

Journal - Office of Legislative Counsel  
Thursday - 18 July 1974

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25X1 12. [Redacted] Talked to Jim Oliver, International Affairs Division, OMB, who told me that he had cleared the Director's letter on H.R. 15845 to Chairman Lucien N. Nedzi (D., Mich.) Intelligence Subcommittee, House Armed Services Committee, with Ed Strait in OMB and had reviewed it with George Gilbert, Legislative Reference Division in OMB. Gilbert feels that it is necessary for further review with the NSC staff and Justice Department. Oliver will call as soon as the necessary circuits are closed. Mr. Warner, OGC, has been advised.

25X1 13. [Redacted] and I met with Mr. Jack Goin and Mr. John Manopoli, Director and Deputy Director respectively, of the Office of Public Safety, AID, to discuss Senator Abourezk's amendment No. 1151 to S. 3394 which amends the Foreign Assistance Act of 1961. See Memorandum for the Record.

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GEORGE L. CARY  
Legislative Counsel

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cc:  
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Ex. Sec.  
DDI  
DDM&S  
DDS&T  
Mr. Warner  
Mr. Lehman  
Mr. Thuermer

CONFIDENTIAL

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jurisdiction by Indian tribes and by the United States over criminal offenses and civil matters in Indian country.

At the request of Mr. JAVITS, the Senator from Vermont (Mr. STAFFORD), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Maine (Mr. HATHAWAY) were added as cosponsors of S. 3643, the Rail Passenger Service Amendments of 1974.

At the request of Mr. HANSEN, the Senator from North Carolina (Mr. HELMS), the Senator from Ohio (Mr. TAFT), and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of S. 3694, a bill to amend the Consolidated Farm and Rural Development Act to prescribe certain safeguards for the processing of applications for assistance under such act.

SENATE JOINT RESOLUTION 224

At the request of Mr. MONTOYA, the Senator from Rhode Island (Mr. PASTORE), the Senator from North Dakota (Mr. YOUNG), the Senator from California (Mr. TUNNEY), the Senator from Iowa (Mr. CLARK), the Senator from Hawaii (Mr. INOUE), the Senator from Missouri (Mr. BAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. MCGEE), the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Texas (Mr. BENTSEN), and the Senator from Utah (Mr. MOSS) were added as cosponsors of Senate Joint Resolution 224, to authorize and request the President to issue annually a proclamation designating January of each year as "March of Dimes Birth Defects Prevention Month."

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 329

At the request of Mr. HUMPHREY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Resolution 329, relating to the participation of the United States in an international effort to reduce the risk of famine and lessen human suffering.

SENATE RESOLUTION 347

At the request of Mr. ROBERT C. BYRD, the Senator from Arizona (Mr. FANNIN), the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. CASE), the Senator from South Carolina (Mr. THURMOND), the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. AIKEN), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. ABOUREZK), the Senator from North Dakota (Mr. YOUNG), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of Senate Resolution 347, to authorize the Committee on Commerce to study the policy and role of the Federal Government on tourism in the United States.

AMENDMENT OF THE FOOD STAMP ACT OF 1964—AMENDMENT

AMENDMENT NO. 1151

(Ordered to be printed and referred to the Committee on Agriculture and Forestry.)

Mr. DOMINICK. Mr. President, on May 14, 1974, I introduced S. 3498, a bill to amend section 5 of the Food Stamp Act of 1964 to broaden the authority of the Secretary of Agriculture to provide emergency food assistance to victims of disasters.

Today I am introducing this bill in the form of an amendment to S. 3726. I am pleased to be joined in introducing this amendment by the distinguished Senators from Mississippi (Mr. EASTLAND), Tennessee (Mr. BAKER), Ohio (Mr. TAFT), and North Dakota (Mr. BURDICK).

Under existing law, an individual must go through a lengthy certification procedure to receive food stamps. In the event of a disaster, such as the floods and tornadoes we experienced earlier this year, those individuals involved must obtain help immediately.

Under present law, an immediate temporary emergency issue of food stamps will not be forthcoming because the formal application process may take longer than the temporary need of the applicant.

The amendments we suggest will provide the Secretary of Agriculture the authority, in emergency situations, to eliminate certain current requirements which needlessly delay the process of helping disaster victims.

AMENDMENT OF THE FOREIGN ASSISTANCE ACT—AMENDMENT

AMENDMENT NO. 1152

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. ABOUREZK. Mr. President, for the first time last year, to my knowledge, the Congress enacted a provision which added a new section to the law that expressed its concern for the human rights of people who are citizens in countries which receive U.S. foreign aid. The Congress established that it was the sense of Congress that no funds shall be given to any country which holds the citizens for political purposes. That provision has been incorporated in section 32 of the Foreign Assistance Act.

Although everyone understands that sense of Congress resolutions such as this do not have the force or authority of law, it should be clear to everyone that such provisions cannot be ignored either.

