militia force that reports directly to the President, making it co-equal with the traditional branches of the military services, which facilitated a short-lived coup against President Chávez in 2002. According to the August 6, 2008, Wall Street Journal, "Mr. Chávez said that if anyone didn't approve of the laws, they could file for a challenge with the supreme court. But critics . . . said that would be futile because six of the seven justices are sympathetic to the president."

In another troubling development, Venezuela's Controller General has reportedly disqualified nearly 300 individuals from holding appointed public office, or running for elected office, based on central government sanctions—but not convictions—for alleged administrative irregularities. A number of those who have been disqualified would have been strong potential opposition candidates for municipal and state elections scheduled for November 23, 2008. These elections pose the next major test for both the Chávez administration and the political opposition.

At the same time, there has been some recent reason for optimism. On July 5, 2008, Venezuela's Independence Day, President Chávez publicly approached Ambassador Duddy and expressed a desire to renew antidrug cooperation with the United States. Among other things, President Chávez recalled how he had met several times with John Maisto, the U.S. Ambassador to Venezuela from 1997 to 2000. According to press accounts of the overture, President Chávez also mentioned the upcoming U.S. Presidential elections and commented, "whoever wins, we should be able to sit down and converse. I did this with Clinton, we sat down to talk."

I was particularly heartened by the prospect of renewed cooperation on drugs because I had pushed for such collaboration between our countries during my visit in 2005. I even took the somewhat extraordinary step of asking then Secretary of Defense Donald Rumsfeld to consider "a moratorium on adverse comments on Venezuela" because I believed his harsh rhetoric about President Chávez at the time was counterproductive. With respect to the most recent overtures from Presi-

dent Chávez, however, it remains somewhat unclear whether he is prepared to match his positive words with meaningful actions.

Following my meeting with the Ambassador and his team, I accompanied him to the U.S. Embassy for further briefings on drug trafficking and national security issues. With regard to the drug issues, I met with members of the U.S. Embassy's law enforcement team. By way of background, in September 2007, President Bush issued a determination that Venezuela, for the third year in a row, had failed demonstrably over the previous 12 months to adhere to its obligations under international counternarcotics agreements. In a September 17, 2007, report, State Department officials maintained that, although Venezuela indicated that it had developed some new programs to fight drug trafficking and were making seizures, its efforts continued to be limited.

Given this backdrop, I asked the representatives of the law enforcement team in Caracas about recent reports suggesting that Venezuela had further increased its drug seizures and begun a campaign to bomb clandestine airstrips in the Venezuelan jungle being used by Colombian drug traffickers. Those present reported that the flow of drugs through Venezuela had increased dramatically, making the new seizures a smaller percentage of the whole. They also questioned the value of bombing dirt airstrips that could be quickly reconstituted. Moreover, the Government's claims with regard to such airstrips arguably served to confirm the importance of Venezuela as a transshipment point for drugs from Colombia being sent to the United States and the need for further cooperation.

The group identified several modest steps that President Chávez could take to demonstrate his commitment to rebuilding cooperation on counter-drug efforts: No. 1, reiterate to his people what he said to Ambassador Duddy; No. 2, designate clear points-of-contact in Venezuela's counterdrug agencies for their U.S. counterparts; No. 3, approve seven pending applications for visas from the DEA; No. 4, give DHS access to the airport in Caracas to screen for contraband headed to the United States; No. 5, allow the United States to re-export an x-ray machine intended for scanning cargo at a port but currently sitting unused; and No. 6, permit effective cooperation between U.S. officials and the Intelligence Unit of the superintendent of Banks. To this list, I would add that the Chávez government should meet with the America's so-called drug czar, Director of National Drug Control Policy John Walters. As noted later in my remarks, Director Walters was denied a visa during my visit to Caracas, although the purpose of his requested visit was to follow up on the proposal President Chávez made to Ambassador Duddy to begin increasing counternarcotics cooperation between the United States and the Government of Venezuela.

The following day, August 21, I started the morning by meeting with two members of the Venezuelan National Assembly: Saul Ortega, the first Vice-President of the National Assembly, and Francisco Torrealba, the leader of the U.S.-Venezuela Friendship Group in the National Assembly. We discussed the fact that, prior to the 2005 parliamentary elections, there used to be fairly regular dialog between the U.S. Congress and the Venezuelan National Assembly through the informal "Boston Group." The parliamentarians commented favorably on their past contacts with former Representative Cass Ballenger of North Carolina and Representative WILLIAM DELAHUNT of Massachusetts. Vice President Ortega also recalled fondly a meeting with Senator JOHN KERRY of Massachusetts and mentioned a visit to Venezuela by Senator KERRY and his fellow Massachusetts Senator, EDWARD KENNEDY, that had been discussed but not completed. Both members of the assembly said that such exchanges with the U.S. Congress would be welcome.

