

Ronald Reagan Presidential Library  
Digital Library Collections

---

This is a PDF of a folder from our textual collections.

---

**Collection:** Green, Max: Files  
**Folder Title:** Soviet Jewry (2)  
**Box:** 24

---

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: [reagan.library@nara.gov](mailto:reagan.library@nara.gov)

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

JACKSON-VANIK

April 1973 - July 1983

*Summers*

ROBERT J. DOLE, KANS., CHAIRMAN

BOB PACKWOOD, OREG.  
WILLIAM V. ROY, JR., DEL.  
JOHN C. DANFORTH, MO.  
JOHN N. CHAFFE, R.  
JOHN HEINZ, PA.  
MALCOLM WALKER, WYD.  
DAVID DURKIN, MINN.  
WILLIAM L. ARMSTRONG, COLO.  
STEVEN D. SYMMS, IDAHO  
CHARLES E. GRASSLEY, IOWA

RUSSELL B. LONG, LA.  
LLOYD BENTSEN, TEX.  
SPARK M. MATSUNAGA, HAWAII  
DANIEL PATRICK MOYNIHAN, N.Y.  
MAX BAUCUS, MONT.  
DAVID L. BOREN, OKLA.  
BILL BRADLEY, N.J.  
GEORGE J. MITCHELL, MAINE  
DAVID PRYOR, ARK.

# United States Senate

COMMITTEE ON FINANCE

WASHINGTON, D.C. 20510

July 27, 1983

RODERICK A. DEARMENT, CHIEF COUNSEL AND STAFF DIRECTOR  
MICHAEL STERN, MINORITY STAFF DIRECTOR

TO: FINANCE COMMITTEE

FROM: FINANCE COMMITTEE TRADE STAFF

SUBJECT: JULY 29, 1983 HEARING ON EXTENSION OF THE PRESIDENT'S AUTHORITY TO WAIVE SECTION 402 (FREEDOM OF EMIGRATION REQUIREMENTS) OF THE TRADE ACT OF 1974

## SUMMARY

The decision of the U.S. Supreme Court in INS v. Chadha, No. 80-1832 (June 23, 1983) has altered dramatically the balance between Congress and the President reflected in section 402(d)(5) of the Trade Act of 1974. That section authorizes either the House or the Senate to terminate, by adoption of a simple resolution, the President's authority to grant Most Favored Nation (MFN) trade treatment by waiving the requirement of freedom of emigration for nonmarket economy countries. The Supreme Court held that such one (or two) house vetoes are unconstitutional. The Court also held that the unconstitutionality of such "legislative veto" provisions does not render the remainder of the statute containing such a legislative veto invalid, particularly where the statute contains a severability provision. The Trade Act of 1974 contains a severability provision. Senate Legal Counsel has concluded that, under current law, as interpreted in Chadha, the President retains unreviewable authority under the Trade Act of 1974 to extend his section 402 waiver for twelve-month periods. The Administration has testified (Deputy Secretary of State Dam before the House Committee on Foreign Affairs, July 20, 1983) that the Court's decision should cause no "fundamental" change in the relationship between the President and Congress. According to the Administration, Chadha does not affect other statutory procedures by which Congress is informed of or involved in actions by the Executive Branch.

Thus, the Administration is prepared to consult with Congress on the President's use of his waiver authority; but Chadha means that Congressional disapproval which has the effect of terminating MFN treatment for any or all of these countries must take the form of a bill (including a joint resolution) which is presented to the President and, if he disapproves, is repassed by two-thirds of the Senate and the House.

Because the Administration continues to consult with Congress, the Committee is in a position to conduct an oversight hearing on the President's use of his waiver authority this year. But the Chadha case suggests that the Committee may wish to consider whether section 402 should be changed so as to

reestablish the direct involvement of Congress in the exercise of these authorities.

On June 3, 1983, the President exercised his authority to extend for 12 months the existing waiver of the freedom of emigration requirements of the Trade Act of 1974. The effect of the President's action is to extend through July 2, 1984 his waiver authority and its specific exercise with respect to Romania, Hungary and the PRC.

As in past years, serious complaints regarding emigration have been raised only with respect to Romania. On June 29, 1983, Senator Helms introduced S. Res. 171 which would prohibit the extension of the waiver authority with respect to Romania. S. Res. 171 has been referred to the Committee on Finance. Under the provisions of Sections 402, 152, and 153 of the Trade Act of 1974, if the Committee on Finance has not reported S. Res. 171 at the end of 30 days after its introduction, it is in order to move to discharge the Committee from further consideration of the Resolution. If the Senate proceeds to consideration of the Resolution, debate is limited to 20 hours. In view of the Chadha decision, it may not be productive to report out S. Res. 171. On June 30, 1983, Representative Philip Crane introduced a Resolution of Disapproval, H. Res. 256, in the House of Representatives. The Resolution was referred to the Committee on Ways and Means, and the Committee reported unfavorably H. Res. 256. A discussion of the situation in Romania is presented below.

U.S. bilateral trade with Romania, Hungary, and the PRC has grown markedly in recent years. The United States has entered into trade agreements with these countries under Title IV of the Trade Act. The agreement with Romania was first effective in 1975. The agreement with Hungary became effective on July 7, 1978. Both of these agreements have been renewed by the Reagan Administration. The agreement with the PRC became effective for a 3-year period on February 1, 1980. Under each of these agreements, MFN treatment is accorded. Further information on U.S. trade with Romania, Hungary, and the PRC is presented below.

Freedom of Emigration in the Trade Act

Subsections 402(a) and (b) of the Trade Act of 1974 prohibit the granting of MFN treatment, the extension of U.S. Government credits or investment guarantees, and the conclusion of a commercial agreement with any nonmarket economy country not receiving MFN treatment on the date of enactment of the Trade Act, if such country:

- (1) denies its citizens the right or opportunity to emigrate;
- (2) imposes more than a nominal tax on emigration; or
- (3) imposes more than a nominal charge on any citizen who wants to emigrate to the country of his choice.

Subsection 402(d) permits the President to waive the prohibitions in subsections (a) and (b) under certain conditions. The President exercised this waiver authority with respect to Romania in 1975. The waiver was extended under subsections 402(d) (4) and 402(d) (5) by Congressional inaction for the 12-month periods beginning July 3 of 1976, 1977, 1978, 1979, 1980, 1981, and 1982. The President exercised the waiver authority with respect to Hungary on April 7, 1978, and this waiver was extended under subsection 402(d) (5) for the 12-month periods beginning July 3, 1978, 1979, 1980, 1981, and 1982. The President exercised the waiver authority with respect to the PRC on October 23, 1979, and this waiver was extended under section 402(d) (5) for the 12-month period beginning July 3, 1980, 1981, and 1982. The President's message of June 3 extends the general waiver authority and the extension of the specific waivers under the procedures in subsection 402(d) (5) for another 12 months until July 3, 1984, if (1) he determines that further extension will substantially promote the objective of freedom of emigration; and (2) he recommends the 12-month extension to Congress. Congress' authority in subsection 402(d) (5) to disapprove of the waiver authority by a one house veto has been invalidated by the Chadha decision, according to Senate Legal Counsel.

ROMANIA

Romanian Emigration

In early 1983, emigration from Romania was slowed due to the imposition of an education tax by the Romanian government. The tax was announced in November 1982 and put into effect in February, 1983. The tax required emigrants to reimburse the Romanian government in hard currency for all education received beyond the 10th grade. Hard currency is illegal for Romanian citizens to own, and with many emigrants having to pay more than \$20,000 to \$30,000, either they could not leave or they had to rely upon their relatives abroad to make the payment.

On March 4, 1983, President Reagan stated that if the education tax were not rescinded by June, he would not recommend extension of the waiver. On June 3, the President issued another statement saying he had received assurances from the Romanian President that the education tax would no longer be enforced, and therefore he was extending their waiver authority for another year. President Reagan pointed out that emigration from Romania had increased during September 1982-March 1983 as compared with the same period in 1981-1982. Because of this increase, the President felt it was in the best interests of both the United States and Romania that MFN be continued.

At the end of June, Senator Jesse Helms and Representative Philip Crane introduced resolutions of disapproval in the Senate and House respectively, regarding the extension of MFN trading status to Romania. The basic complaints of the Congress are that Romanian emigration performance continues to be hinged upon pressure from Congress, and that the education tax was being used as a "bargaining chip" by the Romanians in order to maintain MFN status, while at the same time maintaining strict emigration practices.

In response to similar concerns last year, the Committee reported favorably Senate Resolution 445, introduced by Senator Dole, expressing the sense of the Senate that the United States should seek credible assurances that the Socialist Republic of Romania would review and take steps with respect to certain emigration procedures in consultations with Romania, scheduled for September 1982. The resolution also condemned the continued harassment and persecution of religious groups and ethnic minorities in Romania as contraventions of the Helsinki Final Act and fundamental human rights and called upon the United States Government to pursue these matters with Romania in appropriate international fora.

The Romanian Government has asserted that emigration procedures have been improved and that harassment of prospective emigrants does not exist. The rate of emigration is greater this year than in any recent year.

United States Trade with Romania

The United States entered into a 3-year trade agreement with Romania effective August 3, 1975. It was extended in 1978 and again in 1981. The Trade Act states that the President must determine before renewing the U.S.-Romania trade agreement that a "satisfactory balance of concessions in trade and services have been maintained during the life of such agreement and...that actual or foreseeable reductions in United States tariffs and nontariff barriers to trade resulting from multilateral negotiations are satisfactorily reciprocated by Romania.

Trade between the United States and Romania more than doubled between 1977 and 1981. Total trade between the countries was only \$8 million in 1965. By 1977, trade turnover was estimated at \$492.7 million. It had more than doubled by 1981, reaching \$1.06 billion.

However, the trading picture with Romania has changed in recent years. In 1981 the U.S. experienced its first trade deficit with Romania since 1978, as U.S. exports declined from \$722 million in 1980 to \$504 million in 1981. In 1982, U.S. exports declined even further to \$224 million, with U.S. imports declining from an all-time high of \$561 million in 1981 to \$348 million in 1982. These figures reflect the severe import-curtailling measures taken by Romania in response to its hard-currency debt problem, the inability to gain access to hard-currency financing, and the effects of world-wide recession on trade.

Romania is now enforcing stringent trade and monetary policies aimed at balancing foreign trade. Current Romanian foreign trade law requires that Romanian imports be balanced with exports. The country now seeks 100 percent countertrade in sales contracts for most industrial products. In mid-1981, a liquidity crisis erupted which caused Romania to seek debt relief. Romania's requests for reschedulings covering \$2 billion in debt service in 1982 were agreed to, and negotiations are currently underway with Western private banks and governments which are expected to make available \$800 million in debt relief in 1983. While the 1981 crisis diminished Romania's credibility, it is expected that the Romanian market will improve at a steady pace in 1983 and 1984.

The education tax created some questions in U.S.-Romanian trade in the past year. The uncertainty of the fate of Romania's MFN status with the advent of the tax resulted in a cautious attitude by U.S. firms doing business with Romania.

Trade expansion was deterred as a result of the tax as well as other factors. The 55 percent decline in U.S. exports between 1981 and 1982 reflected primarily a decline in agricultural sales, due to both the Romanian austerity program and a record crop year. U.S. exports of manufactured goods remained nearly the same with \$51.7 million in 1981 and \$50.7 million in 1982. U.S. exports of crude materials and fuels increased in 1982 over 1981 from \$118 million to \$126 million. U.S. imports declined by \$213 million due in great part to Romania's inability to finance

U.S. imports. Romania was also forced to use money gained from exports to repay its financial obligations to the U.S. Government, private banks, and commercial suppliers.



ANNUAL ROMANIAN EMIGRATION

1971 - 1983

(Visas issued by respective embassies)

<u>YEAR</u>	<u>U.S.A.</u>	<u>Israel</u>	<u>F.R.G.</u>	<u>TOTAL</u>
1971	362	1,900*	N.A.	2,262
1972	348	3,000*	N.A.	3,348
1973	469	4,000*	N.A.	4,469
1974	407	3,700*	N.A.	4,107
1975	890	2,000*	4,085	6,975
1976	1,021	1,989	2,720	5,720
1977	1,240	1,334	9,237	11,811
1978	1,666	1,140	9,827	12,633
1979	1,552	976	7,957	10,485
1980	2,886	1,061	12,946	16,893
1981	2,352	1,012	8,619	11,983
1982	2,381	1,474	11,546*	15,391
1983 (Jan-May)	1,261	454	5,925	7,640

Source: U.S. Department of State

\* approximate figures

ROMANIAN EMIGRATION TO U.S.

MONTHLY TOTALS

(Visas issued by U.S. embassy)

<u>MONTH</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
January	166	240	260	136
February	213	252	169	338
March	232	183	223	302
April	235	207	260	183
May	231	212	249	302
June	242	188	227	
July	273	189	163	
August	236	139	306	
September	276	200	57	
October	308	164	38	
November	251	173	277	
December	223	205	152	
Total	<u>2886</u>	<u>2352</u>	<u>2381</u>	<u>1261</u>

Source: U.S. Department of State

NOTE: Figures include immigrants handled under third country processing arrangements. These are persons not eligible to receive U.S. immigration visas from the embassy in Bucharest. These people travel to Rome or other locations for processing of their applications for admission to the United States as conditional entrants.

ROMANIAN EMIGRATION TO ISRAEL

MONTHLY TOTALS

(Visas issued by Israeli embassy)

<u>MONTH</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
January	57	67	58	136
February	52	44	56	90
March	87	48	57	102
April	74	55	71	74
May	90	64	54	52
June	57	59	54	
July	127	92	131	
August	103	90	155	
September	131	158	255	
October	106	80	176	
November	83	109	204	
December	94	146	203	
Total	<u>1061</u>	<u>1012</u>	<u>1474</u>	<u>454</u>

Source: U.S. Department of State

VOLUME AND COMPOSITION OF U.S.-ROMANIAN TRADE

(Millions of Dollars)

<u>US EXPORTS</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>Jan-Mar. 1982</u>	<u>Jan-Mar. 1983</u>
Manufactured	100.3	134.4	51.7	50.8	20.7	4.7
Agricultural	336.5	462.6	368.4	133.5	56.6	41.6
Other	<u>63.7</u>	<u>123.2</u>	<u>83.8</u>	<u>38.9</u>	<u>13.8</u>	<u>5.9</u>
TOTAL	500.5	720.2	503.9	223.2	91.1	52.2
<u>US IMPORTS</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>Jan-Mar. 1982</u>	<u>Jan-Mar. 1983</u>
Manufactured	230.0	229.4	377.5	237.1	66.3	39.5
Agricultural	34.0	30.2	27.9	19.0	7.1	5.4
Other	<u>65.6</u>	<u>52.6</u>	<u>154.7</u>	<u>91.7</u>	<u>17.5</u>	<u>42.2</u>
TOTAL	329.6	312.2	560.1	347.8	90.9	87.1
TRADE TURNOVER	<u>830.1</u>	<u>1032.4</u>	<u>1064.0</u>	<u>571.0</u>	<u>182.0</u>	<u>139.3</u>
TRADE BALANCE	+170.9	+408.0	-56.2	-124.6	+0.2	-34.9

\*Most recent figures available

Prepared by Commerce De

HUNGARY

Emigration From Hungary

Emigration from Hungary to the United States has been modest in recent years. In Fiscal 1982, only 345 individuals emigrated. Contributing to this low rate is the country's moderately high standard of living and relatively stable internal conditions as well as its willingness to permit a large number of its citizens to visit the West. In 1982, some 12,166 persons visited the United States.

In 1982, the U.S. Department of State reported no pending problem emigration cases.

United States Trade With Hungary

Due to international economic uncertainties, Hungarian economic policies are increasingly cautious and no dramatic upswing in U.S.-Hungarian trade is expected for 1983-1984. For 1983, current projections for Hungarian industrial and income growth are less than 1 percent. In the past year, the East European recession and financial difficulties resulted in a slight drop in U.S.-Hungarian trade, from \$206 million in 1981 to \$200.5 million in 1982. U.S. exports to Hungary declined to \$67.8 million, a 7 percent drop over 1981 levels. U.S. imports from Hungary increased slightly from \$128.6 million in 1981 to \$132.7 in 1982.

Manufactured goods represent the greatest share of U.S. exports to Hungary, comprising 86 percent of all exports in 1982. Major U.S. manufactured exports include tractor parts, gas compressors, and gasoline engines, while Hungary exports such items as electrical lamps and clothing to the United States.

During 1982, Hungary was admitted to the IMF and the World Bank. Hungary is improving the stability of its economy through the IMF's stabilization program, implementing broad-ranging industrial and financial policies.

VOLUME AND COMPOSITION OF U.S.-HUNGARIAN TRADE  
(Millions of Dollars)

<u>US Exports</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>Jan-Mar. 1982</u>	<u>Jan-Mar.* 1983</u>
Manufactured	54.0	63.5	58.4	18.7	7.5
Agricultural	24.4	12.9	7.1	2.6	13.1
Other	<u>0.6</u>	<u>1.1</u>	<u>2.3</u>	<u>0.3</u>	<u>0.8</u>
Total	79.0	77.5	67.8	21.6	21.4
<u>US Imports</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>Jan-Mar. 1982</u>	<u>Jan-Mar.* 1983</u>
Manufactured	75.8	93.1	98.6	27.7	26.6
Agricultural	31.3	34.0	33.7	8.0	12.7
Other	<u>0.4</u>	<u>1.5</u>	<u>0.4</u>	<u>0.0</u>	<u>0.0</u>
Total	107.5	128.6	132.7	35.7	39.3
<u>TRADE TURNOVER</u>	<u>186.5</u>	<u>206.1</u>	<u>200.5</u>	<u>57.3</u>	<u>60.7</u>
<u>TRADE BALANCE</u>	-28.5	-51.1	-64.9	-14.1	-17.9

\* Most Recent Figures Available

Source: U.S. Department of Commerce

CHINA

Emigration from the People's Republic of China

In contrast to the Romanian situation, limitations of the U.S. quota have been the cause for the backlog of immigrants from the People's Republic of China. As of July 1983, the U.S. Department of State reported a 5-year wait for fifth preference emigration candidates (e.g., brothers and sisters of U.S. citizens).

In 1982, some 9,500 emigrant visas were issued to citizens of the PRC. There are now approximately 60,000 Chinese with approved emigrant visa petitions waiting for space in the U.S. quota.

Through the instigation of a separate quota for Taiwan approved by Congress in 1981, the number of emigrants increased. Before the Congressional action, persons born in Taiwan were included in the PRC quota. This change helped ease the the backlog, but the Chinese still are subject to the United States's worldwide limitation of 220,000 emigrants per year.

On the national level, China has a policy of free emigration. If people are discouraged to emigrate, it usually occurs on the local level where officials may not be anxious to lose the skills of an applicant. Persons claiming "dual" nationality are expected to have fewer problems obtaining travel documents in the future. (In the past, persons claiming both U.S. and PRC citizenship have had problems obtaining permission to travel to the United States because the PRC does not recognize their U.S. citizenship and the United States does not recognize their PRC citizenship.) Attached to the Ratification of Consular Convention, signed January 1982, were notes referring to family reunification and travel for dual nationals.

Besides the ongoing permanent emigration, there has been an upsurge in temporary visits by Chinese to the United States. There are now 10,000 students and scholars visiting this country, compared to about 100 Chinese scholars in 1979.

United States Trade with China

In 1982, total trade between the U.S. and China declined slightly from 1981. U.S. exports dropped from \$3.6 billion in 1981 to \$2.9 billion in 1982. U.S. imports of Chinese goods increased from \$1.9 billion in 1981 to nearly \$2.3 billion in 1982.

Agricultural products remain the number one U.S. export to China, followed by machinery and transport equipment, synthetic resin, fertilizers, and others. Imports from China continued to increase with petroleum products and manufactured goods, including textile products, footwear, and rugs.

U.S. agricultural commodities exports suffered a decrease of \$224.5 million between 1982 and 1983. For the period of January-March 1982, \$506.3 million of agricultural products were exported to China, as compared with \$281.8 for the same period in 1983. This drop is due to economic and political strains in U.S.-Chinese relations. When the U.S. Government imposed import controls on Chinese textiles on January 15, 1983, the Chinese government announced its intention to stop renewal of U.S. cotton and soybean contracts for 1983 and to reduce Chinese imports of other U.S. agricultural commodities.

The Chinese have made considerable progress in improving business facilities and conditions for U.S. firms operating in China, and have established a patent office. A patent law has been drafted, though it has not yet been drafted by the National People's Congress. In the absence of a patent system, foreign firms have been protecting their technology by contractual agreement on a case-by-case basis.



VOLUME AND COMPOSITION OF U.S.-CHINA TRADE 1979-1983  
(Millions of U.S. Dollars)

<u>U.S. EXPORTS</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>Jan-Mar.</u> <u>1982</u>	<u>Jan-Mar.</u> <u>1983</u>
Manufactured	653.0	1225.9	1138.8	1071.7	313.4	332.6
Agricultural	990.2	2209.5	1956.3	1498.0	506.3	281.8
Other	<u>73.3</u>	<u>316.3</u>	<u>507.6</u>	<u>342.4</u>	<u>85.4</u>	<u>54.3</u>
Total	1716.5	3751.7	3602.7	2912.1	905.1	668.7
<u>U.S. IMPORTS</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>Jan-Mar.</u> <u>1982</u>	<u>Jan-Mar.</u> <u>1983</u>
Manufactured	361.9	733.3	1164.2	1432.4	365.5	381.7
Agricultural	88.0	136.2	333.6	175.5	50.8	44.5
Other	<u>142.4</u>	<u>206.4</u>	<u>410.4</u>	<u>675.8</u>	<u>140.3</u>	<u>108.1</u>
Total	592.3	1075.9	1908.2	2283.7	556.6	534.3
Trade Turnover	<u>2308.8</u>	<u>4827.6</u>	<u>5510.9</u>	<u>5195.8</u>	<u>1461.7</u>	<u>1203.0</u>
Trade Balance	+1124.2	+2675.8	+1694.5	+628.4	+348.5	+134.4

Source: U.S. Department of Commerce

TRADE AGREEMENT AND HUMAN RIGHTS PACKET

Extension of Jackson-Vanik Waiver Authority Testimony by Senator Henry M. Jackson Subcommittee on Int'l. Trade - Senate Finance Committee	July 29, 1983
Address by Senator Henry M. Jackson - 70th Anniversary Dinner of the Anti-Defamation League of B'nai B'rith Washington, D.C.	June 8, 1983
Comment by Senator Jackson on MFN and Romania	March 4, 1983
Testimony By Senator Jackson -- Jackson-Vanik Waiver Authority Extension -- Romania, Hungary, China Senate Finance Committee - Subcommittee on Int'l. Trade	August 10, 1982
Extension of Jackson-Vanik Waiver Authority -- China, Romania, Hungary Letter to Chairman Sam Gibbons (House) Subcommittee on Trade - Comm. on Ways and Means	July 12, 1982

The Struggle for Human Rights and Decency Address by Senator Henry M. Jackson Anti-Defamation League of B'nai B'rith	October 25, 1981
Extension of Jackson-Vanik Waiver Authority -- Romania, Hungary, China Letter to Chairman John Danforth (Senate) Subcommittee on Int'l. Trade - Committee on Finance	July 22, 1981
Extension of Jackson-Vanik Waiver Authority -- China, Romania, Hungary Letter to Chairman Sam Gibbons (House) Subcommittee on Trade - Committee on Ways and Means	June 18, 1981
The Jackson-Vanik Amendment Exchange of Letters between Senator Jackson Governor Reagan & President Carter regarding Section 402 of the Trade Act of 1974	Oct. 2, 1980 (Sen. Jackson) Oct. 24, 1980 (Gov. Reagan) Oct. 25, 1980 (Pres. Carter)
The Madrid Conference and Soviet Emigration Statement by Senator Henry M. Jackson Senate Floor	Tuesday, Sept. 30, 1980
Accountability For Commitments Statement by Senator Henry M. Jackson Senate Floor	Thursday, Aug. 21, 1980
Extension of Jackson-Vanik Waiver Authority -- China, Romania, Hungary Statement by Senator Henry M. Jackson Subcommittee on Int'l. Trade-Senate Finance Committee	Monday, July 21, 1980
Mendelevich, Fiodorov & Murzhenko -- The Remaining Leningrad 3 Statement by Senator Henry M. Jackson Senate Floor	Friday, June 13, 1980
Extension of Jackson-Vanik Waiver Authority -- China, Romania, Hungary Statement by Senator Henry M. Jackson to Subcommittee on Trade, House Comm. on Ways & Means	June 10, 1980
The Gallant Ida Nudel Insertion in Congressional Record by Senator Henry M. Jackson	Tuesday, April 29, 1980
Sakharov-Freedom Award CDM Friends of Freedom Dinner Washington, D.C.	Thursday, April 24, 1980
The Making Of A Human Rights Activist: Anatoly Shcharansky Statement by Senator Henry M. Jackson Senate Floor	Tuesday, March 18, 1980
Andrei Sakharov and Human Rights Congressional Record	Tuesday, March 11, 1980
Andrei Sakharov: HMJ statement on behalf of Sakharov, Kopelev and Krasiwski Congressional Record	February 19, 1980
The Struggle For Religious Freedom Statement by Senator Henry M. Jackson Senate Floor	Monday, Dec. 10, 1979
The People's Republic of China, Trade and MFN Statement to Senate Finance Committee on International Trade	Thursday, Nov. 15, 1979
China, Trade & MFN - House Ways & Means	Thursday, Nov. 1, 1979
MFN and Romania Statement to Senate Finance Committee Subcommittee on International Trade	Thursday, July 19, 1979
Solidarity Award - Nat'l. Conference on Soviet Jewry	Sunday, June 10, 1979

Solidarity Sunday - New York	Sunday, April 29, 1979
Sakharov & Other Comments on Jackson-Vanik	Feb. 1979, March 1978, Feb. 1976, Sept. 1973
The Jackson Amendment - Los Angeles Times	Sunday, Oct. 1, 1978
CDM Human Rights Dinner - New York City	Saturday, Sept. 30, 1978
Senate Votes 90 to 1 to Approve Jackson Resolution in Support of 1978 Nobel Peace Prize for Helsinki Monitoring Groups in USSR	Thursday, July 13, 1978
MFN and Romania	Wednesday, July 12, 1978
Statement on Alexander Ginzburg	Tuesday, July 11, 1978
U.S. Hungarian Trade Agreement	Thursday, July 6, 1978
The Jackson Amendment & Freer Emigration Nat'l. Conference on Soviet Jewry	Monday, April 10, 1978
The Jackson Amendment; CDM Dinner Remarks	Thursday, Jan. 26, 1978
Human Rights & The Jackson-Vanik Amendment	Tuesday, June 14, 1977
Freedom of Emigration	Wednesday, March 2, 1977
Congressional Record (Internationally Recognized Human Rights)	Friday, February 11, 1977
Letter from Jimmy Carter to HMJ	September 29, 1976
Freer Emigration from Soviet Union	Thursday, June 3, 1976
America & Human Rights	Thursday, April 29, 1976
The 27th Anniversary of the Universal Declaration of Human Rights	Wednesday, Dec. 10, 1975
United States-Romanian Trade Agreement and Freedom of Emigration	Friday, July 25, 1975
East-West Trade & Freedom of Emigration	Thursday, Jan. 30, 1975
Joint Statement by Senators Jackson, Ribicoff & Javits & Congressman Vanik on East-West Trade & Freedom of Emigration	Wednesday, Jan. 15, 1975
Title IV From Trade Amendment	Friday, Jan. 3, 1975
Senate Passage of Trade Reform Act, Congressional Record	Friday, December 13, 1974
Freedom of Emigration in East-West Trade Exchange of Letters between Secretary Kissinger & Senator Jackson (Reprinted from Report of the Senate Finance Committee on the Trade Reform Act of 1974)	October 18, 1974
The White House Press Conference of Sen. Henry M. Jackson of Washington Sen. Abraham A. Ribicoff of Connecticut Sen. Jacob K. Javits of New York	August 15, 1974
Congressional Insert (House Version)	December 11, 1973
Detente & Human Rights (Pacem)	Thursday, Oct. 11, 1973
The New York Times (First, Human Detente)	Sunday, Sept. 9, 1973
Congressional Record (Trade Reform Act of 1973- Amendment) - Amendment No. 79	Tuesday, April 10, 1973
Congressional Record, Proposed Amendment on East-West Trade and Freedom of Emigration (formally introduced on October 4, 1972 with 72 co-sponsors)	Wednesday, Sept. 27, 1972

---

## How Not to React to Soviet Anti-Semitism

---

To the Editor:

Edgar Bronfman's call for repeal of the Jackson-Vanik Amendment (Op-Ed July 1), which ties U.S. trade benefits to Soviet compliance with a concrete and measurable international human right — the freedom to leave one's country — could not have come at a more unfortunate time.

Only weeks ago, Soviet authorities put on display a puppet group of Russian Jews whom they designated "The Anti-Zionist Committee of the Public" and prompted its leaders to declare "that no more Jews wished to leave the Soviet Union."