It was then somewhat alarming to learn that the State Department and AID have thus far almost entirely ignored section 32 of the law. In hearings before the House Foreign Affairs Committee, under questioning from Congressman DON FRASER, Assistant Secretary of State for East Asian and Pacific Affairs Robert S. Ingersoll, admitted that this section of the law has not had any impact on our policies in Asia. When Congressman FRASER

asked Mr. Ingersoll to what extent there has been an implementation of that provision in the law, the Assistant Secretary simply stated, "I know of none." When asked specifically by FRASER about the application of this section to the situation in South Korea, Ingersoll admitted that some kind of inquiry had been sent out a mere 6 weeks ago but neither he nor his aides had any idea whatsoever what the inquiry entailed or why it only went out less than 2 months ago.

I understand that in subsequent letters to the committee, Assistant Secretary Ingersoll has indicated a more positive attitude in this regard and has now described the somewhat half-hearted effort on the part of the State Department and AID in taking into consideration section 32.

Although this information is disconcerting, it is not surprising. There seems to be little doubt that until the Congress requires them to do so, the officials in executive branch will continue to disregard its responsibility which is clearly defined in the Statement of Policy of the Foreign Assistance Act of 1961.

Under section 102, the act states that:

It is the policy of the United States to support the principles of . . . freedom of the press, information, and religion, and . . . recognition of the right of all private persons to travel and pursue their lawful activities without discrimination as to race or religion.

Yet, while this is the law, it has been extremely difficult to determine what if any support the United States has given to such commendable and high-minded statements of policy. It would be a safe bet to say that there has been none at all.

Opponents to the implementation of this policy continue to insist that the consideration of human rights is a domestic matter and that the overriding economic, military, and political considerations leave little room for human rights. Yet, various State Department officials and other leaders in our Government are quick to criticize the governments of those countries with whom we have unfriendly or distant relations when the rights of their citizens are being infringed upon.

Mr. President, I strongly disagree with this rationale and I cannot think of a poorer argument than that of "meddling in domestic affairs" for such a gross negligence of responsibility. If this country is concerned about whether or not the people in foreign countries are obtaining proper medical treatment and a satisfactory nutritional intake, then certainly they should be as equally concerned about whether they are being tortured or not—or more fundamentally, whether their most basic human rights are being insured.

With this in mind, I am submitting an amendment to the Foreign Assistance Act of 1974, S. 3394, which would ask the agencies which compile the report required by section 657 of the Foreign Assistance Act to include a section in the report which would inform the Congress

of what considerations have been made and what measures have been taken to implement section 32 of the act dealing with political prisoners. Until we require such a written report, I am convinced that we will continue to receive the testimony like Mr. Ingersoll's and others who freely admit that the question of human rights is hardly a consideration in the determination of U.S. foreign policy.

It is significant to note that the Subcommittee on International Organizations and Movements of the House Foreign Affairs Committee in its report of March 27, 1974, listed as one of its recommendations that the Department of State treat human rights factors as a regular part of the U.S. foreign policy decision-making. They also recommended that the Department prepare human rights impact statements for all policies which have significant human rights implications. There is little doubt that U.S. foreign aid would certainly meet that criterion.

Mr. President, I ask unanimous consent that part 1 of the committee report, entitled "The Human Rights Factor in U.S. Foreign Policy," be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

**PART I—THE HUMAN RIGHTS FACTOR IN U.S. FOREIGN POLICY**

The human rights factor is not accorded the high priority it deserves in our country's foreign policy. Too often it becomes invisible on the vast foreign policy horizon of political, economic, and military affairs. Proponents of pure power politics too often dismiss it as a factor in diplomacy. Unfortunately, the prevailing attitude has led the United States into embracing governments which practice torture and unabashedly violate almost every human rights guarantee pronounced by the world community. Through foreign aid and occasional intervention—both covert and overt—the United States supports those governments. Our relations with the present Governments of South Vietnam, Spain, Portugal, the Soviet Union, Brazil, Indonesia, Greece, the Philippines, and Chile exemplify how we have disregarded human rights for the sake of other assumed interests.

Many human rights practices in other countries are not and should not be of material concern to our Government in determining bilateral relations of our policy in international organizations. Moreover, human rights should not be the only factor, or even always the major factor, in foreign policy decision-making. But a higher priority is urgently needed if future American leadership in the world is to mean what it has traditionally meant—encouragement to men and women everywhere who cherish individual freedom. Describing the high example the world expects of the United States, Congressman John Buchanan quoted Chaucer: "If gold doth rust, what will iron do?"<sup>1</sup>

Respect for human rights is fundamental to our own national tradition. It is expressed unequivocally in our Constitution. Respect for human rights in other countries is a

rightful concern of Americans not because of any assumed mission on our part to impose our own standards on others; rather, it is that not only have many other countries used our Bill of Rights as a model for their constitutions, but international standards have been established by the U.N. Charter and other treaties which obligate governments to uphold most of the same rights which are basic in our own system.

Furthermore, an increasingly interdependent world means that disregard for human rights in one country can have repercussions in others. The horrible atrocities of Nazi Germany and the tragic massacre in Bangladesh are examples of how gross violations of human rights precipitated bloody wars. The situations in southern Africa of racism and colonialism have the potential for international conflagration. Thus, consideration for human rights in foreign policy is both morally imperative and practically necessary.