During our meeting, which was also attended by Ambassador Duddy, I stressed the importance of the separation of powers under the U.S. Constitution. I noted that, as a Senator, I am free to criticize or dissent from the decisions of Presidents of my own party. I also cited the example of recent Supreme Court rulings on the rights of detainees being held at Guantanamo Bay, Cuba, to underscore the value of our independent judiciary, confirmed with the advice and consent of the Senate. I am hopeful that through future exchanges, legislator-to-legislator, we may demonstrate the merits of our system of checks and balances and find a way to address areas of common interest to both countries, even if our respective executive branches remain at loggerheads.

Following the meeting with the parliamentarians, Ambassador Duddy and I traveled to the economically challenged Bucaral neighborhood in the affluent Chacao borough of Caracas. A grassroots nongovernmental organization called "Friends of the Health of Bucaral" is working to improve conditions for the neighborhood's residents. Among other things, this organization operates a computer room for young students. In addition, the group's center offers conflict resolution programs, drug prevention workshops, and cultural classes in dance, theater, storytelling and music. The U.S. Embassy, through the Narcotics Affairs Section, has helped to support the youth center's illicit drug demand reduction efforts. I had the pleasure of meeting the organization's founder, Maria Teresa Gonzalez, and several of the children who benefit from the group's programs. I also had the chance to visit a small police post to see firsthand the work they are doing—much like community police stations in American cities—to build trust in the community and prevent crime.

After visiting the Bucaral neighborhood, I met with representatives of Venezuela's Jewish community at a meeting hosted by the Confederation of Israelite Associations of Venezuela, CAIV. CAIV is the leading Jewish organization in Venezuela. The Jewish community in Venezuela stands at some 13,000, down from over 20,000 10 years ago.

I was especially interested to speak with representatives of the Jewish community because, the week before my visit to Venezuela, President Chávez met with Jewish leaders including Ronald Lauder, president of the World Jewish Congress. As reported by the Miami Herald on August 14, 2008, Venezuelan Foreign Minister Nicolás Maduro expressed hope following the meeting that "this coming-together will be maintained." According to the Herald, Argentina's Ambassador in Washington, Héctor Timerman, who also attended the meeting, said Chávez had "expressed a desire to join forces with [Argentine President Cristina] Fernández de Kirchner and Brazilian President Luiz Inácio Lula da Silva 'to achieve the eradication of anti-Semitism in Latin America.'" The Herald also quoted another meeting participant as saying that the three leaders may sign a joint statement against anti-Semitism in September.

At my meeting with Jewish leaders, I received generally positive reports on the meeting with President Chávez. The group expressed hope about the direction of relations between the Jewish community and the Government. I would note that, in addition to publicly condemning anti-Semitism, there are other concrete things the Chávez government could do to improve relations. As reported by the Associated Press on August 14, 2008, the Simon Wiesenthal Center has urged Venezuela to investigate two police raids on the Jewish community center in Caracas, including one "on the eve of a contentious referendum vote in December." Especially given his public support of Iranian President Mahmoud Ahmadinejad, who has denied the Holocaust and said that Israel should be wiped off the map, I hope that President Chávez will take concrete and public actions to reassure the Jewish community in Venezuela that they are valued members of Venezuelan society.

On Friday, August 22, I met with potential opposition candidates in November's state and local elections. The first of these was a mayoral candidate who, like more than 260 others, has been banned from seeking elective office through an administrative decision by Venezuela's Controller General. He denied any wrongdoing and stressed that he had not been given an opportunity to challenge the factual basis for the Controller General's decision. While he and others are challenging their disqualification, they are concerned that the courts lack sufficient independence to issue a fair ruling on the matter.

Among those I met was Henrique Capriles Radonski. He is the current mayor of Baruta, a borough of Caracas where the U.S. Embassy is located. Prior to serving as mayor, Capriles was the President of the Venezuelan National Assembly 1999-2000, the youngest in its history. Capriles is currently the opposition candidate for the governorship of Miranda State, which surrounds much of Caracas.