In the very week Bronfman recommended unilateral U.S. concessions as "a sign of good will," Deputy Assistant Secretary of State for Human Rights Charles H. Fairbanks Jr. warned that this new Soviet committee is a part of stepped-up anti-Semitism campaigns which emanate from the central government "that controls armies, university admission committees, courts, prisons and border guards." This is only further confirmation that the Soviet Union is the only great power since Hitler's Germany that exploits

anti-Semitism as state policy.

The Jackson-Vanik Amendment was one response to the impetus which Soviet anti-Semitism added to the desire of Soviet Jews to be repatriated to Israel, despite the great personal risks involved. After its enactment, Jewish emigration from the Soviet Union rose from less than 1,000 a year to more than 51,000 in 1979. Exit permits have now been reduced to a mere trickle, but U.S. policy is no more responsible for this Soviet human-rights violation than it is for endemic Soviet anti-Semitism.

It is unseemly to respond to Soviet threats of repression by instant calls to examine what America is doing wrong. All policies can stand periodic re-examination, which routinely happens in our free society, but surely repeal of Jackson-Vanik should not be offered as a unilateral sacrifice in the midst of a two-pronged Soviet anti-Semitic campaign — one against the Jews within its borders and another on the international stage of the United Nations.

MORRIS B. ABRAM  
Chairman, National Conference  
on Soviet Jewry  
New York, July 5, 1983

June 28, 1983

## *The Value of Jackson-Vanik*

Romania's disclosure that its heavy education tax on those seeking to emigrate is a dead letter recalls a similar episode involving the Soviet Union. Both experiences highlight the value of the Jackson-Vanik amendment at a time when the myth of its counterproductivity, nurtured by former president Nixon and former secretary of state Henry Kissinger, is becoming conventional wisdom in some corridors of power.

Romania last November sought to end the right to emigrate by requiring emigrants to pay huge bills in hard currency for their higher-school and university education. In 1972, the Soviet Union secretly imposed a scale of "diploma" taxes almost prohibitive for those seeking to emigrate.

The Soviet edict prompted the Jackson-Vanik legislation, which linked most-favored-nation tariff treatment and U.S. government credits for "non-market" countries to the easing of emigration procedures, including the elimination of exit taxes above the nominal level. It was introduced in the House in February 1973, and in the Senate on March 16.

On March 19 and 20, the Kremlin disclosed that 44 Soviet Jews were being allowed to leave without paying the tax. The next day a special article stated that the "diploma tax will not be enforced any more." The dropping of the edict facilitated the exodus of the approxi-

mately 200,000 Jews who emigrated after that date. In the same way, Jackson-Vanik helped increase the emigration of Romanian Jews by some 50 percent last year and has now led to the removal of a law in clear violation of international human rights standards.

In Richard Nixon's view, the amendment resulted in cutting Jewish emigration in half, while his administration's "quiet diplomacy" brought about a jump in the emigration rate from 1,000 in 1968 to 35,000 in 1973. Mr. Kissinger, in his "Years of Upheaval," says that Jackson-Vanik "wound up substantially reducing" emigration.

The reality is otherwise. Jewish emigration sharply declined from the very beginning of 1974 long before the amendment was enacted into law (Dec. 20, 1974). Even with Jackson-Vanik on the books, Jewish emigration rose from 1976 through 1979, reaching the highest level ever (51,000) in 1979 and outdistancing by far the 1973 level of 35,000.

Other factors, totally unrelated to Jackson-Vanik, explain the vagaries of Soviet emigration policy.

Notwithstanding, the Nixon-Kissinger thesis finds repeated echoes, most recently among some congressional leaders who want to dump Jackson-Vanik. Andrei Sakharov had a word about this a decade ago. Failure to enact the amendment, he said, would constitute "a betrayal of the

thousands of Jews and non-Jews who want to emigrate, of the hundreds in camp and mental hospitals, of the victims of the Berlin Wall."

WILLIAM KOREY

Director, International Policy Research,  
Brookings Institution

New York



# B'NAI B'RITH INTERNATIONAL

1640 Rhode Island Ave., N.W.  
Washington, D. C. 20036  
(202) 657-8800  
TWX 710-622-0088 / Cable BNAIBRITH WASHDC

June 13, 1983

Dear Friend:

One of the most significant tools in American trade relations with the Soviet Union and other non-market economy nations has been the Jackson-Vanik amendment. Adopted in 1974, Jackson-Vanik makes freedom of emigration a precondition of "most-favored-nation" status and other trade agreements.

In recent years, however, certain prominent Americans have argued that Jackson-Vanik has outlived its usefulness. This argument is disputed by Dr. William Korey, Director of Policy Research for the International Council of B'nai B'rith, who contends that the amendment really represents a milestone in human rights legislation. In his sixteen page report, he rejects the oft-repeated notion that Jackson-Vanik is responsible for the decline of Soviet Jewish emigration. Rather, he shows how the present law has actually facilitated emigration.

Because of your concern about the future of Soviet Jewry, I am enclosing both a copy and a precis of Dr. Korey's report, which formed the basis for recent action by the Board of Governors of B'nai B'rith in endorsing Jackson-Vanik as a "lever which can be useful in promoting emigration procedures in countries like the Soviet Union and Romania." I believe you will find this material useful.

Sincerely,

Warren W. Eisenberg, Director  
International Council of  
B'nai B'rith

WWE/yej  
0004

## JACKSON-VANIK AND SOVIET JEWRY

A precis of a report by Dr. William Korey, Director  
Policy Research, International Council of B'nai B'rith

Should "quiet diplomacy" replace the historic Jackson-Vanik amendment, which ties trade benefits, including "most-favored-nation" status, to the removal of obstacles to emigration?

This is the argument offered by both Richard Nixon and Henry Kissinger, who believe that Jackson-Vanik has contributed to the recent decline in Soviet emigration and to the disintegration of detente. Nixon and Kissinger argue that the Soviets have reacted negatively to being put on the spot publicly by Jackson-Vanik, which was adopted in 1974. Indeed, they attribute the rapid rise in emigration in the early 1970's to "private pressure" and "quiet diplomacy." They feel that if the United States is to have an impact on Soviet internal affairs, which includes emigration policy, it best be done quietly.

The Nixon-Kissinger analysis seems to be gaining some public support. Just recently, the Washington Post suggested that Jackson-Vanik should "be wiped off the books" because it had the "effect of staunching" the flow of emigration and of "distorting American relations" with countries such as Romania.

To the extent that the Nixon-Kissinger thesis gains public currency, and that it may be transformed into a guide for Administration or Congressional strategy, it merits close scrutiny. What emerges, through careful analysis, is in direct contradiction to the Nixon-Kissinger view.

It would be well to begin with some chronology. In 1968, fewer than 400 Jews emigrated from the Soviet Union. At about the same time, a variety of pressures began to force the Soviets to loosen emigration restrictions. These pressures included Jewish activism within the Soviet Union, a massive outcry of world public opinion (such as the massive demonstrations when Kosygin visited Canada), and the Kremlin's desire for increased trade and detente with the United States. Soon after, emigration increased dramatically, reaching over 14,000 in 1971 and over 30,000 in 1972.

This flood of Jewish emigrants alarmed the Soviets, especially because Jews constituted, by percentage, the most highly educated segment of Soviet society. In order to stem the tide, the Soviets decided in August 1972 to impose a "diploma tax" which would have required emigrants to compensate the state for the costs of higher education. This unprecedented "tax" became an insuperable obstacle to emigration -- which was the precise intent of its sponsors in the Kremlin.

The American response to this violation of human rights was immediate. In October, Senator Henry Jackson introduced as legislation what would later become the Jackson-Vanik amendment, which tied trade benefits and agreements to emigration.



Contrary to the premises of the Nixon-Kissinger thesis, the Soviets did not react negatively to Jackson's proposed amendment. Rather, they made efforts to placate the U.S. -- they did not want to risk losing trade and credits. As a result, they offered so many exceptions and exemptions to the "tax" that it was virtually null and void. Consequently, emigration remained at its record 1972 level, and in fact increased to nearly 35,000 in 1973.

In January 1974, however, the Soviets devised new means of harassing and intimidating applicants for emigration. Though the Soviets still desired trade and credits, their need was less intense because of a huge trade surplus generated by the quadrupling of oil prices in 1973. The harassment worked: Jewish emigration decreased by nearly one-half. This put existing and prospective Soviet-American trade agreements in jeopardy.

Both sides sought to compromise. The key question stood as follows: Would the Soviet Union accommodate to some form of Jackson-Vanik that would grant them fairly quick access to most-favored-nation status and credits? The Kremlin acted fast, assuring President Ford that it would again lift emigration barriers. In turn, Jackson modified his amendment with a waiver provision allowing demonstration of good faith about future behavior to replace current emigration practice as the criterion for granting trade benefits. Essentially, each side got what it wanted: the Soviets received Export-Import Bank trade credits and the Americans received assurances of free emigration. In December 1974, Congress passed the Trade Reform Act, including the Jackson-Vanik amendment.

The optimism of the U.S. - Soviet agreement was short-lived. Five days after the Senate passed Jackson-Vanik, the Soviets reacted angrily, condemning America's attempt to "interfere in the internal affairs" of the USSR. This condemnation took the Administration by surprise, as the Soviets had said nothing publicly before. But the real target was not Jackson-Vanik. Rather, it was a completely different bill, the Stevenson amendment to the Export-Import Bank Bill, that placed a ceiling on credits to the USSR. The ceiling was so low (\$75 million per year) that Henry Kissinger later called it "peanuts in Soviet terms." This amendment was considered and passed at the same time Jackson-Vanik was passed. Thus, the Stevenson Amendment undermined U.S. - Soviet agreements on trade and stood in fundamental contradiction to the spirit of Jackson-Vanik.

Essentially, the Soviets felt betrayed. As one Sovietologist put it, the Kremlin thought it had struck a "bum deal." In other words, the balance sheet had been tilted in such a way as to wreck the delicately arranged understandings -- the Soviets were not receiving enough in return for what they considered an intrusion into their domestic affairs. In late December 1974, the Kremlin responded by launching an all-out campaign against Jackson-Vanik, culminating in a unilateral repudiation of previous U.S. - USSR trade agreements.

The vehemence of the Soviet attacks on Jackson-Vanik may have convinced some diplomats that the amendment was to blame. But the vehemence, in fact, was deceptive. Indeed, the Kremlin's reaction was low-keyed until the Stevenson amendment was enacted.

There is further evidence to indicate that Jackson-Vanik was not an obstacle to Jewish emigration. After the Stevenson amendment chilled relations, emigration plunged to 13,221 in 1975 and hovered around the 15,000 range through 1977. Were the Soviet Union to have considered Jackson-Vanik a rationale for reducing Jewish emigration, the figures would have continued to drop or remained at this relatively low level. The opposite was the case. For, in 1978, a significant leap forward occurred -- to 28,874, close to the 1972-73 levels. And in 1979, the rate skyrocketed to 51,320, far in excess of previous high levels. This figure is all the more remarkable when it is remembered that between 1945 and 1970, only 10,000 Jews were allowed to leave the Soviet Union. And it illuminates the fact that Jackson-Vanik was by no means an insuperable obstacle.

This unprecedented rise in emigration took place because the Soviets did not want to jeopardize detente. They were hoping for Senate ratification of SALT II, and they sought a more liberal agreement on trade and credits, including MFN, Most Favored Nation trade status. But as detente deteriorated because of Afghanistan and other tensions, emigration once again began to decline. In 1980, the drop was to slightly over 21,000, and with the onset of the Reagan Administration, Jewish emigration plummeted to 9,447 in 1981 and to a mere 2,600 in 1982, the lowest since 1971. As a top Soviet official at the Madrid meetings on the Helsinki Accords acknowledged, "the more detente prospers, the more Basket III (emigration) prospers." With detente frozen, he was suggesting, there can be little progress on emigration.

Jackson-Vanik has also played a positive role in promoting emigration from Romania. Just recently, Romania was granted an extension of its MFN status when it agreed not to enforce an education tax on prospective emigrants. Without the Jackson-Vanik lever, Romania might have succeeded in choking off emigration in the name of stopping the "brain drain."

There is, then, no evidence to indicate that Jackson-Vanik has either contributed to the decline in Soviet or Eastern European emigration or in any way had a deleterious effect on the Kremlin's current emigration policies. As has already been indicated, the recent decline in emigration is a result of other factors, such as the souring of East-West relations and the Soviet fear of a "brain drain." In blaming Jackson-Vanik for the deterioration of detente and the decline in emigration, Nixon and Kissinger confuse the symptom with the cause.

Once East-West tensions diminish, Jackson-Vanik will be there as an incentive for the Soviets to honor the right of emigration. In this sense, Jackson-Vanik emphasizes and symbolizes America's ongoing commitment to freedom of emigration and, indeed, to human rights. Thus, beside promoting freer emigration, Jackson-Vanik legitimizes detente by holding it accountable to fundamental principles of international and human conduct. To do otherwise would make a mockery of the process.

Precis prepared by Leonard Steinhorn, Assistant to the Director  
International Council of B'nai B'rith

# World Reports

Analyses of critical issues confronting the Jewish world

May, 1983

## JACKSON-VANIK AND SOVIET JEWRY

by William Korey  
Director, Policy Research  
International Council of B'nai B'rith

Richard Nixon, in the course of a lengthy paean to detente published last summer in The New York Times, gave expression to a new myth about the cause of the rise and decline of Soviet Jewish emigration and, more specifically, the relationship between the historic Jackson-Vanik amendment and emigration. Nor is it only Mr. Nixon who voices the myth. His National Security Advisor and Secretary of State, Henry Kissinger, in his latest book, Years of Upheaval, echoes the Nixon approach, lending it a kind of informed and intellectual gloss. Elsewhere in important journals of opinion and in the corridors of power in Washington, the theme is beginning to pick up momentum and can be expected to become, in the not-too-distant future, conventional wisdom. To the extent that the Nixon theme may be transformed into a guide for Administration strategy, it merits close scrutiny.

The former President dealt with the Soviet Jewish emigration issue in an unhesitant and unqualified declarative manner. Jewish emigration from the USSR, he writes, increased from less than 1,000 in 1968 to 35,000 in 1973. This enormous and unprecedented leap in figures had but one simple cause. It was, said Nixon, "a result of our private pressure," by which he meant the "quiet diplomacy" of the White House. As elaborated by Nixon: "The Soviet leaders want what the West produces, and they are willing to give up something to get it." However, and this is crucial, "they will give up more in private than they will in public," which explains the presumed effectiveness of "quiet diplomacy."

What ruined everything afterwards and, particularly, the impressive Jewish emigration figures, according to Nixon, was the adoption by Congress of the Jackson-Vanik amendment. The statute had the effect of putting the Russians "on the spot publicly by tying trade to emigration policies," with the result that "the number of Jews allowed to emigrate was cut in half."

Henry Kissinger, in his second White House volume, also focused upon the dates of 1968 and 1973 and articulated the view that the rise in Jewish emigration was due to private diplomacy,

solely Nixon-Kissinger diplomacy. "Our diplomatic efforts," he wrote, "had achieved almost a hundredfold increase in the numbers allowed to leave -- from 400 a year in 1968 to 35,000 in 1973." Such extraordinary achievement was owed exclusively to "quiet diplomacy," a consequence of the U.S. not making "formal demands" but rather handling everything through "the confidential Presidential Channel"

But what about the famed theory of linkage? Were not benefits which we might extend dependent upon Soviet behavior elsewhere? Nixon, in his Times essay, appears to link trade benefits to emigration. Immediately prior to his discussion of the escalation of emigration figures, Nixon declared: "The key is to make very clear to them (the Russians) that there is an iron link between their behavior and the West's willingness to make the trade deals they hope for, while not doing so in such a way that they lose face."

Nonetheless, a close reading of the Kissinger book makes it clear that he sharply rejected the application of linkage to internal Soviet behavior. Linkage was applicable to international conduct, not domestic practices. While Communist countries are prepared to "pay a price" for increased trade, Kissinger observed, their "concessions" were more likely to be found in the area of international conduct, presumably expansion or extension of Soviet influence, than "over matters traditionally considered within the domestic jurisdiction of the state..." The rulers of the USSR would perceive a modification of domestic practices in response to pressures of a foreign power as "a direct impairment of their authority."

Still, Kissinger acknowledged that the Jackson-Vanik amendment did provide a certain leverage which the Administration had found useful. However, once adopted into law, he insisted, it was bound to have a contrary effect for the Soviets "could not possibly change their policies in response to the act of a capitalist legislature...." Ultimately, he charged, the amendment "wound up substantially reducing" emigration. This was and is the central element of the Nixon-Kissinger myth.

What, in fact, brought about the substantial increase in Jewish emigration, beginning in 1971, and what was the relationship between the exodus and Jackson-Vanik? Until March 1971, the number of Jews allowed to leave the USSR was extremely low -- a total of 10,000 from 1945 (over a 25 year period). From March on, the previous year's 1,000 level became a monthly level with the total emigration figure reaching 13,000. How did this happen? Nixon-Kissinger's "quiet diplomacy"?

The initial radical leap upwards had little to do with diplomacy other than as a spur to the ultimate decision reached by the Kremlin. Rather it was a result in part of the extraordinary courage of Soviet Jewish activists whose exodus movement, stimulated by a growing anti-Semitism, could not and would not be halted by a series of Soviet judicial trials with

harsh sentences imposed in late 1970 and 1971. Large-scale petitions and numerous demonstration appealing for emigration characterized the movement. Surprisingly, neither Nixon nor Kissinger mention this critically important factor.

What powerfully reinforced the domestic movement was a massive outcry of world public opinion, mobilized by the severe punishments imposed upon Soviet Jews, and which found expression in giant demonstrations in virtually every capital and major city of the West. If the death sentences in the first Leningrad trial were commuted, if the punishment imposed in subsequent trials was less severe, and the barriers to exodus were significantly although still incompletely lifted, it was in large part because key sectors of the world opinion reacted with revulsion to the trials. It was all too apparent to the Kremlin that its official reportage of the judicial proceedings, in the form of apologia, had fallen on deaf ears. So tarnished had its image become, so exposed its Achilles' heel -- the plight of its Jewish community -- that the very conduct of its diplomacy was deleteriously affected. And this occurred at a time when it sought, for a variety of reasons of state, to reach a detente with the West.

Soviet embarrassment reached a climax in October 1971, when its top leaders Aleksei Kosygin and Leonid Brezhnev, traveled to the West, the former to Canada and Denmark, the latter to France. In Canada, the Soviet premier was greeted with giant, though orderly demonstrations. He found himself especially on the defensive when questioned in closed session for two hours by the House of Commons External Affairs and Defense Committees, and at press conferences. Kosygin felt compelled to justify at length Soviet policy toward the Jews and to provide assurances on exit visas: "We are opening doors and will go on opening them." (In Denmark, the challenge and response would be the same.)

Stung by the Canadian demonstrations and no doubt fearful of seeing them duplicated in France a week later, when Brezhnev was scheduled to arrive in Paris, the Soviet Foreign Ministry instructed its French ambassador, Piotr Abrassimov, to attempt to placate French-Jewish opinion. The ambassador took the surprising and totally unprecedented step of inviting one hundred Jewish leaders to a meeting, where he appealed for a cessation of demonstrations. The meeting was significant in revealing the responsiveness of Soviet officialdom to world opinion. As if to emphasize this point, the number of exit visas granted shot up to eighteen hundred during November 1971, and to three thousand during December. The Kremlin was moving with a certain vigor to blunt the sharp edge of world concern.

Soviet foreign-policy needs no doubt contributed to the partial opening of what Andrei Sakharov had called the "gilded cage." The Kremlin sought detente with the United States as well as with the NATO powers in order to serve three principal objectives (1) defuse international tensions; (2) stabilize the status quo in Central and Eastern Europe; and (3) open up an extensive amount of trade and commercial relations with the

industrial capitalist powers. Trade was sought especially with the United States. Both advanced technology, including computer items, and large-scale quantities of grain were desired. An agreement to limit the escalating arms race would enable the Soviet leadership to shift, to some extent, its priorities to consumer goods, light industry and public services. Besides, there was the looming power of China, with which the Kremlin was profoundly concerned. Detente with the United States would facilitate the objective of protecting the Soviet Union's western flank in the event of a possible conflict with China.

Thus, international events in 1971 and again in 1972 fortuitously conspired to assist the movement of exodus. For, as long as the issue of the right to leave occupied a central place on the agenda of the Western conscience, discussions leading to detente would inevitably be strained. It was in this context that world public opinion played a critical role. The USSR was anxious, if not to shelve the burning human rights issue of 1970-71 concerning Jewish emigration, at least to reduce its intensity and remove it to a far less pronounced sector of priority items in detente negotiations. And, of course, western public opinion, especially public opinion in the U.S., provided the muscle that enabled Nixon's "quiet diplomacy" to be effective.

Those who doubted the value of world public opinion pointed to the invasion of Czechoslovakia by the Red Army in August, 1968 to destroy the Dubcek regime, then striving for "communism with a human face." Did not the Kremlin totally disregard world public opinion at that time? Indeed it did, but the question is fundamentally irrelevant. In matters involving the vital interests of the Soviet state (or, indeed of any state), international opinion will be disregarded. Not only was the Czechoslovak experiment seen as potentially challenging, at its very heart, the security system of the Soviet Union in Eastern Europe (the Warsaw Pact structure); it constituted an ultimate threat to the internal power of the Communist oligarchs in Moscow. For, if permitted to develop, the Czechoslovak "Spring" would have stirred latent and, indeed, emerging reformist forces throughout East Europe, including the USSR itself.

The Jewish nationalist movement within Russia was of an entirely different order insofar as the vital interests of the USSR were concerned. That movement did not seek internal changes within the USSR. Indeed, it carefully eschewed such an objective. It was not reform within the Soviet society which was sought; rather escape from the society (to Israel) was the goal. In this sense, the Jewish movement was entirely different from the other national stirrings within the USSR (such as those among the Ukrainians or among the Baltic peoples). For the ultimate success of these stirrings might alter or at least affect the distribution of power within Soviet society. In the same way, the Jewish movement had a fundamentally different character from that of the democratic dissenters, whose aspirations were

regarded by the narrow and parochial occupants of the Kremlin as genuinely threatening to their power.

Once permitted, Jewish emigration became a flood. During the first half of 1972, the monthly average reached three times the level of the previous year's monthly average. Even more significant, the requests by Soviet Jews for affidavits (vizov) from Israeli relatives -- the first stage in the emigration process -- skyrocketed. A stunned Kremlin leadership decided to halt the hemorrhaging by imposing in August a "diploma tax" which would have required Soviet Jews to pay an exorbitant sum, presumably compensating the state for the costs of higher education. Some scientists with an average annual income of 2,000 rubles were asked to pay 40,000 rubles for themselves and their families. Soviet activists saw the tax as establishing "a new category of human beings -- the slaves of the twentieth century." Since Soviet Jews constituted, by percentage, the most highly educated segment of Soviet society, with at least one-third having completed a university education, the unprecedented "tax" became an insuperable obstacle to emigration -- which was the precise intent of its sponsors in the Kremlin.

It is at this critical historical moment that Senator Henry Jackson advanced his proposal that would tie trade benefits including "most-favored-nation" tariff treatment (MFN), credits, credit guarantees and investment guarantees to the removal of obstacles to emigration. He first prepared it orally in September at an emergency meeting of the Jewish leadership, and then, with the cooperation of Senators Abraham Ribicoff and Jacob Javits, in legislative form in October. Three-quarters of the Senate - 76 individuals - became co-sponsors of a draft statute that would refuse trade benefits to a "non-market economy country" which denied its citizens the right to emigrate or which imposed more than a nominal tax on emigration.

The timing was crucial. In the same month - October 1972 - the U.S. reached an agreement with the Soviet Union whereby the U.S. would receive a fixed, even if small, portion (722 million) of the huge Soviet Lend-Lease debt accumulated during World War II. In return, the Administration pledged to seek Congressional approval of legislation granting MFN to the USSR.

The Kremlin did not react to the initial Jackson amendment with contempt. On the contrary, it made efforts to placate the U.S. During the subsequent months of November and December, the number permitted to leave the USSR reached its highest level, well over 3,000 each month. Moreover, on December 29, Soviet Deputy Minister of Interior Boris Shumilin suddenly decreed that all those who reached the age of 55 would be exempt from the "diploma tax" and, moreover, the tax would be reduced to correspond to the number of years that the individual worked for the State.

Still the "diploma tax," even if modified, was being applied with a variety of other capricious devices to limit emigration. Congressman Charles Vanik in the House of Representatives

proposed legislation similar to Jackson's and by February 1973, won 237 cosponsors - more than a majority in the lower House. In a joint statement, they demanded an end to the "outrageous price list on human beings that reduced trained and educated men and women to chattel." Shortly thereafter - precisely a decade ago - Jackson reintroduced his amendment in the Senate with 75 co-sponsors (the Vanik supporters in the House, meanwhile jumped to 272).

A high level Soviet trade delegation visiting Washington at the time was told over and over again that Soviet emigration policy constituted, in the words of Senator Edmund Muskie, a "major roadblock" to expanded trade. The moderate Muskie told the Russians at a panel sponsored by the National Association of Manufacturers that they "would be profoundly mistaken if they underestimated American feelings on the exit visa question. Americans properly perceive the exorbitant tax on Jewish emigrants... as being in violation of fundamental human rights and freedoms." Muskie was reflecting a basic American tradition and value that grew out of the very character of American society - "a nation of immigrants".

Significantly, the Soviet officials, including V.S. Alkhimov, the Deputy Minister of Foreign Trade, did not return to Moscow in anger. Instead, they treated it as a lesson in American political reality. Alkhimov, after a meeting with a key Congressman, said: "I can see we are not going to get most-favored-nation out of this Congress and my job is to tell Moscow that." The same message at approximately the same time was being delivered in Moscow to Brezhnev himself by Secretary of the Treasury George Shultz. Shultz indicated that Soviet leaders understood the political realities for they showed "both the spirit to try to solve the problems and the willingness to tackle them in very real terms."

The impact was extraordinary. Probably, for the first time in Soviet history, a Soviet edict, only six months after its enactment, was made null and void. On March 19 and 20, the USSR publicly disclosed that 44 Soviet Jews with a higher education were allowed to leave without paying a tax. The next day, March 21, the Soviet journalist, Victor Louis, whose official connections with the KGB and the Kremlin are well-known, wrote a special article for an Israeli newspaper which announced that the "diploma tax will not be enforced any more." After acknowledging that the Kremlin decision was a result of Congressional pressure, Louis concluded that Soviet Jews seeking to emigrate "have won a victory in the six-month war against the education tax."

Jackson-Vanik clearly had played a decisive role in affecting Soviet Jewish emigration in a positive manner even though it was still an amendment to a much broader Trade Reform Act which was making its way through the legislative mills of House and Senate committees. On December 11, the amendment was adopted by the House with a lopsided vote of 319 to 80. (The Trade Reform Act was approved 272 to 140). In the meantime,



Jewish emigration was reaching an all-time high of nearly 35,000 by the year's end.

The extent of emigration may not have surprised the Kremlin but the growing interest among Jews in considering the exodus undoubtedly proved disturbing. Thousands of Soviet Jews were requesting affidavits from relatives in Israel and these documents, indispensable to the process of making application to leave, were arriving, even with the inevitable delays and losses. Since the extent of the affidavits were known to the Soviet authorities, they devised various means of harassment and intimidation to reduce the number of emigrants. If, during 1973, the average monthly rate approximated 3,000, throughout 1974 it was reduced by nearly one-half, reaching about 21,000 for the year.

(The 1974 drop which began in January can hardly have explained the Nixon-Kissinger thesis since the Jackson-Vanik amendment was not adopted until the very end of the year. The Kremlin was clearly striving to slow the rate of emigration. A pertinent factor probably affecting Moscow's decision was the quadrupling of oil prices since the end of 1973. As a major oil exporter, the USSR benefited greatly ending up the year 1974 with a rare surplus of one-half billion dollars in its balance of payments. The need for credits in 1974 became less intense.)

The Senate was now the battleground. Without assurances from the Russians that harassment would be ended and emigration would once again be permitted to rise, the entire Trade Reform Act to which the Administration was strongly committed would be placed in jeopardy, as would the Soviet American trade agreement of October 1972. The key question about which there is considerable confusion and misinterpretation stood as follows: Would the Soviet Union accommodate to some form of Jackson-Vanik that would grant them fairly quick access to MFN and credits?

The U.S. Administration was in frequent consultation with Soviet authorities from May onwards to ascertain their view and the answer was to be a ringing affirmative one. Soviet Foreign Minister Andrei Gromyko met with Secretary of State Kissinger in Cyprus in May and evidently referred to the emigration level being raised to 45,000. In June at a Nixon-Brezhnev summit in Moscow, the matter was also discussed in a favorable manner. Following the resignation of Nixon in consequence of the Watergate scandal and its revelations, and the accession of Gerald Ford to the Presidency on August 9, the Kremlin wasted no time in making a positive move.