**HUMAN RIGHTS IN FOREIGN POLICY**

The subcommittee's inquiry into U.S. bilateral policy was limited to situations abroad which represented the most serious violations of human rights, such as massacre, torture, and racial, ethnic, or religious discrimination. The hearings undertook several case studies: massacre in Bangladesh in 1971, massacre in Burundi in 1972; widespread torture in Brazil and Chile; and racial discrimination in southern Africa.<sup>2</sup> In these cases the subcommittee found the response of the U.S. Government to be lacking in view of the magnitude of the violations committed.

The State Department too often has taken the position that human rights is a domestic matter and not a relevant factor in determining bilateral relations. When charges of serious violations of human rights do occur, the most that the Department is likely to do is make private inquiries and low-keyed appeals to the government concerned. It is rarely known whether these acts of "quiet diplomacy" have desirable effects.

However, the effectiveness of quiet diplomacy would obviously be enhanced were the government concerned to realize that other actions with more serious effects would take place if quiet diplomacy failed to bring results. Such actions could include public condemnation of the violations, raising the matter before an appropriate organ or agency of the United Nations, suspension of military assistance or sales, and suspension of economic assistance.

It is essential that a policy of "even handedness" be applied in reviewing the practices of states. We must not impose a higher standard on those countries with whom we have unfriendly or distant relations. Too often we criticize them but remain silent about equally serious violations in friendly countries. As the importance of ideology in international relations continues to wane, our Government should adhere to objective human rights standards—those that have been articulated by the international community. Certainly protection of human rights is often a better measure of the performance of government than is ideology.

During the hearings Mrs. Rita Hauser, former U.S. Representative to the U.N. Commission on Human Rights, criticized this double standard in U.S. foreign policy as follows:

"We speak out against violations of countries we are not particularly close to or where we feel we can do so with some measure of

safety politically, and we are largely silent, as are other countries, when human rights violations occur and on the part of our allies or friendly countries we do not wish to offend.

"I think myself that has been the fundamental failing in the whole approach to basic violations of human rights. If you assume, as we do, substantive standards by which we can judge countries and their behavior, it seems to me imperative that we be objective to the maximum of our ability and judge friendly, neutral and unfriendly countries equally."<sup>3</sup>

Mrs. Hauser cited the case of Northern Ireland as an example. She reported that while serving as U.S. Representative to the U.N. Commission on Human Rights, she urged the State Department to take a position against violations in Northern Ireland, but was told that our Government would not take a position offensive to the government involved, the United Kingdom, because of our traditionally friendly relations with it.

Traditionally, the United States has not hesitated to criticize violations of human rights in the Soviet Union and other Communist states. Current U.S. policy, however, has made it clear that Soviet violations of human rights will not deter efforts to promote détente with the Soviet Union. Indicative of this policy is a cautious statement made by Secretary of State Kissinger after the expulsion of Nobel Laureate Alexander Solzhenitsyn from the Soviet Union: "The necessity for détente—does not reflect approbation of the Soviet domestic structure."

Certainly it is in the interest of national security to find areas of cooperation with the Soviet Union. But cooperation must not extend to the point of collaboration in maintaining a police state. U.S. policy, therefore, must be ever mindful of the clear evidence that the Soviet Government is intensifying efforts to perpetuate the closed society as official contacts with the West are widened. Soviet leaders are not insensitive to international pressures on human rights, as can be seen in the commutation of death sentences for the Leningrad hijackers and increased emigration of Soviet Jews, for example.<sup>4</sup>

**Recommendations**

1. The Department of State should treat human rights factors as a regular part of U.S. foreign policy decision-making. It should prepare human rights impact statements for all policies which have significant human rights implications.

2. The Department of State should discourage governments which are committing serious violations of human rights through various measures such as: private consultation with the government concerned; public interventions in U.N. organs and agencies; withdrawal of military assistance and sales; withdrawal of certain economic assistance programs. Normal diplomatic relations with the government concerned should be maintained.

3. The Department of State should respond to human rights practices of nations in an objective manner without regard to whether the government is considered friendly, neutral, or unfriendly.

4. The Department of State should upgrade the consideration given to human rights in determining Soviet-American relations. While pursuing the objectives of détente, the United States should be forthright in denouncing Soviet violations of human rights and should raise the priority of the human rights factor particularly with regard to policy decisions not directly related to national security.

<sup>1</sup> Testimony by Representative John Buchanan of Alabama at a joint hearing of the Subcommittee on International Organizations and Movements and the Subcommittee on Africa, Oct. 17, 1973.

<sup>2</sup> Hearings, Subcommittee on International Organizations and Movements, *International Protection of Human Rights: The Work of International Organizations and the Role of U.S. Foreign Policy*, Sept. 19, 27; Oct. 3, 18; and Dec. 7, 1973.

<sup>3</sup> Testimony by Mrs. Rita Hauser before the Subcommittee on International Organizations and Movements, Oct. 9, 1973.