Mr. Capriles has received international notoriety due to an apparent political prosecution against him. His case was profiled in a Washington Post op-ed by Deputy Editor Jackson Diehl on April 10, 2006. As noted by the Post, the case against Capriles relates to an incident during the brief 2002 coup against Chávez, when Capriles sought to disperse a hostile crowd that besieged the Cuban Ambassador's residence. Despite his efforts at peacekeeping, Capriles was later jailed and charged with trespassing, intimidation, and "violating international principles," among other crimes. Although the case was dismissed, the charges were later refiled and Capriles remains in legal jeopardy. The Post op-ed described Capriles as "one of the brightest stars in a new generation of Venezuelan politicians untainted by the discredited political establishment Chávez replaced." I would concur. Despite obvious hurdles, he remains optimistic about the future of democracy in Venezuela—as well as his own prospects for being elected Governor of Miranda in November.

I should note that, in addition to my meeting with opposition candidates, the U.S. Embassy also arranged for me to meet with several scholars, community leaders, business leaders, and representatives of the independent media during my visit. Although it is my normal practice to publicly document my meetings during foreign trips, the current political situation in Venezuela leads me to be somewhat circumspect about naming everyone with whom I met. Although the individuals expressed a range of viewpoints, those who were not aligned with President Chávez's party expressed concerns about the health of Venezuelan democracy, especially in light of the recent Presidential decrees, which appear to run contrary to the 2007 referendum. They also expressed anxiety about the disqualification of opposition candidates in advance of the November elections for state and local offices, and they shared concerns about the Government's increased push to nationalize key sectors of the economy. All agreed that the upcoming elections, much like the constitutional referendum last December, represent a critical moment in Venezuela's contemporary political development.

On Friday, Ambassador Duddy and I also received two pieces of disappointing news: First, we learned that Venezuela had declined to schedule a meeting with Director John Walters, America's drug czar. Second, we

learned that President Chávez had used his regular television program to hurl new slurs at President Bush. Specifically, President Chávez used a photograph of President Bush stumbling on some steps at the Olympics to criticize him as a “drunk.” As reported by the Associate Press, Chávez said Bush looked “drunk and quipped to his listeners: “Gold medal for alcoholism.”” Despite these setbacks, however, I agreed to a meeting with Venezuela’s Minister of Foreign Affairs, Nicolás Maduro, on Friday afternoon. Ambassador Duddy accompanied me to the meeting.

Mr. Maduro has served as Foreign Minister, basically Venezuela’s Secretary of State, since August 2006. Previously, he served as President of the National Assembly from 2005 to 2006. He is known as an ardent defender of President Chávez and his socialist program. I began the meeting by emphasizing my belief that Venezuela and the United States share many common interests, such as our mutual interest in drug interdiction, which can be advanced by greater dialogue. I expressed my hope that it may yet be possible to arrange a visit by Director Walters, and I added that both U.S. Presidential candidates understand the importance of dialog.

Minister Maduro said he was open to the possibility of greater dialog, but he said the Venezuelan Government was pessimistic because they believed that positive gestures from the United States were too often followed by negative statements about Venezuela by U.S. spokespersons. He also noted that efforts to improve relations with the United States were not always received well by the Government’s own grassroots supporters. Minister Maduro questioned aloud whether the time was ripe for better relations and said that after the U.S. elections might present a new opportunity. Mr. Maduro also mentioned his own involvement in the former “Boston Group.”

I responded that it would be better to lower the negative rhetoric on both sides. I also discussed my positive meeting with members of the National Assembly and said that we should not wait until after the elections to begin to build bridges. I pointed out, for example, that Director Walters was not a politician but a professional who could help facilitate greater cooperation against drug traffickers. Minister Maduro said Venezuela was taking the proposal seriously and would have a final answer very soon. He then recited some of Venezuela’s successes in domestic counterdrug efforts. I left the meeting encouraged that future dialog may be possible. But, in response to a reporter’s question as I left, I also defended President Bush against the ridiculous claim that he had been intoxicated at the Olympics.

In closing, I would like to add that Ambassador Duddy, a career member of the Senior Foreign Service who most recently served as Deputy Assistant

Secretary of State for Western Hemisphere Affairs, is doing a splendid job under difficult circumstances. He is a true expert on Latin America and exemplifies the best of the Foreign Service. He is aided by a very able staff, all of whom are seeking to improve diplomatic relations in a challenging environment. Also, on a personal note, the Ambassador and his wife were gracious and charming hosts throughout our stay in Venezuela, and I look forward to working with him in the future. Mr. President, I yield the floor.