Ordinarily, Soviet Ambassador Anatoly Dobrynin spends August on vacation in the USSR. It was an indication of Moscow's strong foreign trade strivings and its willingness to accommodate to a variation of Jackson-Vanik, that Dobrynin interrupted his Moscow vacation and flew to Washington to request a meeting with the new President. Shortly afterwards, on August 14, Dobrynin met with Ford in what must have been a most encouraging discussion. The

President, indeed, was so delighted by what he heard that the next morning he invited Senators Jackson, Ribicoff and Javits to join him at breakfast. They welcomed his intervention as giving the entire trade/emigration issue a "new momentum."

Indeed, matters now moved very quickly. Intensive Kissinger-Jackson discussion to which the Kremlin was, as it were, a silent partner led to a forward exchange of correspondence on October 18 and an agreement to modify Jackson-Vanik. Kissinger officially stated in his published letter that the Administration had been "assured" by the Kremlin that "punitive actions" against would-be Jewish emigrants and "unreasonable impediments" placed in the path of visa applicants would no longer exist. Job dismissal, the principal form of intimidation, would no longer be applied. Only in the case of persons holding "security clearance" would "limitations" on emigration be imposed, and these were to apply to a limited time period. Kissinger concluded his letter with the observation that as a result of the new "criteria," the "rate of emigration from the USSR would begin to rise promptly from the 1973 level..."

Senator Jackson, in turn, agreed to modify his amendment with a special and critical waiver provision. The President, by indicating that he has assurances about future performance of the USSR in respect to emigration, can waive the Jackson-Vanik restrictions on MFN and credits for an 18 month period. In other words, current immediate practice could no longer be the criterion, but, rather, the key test would be a demonstration of good faith about future practice. (The President was to certify that "he had received assurances" that the emigration practices of the USSR will "henceforth lead substantially to the achievement of the objectives" of Jackson-Vanik.)

But in order to validate and safeguard future practices, the waiver provision required annual extension (after the first 18 month period) by the President with a concurrent resolution by both Houses of Congress. Should they fail to give the required assent, the President could, on his own, continue the waiver. However, within a 60-day period after the renewal of the waiver, either House could veto the Presidential action.

A week after the Kissinger-Jackson exchange - on October 26 - Gromyko handed Kissinger a letter complaining of "a distorted picture of our (Soviet) position" suggesting "some assurances and nearly obligation on our part." Gromyko "resolutely" rejected any "interpretation" that projected an increase in the rate of emigration. On the other hand, the Soviet Foreign Minister acknowledged that "elucidations" were, however, of a character to convince the Secretary of State that a deal had been struck. He chose not to release the Gromyko letter.

Instead, the waters could be tested once more when Ford traveled to Vladivostok to meet Brezhnev on November 23-24 where a ground-breaking agreement on strategic force levels was reached. Undoubtedly, the trade/emigration issue was discussed

and there is no indication of any reservations advanced by Brezhnev on the understandings that had been reached on October 18.

Thus, when Kissinger gave the key and decisive testimony on the issue to the Senate Finance Committee, on December 3, the eve of the final Congressional action, he revealed no doubts whatsoever about the understandings, whether called "assurances" or not. In response to sharp questioning by the Senate panel, Kissinger insisted that when he used the term "assured" in his letter to Jackson on October 18 it was based upon solid evidence offered and received at the highest level of government. Asked who gave the assurances, he answered Brezhnev, Gromyko and Dobrynin. Receiving the assurances were himself, Nixon and Ford.

Diplomatic tact did oblige Kissinger to add that since the USSR "considered the issue of emigration a matter of its own domestic legislation," therefore, he could not assert that "a formal agreement on emigration" had been reached by the two governments. Such a statement, he added "would immediately be repudiated by the Soviet Government." The critical phrase was "formal agreement." What the Secretary of State appeared to be emphasizing was that an informal agreement, an understanding, had been reached which permitted him to use the term "assured."

It was on the basis of Kissinger's testimony that the Senate unanimously approved on December 13, by a vote of 88 to 0, the waiver provision on Jackson-Vanik. It then quickly adopted the entire Trade Reform Act, including Jackson-Vanik by a vote of 77 to 4. Since the House measure did not carry the waiver provision, the legislation had to go to a Senate-House conference committee which was not scheduled until five days later.

Significantly, the USSR said nothing on December 13 or for the subsequent four days, just as it said nothing publicly on Kissinger's testimony on December 3 or, for that matter on his exchange with Jackson on October 18. An angry Soviet reaction, which became the basis of the new Nixon-Kissinger myth, suddenly appeared on December 18. Tass, the official Soviet news agency, asserted that "leading circles" in the USSR flatly reject as "unacceptable" any attempt to attach conditions to MFN or to otherwise "interfere in the internal affairs" of the USSR. The Tass statement went on to deny that the Kremlin had given any specific assurances on emigration. Attached to the release was the Gromyko letter of October 26.

It is important to note that the immediate State Department's reaction to the Tass bombshell was surprise. That was followed by a calm and relaxed statement declaring that the Secretary of State stood by the letter he had sent Senator Jackson on October 18; moreover, the understandings elaborated in that letter were in no way affected by the Gromyko missive. Even Soviet diplomats in Washington were caught flatfooted by the Tass dispatch. Some advised American officials not to get overly concerned. One Soviet diplomat in Washington telephoned an

Israeli lobbyist in an effort to downgrade the Tass story as "nothing new".

The development was, of course, quite new and reflected the beginning of a totally changed Kremlin perception. What brought about the change after extensive high-level discussion had sealed firm understandings? The question is crucial and goes to the heart of the Nixon-Kissinger reinterpretation of the past. An answer first necessitates a critical distinction between two totally separate benefits provided by Jackson-Vanik in return for the promise of eased emigration procedures. One was most-favored-nation tariff treatment; the other was credits.

MFN (tariff rates at the level reserved for our friends and most of our trading partners) was and is largely a matter of prestige insofar as Soviet-American trade is concerned. U.S. tariffs are imposed on finished or partially finished goods, not on raw materials. Since most Soviet exports to the U.S. were in the category of raw materials, MFN is not applicable. On the other hand, Soviet finished goods, even with low tariff rates, were and are unlikely to find a market in the U.S. Thus, the significance of MFN was largely symbolic, not a central, material issue.

Credits were quite another matter. Here the benefits were palpable, concrete and significant. The USSR was and is anxious to import and were already beginning to import quantities of American products, including advanced technological equipment and even entire factories. As the USSR had little to sell to the U.S., the Kremlin was interested in sizeable amounts of credits for completing large-scale transactions at low interest rates. The U.S. Export-Import Bank (Eximbank) was precisely the agency which the USSR considered the principal means for realizing its economic objectives. Indeed, by October 1973, Eximbank had already extended one-half billion dollars in credits to the USSR. And estimates of credits to be extended into the future ran into the billions of dollars.

But it was at precisely the point when Jackson-Vanik with its approval of credits by Eximbank was about to be granted, then another amendment to a totally different bill - the Stevenson amendment - about which little was publicly discussed at the time but which placed sharp limits on credits to the USSR was being approved.

The Stevenson legislation (named after Senator Adlai Stevenson III) was an amendment to the Eximbank Bill extending the life of the Bank for four years. The amendment placed a ceiling on credits to the USSR of a mere \$300 million over a four year period - an average of \$75 million per year. Kissinger later called the amount offered "peanuts in Soviet terms." It was, indeed, an extraordinary limitation made worse by an additional limitation of \$40 million for projects involving exploration for gas and oil and no credits at all for actual production of gas and oil.

Further aggravating was a provision in the amendment which dealt with Soviet requests for above-ceiling credits. It could be granted by a Presidential declaration of national interest but this act would also require Congressional approval. Stevenson explained that such approval would depend upon Soviet moderation in a variety of foreign policy areas. A Kremlin request for above-ceiling credits could lead to interminable Congressional debate with the outcome completely uncertain.

A Senate-House conference committee accepted the Stevenson amendment on December 12 and four days later - December 16 - the Senate was considering the committee report. What is remarkable is the fact that the Administration made no determined lobbying effort to halt the measure. Kissinger is reported to have admitted to his aides that he was not focussing upon the amendment when he should have.

On December 16, the Kremlin hastily assembled a one-day closed session of the Party Central Committee. It is reasonable to speculate that the Soviet President, Nikolai Podgorny, unlike Brezhnev, no enthusiast of detente, led a strong attack upon the understandings reached about Jackson-Vanik. He had publicly opposed attempts at interference in "internal state policy." When Kissinger was asked in his Senate testimony as to whether Podgorny was among those who gave assurances about Jackson-Vanik, he answered in the negative.

Two days after the Central Committee meeting, on December 18, Ambassador Dobrynin met with Kissinger and, in a reportedly stormy session, lashed out at the credit ceiling of the Stevenson amendment. The Tass statement on Jackson-Vanik appeared at the same time. The Soviet initiatives were clearly designed to activate vigorous last-minute Administration lobbying against the Stevenson amendment. But it was already too late for the House; it had adopted the conference report on that day, December 18. The next day, the State Department branded the amendment as "most unwise and unfortunate." Its belated lobbying effort was frustrated by favorable Senate action on December 19.

The Stevenson amendment, in fact, stood in fundamental contradiction to the Jackson-Vanik amendment. While the understandings reached about the latter were perceived as an exchange of money (in the form of credits) for bodies, then it was hardly surprising that Moscow reached the conclusion that she had struck a "bum deal", as one Sovietologist put it. Kissinger at the time commented, quite correctly: "I think what may have happened is that the Soviet Union looked at the totality of what it could gain in this trading relationship against the intrusions in its domestic affairs." The "balance sheet" - a Kissinger phrase - had been tilted in such a way as to wreck the delicately arranged understandings.

On December 21, the Kremlin launched an all-out media campaign against Jackson-Vanik, culminating in a unilateral

repudiation on January 10, 1975 of the October 1972 Soviet American trade and Lend Lease agreement.

The vehemence of Soviet verbal attacks on Jackson-Vanik after December 21, 1974 may have convinced some American businessmen and diplomats that the amendment was responsible for Soviet hostility and anger. But the vehemence, in fact, was deceptive. Indeed, the Kremlin did not react with more than the usual low-key opposition until the Stevenson amendment was enacted. And, as Kissinger himself vigorously acknowledged only several weeks before the outpouring of vitriol, an accommodation had been worked out. Even more significance can be attached to subsequent Soviet actions which indicated that Jackson-Vanik, by itself, was not a critical determinant of Soviet policy generally and of its policy on emigration specifically.

A case in point is the agreement reached between Hungary and the United States in 1978 concerning trade and credits. After considerable discussions between the two governments and a formal exchange of correspondence between the Hungarian Foreign Minister and the U.S. Ambassador in Budapest, Hungary was granted MFN and access to Eximbank credits under the provisions of Jackson-Vanik and its waiver clause (which, of course, meant eased emigration procedures).

Although Hungary has not faced a significant demand for emigration, its acceptance of the U.S. trade agreement implicitly suggests that the Kremlin did not have major objections to Jackson-Vanik. For, had the Soviets objected strongly to Jackson-Vanik, had they regarded the legislation as an intrusion into domestic Hungarian affairs, it is inconceivable that they would have not pressured Hungary into rejecting the agreement. Hungary is, after all, a key member of the Warsaw Pact and the Red Army effectively demonstrated in 1956 that any weakening of the vital relationship with Moscow was unacceptable. Hungarian military forces, it may also be recalled, was utilized by the Brezhnev Doctrine of "socialist internationalism" to crush the Dubcek experiment in Czechoslovakia. If Hungary reached an agreement with Washington under the rubric of Jackson-Vanik, it ineluctably had the tacit assent of Moscow.

(Romania had reached a similar trade and credit agreement with the U.S. in 1975. It was the first such agreement since the Jackson-Vanik became operable. But Moscow's writ, of course, did not extend to Bucharest. Indeed, in crucial areas, the contrary was the case. As will be noted later, with respect to Romania, Jackson-Vanik played and still plays a key and positive role relative to emigration.)

A second indication of the Soviet response is evident in the Jewish emigration figures beginning almost immediately after 1975, when the rate had plunged to 13,221. Were the Soviet Union to have considered Jackson-Vanik a rationale for reducing Jewish emigration, the figures would have continued to drop. The opposite was the case. In 1976, the figures went up slightly to



14,261 and in 1977 to 16,736. During the following year, a significantly leap forward occurred - to 28,874, close to the 1972-73 levels. And, in 1979, the rate soared to a point far in excess of those high levels. The figure of 51,320 for 1979 marked a stunning development and sharply illuminated the fact that Jackson-Vanik was by no means an insuperable obstacle.

Explanation of the change in 1978-79 is not too difficult to ascertain. SALT II had been signed and the issue of Senate ratification loomed on the horizon, an objective strongly supported by the USSR. Besides, there were preliminary discussions that took place concerning trade and credits. The likelihood of the Carter Administration's willingness to show considerable flexibility in applying the waiver provision of Jackson-Vanik was exceedingly great. There was little doubt in informed circles that had detente continued, an economic arrangement could have been reached.

But detente was eroded during 1979 by severe tensions over the Soviet "training brigade" in Cuba and various Third World issues and collapsed with the Soviet invasion of Afghanistan in December 1979. From 1980 onward, emigration once again began declining. Initially the drop was to 21,471. But with the onset of the Reagan Administration and the resumption of an atmosphere of frigidity, Jewish emigration plummeted to 9,447 in 1981 and a mere 2,600 in 1982 - the lowest since 1971.

Certainly, Jackson-Vanik had nothing to do with the reversal that occurred in 1980-82. Nor can it be said that a continuation of detente relationships would have assured a continued high level of emigration. The record monthly rate of 4,500 in 1979 tended to feed upon itself and the year saw a record number of affidavits from relatives in Israel pour into the USSR. Some 200,000 Soviet Jews received such affidavits that year - four times the number that actually emigrated.

That the Soviet authorities appeared both stunned and concerned about the possibility of a vast exodus is suggested by available evidence. Beginning as early as May 1979, Kremlin emigration officials began clamping down on exit visa approvals. Insistence was now increasingly placed upon the closeness of the kin relationship. Only affidavits from direct blood relationships were accepted. First applied in the Ukraine, the practice by 1980 was extended to virtually all of the USSR.

Data from the 1979 census, available to policy makers, no doubt contributed to the concern. The rate of population increase had slowed considerably, from 3.3 million per year during 1959 to 1970 to 2.3 million per year during 1970-79. A leading demographic specialist on the Soviet Union, Dr. Murraray Feshbach, predicts that, in the future, population growth could halt altogether or could become a population decline. Under such circumstances, restrictions upon "the brain drain" could very well become a major consideration, especially since the demographic decline coincided with diminished rates of economic

productivity. At the Madrid meeting of the Conference on Security and Cooperation in Europe, Soviet officials in a private encounter with a visiting delegation of U.S. Senators and Congressmen in December 1970, referred to the "brain drain" as a factor affecting emigration policy on Jews.

Significantly, the emigration decline also applied to Soviet Germans, the other principal Soviet ethnic group allowed to leave during the era of detente. During 1976 to 1977, Soviet Germans reached their highest annual emigration rate about 9,500. In the subsequent two years, the annual rate dropped to about 8,000; a figure comparatively respectable. But in 1980, the amount fell to 7,000 and in 1981, plunged to some 3,000. The very low level was repeated in 1982. Soviet Officials have expressed concern over the loss of Germans in the rural sector.

The Soviet German emigration pattern merits attention in throwing light upon Kremlin policy. (some 80,000 have been allowed to emigrate compared to 260,000 Jews. Estimates of the number of Germans seeking to leave are in the 400,000 range.) The Federal Republic of Germany has nothing equivalent to Jackson-Vanik legislation. Instead, the West Germans have preferred to rely on "quiet diplomacy." If anything, Jewish emigration exceeded by more than three times the size of German emigration. And the recent decline in German emigration coincided with the decline in Jewish emigration even if Soviet-West German relations are warmer than Soviet-American relations.

What appears to be the dominant factor in Soviet emigration policy, at least in terms of broad parameters, is the degree of detente relations. A top Soviet spokesman at the Madrid meetings, Sergei Kondrashev acknowledged this point:

The more detente prospers, the more Basket III prospers. Thus, those countries that do not want detente also limit the implementation of Basket III.

Basket III of the Helsinki Final Act gives emphasis to "freer movement of peoples," especially "reunion of families." Signatories of the Act are obligated to "facilitate" reunion of families. This is not irrational, given the perception of the Kremlin with regard to emigration. Emigration of Jews (or Germans), as noted earlier, is but a marketable chip in exchange relations under circumstances of detente. When the Soviet Union seeks benefits, whether SALT II or trade and credits, she is prepared to throw into the bargain Jews (or Germans), not that the bargaining chip is without limitation. Shortage of skilled labor or technological talent is an inevitable constraint to slow the emigration process.



Jackson-Vanik, never an obstacle to emigration, has acted as a catalyst to hasten the emigration process once circumstances are appropriate. And it also has served to reduce, moderate or eliminate constraints such as education taxes. The evidence is clear that Jackson-Vanik has performed a meaningfully positive function. And not only with respect to the USSR. Romania, too, provided a case study in miniature of the value of Jackson-Vanik.

Granted MFN and Eximbank credits since 1975, Romania was accused regularly since then with placing difficulties in the path of emigration for Jews seeking to leave for Israel (or, along with some non-Jews for America). Complaints from American Jewish non-governmental organizations took on special meaning during the months May through July, every year, as the President annually required in June, to certify, under the Jackson-Vanik waiver provision, that Romania was taking steps toward eased emigration procedures. Congressional committees from both Houses would hold hearings, usually in July, on Romanian practices. Each of the legislative chambers could, if it so chose, veto a positive Presidential decision.

It was scarcely a curious coincidence that, during the summer months, the number of Jewish emigrants escalated along with the number of approved passports to be utilized later. Without Jackson-Vanik, the escalation would certainly not occur and, indeed, emigration could have been negligible. Still, the emigration rate to Israel was kept, by various subtle means, at a fairly low rate of approximately 1,000 per annum. In 1982, President Reagan decided to utilize the certification procedure to warn Romania that its "normalized" status could be in jeopardy if its emigration procedures were not improved and if Jewish emigration to Israel did not increase substantially. The tough position, perhaps not surprisingly, produced a positive consequence - a fifty percent increase during 1982 in the Jewish immigration rate.

For reasons that remain inexplicable, Romanian authorities in early November 1982 decided to impose an education tax on all emigrants. They would be required to pay, under a special edict, the full costs of their secondary and higher education, and the payment is to be made in hard currency. (When Assistant Secretary of State Elliott Abrams visited Romania in October, he had been assured that no education tax would be levied.)

The Romanian edict, if enforced, stands in violation of the Jackson-Vanik legislation which, in fact, had been triggered by a similar edict enacted in the Soviet Union in August, 1972. President Reagan sent a message to President Nicolae Ceausescu through the U.S. Ambassador David Funderburk recommending that the tax be withdrawn. Ceausescu told the Ambassador that he would not cancel the edict but would receive a special envoy from Washington to discuss the matter. The task of explaining the serious consequences for Romania with respect to trade and credits has been placed upon the State Department's second highest official, Lawrence Eagleburger, who visited Bucharest in

January 1973. The real alternatives are clear enough: either the edict remains a dead letter as happened to the similar Soviet edict; or MFN and credits will be withdrawn. Notification of the withdrawal was given to Romanian Deputy Foreign Minister Gheorghe Dolgu in Washington on February 28; Romania has until the end of June before the decision goes into effect.

Jackson-Vanik was the first piece of American legislation that drew its inspiration from the Universal Declaration of Human Rights, specifically Article XIII - "the right of everyone to leave any country, including his own, and to return to his country." Such legislation was particularly appropriate for a "nation of immigrants." But polarity in values in the international community has lent the legislation a special urgency. This was noted and underscored in an extraordinary "open letter" written by Andrei D. Sakharov and addressed to the U.S. Congress on September 14, 1973.

Sakharov urged adoption of Jackson-Vanik legislation as an indisputable first step for assuring detente. According to him, the Soviet Union has for decades isolated itself from the world community, an isolation which has brought "the ugliest consequences." Detente can end this isolation, but a meaningful detente requires that the Soviets accept basic international principles of conduct. And a basic international principle, Sakharov argues, is respect for human rights, which includes the right to emigrate.

Jackson-Vanik, then, serves two crucial functions. First, it does not, as the Nixon-Kissinger thesis holds, obstruct the flow of Soviet emigration. As has already been indicated, the recent decline in emigration is a result of other factors, such as the souring of East-West relations and the Soviet fear of "brain drain." Once these factors have been resolved, Jackson-Vanik will always stand as an incentive for the Soviets to honor the right of emigration. In this sense, Jackson-Vanik emphasizes and symbolizes America's ongoing commitment to freedom of emigration and, indeed, to human rights. And second, Jackson-Vanik legitimizes detente by holding it accountable to fundamental principles of international and human conduct. To do otherwise would make a mockery of the process.

Sakharov put it most eloquently. He told the American Congress that if the United States abandoned the "principle" of emigration, it would constitute "a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall."

A Publication of the International Council of E'nai B'rich

PHILIP LAX, CHAIRMAN

Shalom P. Doron, Dr. Isaac Frenkel, Fred Simon Worme - Co-Chairmen

Warren W. Eisenberg, Director

George L. Spectre, Associate Director

Dr. William Korey, Director of International Policy Research

Dr. Harris Schoenberg, Director of U.N. Affairs

Leonard Steinhorn, Assistant to the Director

# SENATOR JACKSON

# / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

## EXTENSION OF JACKSON-VANIK WAIVER AUTHORITY

### Testimony by Senator Henry M. Jackson

Subcommittee on International Trade  
Senate Finance Committee  
Friday, July 29, 1983 - 9:30 A.M.  
Room 215 Dirksen Senate Office Building

Mr. Chairman, I appreciate this opportunity to express my support for the President's recommendation for a further extension of the general waiver authority pursuant to Section 402(d)(5) of the Trade Act of 1974, and for the continuation of the waivers applicable to the Socialist Republic of Romania, the Hungarian People's Republic, and the People's Republic of China.

As this Committee is aware, Section 402 (The Jackson-Vanik amendment) is a milestone effort to encourage respect for the basic human right to emigrate -- what is aptly called "the life-saving right of last resort." As the law of the land, Section 402 prohibits MFN treatment and government credits to nonmarket economy countries until those governments explicitly and clearly commit themselves to freer emigration policies and practices.

The Jackson-Vanik amendment drew its inspiration from Article 13 of the United Nations Declaration of Human Rights -- "the right of everyone to leave any country, including his own, and to return to his

"principle" of emigration, it would be "a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall."

I also remind the Committee of Governor Reagan's commitment in his letter to me of October 24, 1980, that as President he would faithfully uphold Jackson-Vanik and implement fully the letter and spirit of the freedom of emigration provisions of the 1974 Trade Act.

The Administration's recommendation to continue in effect the waiver authority is welcome. That authority constitutes a significant means for strengthening mutually constructive relations between certain of the East European countries and the People's Republic of China. The waiver authority has allowed the United States to reach and to continue in force bilateral trade agreements with Romania, Hungary and China. As President Reagan has said: "These agreements continue to be fundamental elements in our political and economic relations with those countries, including our important productive exchanges on human rights and emigration matters." Furthermore, continuation of the waiver authority could make possible the mutual strengthening of our bilateral relations with other nonmarket economy countries, as favorable chances may develop.

I realize that the Administration's testimony on the implications of the Chadha decision for legislation in the fields of foreign affairs and national security is billed as "preliminary views" and "tentative conclusions."

But I am encouraged by the early signs. Three things are now rather clear. In testimony July 20 to the House Committee on Foreign

to preserve the basic integrity of Jackson-Vanik and to sustain the amendment's role in promoting freer emigration. If experience proves this not to be the case, if we have good reason to be dissatisfied with the performance of the Administration, Congress will have to take further counsel on the matter.

In short, I am advising that we not try to open up Jackson-Vanik to revision in an effort to find some statutory substitute for the "legislative veto." For one thing, any radical move is premature since Chadha is not likely to be the final word of the Supreme Court on this issue; there may be other decisions ahead, and different decisions. Furthermore, the suggestion made by some that we try to give Congress the waiver authority -- by joint resolution, passed by both houses, requiring the signature of the President, and a two-thirds vote in each House to override a veto -- would surely make the waiver process enormously time-consuming, and so unwieldy as to be virtually unworkable. Beyond this, we are treading on dangerous ground in opening up the Jackson amendment to modification. It took us two years to get this pioneer legislation passed; there are still some who would use any opening to try to wipe the amendment off the books or, on the other hand, to so load it up with further conditions for granting the waiver, that it would lose its usefulness in further bargaining for freer emigration with nonmarket economy countries, including the Soviet Union.

Leave well enough alone for now is my recommendation. And at the same time, let the Congress take advantage of the many ways in which it can play its part in encouraging accountability of the Executive to the Congress in implementing Section 402 and in helping the Executive promote the purposes of Jackson-Vanik.

upon the anticipated findings informally and privately before the Executive submits its formal annual report.

In conclusion, let me just add: the burden of my message this morning is that the Chadha decision, far from reducing the role of Congress in promoting freedom of emigration, requires us to be more on our toes than ever. We will need to be steadily active and involved throughout each year. I am confident the Congress will rise to that challenge.

Mr. Chairman, I ask that the full text of President Reagan's letter of October 24, 1980, be included at the conclusion of my testimony.

# # #

(Note Attachment)

# SENATOR JACKSON

# / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

For Release on Delivery  
Wednesday, June 8, 1983

Address by Senator Henry M. Jackson

70th Anniversary Dinner  
of the  
Anti-Defamation League of B'nai B'rith

Washington Convention Center Ballroom, Washington, D.C.  
Wednesday, June 8, 1983 - 7:00 P.M.

Mr. Bialkin, Nate Perlmutter, Dave Brody, Distinguished Guests  
and friends:

I am profoundly gratified to share this 70th Anniversary evening  
with you.

I rejoice that your Joseph Prize for Human Rights is given this  
year to Isaac Stern and Zubin Mehta. That is a very special prize.  
Tonight it is being awarded to two very special and beloved Americans.

And I am delighted that on this festive occasion J. Willard  
Marriott is being honored by your distinguished Americanism Award.

\* \* \*

As you might guess, I am a long-time fan of the Anti-Defamation  
League. You have always been serious about individual liberty and

equal opportunity, not just this month or this year but steadily since your founding.

Your central concern has been the struggle against racial prejudice and discrimination. But because you understood that the fate of all minorities is intertwined, you have championed equal rights and fair treatment for all citizens alike.

I know from personal experience what the ADL was doing when Senator Joe McCarthy was on the rampage. Your leaders understood that of all the forms of tyranny over the mind of man, fear is the worst.

You don't have to repeal the Bill of Rights formally to deny the American people their rights. It can be done as McCarthy did it by spreading a climate of fear which throttled freedom of expression, freedom of association, and freedom of inquiry, and which reached into the central councils of foreign policy-making, profoundly corrupting American policy toward China for a generation or more.

The ADL deserves everlasting thanks for sharing in the brave resistance that finally brought down Joe McCarthy. You spoke out and helped when too many others remained silent.

I also know from personal experience ADL's record on other vital fronts:

One. You have recognized the danger to democracy, not only of ignorant and stupid demagogues and hate groups like the Ku Klux Klan, but also of educated miscreants. They are the ones with the know-how,



the guns, the techniques of modern science in their hands, the skills for propaganda and terror, and all the rest. We are living in a generation where not science alone but education, too, has made humane values and ethical standards ever more imperative.

Two. ADL has understood that the struggle for the rights of Soviet Jewry and other persecuted minorities is a long-term contest of will and resolve in which victory will turn on steadiness.

Tens of thousands of people -- Jews, Christians and others -- have escaped from captivity because of the Jackson-Vanik amendment. For thousands of others who want to emigrate, that amendment is still their principal hope -- their lifeline: it constitutes absolutely indispensable leverage in the ongoing bargaining with the Soviet Union for freer emigration. I welcome the solid ADL support for the amendment.

I might add that just last week -- thanks to our amendment -- the Romanian government formally agreed not to implement the onerous "education repayment tax" it had imposed on persons wishing to exercise the basic human right to emigrate.

Three. ADL has recognized that Israel is an indispensable western asset in the Middle East. No other nation in the region has its structural democratic stability, its strong pro-western orientation, its substantial military forces, and its proven capacity to fight effectively when challenged. You have upheld treating Israel, in our own national interest, as the essential and honorable ally which it truly is.

Despite all the uncertainties in the Middle East, there is one thing we can now be thankful for: the Israeli-Lebanese agreement to end hostilities and to bring about troop withdrawal from Lebanon. This agreement is a courageous, constructive, hopeful achievement; if it is followed by a wise and tough diplomacy, it could become another historic turning point in reaching stability and peace in the region.

And it begins to look as though the Reagan Administration has finally grasped a basic truth about the Middle East -- that a strong, unwavering U.S.-Israel relationship must be the core of American policy in the area.

The President's release of the 75 F-16s to Israel is positive news. So is the decision to proceed with the delayed transfer of the technology needed for production of the Lavi fighter.

Meanwhile, efforts to implement the Israeli-Lebanese agreement are turning into quite a lesson for the Administration on what friends and allies are -- and what they are not. The contrast with Israel is obvious.

\* \* \*

There is another basic truth about the Middle East which has implications for American foreign policy generally: poverty, illiteracy, disease, lack of economic opportunity, denial of human freedoms and tyrannical governments constitute a formidable long-term threat to peace and stability. The area continues to be fertile ground for Soviet infiltration and for exploitation by oligarchic elites and terrorist leaders.

Israel, in contrast to most of its neighbors, is a modern oasis -- a nation of democratic institutions, civil rights, economic opportunity, advanced education, and superb health care.

What is the basic lesson here? I think it is that military approaches alone are not enough to achieve stability and security. Arms alone will not do the job. The underlying economic, political and social causes of instability and violence must be dealt with.

This is a lesson Israel and the ADL have always understood: an adequate national defense is a necessary shield for a society but it is not the answer to just, decent, and predictable government.

\* \* \*

Now in Central America -- right on our own doorstep -- the American government is having to learn the lesson all over again.

There is a growing recognition in the United States that stability in Central America is of enormous strategic importance to our country. A sequence of crises leading to Castro-type regimes throughout Central America, including Mexico, would have disastrous consequences. None of us relishes the prospect of living in a garrison state, unable to meet our commitments to our NATO allies, to friends in the Middle East, and others. Nor do we like to contemplate the threat such a course of events poses to the fundamental nature of American society and her democratic institutions.

Despite the high stakes involved, our policy in Central America has been paralyzed as we confront the poverty, social injustice, and abuse of human rights endemic to the region. We don't move forward;

the moral ambiguities inhibit an active foreign policy that clearly demonstrates American purposes in Central America.

At this stage, the last thing we should be doing is trying to preserve our strategic interests in Central America with military approaches alone. Down that road lies failure.

Some security assistance will obviously be required in the face of armed communist insurgencies, but our security aid should be understood in one way: it is a shield behind which endangered nations can protect themselves from external threats as they work to rectify injustices, build democratic institutions, and hold free and fair elections. Our security assistance ought not to be the main focus of national debate, for it ought not to be the foundation of our policy toward Central America.

And one thing is clear: the shield protecting Central Americans from communist insurgency and domination will crumble unless we address the economic deprivations and human rights abuses in the region.

Another thing should be clear: piecemeal proposals and frantic, ad hoc programs are inadequate.

Moreover, appointing a special envoy for the area -- able as he may be -- is no solution. Nor does the answer lie in replacing the two senior diplomats charged with the conduct of Central American policy.

The difficulty goes deeper. There is no long-term comprehensive U.S. policy for the region understood and supported by the American people.

I believe it is high time for the President to bring in the major sectors of American society to play key roles in the formulation and implementation of our Central American foreign policy.

I have proposed, and I urge it again tonight, the appointment by the Administration of a national bipartisan commission for Central America. Composed of respected American leaders of government, business, labor, education and the hispanic and religious communities, the Commission's charge would be to chart a future course of hope for the peoples of Central America. It would function as the instrument to help build the necessary agreement on a long-term, overall U.S. policy for the region.

The proposed Commission would consult with governmental and other leaders of Central America, invite their views and receive their recommendations on the policies which would best assist them in their future economic development and security needs.

Such a Commission is not without an encouraging precedent. The Marshall Committee, headed by Henry Stimson, and drawn from the leadership of all sectors of American society, was more responsible than any other factor for forging consensus in the country to get the Marshall Plan for European Recovery through Congress and under way.

In conclusion, let me add this:

While serving over the years in the House and the Senate, I have worked along side many private groups and national organizations. There is none I appreciate more than the ADL.

To your eternal credit, you have exemplified loyal and effective cooperation among Jews, Catholics and Protestants and among Americans no matter what the color of their skin or ethnic background. The best way to get together across dividing lines is to work together on common tasks, and you have demonstrated that.

You and I have worked side by side in great historic causes -- human rights, social justice, democracy and world peace. You are not among the fainthearted, nor do you tire of the struggle. We share the conviction that persistence has its rewards. And as far as I am concerned, the 70-year record of the ADL proves it.

# # #

# SENATOR JACKSON

# / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

FOR IMMEDIATE RELEASE

Friday, March 4, 1983

Comment by Senator Jackson

on MFN and Romania

I support President Reagan's decision to terminate Romania's Most-Favored-Nation status at the end of June if the Romanian "education repayment tax" remains in force at that time.

Romania's onerous "education repayment tax" imposed on persons wishing to emigrate violates the assurance freely undertaken by that nation when it was granted MFN and other benefits -- the assurance that it would henceforth promote freer emigration.

If Romania had continued a good faith effort to respect the right to emigrate, it would continue to receive Most-Favored-Nation status. The Romanian authorities brought this trouble on themselves. Both the Administration and the Congress gave them plenty of warning.

There is still time for the Romanian government to reconsider. I have urged continued efforts by President Reagan and others to persuade President Ceausescu to withdraw the "education repayment tax" and return to the mutually beneficial policy of cooperation under the terms of Section 402 (Jackson-Vanik).

This experience underlines the wisdom of maintaining in the law provision for an annual review of the performance of those non-market economy countries which pledged to promote freer emigration in exchange for preferential U.S. trade considerations.

# SENATOR JACKSON

# / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

JACKSON-VANIK WAIVER AUTHORITY EXTENSION -- ROMANIA, HUNGARY, CHINA

TESTIMONY BY SENATOR HENRY M. JACKSON

SUBCOMMITTEE ON INTERNATIONAL TRADE  
SENATE FINANCE COMMITTEE

TUESDAY, AUGUST 10, 1982, 9:30 A.M.

MR. CHAIRMAN: I APPRECIATE THIS OPPORTUNITY TO RECORD MY SUPPORT FOR THE PRESIDENT'S RECOMMENDATION FOR A FURTHER EXTENSION OF THE GENERAL WAIVER AUTHORITY CONFERRED BY SECTION 402 (C) OF THE TRADE ACT OF 1974, AND FOR THE CONTINUATION OF THE WAIVERS APPLICABLE TO THE SOCIALIST REPUBLIC OF ROMANIA, THE HUNGARIAN PEOPLE'S REPUBLIC, AND THE PEOPLE'S REPUBLIC OF CHINA.

\* \* \* \*

AS YOU ARE AWARE, MR. CHAIRMAN, SECTION 402 OF THE TRADE ACT OF 1974 (THE JACKSON-VANIK AMENDMENT) IS AN HISTORIC EFFORT TO ENCOURAGE RESPECT FOR THE FUNDAMENTAL HUMAN RIGHT TO EMIGRATE -- WHAT HAS BEEN APTLY CALLED "THE LIFE-SAVING RIGHT OF LAST RESORT." AS THE LAW OF THE LAND, SECTION 402 PROHIBITS MFN TREATMENT AND GOVERNMENT CREDITS TO NON-MARKET COUNTRIES UNTIL THOSE GOVERNMENTS EXPLICITLY AND CLEARLY COMMIT THEMSELVES TO FREER EMIGRATION POLICIES AND PRACTICES.

I REMIND YOU THAT THE OBLIGATION TO RESPECT THE RIGHT TO EMIGRATE HAS BEEN FREELY UNDERTAKEN BY THE SIGNATORIES OF THE DECLARATION OF HUMAN RIGHTS, THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND THE HELSINKI ACCORDS. INDEED, IN VOLUNTARILY JOINING IN THESE INTERNATIONAL AGREEMENTS,



THE SOVIET UNION, TOO, COMMITTED ITSELF TO RESPECT THE RIGHT OF A PERSON TO CHOOSE HIS COUNTRY OF RESIDENCE.

TO URGE A NATION TO LIVE UP TO ITS FREELY ASSUMED COMMITMENTS IS NOT INTERVENTION IN THEIR INTERNAL AFFAIRS. IT IS PRECISELY IN THE NAME OF THE VOLUNTARILY ACCEPTED OBLIGATION OF A NATION UNDER INTERNATIONAL LAW THAT WE ASK IT TO RESPECT THE RIGHT TO EMIGRATE.

TENS OF THOUSANDS OF PEOPLE -- CHRISTIANS, JEWS AND OTHERS -- HAVE BEEN ABLE TO EMIGRATE BECAUSE OF THE JACKSON-VANIK AMENDMENT. FOR THOUSANDS OF OTHERS WHO WANT TO EMIGRATE, THE AMENDMENT IS STILL THEIR PRINCIPAL HOPE. ITS PROVISIONS CONSTITUTE INDISPENSABLE LEVERAGE IN THE ONGOING BARGAINING FOR FREER EMIGRATION.

MR. CHAIRMAN, I WELCOME THE ADMINISTRATION'S RECOMMENDATION TO FURTHER EXTEND THE GENERAL WAIVER AUTHORITY PROVIDED BY SECTION 402 (C). THAT AUTHORITY HAS MADE IT POSSIBLE TO REACH AND MAINTAIN BILATERAL TRADE AGREEMENTS WITH ROMANIA, HUNGARY, AND THE PEOPLE'S REPUBLIC OF CHINA. BEYOND THAT, A CONTINUATION OF THAT AUTHORITY KEEPS THE DOOR OPEN TO THE EXPANSION OF OUR BILATERAL TRADE RELATIONS WITH OTHER NON-MARKET COUNTRIES, AS FAVORABLE CHANCES MAY ARISE.

I WANT TO SPEAK BRIEFLY ON THE CONTINUATION OF THE WAIVERS FOR CHINA AND ROMANIA.

\* \* \* \*

AS THE MEMBERS OF YOUR COMMITTEE KNOW, THE CHINESE-AMERICAN RELATIONSHIP HAS COME A LONG WAY, AND IS TODAY COMPREHENSIVE AND COMPLEX. CHINA'S LEADERS EXPLICITLY RECOGNIZE SHARED AND PARALLEL INTERESTS WITH US, AND OUR NATO ALLIES, AND JAPAN. THEY ARE PLAYING A KEY STRATEGIC ROLE IN WORLD AFFAIRS, INCLUDING THE EFFORT TO DETER SOVIET EXPANSION IN SOUTHEAST AND SOUTH ASIA.

THE TRUTH IS WE AMERICANS HAVE AN IMPORTANT STAKE IN THE CONTINUING EXISTENCE OF AN INDEPENDENT, STRONG CHINA. OUR COOPERATION WITH THE PEOPLE'S REPUBLIC IN ITS DRIVE TO BECOME A MODERN INDUSTRIAL STATE AND TO WORK WITH HER LEADERS WHERE OUR STRATEGIC AND BILATERAL CONCERNS RUN PARALLEL ARE IN AMERICAN AS WELL AS CHINESE INTERESTS.

AS THIS COMMITTEE KNOWS, I STRONGLY ADVOCATED THE U.S.-CHINA TRADE AGREEMENT PROVIDING FOR THE EXTENSION OF MOST-FAVORED-NATION TREATMENT AND ACCESS TO OFFICIAL CREDITS. IT HAS LAID THE BASIS FOR THE SIGNIFICANT INCREASE OF TRADE AND FINANCIAL TIES BETWEEN OUR TWO COUNTRIES, WITH SUBSTANTIAL MUTUAL BENEFITS. IT GIVES UNITED STATES FIRMS A BETTER POSITION TO COMPETE WITH FIRMS FROM OTHER NATIONS.

MOREOVER, THE PRC CHOSE COOPERATION WITH US IN PROVIDING THE ASSURANCE REGARDING ITS FUTURE EMIGRATION PRACTICES CALLED FOR AS A CONDITION OF THE WAIVER OF JACKSON-VANIK. AND THIS COOPERATION IS ENHANCING THE PERSONAL LIBERTY FOR MANY CHINESE WISHING TO EMIGRATE OR VISIT OR STUDY ABROAD AND CONTRIBUTING TO THE ECONOMIC ADVANCE OF THE CHINESE PEOPLE. AS REPORTED BY THE ADMINISTRATION, U.S. FOREIGN SERVICE POSTS IN CHINA ISSUED 6,920 IMMIGRANT VISAS IN FY 1981, AND OVER 15,293 NON-IMMIGRANT VISAS FOR BUSINESS, STUDY AND FAMILY VISITS. MORE THAN 8,000 CHINESE ARE NOW IN THE UNITED STATES FOR LONG-TERM STUDY AND RESEARCH.

\* \* \* \*

WITH RESPECT TO ROMANIA, I WISH TO UNDERLINE THE CONTINUING AMERICAN INTEREST IN A VIGOROUS, POLITICALLY EFFECTIVE ROMANIA, ABLE TO ACT INDEPENDENTLY ON KEY FOREIGN POLICY ISSUES. ROMANIA AND THE UNITED STATES SHARE MUTUAL AND PARALLEL INTERESTS ON MANY INTERNATIONAL MATTERS. THERE ARE NUMEROUS TASKS ON WHICH WE CAN WORK TOGETHER. IT SERVES OUR NATIONAL INTEREST TO HEARTEN AND ENCOURAGE ROMANIA TO EXERCISE ITS RIGHT AS A SOVEREIGN STATE TO GREATER FREEDOM IN THE FACE OF KREMLIN POLITICAL-DIPLOMATIC PRESSURES AND DOMINANT SOVIET MILITARY POWER.

ROMANIA WAS THE FIRST COUNTRY TO COOPERATE WITH US IN ACCEPTING THE TERMS OF THE JACKSON-VANIK AMENDMENT AS ONE OF THE BASES OF INCREASED TRADE WITH THE UNITED STATES. IN REVIEWING THE RECORD, I NOTE THAT IN 1981 ABOUT 2,400 PERSONS EMIGRATED FROM ROMANIA TO THIS COUNTRY, CLOSE TO SIX TIMES THE PRE-MFN LEVEL OF EMIGRATION. I ALSO NOTE THAT APPROVALS TO LEAVE ROMANIA TO COME TO THIS COUNTRY IN THE FIRST SEVEN MONTHS OF 1982 ARE ABOUT 2,238 WHICH APPROACHES THE LEVEL OF ANNUAL APPROVALS FOR THE LAST FOUR FULL YEARS (1978-1981).

AMERICAN CONCERN THIS YEAR HAS CENTERED PARTICULARLY ON THE LAG IN ROMANIAN EMIGRATION TO ISRAEL. AS YOU KNOW, MR. CHAIRMAN, THE ROMANIAN GOVERNMENT HAS BEEN PRESSED FROM MANY QUARTERS TO TAKE THIS CONCERN SERIOUSLY AND HAS RECENTLY SOLVED MANY OF THE DIFFICULT CASES, INCLUDING LONGER-TERM HARDSHIP CASES. MR. JACK SPITZER, PRESIDENT OF B'NAI B'RITH, IS SCHEDULED TO VISIT BUCHAREST IN SEPTEMBER TO DISCUSS WITH THE RESPONSIBLE INSTITUTIONS, AS AMBASSADOR MALITZA PUTS IT, "NEW WAYS TO FURTHER CLARIFY, SIMPLIFY AND EXPEDITE" THE PROCEDURES FOR EMIGRATION FROM ROMANIA TO ISRAEL.

IN TALKS WITH ROMANIAN OFFICIALS THIS YEAR, I HAVE PARTICULARLY URGED THEM TO STREAMLINE THE ROMANIAN EMIGRATION PROCESS SO THAT APPLICATIONS ARE HANDLED EXPEDITIOUSLY AND ADJUDICATED PROMPTLY, AND ALL HARASSMENT OF APPLICANTS AVOIDED.

IN AN AUGUST 2 LETTER TO ME FROM AMBASSADOR MALITZA HE GIVES THIS ASSURANCE:

" . . . THERE IS A FIRM DESIRE OF THE ROMANIAN GOVERNMENT TO MAKE FURTHER PROGRESS IN THE FIELD OF PROCEDURES OF EMIGRATION, INCLUDING THE QUESTION OF REDUCING THE TIME PERIOD REQUIRED FOR PROCESSING THE APPLICATIONS.

"AT THE SAME TIME, THE ROMANIAN AUTHORITIES REAFFIRM THEIR POSITION OF NOT SUBJECTING THE PERSONS TENDERING APPLICATIONS FOR EMIGRATION TO DISCRIMINATIONS AND ARE DETERMINED TO TAKE THE NECESSARY STEPS IN ORDER TO HAVE THIS POLICY STRICTLY IMPLEMENTED."

I WELCOME THIS ASSURANCE AND WANT AMBASSADOR MALITZA TO KNOW THAT I PERSONALLY APPRECIATE HIS CONSTRUCTIVE EFFORTS TO RESPOND TO THE CONCERNS WHICH HAVE ARISEN.

MR. CHAIRMAN, I AM PERSUADED THAT THE ANNUAL REVIEW PROCEDURE UNDER SECTION 402 -- INCLUDING THE ANNUAL HEARINGS IN THE HOUSE AND SENATE -- HAS AGAIN PROVED ITS IMPORTANCE IN IMPLEMENTING THE INTENT AND PURPOSE OF THE JACKSON-VANIK AMENDMENT.

I ALSO BELIEVE THAT CONTINUATION OF THE WAIVER FOR ROMANIA WILL GIVE US THE CONTEXT IN WHICH TO CONTINUE TO COOPERATE WITH THE ROMANIAN GOVERNMENT IN THESE MATTERS OF MUTUAL CONCERN.

\* \* \* \*

I WANT TO THANK YOU, MR. CHAIRMAN, FOR THE OPPORTUNITY TO PRESENT THIS TESTIMONY TO YOUR COMMITTEE THIS MORNING.

HENRY M. JACKSON  
WASHINGTON

ROOM 137  
RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, D.C. 20510  
(202) 224-3441

## United States Senate

WASHINGTON, D.C.

COMMITTEES:  
ENERGY AND  
NATURAL RESOURCES  
ARMED SERVICES  
GOVERNMENTAL AFFAIRS  
INTELLIGENCE

July 12, 1982

The Honorable Sam Gibbons  
Chairman, Subcommittee on Trade  
Committee on Ways and Means  
House of Representatives  
1102 Longworth House Office Building  
Washington, D.C. 20515

Dear Mr. Chairman: *Sam*

In connection with your Subcommittee hearing on July 12, I welcome the chance to write this letter for the hearing record giving my views on the extension of our current trading relationship with Romania, Hungary and China.

As the members of your Committee know, Section 402 of the Trade Act of 1974 (the Jackson-Vanik amendment) is an historic effort to increase respect for international law by encouraging regard for the fundamental human right to emigrate -- what has been aptly called "the life-saving right of last resort." The obligation to respect this right has been voluntarily undertaken by the signatories of the Declaration of Human Rights, the International Covenants on Human Rights and the Helsinki Agreement. Let us remember the USSR too has committed itself in these historic accords to respect this basic human right among others.

It is not interference in internal affairs to urge a nation to live up to its freely assumed commitments. Indeed, it is precisely in the name of the voluntarily accepted international obligation of a nation that we ask it to respect the right to emigrate.

I know the initial cosponsors of the Jackson-Vanik amendment -- and its multitude of supporters -- are gratified with the way our amendment is fostering greater regard for the right to leave a country and continues to constitute vital leverage in the ongoing bargaining for freer emigration.

I support the President's recommendation for a further extension of the general waiver authority conferred by Section 402 (c), and for the continuation of the waivers applicable to the Socialist Republic of Romania, the Hungarian People's Republic, and the People's Republic of China.

Beyond the fact that the general waiver authority has made it possible to reach and maintain bilateral trade agreements with Romania, Hungary, and the People's Republic of China, a continuation of that authority opens the way to the expansion of our

bilateral relations with other non-market countries as opportunities arise.

I want to add a few special words on Romania and China.

We Americans continue to have a strong interest in a vigorous, politically effective Romania, able to act independently on key foreign policy issues. Our two countries share many parallel concerns, including opportunities for mutually useful trade. Obviously, it serves our own national interest to hearten and encourage Romania -- as well as Hungary and other nations of Eastern Europe -- to exercise its right as a sovereign state to greater freedom in the face of Soviet military might and Soviet political-diplomatic pressure.

We remember that Romania was the first to choose cooperation with us in accepting the terms of the Jackson-Vanik amendment as one of the bases of enlarged trade with the United States. In 1981, as the Administration reports, about 2,400 persons emigrated from Romania to this country, close to six times the pre-MFN level of emigration. The Romanian emigration to Israel, however, has not met the expectations some of us expressed last year. I, for one, had urged that the annual number approved for emigration to Israel be doubled over the 1980 level, but that has not happened.

I have emphasized in talks with Romanian officials this year that they can and should do better with respect to emigration to Israel. I have also urged them to streamline the Romanian emigration process so that applications are handled expeditiously and adjudicated promptly, to avoid all harassment of applicants, and to quickly resolve the still outstanding special hardship cases.

In a July 6 letter from Ambassador Malitza, I have been assured that it is the position of Romanian institutions "to constantly improve these procedures, to eliminate any bureaucratic procedures or abuses which might happen." The Ambassador also wrote that his government was prepared to hold discussions in the future, if it is considered necessary, "in order to achieve a clearer view on the matter, to examine with care any question of concern, in the interest of the good relations between our countries."

I am persuaded that the annual review procedure under Section 402 -- including the annual hearings in the House and Senate -- remains an indispensable part of the process of encouraging the Romanian leadership to take our concerns with due seriousness.

I also believe that continuation of the waiver for Romania will give us the context in which to continue to cooperate with the Romanian government in implementing the intent and purpose of the Jackson-Vanik amendment.

With respect to China, the members of your Committee are doubtless aware that I was a strong advocate of the U.S.-China

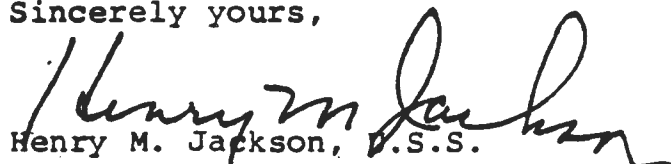
trade agreement providing for the extension of most-favored-nation treatment and access to official credits. It has laid the basis for the significant increase of trade and financial ties between our two countries, with important mutual benefits. It gives United States firms a better position to compete with firms from other nations.

Also, the PRC chose to cooperate with us in giving the assurances regarding its future emigration practices called for as a condition of the waiver of Jackson-Vanik. And this cooperation is enhancing the personal freedom for many Chinese wishing to emigrate or visit or study abroad and contributing to the economic well-being of the Chinese people. As reported by the Administration, U.S. Foreign Service posts in China issued 6,920 immigrant visas in FY 1981, and over 15,293 non-immigrant visas for business, study and family visits. More than 8,000 Chinese are now in the United States for long-term study and research.

I appreciate this opportunity to express my support for the continuation of the waivers to these three countries.

With good wishes.

Sincerely yours,



Henry M. Jackson, U.S.S.

# SENATOR JACKSON

# / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

For Release: A.M.'s  
Sunday, October 25, 1981

## THE STRUGGLE FOR HUMAN RIGHTS AND DECENCY

### Address by Senator Henry M. Jackson

Seventh Annual Presentation of the Joseph Prize for Human Rights  
Anti-Defamation League of B'nai B'rith  
October 24, 1981 - 6:30 P.M.  
Fairmont Hotel, San Francisco, California

I am profoundly gratified to receive your Joseph Prize for Human Rights. This is one of the most deeply appreciated honors that has ever come to me. I feel very humble about it, knowing that it is not so much a tribute to me, as to all those with whom I have been joined over the years in the battles for the defense and advancement of human liberties and opportunities.

I consider this Joseph prize very special. I remember that the I.S. Joseph family was among the closest and most active supporters of our dear friend, Hubert Humphrey. And from what I know of the leadership of I.S. and Anna Joseph in the Minnesota community -- Jewish and non-Jewish alike -- I believe they would be very proud and delighted at the tremendous dedication to the public good of Burton and Geri Joseph, and of Betty and Al Greenberg.

All of us are grateful to Burton Joseph for his superb contribution as national chairman and leader of the ADL -- and to Geri Joseph for her life-long interest and participation in the American political process and her recent distinguished service as United States Ambassador to the Netherlands.



The Anti-Defamation League

As you might guess, I am particularly grateful to receive this award from the ADL. You have always been serious about human rights, not just this month or this year. But unceasingly since your founding in 1913.

Your continuing concern has been the struggle against racial prejudice and discrimination. H.G. Wells once said: "Racial discrimination is the most evil thing in the world" -- and I agree with him.

You have persistently championed equal rights and fair treatment for all our citizens.

I know from personal experience what the ADL was doing when Senator Joe McCarthy was on the rampage. Your leaders understood that of all the forms of tyranny over the mind of man, fear is the worst.

You don't have to formally repeal the Bill of Rights to deny the American people their rights. It can be done as McCarthy did it by spreading a climate of fear which throttled freedom of expression, freedom of association, and freedom of inquiry, and which reached into the central councils of foreign policy-making, profoundly corrupting American policy toward China for a generation or more.

In my book, the Anti-Defamation League deserves eternal thanks for sharing in the brave resistance that finally brought down Joe McCarthy -- when so many of our fearful friends were cutting and running.

I would also emphasize:

-- ADL's courageous exposure of other demagogues and hate groups of the right and of the left, including Gerald L.K. Smith, Father Coughlin, the Klu Klux Klan and the PLO;

-- your leading role in the passage of the 1960's Civil Rights laws;

-- your advocacy of America's vital stake in a just and secure Middle East peace that would reduce world tension and permit Israel to prosper with normal relationships with its neighbors;

-- your unremitting efforts on behalf of Soviet Jews, Christians and others caught between religious-cultural genocide and the denial of their basic right to emigrate.

To the everlasting credit of the ADL, you have exemplified loyal and effective cooperation among Jews, Catholics and Protestants and among Americans no matter what the color of their skin or ethnic background. The best way to get together across dividing lines is to work together on common tasks, and you have demonstrated that.

#### The Middle East

On all our minds these days are the urgent issues of the Middle East, following the assassination of Anwar Sadat.

For some time, United States' policy in the area was based on three strategic cornerstones -- The Shah of Iran, President Sadat, and Prime Minister Begin. Now only Begin is left.

It is obvious that President Sadat's death accentuates the instability in the Arab world and in the Middle East. Anwar Sadat understood the overall strategic picture developing in the area. He was the main factor in Africa blocking the twin penetration -- by Moscow and by Libya's Qaddafi -- across Chad, Sudan and Ethiopia to the Red Sea and the Indian Ocean, placing Egypt in mortal danger and threatening the whole Western strategic position on the African continent.

Will President Mubarak succeed in establishing himself as the leader of his people and the master of the Egyptian army? And is he determined to block Colonel Qaddafi's Soviet-backed expansion? President Sadat considered a quiet eastern border with Israel an essential condition for handling the threat from Libya. Will President Mubarak similarly perceive this interconnection between the border with Libya and the Israeli peace treaty?

Israel will soon learn whether it made peace with Anwar Sadat or peace with Egypt.

Meanwhile, the basic stability of Israel contrasts with the instabilities in the surrounding Arab areas and highlights the strategic value of Israel to the West.

My friends, Israel is an indispensable Western asset in the Middle East. No other nation in the region has its structural stability, its strong pro-Western orientation, its substantial military forces, and its proven capacity to fight effectively when challenged. We should take advantage of what the Israelis can offer in ways acceptable to them. I do not understand why the Reagan Administration is so slow to get the point.

Before Anwar Sadat's assassination, the Administration had failed to fashion a general well-understood U.S. strategy for dealing with the range of threats to the Middle East. I have in mind not only direct Soviet military moves, but also indirect, more subtle forms of penetration and coercion, internal insurgencies and military coups in critical states. Will the Administration now finally pull itself together and develop a well-considered overall strategy for the region? That is the big and fateful question.

And do our leaders understand that the United States cannot deter the Kremlin's efforts from 7,000 miles away? We require a credible

U.S. presence in the area with appropriate facilities -- a clear deterrent signal to Moscow and to Moscow-sponsored aggressors.

### International Human Rights

Another set of issues on our minds these days are the mounting assaults on internationally recognized human rights.

The fact that modern society can be a mask for ancient brutalities explains, I think, the strong interest of the American people in human rights on a worldwide basis. In 1948, the Universal Declaration of Human Rights was unanimously adopted by the UN General Assembly. Our own Eleanor Roosevelt led the spirited campaign for its adoption precisely because we had learned that those deprived of their basic rights in any one country needed the protection of international law even against their own governments. The UN Declaration was reaffirmed in the UN Human Rights Conventions, and in the Helsinki Final Act -- thereby making individual rights and free movement matters of legitimate international concern -- indeed of international responsibility.

Beyond this, the advancement of fundamental human rights has important implications for world stability and a durable peace.