Almost a week to the day after I left Venezuela, President Hugo Chávez threatened our Ambassador, Patrick Duddy, with expulsion in apparent response to criticism by America’s drug czar, John Walters. Mr. Walters, after being denied a visa to travel to Venezuela, warned that the flow of Colombian cocaine through Venezuela has quadrupled since 2004, reaching an estimated 282 tons last year.

As the New York Times reported on September 1, 2008, “Mr. Chávez’s comments effectively ended what seemed to be the start of a thaw in July, when he chatted with Mr. Duddy at a military parade and invited him to lunch.”

On September 11, 2008, President Chávez followed through on his threat. He announced that he was expelling Ambassador Duddy and gave him 72 hours to leave the country. According to the New York Times, President Chávez claimed to have “discovered an American-supported plot by military officers to topple him.” Of course, the Times also noted that President Chávez has “claimed at least 26 times in the last six years that there were plots to kill him, according to counts in the local media.”

Since this announcement, relations between our two countries have continued to deteriorate. On September 12, 2008, the United States announced it would expel the Venezuelan Ambassador and the U.S. Treasury Department accused three Venezuelan officials with close ties to President Chávez of aiding the Revolutionary Armed Forces of Colombia, or FARC, which the United States has designated as a terrorist organization.

To add even more fuel to the fire, as all of this was occurring, Russian bombers landed in Venezuela and several media outlets reported that President Chávez is discussing plans for military exercises with Russia’s navy in the Caribbean.

I am deeply disturbed by these developments. During my visit, there were already signs that President Chávez had decided not to follow through on his July overtures to Ambassador Duddy concerning renewed cooperation against drug traffickers, but I did not imagine that within weeks he would seek to expel the Ambassador. As I have noted in my trip report, Ambassador Duddy is an exemplary diplomat. His ouster is truly a tragedy.

WHERE ARE THEY?

Mr. SPECTER. Madam President, I have sought recognition to insert into the RECORD an article by Michael Smerconish, Esquire, concerning efforts by the United States to capture Osama bin Laden and Ayman al-Zawahiri. Mr. Smerconish is a distinguished columnist who writes for the Philadelphia Inquirer and the Philadelphia Daily News, has a morning talk show on the “Big Talker,” 1210 WPHT-AM, and appears on MSNBC. I have known Mr. Smerconish for more than 20 years and have a very high regard for his scholarship, among his other fine qualities. While I do not agree with all his comments, especially all his political evaluations, I believe this article should be made available to my colleagues and the public generally to the extent that the CONGRESSIONAL RECORD is read. Accordingly, I ask unanimous consent to have the article to which I refer printed in the RECORD.

PAKISOURCED

(Michael Smerconish, Sept. 11, 2008)

Where the hell are Osama bin Laden and Ayman al-Zawahiri? And why does virtually no one ask anymore? What’s changed since the days when any suburban soccer mom would have strangled either of them with her bare hands if given the chance? And what happened to President Bush’s declaration to a joint session of Congress nine days after 9/11 that “[A]ny nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.” Doesn’t that apply to Pakistan?

These are things that I wonder as I watch from my perch in Philadelphia, where I’m a talk show host, columnist and MSNBC talking head. I have also spoken and written about them incessantly, so much so that I’ve exhausted my welcome with many conservative members of my own talk radio audience. My editors at The Philadelphia Daily News and The Philadelphia Inquirer have made it clear that I’ve published my last column on this issue because I have written seven to date. On the day after the Pennsylvania primary, I told Chris Matthews on Hardball that this was an issue that could help Barack Obama win support among white male voters, he recognized that it was “[my] issue,” before adding, “And I agree with you completely.”

I can’t help myself. So strong is my belief that we’ve failed in our responsibility to 3,000 dead Americans that I am contemplating voting for a Democratic presidential candidate for the first time in my life. It’s the chronology I find so compelling.

We’re at the seven year anniversary of 9/11, lacking not only closure with regard to the two top al Qaeda leaders but also public discourse about any plan to bring them to justice. To me, that suggests a continuation of what I perceive to be the Bush Administration’s outsourcing of this responsibility at great cost to a government with limited motivation to get the job done. Of course, I may be wrong; I have no inside information. And I’d love to be proven in error by breaking news of their capture or execution. But published accounts paint an intriguing and frustrating picture.

To begin, bin Laden is presumed to have been in Afghanistan on 9/11 and to have fled that nation during the battle at Tora Bora in December of 2001. Gary Berntsen, who was the CIA officer in charge on the ground, told me that his request for Army Rangers to prevent bin Laden’s escape into Pakistan was