As that noble man, Andrei Sakharov, puts it:

"I am convinced that there are certain guarantees for the political and civil rights of man that cannot be separated from the main tasks before mankind. Freedom of conscience, freedom of the exchange of information, freedom of movement and of choice for one's country of residence are all inseparable from the goals of assuring international security, facilitating economic and social progress, and preserving our environment."

In 1972, I introduced in the Senate an amendment that made trade concessions to the Soviets and other non-market countries contingent upon a liberalization of emigration policies that had turned the Soviet Union into the world's largest prison.

It took us two and a half years to get the Jackson amendment adopted -- with the welcome help of the ADL and other stalwart supporters. But when the dust had cleared, the Congress of the United States had passed the first statute in this century linking economic policy with respect for international human rights. As the law of the land, it prohibits MFN treatment and government credits to non-market countries until those governments explicitly and clearly commit themselves to freer emigration policies and practices.

Tens of thousands of people -- Jews, Christians and others -- have escaped from captivity because of the Jackson amendment. For thousands of others who want to emigrate, the Jackson amendment is still their principal hope -- their lifeline. Without the assurances that the law requires, we would have no way of knowing what to expect from the Soviets in the future. And we know how cruel and capricious their emigration policies can be.

I, for one, will oppose any weakening of the Jackson provisions either by amendment or interpretation. Those provisions constitute absolutely indispensable leverage in the ongoing bargaining with the Soviets for freer emigration.

There has recently been a serious drop in the rate of Jewish and other emigration from the Soviet Union, deliberately managed by Soviet bureaucratic maneuver. Moscow has chosen this policy for its own reasons, but one reason may be that it thinks the United States and the West no longer really care. At one time, the fate of Soviet Jewry and the cause of freer emigration were a primary subject of public attention. Of late, public attention has focused on Iran, Afghanistan, Poland, and now the new crisis in the Middle East.

It is high time we set the record straight. Let us speak up for those denied their fundamental right to emigrate. Let us call upon President Reagan and the Western governments to champion the emigration rights of Jews, Christians, and others. Let us insist that our leaders put freer emigration on the agenda of their negotiations with Moscow. As we talk about free trade, let us again talk about free people.

I am thinking of Ida Nudel, Alexander Lerner, Naum Meiman, Vladimir and Maria Slepak, Viktor Brailovsky, Viktoras Petkus, Yuri Orlov, Mykelo Rudenko, the stepdaughter of Andrei Sakharov -- Liza Alexeyeva, the wife and son of Viktor Korchnoi, and Anatoly Shcharansky.

I remind you that these brave people, and countless others who have not yet been freed, are our staunchest allies. And we cannot leave our allies on the battlefield.

### Conclusion

To all of us to whom the future of human rights is entrusted, there is put the question that was put to the Prophet Jeremiah:

"If you have raced with men on foot and they have wearied you, how can you compete with horses? And if in a safe land you have fallen down, how will you do in the jungle of Jordan?"

The point is -- and it has been my theme today -- we are engaged in a great historic process, in a struggle of which each momentary skirmish or battle is but a small part, in a contest of will and resolve in which victory will turn on steadfastness and courage.

My friends, you and I fought for human rights before it became fashionable. I am confident that we will continue even after the fainthearted have tired of the struggle. Persistence has its rewards. And the great record of the Anti-Defamation League is here to prove it.

HENRY M. JACKSON  
WASHINGTON

Room 137  
RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, D.C. 20510  
(202) 224-3441

# United States Senate

WASHINGTON, D.C.

COMMITTEE  
ENERGY AND  
NATURAL RESOURCES  
ARMED SERVICES  
GOVERNMENTAL AFFAIRS  
INTELLIGENCE

July 22, 1981

The Honorable John C. Danforth  
Chairman, Subcommittee on International  
Trade  
Committee on Finance  
United States Senate  
2227 Dirksen Senate Office Building  
Washington, D.C. 20515

Dear Mr. Chairman: *John*

In connection with the July 27 hearing of your Subcommittee, I welcome the chance to provide you with my views on the extension of our present trading relationship with Romania, Hungary and China.

As the members of your Committee are aware, in its concern for international human rights, the Congress has put special emphasis on the right to emigrate. Of all the individual liberties contained in the UN Declaration of Human Rights, none is more fundamental than that in Article 13 -- the right to free emigration. It is the life-saving liberty of last resort for individuals or religious or ethnic groups who either cannot tolerate or be tolerated by their own governments. It is not interference in the internal affairs of another country to encourage respect for the right to emigrate, which has been affirmed in solemn international agreements and is part of the body of international law.

I believe the original cosponsors of the Jackson-Vanik amendment and its host of supporters -- can be gratified as our amendment encourages greater regard for the right to emigrate.

I support the extension of the waivers applicable to Romania, to Hungary and to China as requested by President Reagan, and I want to add a few words on Romania and China.

We Americans have a clear interest in a strong, politically effective Romania, capable of an independent position on key foreign policy issues. In many respects the concerns of our two countries run parallel, including the opportunities for mutually helpful trade. The United States is presently the third trading partner for Romania. Certainly, it serves our national interest to encourage Romania -- as well as Hungary and other East European nations -- to exercise its right to greater freedom as a sovereign state in the face of Soviet military power and Soviet political pressure.

I do not forget that Romania was the first to choose cooperation with us in accepting the terms of the Jackson-Vanik amendment as one

July 22, 1981

of the bases of increased trade with the United States. In 1980, as the Administration reports, more than 2,800 persons emigrated from Romania to this country, nearly seven times the pre-MFN level and almost twice the 1979 level. The Romanian emigration to West Germany remains high, although it is slightly below last year's record rate. The Romanian emigration to Israel, however, has fallen off substantially and low rates in the early months of this year are of special concern.

It is necessary for the Romanian leadership to do much better with respect to emigration to Israel. I have emphasized this matter in talks this year with Romanian officials. They should more than double the annual number they are approving for emigration to Israel.

I have also urged them to simplify and shorten the Romanian emigration application process, end all harassment of applicants, and finally resolve the still outstanding hardship cases.

I share the view of the Administration that continuation of the waiver for Romania will give us the context in which to further urge the government to take very seriously our concern over emigration to Israel, emigration procedures, and cases of special hardship.

With respect to China, the members of your Committee are doubtless aware that I strongly advocated the U.S.-China trade agreement providing for the extension of most-favored-nation treatment and access to official credits. It has laid the basis for the increase of trade and financial ties between our two countries, with important mutual benefits. It gives United States' firms a better position to compete with firms from other nations.

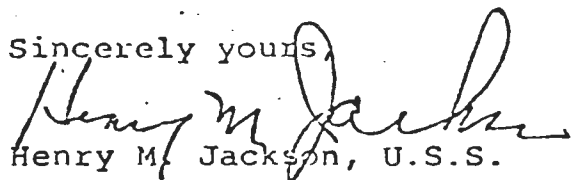
Also, the PRC chose to cooperate with us in giving the assurance regarding its future emigration practices called for as a condition of the waiver of Jackson-Vanik. And this cooperation is enhancing the personal freedom for many Chinese wishing to emigrate or visit abroad and contributing to the economic well-being of the Chinese people.

As reported by the Administration, American posts in China issued 3,400 immigrant visas in FY 1980, and over 12,800 non-immigrant visas for business, study and family visits. More than 5,000 Chinese have come to this country since 1979 for long-term study and research. Our own numerical limits imposed on entry of immigrants to this country by our immigration law continue to be more of a hindrance to immigration from China than PRC exit limitations.

I appreciate this opportunity to express my support for the continuation of the waivers to these three countries.

With good wishes.

Sincerely yours,



Henry M. Jackson, U.S.S.



## United States Senate

WASHINGTON, D.C. 20510

June 18, 1981

The Honorable Sam Gibbons  
Chairman, Subcommittee on Trade  
Committee on Ways and Means  
House of Representatives  
1102 Longworth House Office Building  
Washington, D.C. 20515

Dear Mr. ~~Chairman~~ *Sam* —

In connection with the June 22 hearing of your Subcommittee, I welcome the opportunity to give you my views on the extension of our present trading relationship with China, Romania and Hungary.

As your Committee is aware, in its concern for human rights, the Congress has particularly emphasized the right to emigrate. It is the touchstone of all human rights and a central provision of the UN Declaration of Human Rights and other historic international human rights agreements. It is not interference in the internal affairs of another nation to encourage respect for the right to emigrate, which has been affirmed in international law.

As an initial cosponsor with Congressman Vanik of the Jackson-Vanik amendment, I believe we -- and its host of advocates -- can take satisfaction as our amendment encourages greater respect for freer emigration.

No doubt your Committee is aware that I strongly supported the U.S.-China trade agreement providing for the extension of most-favored-nation treatment and access to official credits. It has laid the basis for the expansion of trade and financial ties between our two countries, with important mutual benefits. It assures United States' firms a better position to compete with firms from other nations.

Moreover, the PRC chose to cooperate with us in giving the assurances regarding its future emigration practices called for as a condition of the waiver of Jackson-Vanik. And this cooperation is enhancing the personal freedom for many Chinese wishing to emigrate or visit abroad and contributing to the economic well-being of the people of China.

As reported by the Administration, American posts in China issued 3,400 immigrant visas in FY 1980, and over 12,800 non-immigrant visas for business, study and family visits. More than 5,000 Chinese have come to this country since 1979 for long-term study and research. Our own numerical limits imposed on entry of

June 18, 1981

immigrants to this country by our immigration law continue to be more of a hindrance to immigration from China than PRC exit limitations.

In the light of this record, I support extension of the waiver applicable to the People's Republic of China as requested by President Reagan.

I also support the continuation of the waivers applicable to Romania and to Hungary as requested by the President, and I want to add a special word on Romania.

We Americans have a clear interest in a strong, politically effective Romania, capable of an independent role in key foreign policy issues. In many respects the concerns of our two countries run parallel, including the opportunities for mutually helpful trade. Certainly, it serves our national interest to encourage Romania -- as well as Hungary and other East European nations -- to exercise its right to greater freedom as a sovereign state in the face of Soviet military power and Soviet political pressure.

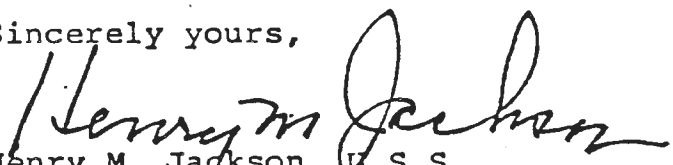
I have not forgotten that Romania was the first to choose cooperation with us in accepting the terms of the Jackson-Vanik amendment as one of the bases of increased trade with the United States. This last year, as the Administration reports, more than 2,800 persons emigrated from Romania to this country, nearly seven times the pre-MFN level and almost twice the 1979 level. The Romanian emigration to West Germany remains high, although it is slightly below last year's record rate. Meanwhile, the Romanian emigration to Israel has fallen off substantially and recent low monthly rates are of concern.

It is essential for the Romanian leadership to face up to the problem and do better with respect to emigration to Israel. I have emphasized this point in recent discussions with Romanian officials. I have also counseled them to simplify and shorten their emigration application process, to end all harassment of applicants, and to finally resolve the remaining long-standing hardship cases.

It is my considered view that continuation of the waiver should give us the context in which to further press the Romanian government to take with due seriousness our concern over emigration to Israel, emigration procedures, and cases of special hardship.

With good wishes.

Sincerely yours,

  
Henry M. Jackson, U.S.S.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 126

WASHINGTON, MONDAY, NOVEMBER 17, 1980

No. 160

## Senate

### THE JACKSON-VANIK AMENDMENT

● Mr. JACKSON. Mr. President, before the Presidential election this fall, I had an exchange of letters with Governor Reagan and President Carter regarding section 402 of the Trade Act of 1974, known as the Jackson-Vanik amendment.

My letter of October 2 posed the issue as follows:

As you know, current law prohibits the extension of most-favored-nation treatment and government credits to non-market countries that deny their citizens the fundamental human right to emigrate. This provision of the Trade Act of 1974 has long been the principal hope of thousands of Soviet Jews and others who have struggled to obtain visas so that they might emigrate to Israel, the United States, or other countries where they are free to live and worship according to their faith—a freedom denied them in the Soviet Union.

There have been a number of proposals since 1975 aimed at revising the Trade Act to remove or weaken the credit and MFN restrictions in order to facilitate trade concessions for the Soviets without a significant agreed movement toward freer emigration from the Soviet Union. Last year, for example, there were proposals that the credit/MFN restrictions could be waived without an explicit understanding with the Soviets on future emigration practices, an approach that would violate the freedom of emigration provisions of law embodied in the 1974 Trade Act.

I very much hope that you share my view that there must be no weakening of the existing law either by amendment or interpretation.

I suggested in my letter that many brave men and women who have suffered reprisals as a result of having insisted on the right to emigrate would be heartened to know that the next President of the United States will support section 402 of the Trade Act.

My letter concluded as follows:

A statement of your support for Section 402, and your insistence on a clear Soviet commitment to freer emigration as a condition of any waiver of the Act's restriction on MFN and credits, would be especially welcome in the current mood of uncertainty.

I received responses from both President Carter and Governor Reagan which I wish to include in full in the Record. I can report that both letters affirm continuing strong support for section 402 of the Trade Act of 1974.

I am particularly delighted that Governor Reagan—now President-elect Reagan—included in his response this firm assurance:

I have supported the legislation, now public law, known as the Jackson-Vanik Amendment. I believe that it was right and proper to link trade concessions to the Soviet Union with significant movement toward free emigration.

As President I would implement fully the letter and the spirit of the freedom of emigration provisions of the 1974 Trade Act. We would seek to make it clearly understood that we will uphold the law, and that we will make no effort to modify the Jackson-Vanik Amendment.

I ask that the letters from Governor Reagan and President Carter be printed in the Record.

The letters follow:

OCTOBER 24, 1980.

HON. HENRY M. JACKSON,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR JACKSON: Thank you for your letter of October 2, 1980, to which I am pleased to reply.

I have supported the legislation, now public law, known as the Jackson-Vanik Amendment. I believe that it was right and proper to link trade concessions to the Soviet Union with significant movement toward free emigration.

As President I would implement fully the letter and the spirit of the freedom of emigration provisions of the 1974 Trade Act. We would seek to make it clearly understood that we will uphold the law, and that we will make no effort to modify the Jackson-Vanik Amendment.

Fine words about human rights are one thing; action is another. The Congress took concrete action in passing the Jackson-Vanik Amendment; its effect has been blunted by holding out the hope to the Soviets that it might be modified or repealed.

I am proud indeed of the extraordinary bravery of those seeking to emigrate from the Soviet Union. The Soviet Jews in particular have shown the world what courage and the determination to be free can mean even for men and women who could be imprisoned as a result of their desire to emigrate.

You have my assurance that I will work together with you in support of these brave people.

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,  
Washington, D.C., October 25, 1980.

Hon. HENRY JACKSON,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR JACKSON: You wrote to ask my views about section 402 of the Trade Act of 1974, the Jackson-Vanik amendment.

From the beginning of my Presidency I emphasized our commitment as a nation to human rights as a fundamental tenet on which our foreign policy would be based. That commitment of mine is as deep and as important to me today as it was then.

You have always been a pioneer in the area of human rights and your leadership and support have been instrumental in our success. I am sure that the record will show that American words and actions in the last period have left their mark on the rest of the world. Because of our leadership the defense of human rights has its rightful place on the world agenda for everyone to see.

The Jackson-Vanik amendment, which you authored, represents an important statement of our nation's commitment to the free emigration of Soviet Jewry. As you well know, I, along with you, have been specifically concerned about Jewish emigration from the Soviet Union. The year before I became President, Jewish emigration was about 14,000. Last year it was up to 80,000—the highest level in more than 10 years. The lower rate this year in the wake of the Soviet invasion of Afghanistan is of great concern. We will continue to register our strong concern about this low level of emigration at the Review Conference on Security and Cooperation which will meet in Madrid next month. The Soviet Union has an obligation to honor its Helsinki commitment.

After the Afghanistan invasion, I took a number of steps, including the suspension of grain sales and the restriction of high-technology exports to the Soviet Union, to make quite clear to the Soviets that we cannot conduct business-as-usual with them while their troops are occupying another country.

With the Soviet troops still in Afghanistan and with unacceptable denials of free emigration, it is totally inappropriate to consider any changes to section 402 of the Trade Act of 1974, and I have no intention of doing so. Furthermore, I can assure you that the U.S. delegation under the leadership of Ambassadors Griffin Bell and Max Kampelman at the CSCE Conference in Madrid will take every opportunity to make clear to the Soviet Union that their record of emigration is a violation of the Helsinki accords.

I value your views on this subject and I look forward to working closely with you on these very vital issues.

Sincerely,

JIMMY CARTER. ©



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 126 WASHINGTON, TUESDAY, SEPTEMBER 30, 1980 No. 153—Part III

## Senate

### THE MADRID CONFERENCE AND SOVIET EMIGRATION

© Mr. JACKSON. Mr. President, Andrei Sakharov has sent to the West a statement on the importance of the Helsinki Accords and the Helsinki Review Conference which is scheduled to begin November 11 in Madrid. With his customary insight he has gone to the heart of the matter:

The historic significance of the 1975 Helsinki Accords . . . lies in its affirmation of a crucial principle: International security and confidence are linked to respect for human rights.

From his exile in the closed city of Gorky, the Nobelist wrote that the Helsinki Final Act acknowledged the right of the participating states to monitor each other's record of compliance.

Such monitoring is regarded not as intervention in internal affairs but rather as a contribution to international security and confidence. The Final Act marked a new state in the formulation of an international ideology of human rights . . . The whole point of the Helsinki Accords is mutual monitoring, not mutual evasion of difficult problems.

In that spirit, I have personally urged that the Helsinki Conference give special attention to the fate of the Soviet and East European members of the groups formed to monitor compliance with the Helsinki Accords. The members of these watch groups are suffering special persecution—today, more than 40 of these heroic individuals are imprisoned or exiled.

I also have called for a rallying of public attention at the Helsinki Conference to the rights of Jews and others to emigrate freely. As Dr. Sakharov points out, the Helsinki Accords affirm the right "to choose one's country of residence (and not just within the context of family reunification)." Yet recently there has been a serious drop in Jewish emigration, deliberately managed by Soviet bureaucratic maneuver.

For long we have known that thousands of would-be emigrants are unable to apply, that Soviet officials simply will not talk to them. Those who are able to apply are often refused on grounds of security because they have worked with, or done military service which allegedly gave them access to, state secrets. This

pretense is used even when the access was so long in the past as to render the supposed secrets of no significance.

Now we learn of individuals in Kharkov who, once refused, are told that they may not reapply. Kharkov seems to be the city where new restrictions may be first introduced and from which they spread to other cities. It was in Kharkov and Odessa that officials first severely tightened family relationships as grounds for family reunification abroad. Now, only parents, children, siblings and spouses are considered closely enough related to qualify to apply for emigration for family reunification.

Even before such new restrictions, Jews and others were condemned to exile or prison or the dread "strict regime" camps for persistence in claiming the right to emigrate. I am thinking of Anatoly Shcharansky, Ida Nudel, Josef Mendeleovich, Alexsei Murzhenko, Yuri Fedorov, Vladimir Slepak—and all too many others.

There are many reasons why the Soviets are pursuing these policies, and one reason may be that they think the United States and the West do not really care any more. At one time, the fate of Soviet Jewry and the cause of freer emigration were a primary subject of public attention. Of late, public attention has focused on Iran, Afghanistan, Camp David negotiations, Poland and the Iran-Iraq war.

Mr. President, it is high time to make abundantly clear that we do care about those denied their fundamental right to emigrate. In this respect, the Helsinki Conference is an especially welcome opportunity. Let the public in this country now call upon our Government and the other Western governments to champion at Madrid the emigration right of Jews, Christians, and others who can no longer tolerate or be tolerated by a repressive government.

The Soviets will argue that all this is interference in their internal affairs. What a distortion! It is not interference in internal affairs to demand respect for human rights, which have been affirmed in international law. Indeed, the Soviet Union itself freely and formally accepted these international obligations to respect human rights. The Madrid Conference should bring home to the Soviets that we



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 126

WASHINGTON, THURSDAY, AUGUST 21, 1980

No. 129

## Senate

### ACCOUNTABILITY FOR COMMITMENTS

Mr. JACKSON. Mr. President, now 5 years after the signing of the Helsinki Final Act, the second Helsinki Review Conference is scheduled to begin November 11 in Madrid.

As we approach this conference, the Soviet strategy is to try to shift the Madrid spotlight away from the human rights provisions of the Final Act. For its part, the United States should have as its fundamental objective keeping the Madrid spotlight on human rights.

The Helsinki Review Conference is a challenge to the good sense and tactical skill of the State Department and the U.S. delegation—to get first things first, at the top of the agenda, and keep them there.

At Madrid, the delegates should start right off with an accounting of their government's support for the fundamental human rights affirmed in the Helsinki Final Act. Accountability for solemn commitments voluntarily undertaken should be the dominant theme of the Madrid Conference.

There is no need for more high-sounding declarations and reassuring rhetoric. The basic human rights are already fully spelled out in a series of formal international declarations and agreements. What is needed is faithful performance—respect for obligations freely assumed by the nations in the United Nations Charter, in the Universal Declaration of Human Rights, in the International Covenants on Human Rights, and in the Helsinki accords.

Let us remember, the U.S.S.R. has committed itself to respect the human rights enumerated in these historic documents. President Brezhnev himself signed the Helsinki Final Act which provides:

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief. . . . They confirm the right of the individual to know and act upon his rights and duties in this field.

What have the Soviet Union and Eastern Europe done to respect these commitments? That is the question—and that should be the focus of the Helsinki meeting.

For the Soviets to keep signing up as champions of human rights and then systematically violating them, calls into question the seriousness of the entire Helsinki process, undercuts the integrity of all future East-West agreements, and invites Soviet noncompliance with other treaty obligations.

Of first concern to the Helsinki Conference should be the fate of the Soviet and East European members of the groups formed to monitor compliance with the Helsinki accords. Ironically, it is the members of these groups who are suffering special persecution. More than 40 members of these watch groups are now imprisoned or exiled.

From his exile in Gorky, Andrei Sakharov wrote of the monitors, “. . . it was from the ranks of the people that the defenders of human rights emerged, standing up against deceit, hypocrisy and silence, armed only with pens, ready to make sacrifices, yet lacking the stimulus one derives from the certainty of quick success. They had their say. They will not be forgotten. On their side, they have moral force and the logic of historical development.” Sakharov continues, “Inside the country, these are times of ever greater repression. It is terrible to think that the most honorable and generous people, who have devoted many years to defending others through public protest, have fallen victim to arbitrary repression.”

There is Anatoly Shcharansky, who is serving the third year of a 13-year sentence. Charges of espionage and anti-Soviet propaganda are used as grounds for his detention; anti-Semitism and a desire to crush the human rights movement in the Soviet Union are more accurate reasons for his incarceration. In the closing moments of his trial, Shcharansky stated:

I was told that if I agreed to collaborate with the KGB in order to destroy the Jewish emigration movement, then I will be given a short sentence, quick release and even the possibility of joining my wife. . . . It might appear that I must have regrets about what has happened. But this is not so. I am happy. I am happy that I have lived honestly, in peace with my conscience, and have never betrayed my soul, even when I was threatened with death.

Shcharansky's health continues to deteriorate as he serves a sentence not

SENATOR  
JACKSON

*News*<sup>9</sup>

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

JACKSON-VANIK WAIVER AUTHORITY EXTENSION -- CHINA, ROMANIA, HUNGARY

TESTIMONY BY SENATOR HENRY M. JACKSON

SUBCOMMITTEE ON INTERNATIONAL TRADE  
SENATE FINANCE COMMITTEE

Monday, July 21, 1980, 10 A.M.

MR. CHAIRMAN: THANK YOU FOR THIS OPPORTUNITY TO PRESENT MY VIEWS ON THE EXTENSION OF OUR PRESENT TRADING RELATIONSHIP WITH CHINA, ROMANIA AND HUNGARY.

AS MY COLLEAGUES KNOW, THE CHINESE-AMERICAN RELATIONSHIP HAS COME A LONG WAY. WE HAVE SEEN THE ADMISSION OF THE PEOPLE'S REPUBLIC TO THE UNITED NATIONS, PRESIDENT NIXON'S VISIT TO CHINA AND THE SHANGHAI COMMUNIQUE, THE ESTABLISHMENT OF LIAISON OFFICES, THE LIFTING OF THE BAN ON DIRECT TRADE WITH CHINA, CULTURAL AND SCHOLARLY EXCHANGES, VISITS BY GOVERNMENT LEADERS, THE NORMALIZATION OF RELATIONS AND THE EXCHANGE OF AMBASSADORS, AND THE COMING INTO FORCE OF THE U.S.-CHINA TRADE AGREEMENT PROVIDING FOR THE EXTENSION OF MOST-FAVORED-NATION TREATMENT AND ACCESS TO OFFICIAL CREDITS.

TODAY OUR RELATIONS WITH THE PEOPLE'S REPUBLIC ARE COMPREHENSIVE AND COMPLEX. CHINA IS A DEVELOPING NATION WHICH LOOKS TO US AS A SOURCE OF STRENGTH IN ORDER TO COUNTERBALANCE THE STRENGTH OF THE SOVIETS -- NOW THEIR PRINCIPAL ADVERSARY. THEY WANT FROM US TECHNOLOGY,

CAPITAL AND EXPERTISE TO ACCELERATE THEIR MODERNIZATION. THE UNITED STATES IS A DEVELOPED COUNTRY WHICH LOOKS ON CHINA AS A COUNTERWEIGHT TO THE SOVIET UNION, A POTENTIALLY SIGNIFICANT SOURCE OF STABILITY IN ASIA, AND A LIKELY AND TANTALIZING MARKET.

CHINA'S LEADERS EXPLICITLY RECOGNIZE SHARED AND PARALLEL INTERESTS WITH US, WITH OUR NATO ALLIES, AND WITH JAPAN. THEY ARE PLAYING AN IMPORTANT STRATEGIC ROLE IN WORLD AFFAIRS, INCLUDING THE EFFORT TO DETER SOVIET EXPANSIONISM IN SOUTHEAST AND SOUTH ASIA.

THE FACT IS THE UNITED STATES HAS AN IMPORTANT STAKE IN THE CONTINUING EXISTENCE OF A STRONG AND INDEPENDENT CHINA. UNITED STATES COOPERATION WITH THE PEOPLE'S REPUBLIC IN ITS EFFORT TO BECOME A MODERN INDUSTRIAL STATE AND TO WORK WITH HER LEADERS WHERE OUR STRATEGIC AND BILATERAL CONCERNS RUN PARALLEL ARE IN AMERICAN AS WELL AS CHINESE INTERESTS.

AS THIS COMMITTEE KNOWS, I STRONGLY SUPPORTED THE U.S.-CHINA TRADE AGREEMENT PROVIDING FOR THE EXTENSION OF MOST-FAVORED-NATION TREATMENT AND ACCESS TO OFFICIAL CREDITS. IT HAS LAID THE FOUNDATION FOR THE EXPANSION OF TRADE AND FINANCIAL TIES BETWEEN OUR TWO COUNTRIES WITH MAJOR MUTUAL BENEFITS. IT ASSURES UNITED STATES FIRMS A BETTER POSITION TO COMPETE WITH FIRMS FROM OTHER NATIONS.

MOREOVER, THE PEOPLE'S REPUBLIC CHOSE COOPERATION WITH US IN PROVIDING THE ASSURANCES REGARDING ITS FUTURE EMIGRATION PRACTICES CALLED FOR AS A CONDITION OF THE WAIVER OF JACKSON-VANIK. AND THIS COOPERATION IS ENHANCING THE PERSONAL LIBERTY FOR MANY CHINESE WISHING TO GO ABROAD AND CONTRIBUTING TO THE ECONOMIC ADVANCE OF THE CHINESE PEOPLE.



OVER THE LAST TWELVE MONTHS, CHINA HAS DEMONSTRATED ITS COMMITMENT TO FREER EMIGRATION BY SIMPLIFYING THE PROCEDURES FOR OBTAINING EXIT PERMISSION AND BY ITS HUMANITARIAN RESOLUTION OF LONG-STANDING HARDSHIP CASES INVOLVING SEPARATED AMERICAN-CHINESE FAMILIES. IN FACT, OUR OWN NUMERICAL LIMITATION OF 20,000 IMMIGRANTS PER COUNTRY PER YEAR IS A LARGER IMPEDIMENT TO CHINESE EMIGRATION TO AMERICA THAN THE PERFORMANCE OF THE PEOPLE'S REPUBLIC. INDEED, A LARGE BACKLOG OF CHINESE ALREADY IN HONG KONG WISH TO JOIN THEIR RELATIVES IN THIS COUNTRY AND THE BACKLOG IS NOT DIMINISHING.

GIVEN THESE CONSIDERATIONS, I SUPPORT EXTENSION OF THE WAIVER APPLICABLE TO THE PEOPLE'S REPUBLIC OF CHINA AS REQUESTED BY PRESIDENT CARTER.

MR. CHAIRMAN, I ALSO SUPPORT THE CONTINUATION OF THE WAIVERS APPLICABLE TO ROMANIA AND TO HUNGARY AS REQUESTED BY THE PRESIDENT.

I WISH TO UNDERLINE TODAY THE CONTINUING AMERICAN INTEREST IN THE EXISTENCE OF A POLITICALLY STRONG ROMANIA CAPABLE OF AN INDEPENDENT ROLE ON KEY FOREIGN POLICY ISSUES. ROMANIA AND THE UNITED STATES SHARE MUTUAL AND PARALLEL INTERESTS ON MANY INTERNATIONAL MATTERS. THERE ARE NUMEROUS TASKS ON WHICH WE CAN WORK TOGETHER. IT IS IN OUR NATIONAL INTEREST TO ENCOURAGE ROMANIA -- AS WELL AS HUNGARY AND OTHER EAST EUROPEAN COUNTRIES -- EFFECTIVELY TO ASSERT ITS LEGITIMATE RIGHT AS A SOVEREIGN STATE TO GREATER FREEDOM IN THE FACE OF KREMLIN PRESSURE AND DOMINANT SOVIET MILITARY POWER.

ROMANIA WAS THE FIRST COUNTRY TO COOPERATE WITH US IN ACCEPTING THE TERMS OF THE JACKSON-VANIK AMENDMENT AS THE BASIS OF INCREASED TRADE

WITH THE UNITED STATES. IN REVIEWING THE RECORD OF THE LAST YEAR, I AM HAPPY TO SEE THAT THERE HAS BEEN AN INCREASE OVER PREVIOUS YEARS IN THE NUMBER OF THOSE PERMITTED TO EMIGRATE, AND ALSO A LESS FLUCTUATING RATE OF DEPARTURE.

THERE REMAIN CONCERNS IN THIS AREA WHICH WE NEED TO IMPRESS UPON THE ROMANIAN GOVERNMENT.

IT IS VERY IMPORTANT FOR THE ROMANIAN LEADERSHIP TO MOVE EXPEDITIOUSLY TO RESOLVE REMAINING LONG-STANDING HARDSHIP CASES. BEYOND THIS, AS I CONTINUE TO EMPHASIZE IN DISCUSSIONS WITH ROMANIAN OFFICIALS, THE ROMANIAN EMIGRATION APPLICATION PROCESS NEEDS TO BE SHORTENED AND SIMPLIFIED, AND ALL HARASSMENT SHOULD BE STOPPED. IN THIS WAY, THE NUMBERS LEAVING WOULD MORE CLOSELY CORRESPOND TO THOSE WHO REALLY WISH TO EMIGRATE.

AS THIS COMMITTEE IS WELL AWARE, IN ITS CONCERN FOR INTERNATIONAL HUMAN RIGHTS, THE CONGRESS HAS PARTICULARLY EMPHASIZED THE RIGHT TO EMIGRATE. OF ALL THE INDIVIDUAL LIBERTIES CONTAINED IN THE UN DECLARATION OF HUMAN RIGHTS AND OTHER INTERNATIONAL AGREEMENTS, NONE IS MORE FUNDAMENTAL THAN THE RIGHT TO EMIGRATE. IT IS NOT INTERFERENCE IN THE INTERNAL AFFAIRS OF ANOTHER NATION TO ENCOURAGE RESPECT FOR THE RIGHT TO EMIGRATE, WHICH HAS BEEN AFFIRMED IN INTERNATIONAL LAW.

MR. CHAIRMAN, AS AN INITIAL CO-SPONSOR OF THE JACKSON-VANIK AMENDMENT, YOU CAN TAKE PROFOUND SATISFACTION AS OUR AMENDMENT ENCOURAGES GREATER RESPECT FOR FREER EMIGRATION. I COUNT IT A HIGH PRIVILEGE TO HAVE WORKED WITH YOU FROM THE BEGINNING IN THIS HISTORIC ENDEAVOR.

OVER THE YEARS, MR. CHAIRMAN, YOU HAVE PLAYED A LEADING PART IN THE STRUGGLE FOR INTERNATIONALLY RECOGNIZED PERSONAL RIGHTS. AS YOU CAN GUESS, WE ARE COUNTING ON YOUR ONGOING HELP IN THE PERIOD AHEAD AS YOU ASSUME NEW RESPONSIBILITIES IN THE PRIVATE WORLD.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 126

WASHINGTON, FRIDAY, JUNE 13, 1980

No. 97

## Senate

### MENDELEVICH, FIODOROV, AND MURZHENKO—THE REMAINING LENINGRAD THREE

• Mr. JACKSON. Mr. President, just 10 years ago, on June 15, 1970, 12 citizens of Leningrad who felt they could no longer live without freedom united in planning to "borrow" a parked plane for a flight to freedom in the West. Before they could act on their plans, all were arrested.

Ten of the group were Jews whose emigration applications had been ignored or refused. Two were Slavs—Yuri Fiodorov and Alexii Murzhenko—who had little expectation of ever being allowed to emigrate.

Today, 10 years later, these two, along with Yosef Mendelevich, are still imprisoned—now in the severe regime camp No. 36 at Perm in the Urals.

The other nine members of this Leningrad group have been released and, under one arrangement or another, have been allowed to leave the Soviet Union. One of the group, Sylvia Zalmanson, was released in 1974. Eduard Kuznetsov and the professional pilot Mark Dymshits were included with Pastor Georgi Vina, Alexander Ginsburg and Valentyn Moros in the prisoner exchange of April 1979. Sylvia's brother Israel was released at the end of his prison term in 1978, and Wolf Zalmanson, Hillel Butman, Anatoly Altman, Lieb Khnokh and Boris Penson were freed and let out of the Soviet Union last spring. There was no explanation why Mendelevich, Fiodorov and Murzhenko were not freed at the same time.

Of the three, the observing Jew Mendelevich may suffer the most. His religious convictions and attempts to practice them expose him to special persecution. Because of such simple things as refusing to work on the Sabbath, wearing the yarmulka and trying to grow a beard, he has been beaten, put in isolation, strung up and forcibly shaved. His visitors are turned away; his letters are withheld; he is allowed no books.

Mendelevich is known to be in bad health, suffering from rheumatic fever and from high blood pressure. He has been refused a special cereal diet which would make it possible for him to eat more; as it is, because of his religious observance he is subsisting on less than 1,200 calories a day. In a letter he wrote after the three's recent harrowing trip to the Perm Camp, Yuri Fiodorov reports that Mendelevich was refused hospital treatment by the commandant who ruled: "people who try to steal airplanes don't deserve hospital treatment."

Under Soviet law, the penalty for even a completed hijacking—unless it is aggravated by loss of life, serious injury or damage to state property—is 3 to 10 years. These three men—who only planned to hijack—have served that maximum. In all justice, they should be released and allowed to emigrate to the freedom which they sought at such a price. •

# SENATOR JACKSON

# / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

EXTENSION OF JACKSON-VANIK WAIVER AUTHORITY -- CHINA, ROMANIA, HUNGARY

STATEMENT BY SENATOR HENRY M. JACKSON

SUBCOMMITTEE ON TRADE  
HOUSE COMMITTEE ON WAYS AND MEANS

TUESDAY, JUNE 10, 1980, 9:30 A.M.

MR. CHAIRMAN, I WELCOME THIS OPPORTUNITY TO GIVE THIS COMMITTEE MY VIEWS ON THE EXTENSION OF OUR PRESENT TRADING RELATIONSHIP WITH CHINA.

AS I HAVE EMPHASIZED ON MANY OCCASIONS, WE SHARE WITH CHINA A COMMON INTEREST IN KEY STRATEGIC ISSUES, AND IN MANY AREAS OUR INTERESTS RUN PARALLEL. IT WAS THIS MOTIVATION THAT LED US TO NORMALIZE OUR RELATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA, AND IT IS THE BEDROCK UPON WHICH THE RELATIONSHIP BETWEEN OUR TWO COUNTRIES RESTS.

TODAY, THE PEOPLE'S REPUBLIC PLAYS A CENTRAL ROLE IN THE GEO-POLITICAL BALANCE OF POWER IN THE WORLD, INCLUDING THE STRUGGLE TO DETER SOVIET EXPANSIONISM IN CRITICAL AREAS. IN SOUTHWEST ASIA, CHINA HAS BEEN BELEAGUERED PAKISTAN'S MOST FAITHFUL CHAMPION. IN SOUTHEAST ASIA, CHINA IS RESISTING VIETNAM'S EFFORT -- UNDERTAKEN WITH MOSCOW'S BLESSING AND LARGE-SCALE MATERIAL SUPPORT -- TO DOMINATE CAMBODIA,

THAILAND AND OTHER PARTS OF SOUTHEAST ASIA. IN THE FAR EAST, CHINESE LEADERS ARE DEVELOPING A CONSTRUCTIVE RELATIONSHIP WITH JAPAN. THE CHINESE REALIZE THAT THEIR SECURITY IS AFFECTED BY WHAT HAPPENS IN EUROPE, AND THEY ARE ADVOCATES OF A STRONG NORTH ATLANTIC TREATY ORGANIZATION. THEY ARE SUPPORTERS OF AN INDEPENDENT YUGOSLAVIA, RECOGNIZING THAT, IN THIS POST-TITO PERIOD, IT COULD BECOME A TARGET FOR ANOTHER APPLICATION OF THE BREZHNEV DOCTRINE.

THE TRUTH IS THE UNITED STATES HAS A SIGNIFICANT STAKE IN THE CONTINUED EXISTENCE OF A STRONG AND INDEPENDENT CHINA. UNITED STATES EFFORTS TO AID CHINA IN ITS DRIVE TO BECOME A MODERN INDUSTRIAL STATE AND TO WORK WITH HER WHERE OUR STRATEGIC AND BILATERAL CONCERNS RUN PARALLEL ARE IN AMERICAN AS WELL AS CHINESE INTERESTS.

AS THIS COMMITTEE KNOWS, I STRONGLY SUPPORTED THE U.S.-CHINA TRADE AGREEMENT PROVIDING FOR THE EXTENSION OF MOST-FAVORED-NATION TREATMENT AND ACCESS TO OFFICIAL CREDITS. IT HAS LAID THE FOUNDATION FOR THE EXPANSION OF TRADE AND FINANCIAL TIES BETWEEN OUR TWO COUNTRIES, WITH MAJOR MUTUAL BENEFITS. CHINA'S PURSUIT OF A LONG-TERM MODERNIZATION PROGRAM CALLS FOR ONGOING HIGH LEVELS OF IMPORTED CAPITAL GOODS AND TECHNOLOGY, AND CHINA'S LEADERS ARE STARTING TO PLACE SIGNIFICANT ORDERS WITH FIRMS IN THIS COUNTRY.

AS MY COLLEAGUES ARE AWARE, IN ITS CONCERN FOR INTERNATIONAL HUMAN RIGHTS THE CONGRESS HAS PARTICULARLY EMPHASIZED THE RIGHT TO EMIGRATE. IT IS THE TOUCHSTONE OF ALL HUMAN RIGHTS AND A CENTRAL ELEMENT OF THE UN DECLARATION OF HUMAN RIGHTS AND OTHER HISTORIC INTERNATIONAL HUMAN RIGHTS AGREEMENTS. IT IS NOT INTERFERENCE IN THE INTERNAL AFFAIRS OF ANOTHER NATION TO ENCOURAGE RESPECT FOR THE RIGHT TO EMIGRATE, WHICH HAS BEEN AFFIRMED IN INTERNATIONAL LAW.

CHINA CHOSE COOPERATION WITH US IN GIVING THE ASSURANCES REGARDING ITS FUTURE EMIGRATION PRACTICES CALLED FOR AS A CONDITION OF THE WAIVER OF JACKSON-VANIK. AND THIS COOPERATION IS ADVANCING THE CAUSE OF PERSONAL LIBERTY FOR MANY CHINESE WISHING TO GO ABROAD AND CONTRIBUTING TO ADVANCING THE ECONOMIC WELL-BEING OF THE CHINESE PEOPLE.

OVER THE LAST YEAR, CHINA HAS DEMONSTRATED ITS COMMITMENT TO FREER EMIGRATION BY SIMPLIFYING THE PROCEDURES FOR OBTAINING EXIT PERMISSION AND BY ITS HUMANITARIAN HANDLING OF MANY LONG-STANDING HARDSHIP CASES INVOLVING SEPARATED AMERICAN-CHINESE FAMILIES. OUR OWN NUMERICAL LIMITATION OF 20,000 IMMIGRANTS PER COUNTRY IS A LARGER IMPEDIMENT TO CHINESE EMIGRATION TO THIS COUNTRY THAN THE PERFORMANCE OF THE PEOPLE'S REPUBLIC. IN FACT, A LARGE BACKLOG OF CHINESE ALREADY IN HONG KONG WOULD LIKE TO JOIN THEIR RELATIVES IN AMERICA AND THE BACKLOG SHOWS NO SIGNS OF DIMINISHING.

GIVEN THESE CONSIDERATIONS, I SUPPORT EXTENSION OF THE WAIVER APPLICABLE TO THE PEOPLE'S REPUBLIC OF CHINA AS REQUESTED BY PRESIDENT CARTER.

\* \* \*

I ALSO SUPPORT THE CONTINUATION OF THE WAIVERS APPLICABLE TO ROMANIA AND HUNGARY, AND WANT TO MAKE THIS BRIEF COMMENT ON ROMANIA.

AS I HAVE OFTEN SAID, THE UNITED STATES HAS A STRONG INTEREST IN ROMANIA'S CONTINUED EXISTENCE AS A NATION CAPABLE OF AN INDEPENDENT ROLE ON KEY FOREIGN AFFAIRS ISSUES. ROMANIA AND THE UNITED STATES SHARE MUTUAL CONCERNS ON A BROAD RANGE OF FOREIGN POLICY MATTERS. IT IS CLEARLY IN THE AMERICAN INTEREST TO ENCOURAGE ROMANIA -- AS WELL AS HUNGARY AND OTHER EAST EUROPEAN COUNTRIES -- EFFECTIVELY TO ASSERT ITS LEGITIMATE RIGHT TO GREATER FREEDOM IN THE FACE OF KREMLIN PRESSUR

AND DOMINANT SOVIET MILITARY STRENGTH.

ROMANIA WAS THE FIRST COUNTRY TO CHOOSE COOPERATION WITH THE UNITED STATES IN IMPLEMENTING THE JACKSON-VANIK AMENDMENT. IN LOOKING AT THE RECORD OF THE LAST TWELVE MONTHS, I AM HAPPY TO NOTE THAT THERE HAS BEEN AN INCREASE OVER PREVIOUS YEARS IN THE NUMBER OF THOSE ALLOWED OUT, AS WELL AS A STEADIER RATE OF DEPARTURES.

AS I HAVE EMPHASIZED IN MY TALKS WITH ROMANIAN OFFICIALS, WHAT CONTINUES TO BE IMPORTANT IS FOR THE ROMANIAN GOVERNMENT FINALLY TO RESOLVE THE REMAINING LONGSTANDING HARDSHIP CASES, SIMPLIFY THE EMIGRATION APPLICATION PROCESS, AND DISPENSE WITH ALL HARASSMENT.

\* \* \*

MR. CHAIRMAN, AS COSPONSORS OF THE JACKSON-VANIK AMENDMENT, I BELIEVE WE -- AND ITS HOST OF SUPPORTERS -- CAN TAKE SATISFACTION AS OUR AMENDMENT ENCOURAGES GREATER RESPECT FOR FREER EMIGRATION.

I WARMLY COMMEND YOU, MR. CHAIRMAN, FOR YOUR DILIGENT AND SUCCESSFUL EFFORT IN FOLLOWING THROUGH ON OUR JOINT ENDEAVOR. YOU HAVE PLAYED AN INDISPENSABLE PART IN THE CONTINUING STRUGGLE FOR BASIC HUMAN RIGHTS, AND WE WILL COUNT ON YOUR HELP AS YOU TAKE ON NEW RESPONSIBILITIES IN THE PRIVATE WORLD.

I WANT TO SAY TO THIS COMMITTEE WHAT A PRIVILEGE IT HAS BEEN TO WORK WITH CONGRESSMAN VANIK ON THIS HISTORIC INITIATIVE.



The Gallant Ida Nudel

I am happy to join in this expression of admiration and concern for Ida Nudel, the woman whose name is synonymous with courage.

Tiny, modest, she is a woman who does not know the word defeat. Consigned to Siberia for four years of existence under shocking conditions, she has been hostess to concerned visitors whose brief companionship and thoughtful gifts, including the dog Tolya, have done much to make her life bearable.

This is not what her oppressors had in mind, of course. On February 28 of this year, after she had triumphantly survived nearly half of her sentence, they published a viciously slanderous, anti-Semitic article about her in the Tomsk newspaper Red Banner.

Instead of cowering before this aggravation of the local hostility around her, she cabled appropriate Soviet officials and also the Dutch Embassy which represents Israeli interests declaring: "I accuse the authors of this article of knowingly inciting hatred for the purpose of bringing about violent reprisals."

This show of spirit and defiance was followed by the announcement of her resolve to go to court to "prosecute the editors on three counts: libel, insulting behavior and racist incitement."

In a long phone conversation with her sister Elena Fridman in Israel, Ida Nudel added: "it's difficult to find a lawyer for a case like this . . . Please tell my correspondents from me that I won't be writing for the next two months. I will need to study the law. I must deal with this stupid article. I have to be ready

to go to court, however it might turn out. I might even get sentenced again myself, but that doesn't matter any more. I will use all legal means to defend my character . . . I have to study the criminal code and learn how to conduct my own defense . . . I will have to defend myself if I can't find a lawyer."

As we salute Ida Nudel today, we are letting the Soviet authorities know that their persecution of this woman holds them up to the world as uncivilized violators of their own laws. In their own interest, they should let her go.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 126

WASHINGTON, TUESDAY, MAY 6, 1980

No. 72

*Senate*  
TUESDAY, MAY 6, 1980

*(Continued from Thursday, January 1, 1980)*

## RESTORING THE MILITARY BALANCE

THE STATEMENT OF POWER AND THE FUTURE OF  
FREEDOM

● Mr. TOWER, Mr. President, this week the Congress will be considering the Senate Budget Committee's recommended defense expenditures as part of the first concurrent budget resolution.

In this connection, I would like to share with my colleagues recent remarks by Senator JACOBSON on the importance of starting now to reverse the growing U.S.-U.S.S.R. imbalance of military power.

On the occasion of a CDIA Friends of Freedom Awards Dinner, April 24, honoring Andrei Sakharov, Senator JACOBSON said:

Our country now confronts, for the first time, a potentially serious strategic balance, a changing balance equating us in the after nuclear forces in Europe, and a continuation of the West's inferiority in regional conventional forces.

As our defenses have become apparent, and as the Soviets have surpassed us in one category after another of military power, they have become bolder, and we have become timid, divided and unsure of ourselves . . .

It is wise to try to balance the federal budget. But it is more important to begin reversing the growing imbalance in all categories of military power. The President has committed himself to such an effort. But his present program was created before the invasion of Afghanistan and it needs substantial upward revision. The Senate Budget Committee has taken a good first step in this direction. By adopting the Hollings-Domenici amendment, the Committee has added 13 billion dollars to the President's January request.

But where is President Carter now on this central issue?

Is the President going to oppose those of us in the Congress who are struggling to make good his public commitments for real growth in defense spending?

Or will he help us get a substantial increase that dramatically signals American intent to restore the military balance? . . . Only a strong America can stand up to the Soviet Union, safeguard the interests of our friends and allies, combat terrorism, champion basic human rights, and conduct wise and steady diplomacy.

My friends, we can prove by the coming votes on the defense budget that a confident America is embarked on a long-term bipartisan effort to restore the balance of power.

I recommend Senator JACOBSON's statement to my colleagues, and ask that it be included at this point in the Record.

I want to join in welcoming all of you to this annual dinner sponsored by the Coalition for a Democratic Majority.

We are here tonight to honor the Soviet Union's most distinguished citizen. Our gathering tonight sends the message to Andrei Sakharov: we salute you.

That Andrei Sakharov has been exiled to Gorki—far from Western eyes and ears—is a clear indication of what the Soviet leaders have in mind: a stubborn refusal to respect internationally recognized human rights and a ruthless determination to silence the human rights activists.

Against the awesome and arbitrary power of the Soviet state, Andrei Sakharov and a few others have held out. They have done so against all the odds—odds they fully understood. They have placed their very lives at risk because they believe freedom of conscience, freedom of information, freedom of movement and freedom of the choice of one's country of residence are directly related to peace among nations and to the economic well-being of the world's peoples.

Tonight, among all others, we celebrate Andrei Sakharov and his stalwart wife Elena Bonner, Ida Rudel, Anatoly Shcharbaty, Yuri Orlov, Vladimir and Maria Stepak, Viktoras Petkus, Naum Melman, Oleg Tysh, Mykola Rudenko, Viktor Brullovsky, Aleksander Podrubnik, Michael Etkhabaka, Mustafa and Bebat Dzhemilov.

I know that many here tonight share my continuing dismay at an American policy on human rights that finds it convenient to criticize the petty discrepancies, with which the world unhappily abounds, but loathsome to speak out about the Soviet system that implies repression around the world.

Thus it is that the Administration speaks more about the abuse of human rights in Chile, the Philippines, Argentina and Guatemala, while speaking less about the violation of human rights in the Soviet Union. So the Administration brings home our Ambassador from Korea because liberties of South Koreans have been violated—but finds it impossible to summon our Ambassador from Moscow when the freedoms of so many Soviet citizens are trampled.

For too many officials, the intensity of the struggle for human rights abroad is inversely proportional to the power of the offender. We even have certain officials who subscribe to a unique arithmetic: they think that if a human rights standard is a good thing, then a double standard must be twice as good.

Only with sensible priorities can we hope to forge an effective policy out of the impasse to support the cause of international human rights. Only by reasserting our con-

cern at the denial of basic rights in the Soviet Union can we make credible our concern about basic rights elsewhere.

I urge the Administration to keep world attention focused on the plight of Andrei Sakharov and his courageous compatriots in their struggle for freedom. I join Lane Kirkland and the Executive Council of the AFL-CIO in calling upon President Carter to make as his top priority for the Helsinki Review Meeting in Madrid in November a condemnation of the Soviet leadership's efforts to crush Dr. Sakharov.

My friends, the unpleasant truth is that America's willingness to stand up to the Soviet Union is now seriously in question.

For a decade, the military balance has been shifting against the West.

While our defense budgets were declining, theirs were increasing.

While we were negotiating strategic arms limitation, they were doubling their strategic forces.

While we have talked, they have acted.

Our country now confronts, for the first time, a potentially adverse strategic balance, a changing balance against us in theater nuclear forces in Europe, and a continuation of the West's inferiority in regional conventional forces.

As our deficiencies have become apparent, and as the Soviets have surpassed us in one category after another of military power, they have become bolder, and we have become divided, divided and unsure of ourselves.

It should have come as no surprise that the Soviets concluded they could invade and occupy Afghanistan—and get away with it.

Despite the invasion of Afghanistan, one searches in vain for evidence that official Washington has learned the major lesson. After all, President Carter himself has said that the danger now facing our country is the gravest in the modern period.

But, where is the Administration's strong leadership to redress the military balance and so fortify our political determination and our diplomatic hand?

Where is the post-Afghan supplemental budget that would start closing the gaps?

Where is the serious five-year defense budget that is in any way relevant to the magnitude of the problem?

Where is the rallying of our allies in a joint defense effort comparable to the launching in NATO in the aftermath of World War II?

It made sense to boycott the Moscow Olympic Games even before Afghanistan. Some of us argued back in 1976 that the Olympics should be moved from Moscow to Montreal—a site more consistent with respect for human rights. But, an Olympic boycott as the major response to Afghanistan is a mere slap on the wrist, not a serious strategy for countering Soviet adventurism.

It is important to get our hostages out of Iran alive and free. We are all aware of the complexities of the hostage crisis. But in his preoccupation with the hostages, the President has underestimated the danger of a divided and weakened Iran falling into the Kremlin's lap. The Iranian nation is not the major adversary. The Administration needs to stop thinking and talking as though it were, or else it will make a bad situation worse. The real danger—the growing threat of Soviet Hegemony in the Middle East—requires a long-term, hard-headed geopolitical perspective. We cannot afford a foreign policy tuned to the vagaries of Presidential primaries and Presidential polls.

It is wise to try to balance the federal budget. But it is more important to begin reversing the growing imbalance in all categories of military power. The President has committed himself to such an effort. But his present program was framed before the invasion of Afghanistan and it needs substantial upward revision. The Senate Budget Committee has taken a good first step in this direction. By adopting the Hollings-Domenici amendment, the Committee has added 12 billion dollars to the President's January request.

But where is President Carter now on this central issue?

Is the President going to oppose those of us in the Congress who are struggling to make good his public commitments for real growth in defense spending?

Or will he help us get a substantial increase that dramatically signals American intent to restore the military balance?

The President often says he is a reader and admirer of Professor Reinhold Niebuhr. I urge him to take to heart these words of that distinguished theologian:

"There has never been a scheme of justice in history which did not have a balance of power at its foundation. If the democratic nations fail, their failure must be partly attributed to the faulty strategy of idealists who have too many illusions when they face realists who have too little conscience."

The lag in our military power is due to an absence of conviction, not of resources; it is within our capacity and that of our allies to correct it.

It is still possible to deter Soviet adventurism—but the time is short.

All of us here tonight have our work cut out to see that America puts first things first. Each of us—whatever our vocation or calling—must help stop the slide to weakness and surrender.

Only a strong America can stand up to the Soviet Union, safeguard the interests of our friends and allies, combat terrorism, champion basic human rights, and conduct wise and steady diplomacy.

My friends, we can prove by the coming votes on the defense budget that a confident America is embarked on a long-term bipartisan effort to restore the balance of power.

Nothing would do more to hearten our friends and allies abroad. Nothing would do more to give hope to those in the U.S.S.R. who are resisting Soviet oppression and aggression. And nothing would do more to assure that the free peoples of the world—and not the tyrants—will inherit the future. @

---

# SENATOR JACKSON / News <sup>18</sup>

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

FOR IMMEDIATE RELEASE

THE MAKING OF A HUMAN RIGHTS ACTIVIST: ANATOLY SHCHARANSKY

Statement by Senator Henry M. Jackson

Senate Floor, Tuesday, March 18, 1980

When he was 17, his "best friends beat him up when they found out that he was a Jew," Avital Shcharansky reports of the experience which made Anatoly think of himself as a Zionist.

Later, after his emigration applications were refused, he began joining small refusenik demonstrations. Frequent arrests, frequent refusals, and he renounced his Soviet citizenship for that of Israel.

By the time President Nixon was expected in Moscow, Anatoly was a marked refusenik who was one of those put under preventive detention for the duration of the visit. At the same time, Avital was given her visa and told she would have only two weeks to prepare for departure.

Her preparations included sewing her wedding dress, cooking the wedding feast and hoping that Anatoly would be out of detention in time for the wedding and to see her off. He was, and when they last saw one another at the Moscow airport in July 1974, Anatoly was a refusenik with the additional reason for emigration -- a new bride awaiting him in Israel.

By 1976, he was working with the Helsinki Monitoring Group and Anatoly Shcharansky was no longer only a refusenik but was now one of those Andrei Sakharov honors as a courageous participant in the struggle for human rights because he "unites in his activity all aspects of the struggle for human rights in the USSR."

So the Kremlin arrested him March 15, 1977 on trumped-up charges of treason and imprisoned him for an arbitrary term of 13 years.

Mr. President, I am glad to add my voice to those of my colleagues who today are paying tribute to this hero in the struggle for human decency and basic rights.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 126

WASHINGTON, TUESDAY, MARCH 11, 1980

No. 39

## Senate

### ANDREI SAKHAROV AND HUMAN RIGHTS

Mr. JACKSON. Mr. President, in a recent interview between Nobel Prize winner Andrei Sakharov and Kevin Klose of the Washington Post, Dr. Sakharov, from his place of internal exile, singled out 28 Soviet citizens among the countless who are suffering because of their efforts to win respect for human rights in the Soviet Union.

In calling Western attention to these 28 "prisoners of conscience," Sakharov emphasized:

I do not recognize as legal any of the restrictions placed on me, particularly on my right to speak out on those questions which I consider to be critically important for our country and the world, or for the fates of individuals whose rights have, in my opinion, been violated. I realize that every such statement may bring upon me and my family illegal repression and Mafia-like reprisals. I rely for the support of my rights on honest people in the Soviet Union and the world over—on statesmen, on my scientist colleagues, on all who value peace and freedom of speech. I am grateful to all those who are speaking out in my defense.

Mr. President, as we speak out in defense of Andrei Sakharov, we also can give special recognition to those on his "honor roll" of human rights activists.

I ask that Sakharov's list, as published in the Washington Post on March 9, 1980, be printed in the Record.

The list follows:

#### SAKHAROV LIST

Moscow.—In his interview, Andrei Sakharov called attention to 28 Soviet citizens among the dozens of "prisoners of conscience" jailed or under investigation by the

KGB secret police for human rights activities.

"They have been courageous participants in the struggle for human rights for many years," Sakharov declared. "They enjoy everybody's respect and affection. Their imprisonment is particularly important for the authorities because each of them unites in his activity all aspects of the struggle for human rights in the U.S.S.R." This is Sakharov's list of the 28 persons and their activities and dates of jailing or sentencing:

1. Tatyana Velikanova, human rights campaigner, Nov. 11, 1979.
2. Viktor Nekipelov, Helsinki Group member, Dec. 7, 1979.
3. Malva Landa, Helsinki Group member, under investigation for alleged anti-Soviet slander.
4. Sergei Kovalyov, founding member, Moscow branch, Amnesty International, Dec. 27, 1974.
5. Yuri Orlov, Helsinki Group founder, Feb. 10, 1977.
6. Valery Abramkin, contributor to the political journal *Searches*, Dec. 4, 1979.
7. Yuri Grimm, *Searches* contributor, Jan. 23, 1980.
8. Viktor Sokirko, *Searches* contributor, Jan. 23, 1980.
9. Vyacheslav Bakhmin, psychiatric abuses investigator, Feb. 13, 1980.
10. Antanas Terleckas, Lithuanian nationalist, human rights activist, Oct. 30, 1979.
11. Julius Seenukas, Lithuanian human rights activist, Dec. 11, 1979.
12. The Rev. Gleb Yakun in, dissident Orthodox priest, Nov. 1, 1979.
13. The Rev. Dmitri Dudko, dissident Orthodox priest, Jan. 15, 1980.
14. Lev Regelson, religious rights campaigner, Dec. 24, 1979.
15. Nikolai Goretol, Pentecostalist presbyter, Dec. 13, 1979.
16. Mykola Horbal, Ukrainian activist, Oct. 23, 1979.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 126

WASHINGTON, TUESDAY, FEBRUARY 19, 1980

No. 25

## Senate

### ANDREI SAKHAROV

Mr. JACKSON. Mr. President, I want to add my voice to all the others on behalf of House Concurrent Resolution 272 in support of Dr. Andrei Sakharov and his friends, the other Soviet Helsinki Monitors who have been imprisoned for so long.

This resolution very properly specifies that the treatment of Nobel Laureate Sakharov and the Soviet Helsinki Monitors be raised at the coming review session in Madrid of the Conference on Security and Cooperation in Europe.

Mr. President, in this connection, I wish to submit for inclusion in the Record three remarkable letters which appeared in last Friday's New York Times. These letters were written by exiles, bearers of famous names, who suffered in the Soviet Union for their devotion to human rights. Valery Chalidze, a Georgian, calls for Sakharov's freedom. Litvinov's granddaughter-in-law, Maya Kopelev, expresses her concern for poet Lev Kopelev. Raisa Moroz, so recently arrived in this country as a result of her husband's release and exchange, writes in defense of one of the leading Ukrainian writers, Z. M. Krasivski, who has already suffered the horrors of psychiatric imprisonment, and who now with his family is an outcast in his homeland.

I ask unanimous consent that these three letters be printed in the Record.

Mr. President, I want especially to commend the Senator from Idaho for his leadership.

There being no objection, the letters were ordered to be printed in the Record, as follows:

[From the New York Times, Feb. 15, 1980]  
WHAT AMERICAN SCIENTISTS OWE  
ANDREI SAKHAROV

#### TO THE EDITOR:

News of additional measures taken by the Soviet authorities against Andrei Sakharov reaches us almost daily. It is plain that the regime will stop at nothing in order to shut him up.

I have collaborated with Dr. Sakharov in his human-rights activities over a 10-year period, first in Moscow and later from New York. I know that threats will never keep him quiet. He will sacrifice himself for his ideas. And the self-indulgent Western world will acclaim him, but will, I fear, prove incapable of saving him.

Governments will express their concern but maintain a policy of business as usual. Eminent scientists will publicly regret that the persecution of their colleague will hinder contacts with Soviet scholars. But let's be serious, nothing will really change. American scientists will smile politely at their Soviet colleagues. They will remain foreign members of the Soviet Academy of Sciences. They will shake the hands that signed the resolutions and letters against Dr. Sakharov.

Sakharov has suffered more than one blow in the course of events during the past seven years. And each time I have heard American scientists say:

"If the Soviet authorities dare go one step further, then we will take strong action." But only strong individuals can take strong actions. Are American scientists worthy of their traditional role as a moral authority for society?

I have always spoken against a boycott of scientific contacts, but with one reservation: a boycott is justified when a scientist's ethical code requires such action. Now is the moment when their sense of morality should prompt scientists to break off all contacts with the representatives of a government that is brazenly destroying a truly exceptional member of the world scientific community.

Dr. Sakharov's freedom of movement must be restored, and his safety protected. The values of our civilization count for little if they permit us to remain passive in the face of the violence directed against Andrei Sakharov.

VALERY CHALIDZE,  
New York.

WILL THE WRITER AND HUMANIST LEV KOPELEV  
BE NEXT?

To the Editor:

An article with accusations against my father, Lev Kopelev, has appeared in the Soviet press. It is only too well known that such a step is usually followed by others, like arrest, as in the cases of Shcharansky, Ginsburg, Orlov and many others, or exile, as with Solzhenitsyn and Sakharov, or something equally distressing.

I don't know what to expect now, but I do know that these accusations are the same ones for which he was already arrested and sentenced to 10 years in concentration camps.

Then, in 1945, his offense was that as an officer in the Red Army he had tried to save prisoners of war from being killed by Soviet soldiers and officers. Later, on German territory, he tried to save the civilian population—the elderly, women and children—from being raped, robbed and killed by Soviet soldiers. He served his full term and



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 96<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 125

WASHINGTON, MONDAY, DECEMBER 10, 1979

No. 175

## THE STRUGGLE FOR RELIGIOUS FREEDOM

*Senate*

Mr. JACOBSON. Mr. President, today marks the 31st anniversary of the Universal Declaration of Human Rights, that outstanding pioneering document that spells out a "Bill of Rights" for the human family.

I wish to take the occasion of this anniversary to say a special word on behalf of the countless Christian believers of all denominations who have been suffering for their convictions under tyrannical modern regimes.

The arrival of Pastor Vins and his family dramatized for us all what Baptists may suffer in the U.S.S.R. If they resist Khrushchev domination of their congregations.

Not is the Russian Orthodox Christian exempt. Igor Ogurtsov is now near death. Alexander Solzhenitsyn, warned this past June:

During the current months Igor Ogurtsov, a prominent son of the Russian People who sought the development of Russia by Christian means, is irreversibly approaching death. He has already served more than 12 years of uninterrupted severe imprisonments under a merciless regime—and still 8 more years loom before him, a term he will not be able to survive.

Andrei Sakharov has called Igor Ogurtsov "a symbol throughout the world of the struggle for human rights against arbitrariness and illegality."

Today, many thousands of Russian Pentecostals have concluded they cannot carry on what they believe are Christian lives in their motherland—because of educational and professional discrimination, brutal beatings and imprison-

ment for their faith. Two Pentecostal families—the "Embassy 7" who have been claiming a grudging sanctuary in the American Embassy in Moscow for over a year now—ventured to the deportation of many. This spring the U.S. Commission on Security and Cooperation in Europe published the names of 10,000 Soviet Pentecostals who are seeking to emigrate, some even formally renouncing their Soviet citizenship when their applications to emigrate are refused.

Reports indicate that there is a new wave of repression, an increase in persecution, sweeping over believers in the Soviet Union and in parts of Eastern Europe.

In the Soviet Union, recent cases include the arrest of three more Baptists, as reported by Pastor Vins' mother Liddia Vins—apparently because they led a camp for children of imprisoned Baptists. Two Baptist pastors, members of the executive body of unreistered Baptist churches in the U.S.S.R., have just been arrested. Yvan Antonov for so-called "parasitism" and Nikolai Bakurin on unknown charges. Pastor Bakurin has already served 16 years in labor camps because of his religious activities.

Leading Orthodox activist Father Gleb Yalovkin, who has been barred from officiating as a priest since 1965, was arrested November 1, the same day that the homes of five of his colleagues in the Christian Committee for the Defense of Believers' Rights were aggressively searched—one for 6 hours. Two weeks before, 20 KGB officials searched the Moscow apartment of Father Dimitri Dudko, a well-known and popular priest in Romania, particularly distressing



is the martyrdom of Cheorgeh Calciu, an Orthodox priest who was cruelly beaten during 4 months of solitary confinement. He was sentenced this summer to 10 years imprisonment for "transmitting documents to the West" and for his "association with the Free Trade Union of Romanian Workers." This new sentence follows 16 years in prison after the Communist takeover in 1948. In Romania, as in the Soviet Union, Baptist and Pentecostal pastors and activists are the chief sufferers—dozens have been arrested and interrogated this year, others beaten, subjected to economic and educational discrimination or deprived of their churches.

In Czechoslovakia, 11 Catholics have been arrested and are awaiting trial—most of them in connection with clandestine publications, or, like theologian Dr. Josef Zverina, S.J., charged with "obstructing state supervision of the church and religious associations."

In Bulgaria, there are signs of a vigorous religious revival which the Government is meeting with repression. Five Pentacostals active in the distribution of Bibles have just been given heavy fines and 3 to 6 year prison sentences.

The bright promise of the Universal Declaration of Human Rights has not been realized. Abuses of human rights form a sad, continuing chronicle of injustice, stupidity, and suffering. If the U.S. Government and its people do not stand up for human rights, there is little prospect that nations whose governments are based on the denial of key rights will make even a minimal effort to comply with internationally recognized standards, including the rights to religious freedom.

We in the Congress have particularly emphasized the right to emigrate—the life-saving liberty of last resort, which is at the heart of the Universal Declaration of Human Rights.

The Jackson-Vanik amendment—with 72 cosponsors—passed the Senate as title IV of the Trade Act of 1974. The amendment supports the right to emigrate without regard to race, faith, or destination. It was designed in part to provide an escape route for Christians and Jews and others who can no longer

tolerate or are not tolerated by their own governments.

Romania, Hungary, and the People's Republic of China have accepted the terms of the Jackson-Vanik initiative. It has been a factor in the successful emigration of thousands and thousands who felt obliged to leave their homelands. And in the case of the Soviet Union, which has not met the requirements of the law, the amendment is proving indispensable leverage in the ongoing bargaining for freer emigration.

The struggle for elementary personal rights goes on. In this struggle, all Americans can play a part.

On this 31st anniversary of the Universal Declaration of Human Rights, I recall the wise words of Valery Chalidze, who was himself summarily exiled from the Soviet Union. Chalidze said he could not be sure what steps would be most helpful to those striving for their basic freedoms. But, he added, "I only know that they will not be helped by silence."

# SENATOR JACKSON

# / News <sup>25</sup>

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

## THE PEOPLE'S REPUBLIC OF CHINA, TRADE AND MFN

### Statement of Senator Henry M. Jackson

Senate Finance Subcommittee on International Trade

Thursday, November 15, 1979, 10:00 A.M.

Mr. Chairman, I want to thank you for this opportunity to testify before your Committee in strong support of the Trade Agreement between the United States and the People's Republic of China, which includes a provision for giving China most-favored-nation treatment and opening the way to the granting of credits.

This U.S.-China Trade Agreement lays the foundation for the expansion of trade and financial ties between our two countries, with major mutual benefits. China's pursuit of a long-term modernization program calls for ongoing high levels of imported capital goods and technology, and China's leaders are counting on placing substantial orders with firms in this country.

As many of us in the Congress see it, the United States has a significant stake in the continued existence of a strong, independent China. We share with China a common interest in key strategic areas. China's leaders explicitly recognize shared security interests with us, with Japan, and with our NATO allies in Europe. In fact, the People's Republic is playing a central role in the geo-political balance of power in the world, including the struggle to deter Soviet

---

aggression and expansionism in critical areas of tension. Efforts to aid China in its drive to become a modern industrial state, and to work with her where our strategic and bilateral concerns run parallel are in American as well as Chinese interests.

A basic difficulty in getting this trade agreement before the Congress in timely fashion has been the position of top Administration officials favoring a policy of "even-handed treatment" of Russia and China. In fact, we find that Administration officers -- notably in the State and Commerce Departments -- have not finally shaken themselves free of this misguided view.

According to this notion, if we give the benefits of MFN and credits to China, we must also give them to the Soviet Union. If China is in conformity with our law and the Soviets not in conformity, then it is argued, efforts must be made to interpret the law to accommodate the country that has chosen not to conform. In the present case, the country that has chosen not to conform is the Soviet Union and the law in question is Section 402 of the Trade Act of 1974.

In fact, China and the Soviet Union are two very different countries at different stages of development, with different interests and ambitions, different associates and allies, and different relations with this country. They should be treated on separate tracks and, in our own national interest, they cannot be treated alike.

I have been told that this basic position was stated to the Chinese leaders by Vice President Mondale during his August visit to the People's Republic. I am fully aware, however, that the Administration is not all of one mind on this matter.

As my colleagues know, Section 402 of the Trade Act of 1974, the Jackson-Vanik Amendment, prohibits the extension of most-favored-nation treatment and official credits, credit guarantees, or investment

guarantees, to any non-market-economy country which restricts the right of its citizens to emigrate freely. The President, however, may waive these prohibitions with respect to a particular country, if he reports to the Congress that: (1) he has determined that such waiver will substantially promote the objective of free emigration, and (2) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objective of free emigration.

The President has determined that these requirements have been met by the People's Republic of China, and he has issued an Executive Order waiving the application of Section 402 (A) and (B).

I am pleased to see that the President has based his case for MFN to China both on official assurances regarding future emigration practices provided by Chinese leaders in diplomatic exchanges, and on official assurances publicly stated by senior Chinese leaders.

Administration spokesmen have informed us that before the trade agreement was signed this year on July 7, top U.S. Embassy officers discussed Chinese emigration policy and practice with the Ministry of Foreign Affairs in Beijing in light of the legal requirements of the Jackson-Vanik Amendment. The Chinese were fully apprised of these requirements, including the requirement that assurances regarding future emigration practices be given, and at that time senior Chinese officials provided the assurances the law requires. We are informed that there is a written record of these official exchanges which Administration officials should certainly make available to this Committee before it votes on S. Con. Res. 47.

On several recent occasions Chinese leaders have publicly given assurances regarding their government's future policies on emigration.

For example: in a Washington, D.C. speech before the National

Association of Chinese-Americans and Overseas Chinese in the U.S.A.

on January 30 this year, Vice Premier Deng Xiaoping said:

"Many of you may have relatives living on the mainland of China and wish that they may come over for a family reunion, and others may wish to go back to China to visit their relatives. This is quite natural and understandable. The Chinese Government will treat these legitimate wishes favorably and with sympathy and will adopt effective measures to satisfy these wishes. You may rest assured on this score."

For another example: on the occasion of the formal establishment of the Embassy of the PRC in the U.S.A. in March this year, Ambassador Chai Zemin gave the following public pledge:

"Among the Americans and overseas Chinese residing in the United States, who have relatives living in China, some may wish to have their relatives come to the U.S. for family reunion and some may wish to visit relatives in China. This is quite natural and understandable, and is in accord with the interest and desire of the two peoples and is also beneficial to the enhancement of mutual understanding and friendship. Now that relations between our two countries have been normalized, the movement of people between the two sides will certainly increase significantly. I avail myself of this opportunity to solemnly declare: Our Government will adopt positive and effective measures to satisfy the reasonable wishes of people who wish to visit their relatives or reunite with them."

Mr. Chairman, of all the individual liberties contained in the U.N. Declaration of Human Rights, none is more fundamental than the right to emigrate. We in the Congress have particularly emphasized that right because it is the touchstone of all human rights. And in this effort we have international law on our side. As cosponsor with you of the Jackson-Vanik Amendment, I believe, we -- and the vast multitude of supporters of the Jackson-Vanik Amendment -- can take satisfaction from the way our amendment is encouraging greater respect for freer emigration.

In closing, let me just say that I appear here today to urge this Committee and the Senate to move expeditiously to pass S. Con. Res. 47 the resolution to approve this promising Agreement on trade with the People's Republic of China.

---



# SENATOR JACKSON

# / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

## CHINA, TRADE AND MFN

### STATEMENT OF SENATOR HENRY M. JACKSON

#### SUBCOMMITTEE ON TRADE HOUSE WAYS AND MEANS COMMITTEE

THURSDAY, NOVEMBER 1, 1979, 10:00 A.M.

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOUR COMMITTEE TODAY IN SUPPORT OF THE U.S. TRADE AGREEMENT WITH THE PEOPLE'S REPUBLIC OF CHINA, WHICH INCLUDES A PROVISION FOR EXTENDING MOST-FAVORED-NATION TREATMENT AND OPENING THE WAY TO THE GRANTING OF CREDITS TO CHINA.

THIS TRADE AGREEMENT IS THE MOST IMPORTANT DEVELOPMENT IN OUR RELATIONS WITH CHINA SINCE FORMAL DIPLOMATIC RELATIONS WERE ESTABLISHED EARLY THIS YEAR. IT PROVIDES THE BASIS FOR STEPPED-UP TRADE BETWEEN OUR TWO COUNTRIES, WITH MUTUAL BENEFITS. AND IT ASSURES UNITED STATES FIRMS A BETTER POSITION TO COMPETE WITH FIRMS FROM OTHER NATIONS.

THE LEADERS OF THE PEOPLE'S REPUBLIC OF CHINA ARE DETERMINED TO TURN THEIR GREAT NATION INTO A MODERN INDUSTRIAL STATE BY THE YEAR 2000. THEY ARE COMMITTED TO THE ACHIEVEMENT OF THE LATE PREMIER CHOU EN-LAI'S "FOUR MODERNIZATIONS" OF AGRICULTURE, INDUSTRY, SCIENCE AND TECHNOLOGY, AND NATIONAL DEFENSE. THE PRESENT LEADERS

ARE ALSO RESOLVED TO DO WHAT IS IN THEIR POWER TO INSURE THE SECURITY AND TERRITORIAL INTEGRITY OF CHINA SO THAT THE MODERNIZATION OF THE NATION CAN PROCEED WITHOUT INTERRUPTION. THEY EXPLICITLY RECOGNIZE SHARED AND PARALLEL INTERESTS WITH JAPAN, THE WEST EUROPEAN COUNTRIES AND THE UNITED STATES. IN FACT, THE CHINESE ARE PLAYING A SIGNIFICANT STRATEGIC ROLE IN WORLD AFFAIRS, INCLUDING THE STRUGGLE TO DETER SOVIET EXPANSIONISM IN KEY AREAS OF TENSION.

FOR OUR PART, WE HAVE A SIGNIFICANT STAKE IN THE CONTINUED EXISTENCE OF A STRONG, INDEPENDENT CHINA. WE SHARE WITH CHINA A COMMON INTEREST IN VITAL STRATEGIC ISSUES, AND OUR INTERESTS RUN PARALLEL IN MANY AREAS OF THE WORLD. IT WAS THIS MOTIVATION THAT LED US TO NORMALIZE OUR RELATIONS WITH CHINA, AND IT IS THE BEDROCK UPON WHICH THE RELATIONSHIP BETWEEN OUR TWO COUNTRIES RESTS.

DURING THE PAST TWO YEARS, CHINA HAS TURNED OUTWARD TO THE WEST IN AN EFFORT TO ACCELERATE ITS DEVELOPMENT DRIVE. THE CURRENT LEADERSHIP OF CHINA HAS GIVEN US AN UNPRECEDENTED OPPORTUNITY TO SHOW THAT COOPERATION WITH THE WESTERN WORLD AND INVOLVEMENT WITH THE INTERNATIONAL COMMUNITY WILL BENEFIT CHINA FAR MORE THAN A POLICY OF NON-COOPERATION AND LOOKING INWARD. THE PEOPLE'S REPUBLIC HAS A RIGHT TO BECOME A MODERN INDUSTRIAL STATE. EFFORTS TO AID CHINA ALONG THAT ROAD AND WORK WITH HER WHERE OUR STRATEGIC AND BILATERAL CONCERNS RUN PARALLEL ARE IN AMERICAN AS WELL AS CHINESE INTERESTS.

IN THIS CONTEXT, THE PENDING TRADE AGREEMENT WITH THE PEOPLE'S REPUBLIC IS A SIGNIFICANT STEP. U.S.-CHINA TRADE IS GROWING, WITH CHINA PROVIDING AN EXPANDING MARKET FOR U.S. EXPORTS. CHINA'S MODERNIZATION PLANS CALL FOR ONGOING HIGH LEVELS OF PURCHASES FROM ABROAD, AND CHINA'S LEADERS ARE COUNTING ON PLACING SUBSTANTIAL ORDERS



WITH FIRMS IN THIS COUNTRY.

AS MY COLLEAGUES ARE WELL AWARE, TITLE IV OF THE TRADE ACT OF 1974 PROVIDES THE LEGAL BASIS FOR TRADE AND ECONOMIC RELATIONS BETWEEN THE UNITED STATES AND NON-MARKET ECONOMY COUNTRIES.

SECTION 402, THE JACKSON-VANIK AMENDMENT, PROHIBITS THE EXTENSION OF MOST-FAVORED-NATION TREATMENT AND OFFICIAL CREDITS, CREDIT GUARANTEES, OR INVESTMENT GUARANTEES, TO ANY NON-MARKET-ECONOMY COUNTRY WHICH RESTRICTS THE RIGHT OF ITS CITIZENS TO EMIGRATE FREELY. THE PRESIDENT, HOWEVER, MAY WAIVE THESE PROHIBITIONS WITH RESPECT TO A PARTICULAR COUNTRY, IF HE REPORTS TO THE CONGRESS THAT:

(1) HE HAS DETERMINED THAT SUCH WAIVER WILL SUBSTANTIALLY PROMOTE THE OBJECTIVE OF FREE EMIGRATION, AND (2) HE HAS RECEIVED ASSURANCES THAT THE EMIGRATION PRACTICES OF THAT COUNTRY WILL HENCEFORTH LEAD SUBSTANTIALLY TO THE ACHIEVEMENT OF THE OBJECTIVE OF FREE EMIGRATION.

WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA, THE PRESIDENT HAS DETERMINED THAT THESE REQUIREMENTS HAVE BEEN MET AND HAS THEREFORE ISSUED AN EXECUTIVE ORDER WAIVING THE APPLICATION OF SECTION 402 (A) AND (B).

I AM GLAD TO SEE THAT THE ADMINISTRATION IS GROUNDING ITS CASE FOR MFN TO CHINA ON ASSURANCES REGARDING FUTURE EMIGRATION PRACTICES PUBLICLY STATED BY SENIOR CHINESE LEADERS, AS WELL AS ON ASSURANCES PROVIDED BY CHINESE LEADERS IN DIPLOMATIC EXCHANGES.

ON SEVERAL OCCASIONS THIS YEAR, CHINESE LEADERS HAVE PUBLICLY GIVEN ASSURANCES REGARDING THEIR FUTURE EMIGRATION POLICIES.

FOR EXAMPLE, ON JANUARY 30, 1979 IN A SPEECH BEFORE THE NATIONAL ASSOCIATION OF CHINESE-AMERICANS AND OVERSEAS CHINESE IN THE U.S.A.,

DURING HIS HISTORIC VISIT TO WASHINGTON, D.C., VICE PREMIER DENG XIAOPING SAID:

"MANY OF YOU MAY HAVE RELATIVES LIVING ON THE MAINLAND OF CHINA AND WISH THAT THEY MAY COME OVER FOR A FAMILY REUNION, AND OTHERS MAY WISH TO GO BACK TO CHINA TO VISIT THEIR RELATIVES. THIS IS QUITE NATURAL AND UNDERSTANDABLE. THE CHINESE GOVERNMENT WILL TREAT THESE LEGITIMATE WISHES FAVORABLY AND WITH SYMPATHY AND WILL ADOPT EFFECTIVE MEASURES TO SATISFY THESE WISHES. YOU MAY REST ASSURED ON THIS SCORE."

TO TAKE A FURTHER EXAMPLE, ON THE OCCASION OF THE FORMAL ESTABLISHMENT OF THE EMBASSY OF THE PRC IN THE U.S.A. IN MARCH THIS YEAR, AMBASSADOR CHAI ZEMIN GAVE THE FOLLOWING PUBLIC PLEDGE:

"AMONG THE AMERICANS AND OVERSEAS CHINESE RESIDING IN THE UNITED STATES, WHO HAVE RELATIVES LIVING IN CHINA, SOME MAY WISH TO HAVE THEIR RELATIVES COME TO THE U.S. FOR FAMILY REUNION AND SOME MAY WISH TO VISIT RELATIVES IN CHINA. THIS IS QUITE NATURAL AND UNDERSTANDABLE, AND IS IN ACCORD WITH THE INTEREST AND DESIRE OF THE TWO PEOPLES AND IS ALSO BENEFICIAL TO THE ENHANCEMENT OF MUTUAL UNDERSTANDING AND FRIENDSHIP. NOW THAT RELATIONS BETWEEN OUR TWO COUNTRIES HAVE BEEN NORMALIZED, THE MOVEMENT OF PEOPLE BETWEEN THE TWO SIDES WILL CERTAINLY INCREASE SIGNIFICANTLY. I AVAIL MYSELF OF THIS OPPORTUNITY TO SOLEMNLY DECLARE: OUR GOVERNMENT WILL ADOPT POSITIVE AND EFFECTIVE MEASURES TO SATISFY THE REASONABLE WISHES OF PEOPLE WHO WISH TO VISIT THEIR RELATIVES OR REUNITE WITH THEM."

WE HAVE BEEN INFORMED THAT BEFORE THE TRADE AGREEMENT WAS SIGNED ON JULY 7, TOP U.S. EMBASSY OFFICIALS DISCUSSED CHINESE EMIGRATION POLICY AND PRACTICE WITH THE MINISTRY OF FOREIGN AFFAIRS IN BEIJING IN LIGHT OF THE LEGAL REQUIREMENTS OF THE JACKSON-VANIK AMENDMENT. THE CHINESE WERE FULLY APPRISED OF THESE REQUIREMENTS, INCLUDING THE REQUIREMENT THAT ASSURANCES BE GIVEN, AND AT THAT TIME SENIOR CHINESE OFFICIALS PROVIDED THE ASSURANCES THE LAW REQUIRES.

MR. CHAIRMAN, THE RIGHT TO EMIGRATE IS A GREAT FUNDAMENTAL HUMAN RIGHT. IT IS AT THE HEART OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

AS CO-AUTHOR WITH YOU OF THE JACKSON-VANIK AMENDMENT, I BELIEVE WE --  
AND THE MANY MILLIONS OF SUPPORTERS OF THE JACKSON-VANIK AMENDMENT --  
CAN TAKE SATISFACTION AT THE ROLE OUR AMENDMENT IS PLAYING IN  
ENCOURAGING GREATER RESPECT FOR FREER EMIGRATION.

IN CONCLUSION, LET ME SAY I HAVE COME HERE TODAY TO URGE THIS  
COMMITTEE AND THE CONGRESS AS A WHOLE TO MOVE EXPEDITIOUSLY AND TO  
PROMPTLY APPROVE THIS TRADE AGREEMENT WITH THE PEOPLE'S REPUBLIC OF  
CHINA.

Statement of Senator Henry M. JacksonSenate Finance Committee  
Subcommittee on International Trade

Thursday, July 19, 1979, 10:00 A.M.

Mr. Chairman, I appreciate this opportunity to give this committee my views on further extension of our present trading relationship with Romania.

As I have emphasized on many occasions, the United States has an important stake in the continued existence of a Romania capable of an independent role in key foreign policy matters. Last fall I visited Bucharest where I had frank talks with President Ceausescu and other leading Romanian officials on a broad range of foreign policy issues, in many of which we share a mutual concern. Clearly, the United States wants to encourage Romania -- and other East European countries -- effectively to assert its legitimate right to greater freedom when facing Soviet pressures and overwhelming Soviet military power.

In this context, it is in the Romanian and United States interest that sources of tension between our two countries be handled and resolved responsibly and amicably.

As my colleagues are aware, in its concern for international human rights the Congress has attached special importance to the right to emigrate. That right is a central element of historic international human rights agreements: the UN Declaration of Human Rights, the UN Covenants and the Helsinki Final Act. Respect by a government for the right to emigrate is possible without causing fundamental changes in the internal structure of many states which

---

today do not respect the right of their citizens to leave. It is not interference in the internal affairs of another country to ask that the right to free emigration, which has been affirmed in international law, be respected.

The experience with Romania evidences the value to all parties of a constructive approach to U.S. law conditioning MFN and credits to non-market countries on the relaxation of restrictions on emigration. Romania chose cooperation with us in this matter -- a result that has advanced the cause of personal liberty for those wishing to leave Romania, most often to be reunited with their families, and advanced the economic progress of the Romanian people.

In looking at the record of the last 12 months, the number of Romanians who have been able to emigrate to the United States has increased over the previous 12 months. The total number of Romanians emigrating this past 12 months, including the large number going to the Federal Republic of Germany, compares favorably with the total for the previous 12 months.

On the other hand, there are some unsatisfactory and troubling aspects to the record:

First: The already lengthy process for applying for emigration has been further complicated by additional steps and additional reviews. These complications are added to the intimidation, the job loss, the threats of demotion and the other pressures which have been familiar in so many cases.

Two: There are too many unsolved cases of individuals or families who are caught in one or another stage of the application process -- some of them dating back to the time of the signing of the Trade Agreement. In my own office files, I have the names of

---

over 500 individuals or families (some 1552 persons) who have not yet been able to emigrate to join relatives in the United States -- among them cases of extreme hardship which should be given urgent processing.

Three: The figures on Romanian emigration to Israel are particularly disturbing. The total number of such emigrants for the first six months of 1979 is at a substantially lower annual rate than last year. Sometimes we are told this is because of a decline in applications. But even with current discouragements to those who might wish to apply, there are hundreds of individuals seeking to emigrate to Israel who either have been unable to obtain application forms, or who have applied but been turned down, or who have received no answer, or who have been approved by the Romanian authorities but receive no passport.

Four: There is a special category of emigration cases which is of new concern -- Christians, particularly of the Baptist and Pentacostal congregations, who in attempting to practice their faith according to their own consciences, are being harassed and persecuted in one way or another. To practice their faith in greater freedom, some are deciding to emigrate. I believe they should be allowed to do so.

Some of us have discussed with the Romanian officials over a period of time the disappointing aspects of their emigration practice. We have told them we expected them to do better, and that we knew they could do better. Recently, American Jewish leaders and Romanian authorities discussed the poor record of Romanian Jewish emigration. In the course of those discussions, the Romanian government provided a number of assurances that, if lived up to, could remove many of the problems of Jewish emigration.

---

I said last year that the further extension of MFN and economic credits for Romania will continue to be a realistic reflection of our mutual interests "only so long as Romania sincerely lives up to its pledge of the humanitarian treatment of emigration cases."

What is now important is that the Romanian government honor in good faith its new assurances to remove impediments to Romanian Jewish emigration.

What is important now is that the Romanian government simplify its routines for handling all emigration applications, make a strenuous effort to resolve outstanding cases and let those people go unscarred by the final petty harassments which too often occur in even expeditiously handled cases.

Holding these views, and after thorough consideration of the record, Mr. Chairman, I shall not oppose in the Senate extension of the waiver for one year as requested by President Carter. But I am publicly reserving my position regarding any further extensions -- beyond this one year -- until the assurances and pledges by Romanian authorities for improved emigration practices and results have been in fact implemented.

---

# SENATOR JACKSON / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

FOR RELEASE: A.M.'s  
Monday, June 11, 1979

REMARKS BY SENATOR HENRY M. JACKSON

National Conference on Soviet Jewry  
Sunday, June 10, 1979 - 8:00 P.M.  
Shoreham-Americana Hotel, Washington, D.C.

I am honored and pleased to receive this Solidarity Award from the National Conference on Soviet Jewry. We have been friends for a long time. And while awards among friends are never necessary, they are always appreciated. I thank you.

In the struggle of the Soviet Jews to obtain their freedom, we have come a long way.

We have a long way yet to go.

Together, we will bring home the refuseniks. And the prisoners. And the thousands who have applied to leave but have not yet received their visas. And the thousands more who would apply if they believed that their families would be safe from retaliation and harassment.

We cannot -- we must not -- settle for less.

For those who have not yet been freed are our staunchest allies. And we cannot leave our allies on the battlefield.

There are some officials in this government who have recently embraced the notion of evenhandedness. They think we ought to give benefits to the Soviet Union because they are ready to give them to China. They believe that if there are two countries, one in conformity

---



with our law and the other not in conformity, we must interpret the law to accommodate the country that has chosen not to conform. In the present case, as everyone here will appreciate, the country that has chosen not to conform is the Soviet Union and the law in question is Section 402 of the Trade Reform Act of 1974.

I hope that the Soviets will resolve the tension between our desire for emigration and their desire for trade by giving us the assurances the law requires: that henceforth their emigration practices will lead substantially to the achievement of free emigration.

This means letting people leave without harassment, without intimidation, without punitive action. It means letting the refuseniks and their families emigrate. It means letting out the prisoners of conscience. It means a reasonable correspondence between the number of applications and the number of visas -- letting people leave whether they live in Moscow or Tashkent, whether they are young or old, without waiting two, three, four, even six or seven years for a visa.

As of now, the Soviets have not given us those assurances. And however joyously we may welcome the special few who have been permitted to leave, we must not forget the many who have not.

For them, the legal requirement for assurances from the Soviets is a lifeline.

Tonight, among all the others, I am thinking especially of Ida Nudel, Alexander Lerner, Naum Meiman, Yosef Mendeleovich, Vladimir Slepak and Anatoly Shcharansky.

Without the assurances the law requires, we will have no way of knowing what to expect from the Soviets in the future. And we have seen how cruel and capricious their emigration policies can be: sometimes separating parents from children, or husbands from wives,

sometimes permitting the numbers to rise, sometimes holding them down. We have seen the education tax designed to bring emigration to a halt, and the trials designed to intimidate would-be applicants and imprison those brave enough to resist. We have seen enough, in short, to know that without a firm commitment to freer emigration from the Soviets themselves, any concessions on trade or credits would be a leap in the dark -- with consequences for the prisoners and refuseniks and all who desire to emigrate -- that cannot be foreseen.

I, for one, do not intend, after seven years of the Jackson Amendment, to rewrite the law to accommodate some bureaucrat's preference for evenhandedness. And we as a nation cannot allow the law to be rewritten through guileful interpretations and slippery maneuvers.

So I will resist a waiver for the Soviets unless it is accompanied by genuine assurances from the Soviets -- assurances that meet the test of the law. And I know that you would not support a move to accommodate a fundamentally inadequate Soviet performance by pretending that the recent increase in emigration figures satisfies the requirements for a waiver under the Jackson Amendment.

The struggle goes on.

In this struggle, we have international law on our side. Throughout history, freedom of movement has been the main test distinguishing the freeman from the slave and the serf. The right to emigrate is a great fundamental human right. It is at the heart of the Universal Declaration of Human Rights, the United Nations Human Rights Conventions and the Helsinki Final Act.

My friends, we are engaged in a great historic effort.

Together, we will stay the course.

We will prevail.

---

36 16

# SENATOR JACKSON / News

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

Sunday, April 29, 1979

REMARKS BY SENATOR HENRY M. JACKSON

Solidarity Sunday

Dag Hammarskjold Plaza, New York City  
Sunday, April 29, 1979 - 1:30 P.M.

This is a triumphant moment. Eduard Kuznetsov and Mark Dymshits are with us today -- in freedom.

Alexander Ginzburg, Valentin Moroz and Georgi Vins are out of prison and in America.

We welcome these heroic five. We take them to our hearts. Their part in the struggle for human rights has been marked by the highest integrity, consistency and firmness of spirit.

It took an exchange with two convicted Soviet spies to get them free. We are thankful for the exchange. But what a terrible judgment on the Soviet system that this grotesque expedient was necessary.

It is a reminder to the world that the struggle for free emigration continues. We are engaged in an historic effort, in a struggle of which each momentary skirmish or battle is but a small part. We will prevail in the long run only if we have the will to stay the course -- whatever the odds against us.

The struggle goes on.

And a part of that struggle revolves around the effort the Soviet Union and its business partners here are making to wiggle out from

- 2 -

under the conditions of the Jackson Amendment.

Those conditions are simple: no credits and no most-favored-nation treatment to countries that deny their citizens the right and the opportunity to emigrate.

That shoe fits the Kremlin and they will have to go on wearing it until they let people leave -- without harassment, without intimidation, and without punitive action. It means letting people leave whether they live in Moscow or Tashkent, whether they are young or old, whether they are prominent or unknown. It means letting the refuseniks and their families emigrate. It means letting out the prisoners of conscience.

There are those who believe that because the number of people leaving the Soviet Union has increased we ought to repeal the Jackson Amendment. I want you to know that many of those who are now urging repeal because the numbers have been going up were urging repeal last year because they said the numbers were going down.

The fact is that the numbers they are interested in are preceded by dollar signs. They want government credits to finance trade with the Soviet Union because they hope to have the U.S. government supply the cash the Soviets need to buy their products.

They're not interested in visas; they're interested in bills of lading. They're not interested in how many people are gaining their freedom from Soviet oppression; they're interested in the volume of goods they can ship to Soviet customers.

And some of them will sell anything for which they can wheedle a license out of a confused bureaucracy. They'll sell a computer to TASS even though they know that TASS has close operational ties to the KGB. For the White House to allow the purchase of this sophisticated computer by the Soviets -- thus reversing the action taken in support of Anatoly

Shcharansky and his colleagues -- makes a mockery of the Administration's policy of promoting human rights.

There are some who believe that the Soviet performance is now acceptable and that we should grant them most-favored-nation status and billions in credits. Among those who urge this course there are even some former supporters of the Jackson Amendment.

They may think that the current situation is good enough. I say it is not good enough.

It is not good enough as long as the prisoners remain in jail.

It is not good enough when one is punished for asking to emigrate.

It is not good enough when one has to wait two, three, four, even six or seven years for a visa.

My friends, the President promised us, in writing, that he would fully implement the freedom-of-emigration statute.

He promised to abide by the law denying benefits to countries that do not allow their citizens the right and opportunity to emigrate.

In short, he pledged to uphold the Jackson Amendment.

I intend to hold him to that promise.

It was not simply a promise to me. It was a promise to all of us.

It was a promise to Ida Nudel.

It was a promise to Alexander Lerner.

It was a promise to Anatoly Shcharansky.

If the Soviets wind up a most-favored nation, if the credits begin to flow, if the Kremlin begins to enjoy trade benefits before they meet the test of the law -- that promise will have been broken.

The law is clear. The Soviets cannot qualify for trade concessions until they assure the President that henceforth their emigration practices will lead substantially to the achievement of free emigration.

---

We have a right to demand that the law is upheld, that the promise is kept.

In this effort, we have international law on our side.

My friends, we are engaged in a great historic process, in a contest of will and resolve.

Together, we will prevail.

Open Letter From Andrei Sakharov to The Congress of The United States  
Moscow, September 14, 1973

". . . I am appealing to the Congress of the United States to give its support to the Jackson Amendment, which represents in my view and in the view of its sponsors an attempt to protect the right of emigration of citizens in countries that are entering into new and friendlier relations with the United States.

"The Jackson Amendment is made even more significant by the fact that the world is only just entering on a new course of detente and it is therefore essential that the proper direction be followed from the outset. This is a fundamental issue, extending far beyond the question of emigration.

"Those who believe that the Jackson Amendment is likely to undermine anyone's personal or governmental prestige are wrong. Its provisions are minimal and not demeaning.

"It should be no surprise that the democratic process can add its corrective to the actions of public figures who negotiate without admitting the possibility of such an amendment. The amendment does not represent interference in the internal affairs of socialist countries, but simply a defense of international law, without which there can be no mutual trust. . . .

"The abandonment of a policy of principle would be a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall."

Statement from Refusenik Professor Naum Meiman, Moscow, March 3, 1978

"Over a long range the Jackson-Vanik amendment is one of the most effective ways to assist the emigration movement. I am convinced that it will still play an extremely substantial role in promoting freedom of emigration.

"Let me underscore that the Jackson-Vanik amendment is important not only for Jewish emigration, even not only for any kind of emigration. It is a stimulus in the general efforts for human rights.

"Let me close by noting that the amendment has already produced tell though not always apparent, results. There are grounds to maintain that it has restrained the Soviet authorities from committing further, strong reprisals against participants in the emigration movement."

"We are addressing ourselves to you, inasmuch as the situation in the field of emigration from the USSR remains far from satisfactory. Although the Soviet Union is a signatory to and has ratified five international agreements which stipulate freedom of emigration, and although this freedom is granted to citizens of the USSR by its laws, nevertheless today, as previously, in this sphere tyranny continues to prevail. . . .

"Under these circumstances, the only legislative enactment which, to some extent at least, acts as an obstacle to the unbridled tyranny of the Soviet authorities in their emigration policies is the Jackson Amendment to the foreign trade bill, accepted by Congress (1972-1974). .

"During the discussions on the Amendment and after its acceptance, there was both an increase and a reduction in the number of exit permits granted, as well as a lessening and a hardening of the repressive acts. But we, who have been living in this country all our lives and who for many years have been feeling on our backs every change in the political winds of the leaders of the country, are deeply convinced that the Jackson Amendment has played, is playing and we hope will continue to play a great, significant and positive role in restraining the Soviet authorities from committing the severest of repressive acts. . . .

"We believe that, in the long run, this Amendment will eventually lead to a liberalization of Soviet emigration policies when the leaders of the USSR come to the realization that the U.S. Congress will stand firm in its position of defending freedom of emigration as one of the fundamental rights of man."

(signatures)

MOSCOW: Alexander Lerner, Judith Perelman, Boris Chernobilsky, Elena Chernobilsky, Yakov Rakhlenko, Vania Belkina, Victor Elistratov, Batsheva Elistratov, Evgeny Tsirlin, Galina Tsirlin, Arkady Mai, Elena Seidel, Ida Milgrom, Mikhail Kremen, Galina Kremen, Leonid Shabashov, Olga Shabashov, Alla Drugova, Yakov Shmeyevich, Igor Goods Lev Blitshtein, Vladimir Cherkassky, Ludmilla Cherkassky, Yakov Alber Aba Stolyar, Gita Rogovskaya.

LENINGRAD: Y. Kogan, Alexander Genusov, Lev Furman, Vladimir Khanokh, Yuri Spiesman, Nelly Spiesman, Lev Israelev.

MINSK: Lev Ovsisher.

LVOV: David Shvarts.

KHARKOV: Alexander Paritsky.

VILNIUS: Eitan Finkelstein.

ODESSA: Lev Roitburd.

TIBILISI: Isai Goldstein, Elizabeta Bykova.

KIEV: Sergei Rotshtein, Elena Oreni, Dimitry Raizman, Yefim Frimerman.

As of February 12, 1979, another 23 had signed.



"We want you to know how much we appreciate the assistance you have provided to us. As a result of this assistance, emigration became possible for many Jews. . . .

"We believe that an opportunity for further improvement in the issue of emigration is connected not with declarations and statements of sympathy but with specific actions such as the U.S. Foreign Trade Act. We hope that the support which the Congress provides to the cause of the struggle and realization of the right of free emigration will continue and strengthen."

Signed:

MOSCOW

A. Lerner	N. Meyman
V. Rubin	D. Samoilovich
V. Slepak	L. Shabashov
A. Sharansky	A. Rakhlenko
D. Bellina	Y. Baras
I. Beilin	F. Kandel
M. Azbel	S. Lipovsky
V. Brailovsky	N. Tolchinsky
M. Mikulinsky	A. Polishuk
M. Shepelev	A. Koltunov
O. Kornilova	M. Novikov
I. Nudel	Yu. Kosharovsky
V. Schakhnovsky	V. Fain
L. Ulanovsky	E. Sirotenko
L. Gendin	E. Smordinskaya
Z. Tesker	I. Begun
L. Tsypin	R. Feldman
I. Essas	Yu. Gelfand
V. Prestin	A. Druk
P. Abramovich	V. Lazaris
M. Chait	

<u>Leningrad:</u>	G. Yoffe, G. Sokiriansky
<u>Tibilisi:</u>	I. Goldstein, G. Goldstein
<u>Odessa:</u>	L. Lenchik, B. Bronfman
<u>Kishinev:</u>	M. Abramovich, Yu. Shekhtman
<u>Minsk:</u>	L. Ovsischer, Y. Davidovich
<u>Vilnius:</u>	V. Rayz, P. Adamsky
<u>Kiev:</u>	V. Kislik
<u>Vinnitsa:</u>	M. Mager
<u>Tallin:</u>	B. Gurfel
<u>Riga:</u>	V. Kaminsky

## Of Course, the Kremlin Will Not 'Go Quietly'

43

In the following interview, taken Sept. 11, Sen. Henry M. Jackson (D-Wash.) was questioned by Michael Ledeen, executive editor of the Washington Quarterly (formerly the Washington Review of Strategic and International Studies.) A longer version of the interview will appear in that publication's fall issue.

**LEDEEN:** Senator, in the days following the dissident trials in Moscow last summer, there was a great outpouring of articles here which claimed that any attempt by the United States to exert leverage on the Soviet Union would be at best ineffective, and might even prove counterproductive. There was considerable sentiment that attempting to pressure the Kremlin might enhance the role of Soviet "hawks," and thus produce greater immoderation than before. Do you believe we ought to abandon the attempt to apply "leverage" to the Soviet Union?

**JACKSON:** I do not believe we are without leverage, and I find the arguments you mention totally incoherent. For the most part, those people who argue that we have no leverage are the very same that urge us to make unilateral concessions to the Russians in order to encourage them to behave moderately. In other words, they believe that we can, in fact, moderate Soviet behavior. The argument then actually revolves over means, not over the possibility of leverage. My question is a simple one: If neither trade nor the transfer of technology nor negotiated agreements give us leverage over the Soviets, why on earth should we continue to help them solve their economic problems, modernize their industry and obtain from us agreements that are politically, militarily and economically favorable to them? If, however, these various components of American policy do make it possible for us to affect Soviet policy, then we should use them consistently to uphold Western interests and to achieve arrangements with the Soviets based on genuine reciprocity and mutual forbearance.

The basic error many people make in analyzing this question is to look for instant results. Undoubtedly, the harder bargaining I support would produce hostile verbiage from Moscow. The Soviet leadership has evidently concluded that if the United States does not obtain quick results, our leaders will give way and concede positions. From the Kremlin's point of view, it would be folly to "go quietly" when confronted with a new, unpleasant policy line in Washington. The Russians have always shown extraordinary tenacity in their relations with us, if they do not get the response they want the first year, they continue to push for their desired ends year after

year. But this is not an argument against the wise use of leverage. It is only an objection to United States policies that demand quick results.

**LEDEEN:** Yet many of your critics claim that legislation that is associated with your name—the so-called Jackson Amendment—was a spectacular failure. They say that your attempt to get the Soviet Union to facilitate freer emigration from Russia in return for American commercial concessions actually led to the reverse result. If that is true, does it not suggest that attempts to "love" concessions from the Kremlin are destined to fail, and possibly even worsen relations, not to mention the plight of dissidents and would-be emigres?

**JACKSON:** The Jackson Amendment, which makes trade concessions to the Soviets contingent upon a liberalization of emigration policies, was, and remains, part of a long-term effort to obtain a freer flow of peoples from the U.S.S.R. We are simply asking the Soviet leaders to respect the exercise of the right to emigrate which they freely accepted as an obligation in becoming a party to the U.N. Declaration of Human Rights, the International Covenants on Human Rights and the 1975 Helsinki agreement. In this effort, we have international law on our side.

It is a mistake to expect the Russians to make such an accommodation quickly. As a matter of fact, when I introduced the amendment in 1972, the Soviets had virtually shut the door on emigration. They had enacted a so-called "education tax" that had as its purpose halting the emigration of anyone with more than a grade-school education.

Following the introduction of my amendment, the education tax was dropped and emigration figures rose steadily until 1976, when the Soviets reneged on the compromise worked out with them and (former Secretary of State Henry) Kissinger. Why the Soviets reneged on that agreed compromise is still unclear.

In the long run, the Soviets know where their economic interests lie, and if they have to ease up on emigration in order to get the trade subsidies and technology they want from us, they'll undoubtedly do that. But if they decide that they can get what they want without making any accommodations, they will act tough. It was a grave mistake for Kissinger and (former President) Ford to pledge the repeal of the Jackson Amendment. From the moment they did so, it was clear that the Russians would slow down on emigration. Fortunately, President Carter has made an explicit public promise to fully implement the Jackson Amendment, and despite

the occasional maneuvers by the bureaucrats, he has kept that promise.

So I hope that the Russian leaders understand that when they are ready to permit freer flow of people, we are ready for a freer flow of goods and capital. Thus, to return to your question, it seems clear to me that the record supports the concept of linkage, when it is pursued coherently and patiently.

**LEDEEN:** Many people suggest that we have a better chance for leverage over countries like South Korea, Nicaragua and Iran than over the Soviet Union. Should we not perhaps limit attempts at linkage with human rights to countries of that sort, where American pressure is more likely to achieve results?

**JACKSON:** Our human-rights policies cannot consist of punishing small countries and merely exhorting large nations. If we adopted such a course, we would inevitably—and justly—be accused of cynical hypocrisy.

**LEDEEN:** What does this mean concretely with regard to the question of technology transfers to the Soviet Union?

**JACKSON:** For one thing, I think the President blundered in approving licenses for Dresser Industries to build a multimillion-dollar tungsten carbide oil-drilling plant in Russia just days after the outrageous trials of Orlov, Ginzburg, Shcharansky and their colleagues. What a missed opportunity to give the Soviets a decisive signal! And in the Dresser case, there is a serious question as to the adequacy of the national-security assessment that preceded the issuance of these licenses.

A central difficulty is that the Administration still lacks a coherent national policy on the transfer of advanced technology to the Soviet Union and its allies. So far, the "critical technologies" with national-security implications have not even been identified. The investigation of the handling of the Dresser application, which I am heading up, has developed information which indicates that there are serious problems with the evaluation and review process. Frankly, it is long past time the Administration got its act together in this area.

There are hundreds of pending requests for the transfer of U.S. technology to the Soviet Union. All of these requests should be reviewed and careful judgments made on each transfer, taking into account national-security considerations and the unremitting abuse of internationally recognized personal rights by the Kremlin.

# SENATOR JACKSON

# / News

44

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

FOR RELEASE: A.M.'s

Sunday, October 1, 1978

## REMARKS BY SENATOR HENRY M. JACKSON

The Coalition For A Democratic Majority Human Rights Dinner  
Saturday, September 30, 1978, 8:00 P.M.

Waldorf Astoria Hotel, New York City

I want to welcome all of you to this dinner sponsored by the Coalition for a Democratic Majority.

We are here tonight in support of a group of men and women whose commitment to human rights in their own country has been characterized by the highest integrity, consistency and courage.

Our gathering tonight sends the message to Orlov, Ginzburg, Shcharansky, Slepak, Petkus, Meiman, Yakunin, Tikhy, Rudenko, Podrabinek, Pyotr Vins, Elena Bonner and their colleagues: we salute you.

These brave people have sought to monitor the Soviet record of compliance with the Helsinki Final Act. They are simply asking the Kremlin to respect the human rights and humanitarian obligations which the Soviet leaders themselves freely undertook in the 1975 Helsinki Agreement, and in several other legally binding declarations and covenants. In their efforts, the Helsinki Monitors have international law on their side.

-3-

imitators while leaving the bully alone. We are slipping into a double standard -- and that is no standard at all.

Only with sensible priorities can we hope to forge an effective policy out of the impulse to support the cause of human rights. Only by reasserting our concern at the denial of human rights in the Soviet Union can we make credible and convincing our concern about human rights elsewhere.

The awarding of the Nobel Peace Prize to the Soviet Helsinki Monitoring Groups is an obvious and natural step for the Nobel Committee to take. The Senate of the United States, I am pleased to say, adopted by a 90 to 1 vote my resolution asking the Nobel Committee to do just that.

I call upon President Carter to join with the Senate in urging the Nobel Committee to recognize the contribution of the Helsinki Monitors to the cause of peace and decency -- by conferring on them the Nobel Peace Prize. By the test that always counts, the test of sacrifice and courage, they are uniquely deserving.

\* \* \* \*

Now that Camp David has again become a sleepy vacation retreat, I want to reflect a moment on the meaning and future of the Agreements reached there on September 17.

At this time the Camp David Agreements remain a political framework a foundation -- for the construction of a new political relationship

This can and must be changed. The potential resources are rich and plentiful. With peace they can be developed, and with peace one can imagine a fruitful partnership of unprecedented proportions between Israel, Egypt and the United States.

In helping to alleviate poverty in Egypt and elsewhere in the Middle East, I believe that there is a great and historic role for the United States, a role that we once before were able to play in the reconstruction of postwar Europe.

As was the case with the Marshall Plan, it is essential that any such program for the Middle East be based on a full partnership with the Israelis and Egyptians. They should work with us for the common development of their countries and, eventually, the region as a whole. Among them, the countries possess all the potential resources: capital, ingenuity, management skills, labor and, with our involvement, technology and markets. Together we can do much to reverse the misery of centuries, to make the deserts bloom.

I urge President Carter to take the lead by inviting Egypt and Israel to join with us in embarking on a New Marshall Plan for the Middle East, and I urge President Sadat and Prime Minister Begin to come to us with proposals for cooperation and development.

The American government can and should let all the countries of the Middle East know that there is a path to the realization of their peaceful dreams along which we are willing to accompany them. And at the same time we must make it plain that those who are unwilling to join

the cynical exploitation of regional conflicts. It is significant that peace between Israel and Egypt only became possible when President Sadat understood that Soviet ambitions in the Middle East were incompatible with a stable peace and with the independence of Egypt and other countries in the region.

The Camp David Agreements are, we trust, a significant step on the road to a stable peace in the Middle East. At the end of that road there are enormous, and enormously positive, possibilities -- that all the people of the region will discover the truth about their neighbors as the walls that have divided them for so long come down. For the peace to last it must be more than a peace among armies and diplomats, more than an official peace. It must come to occupy a place in the daily lives of Arabs and Israelis alike. There must be movement across once fortified borders that can now become gateways to the development of social and political and economic relations -- first among the Israeli and Egyptian people, and in time among all those in the Arab world who are willing to live in peace.

# SENATOR JACKSON / News<sup>51</sup>

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

SENATE VOTES 90 to 1 TO APPROVE JACKSON

July 13, 1978

## RESOLUTION IN SUPPORT OF 1978 NOBEL PEACE PRIZE FOR HELSINKI MONITORING GROUPS IN USSR

WASHINGTON -- The Senate today overwhelmingly approved Senator Henry M. Jackson's bipartisan resolution in support of the nomination of the Helsinki Monitoring Groups in the U.S.S.R. for the 1978 Nobel Peace Prize. The resolution, adopted by a vote of 90 to 1, had 58 Senate co-sponsors including Majority Leader Byrd and Minority Leader Baker.

Members of the Helsinki Monitoring Groups, of various faiths and nationalities, include Alexander Ginzburg and Anatoly Shcharansky whose trials are now under way in the U.S.S.R. Others include Yuri Orlov, Vladimir Slepak, Victoras Petkus, Naum Meiman, Father Yakunin, Oleksy Tikhy, Mykola Rudenko, Pyotr Vins and the wife of Andrei Sakharov, Elena Bonner.

The Helsinki Monitoring Groups seek to encourage the Soviet authorities to honor the human rights and humanitarian obligations voluntarily undertaken by Secretary Brezhnev in signing the Helsinki Final Act in 1975.

"These brave men and women have placed their freedom at risk," Senator Jackson said, "because they believe individual rights and free information are directly related to peace among nations. Their extraordinary dedication to peace and decency earns them the special recognition the Nobel Institute in Oslo can best give."

"In persecuting the Helsinki Monitors -- as in the current cases of Ginzburg and Shcharansky -- the Soviets have violated both international law and their own laws by conducting improper searches, prolonged pre-trial detentions, and denial of procedural rights to defendants on trial."

The Monitoring Groups have been nominated for the 1978 Nobel Peace Prize by parliamentary groups in Norway, Belgium and Great Britain, and by members of the U.S. Commission on Security and Cooperation in Europe (CSCE).

## MFN AND ROMANIA

Statement of Senator Henry M. Jackson

Senate Finance Committee  
Subcommittee on International Trade

Wednesday, July 12, 1978, 10:00 A.M.

Mr. Chairman: I appreciate this opportunity to give this committee my views on extension of our present trading relationship with Romania.

First of all, let me say that our country has a significant stake in the continued existence of a Romania capable of an independent role in important foreign policy matters.

I have had candid talks with President Ceausescu and other Romanian officials. I found that they respect frank discussion of matters whether we agree on them or not.

Clearly, it is in the interest of both the United States and Romania that sources of tension between us, such as disputes over the disposition of emigration cases, be resolved as amicably as possible. We for our part have shown considerable patience in the years since Romania first became eligible for MFN as the Romanians have endeavored to resolve many outstanding cases.

In a spirit of cooperation much can be done to advance the cause of personal liberty for those wishing to leave Romania -- usually to be reunited with loved ones -- and to advance the economic progress of the Romanian people. Moreover, the United States wishes to encourage the countries of Eastern Europe effectively to assert their legitimate claim to greater autonomy in the face of Soviet demands and overwhelming Soviet power.

The further extension of MFN and economic credits for Romania -- an

---



exercise of accommodation on both sides -- is a realistic reflection of our mutual interests.

53

Needless to say, this will continue to be the case only so long as Romania sincerely lives up to its pledge of the humanitarian treatment of emigration cases. I hope and trust that we will continue to work together to resolve those cases still outstanding, and that in so doing we will place U.S.-Romanian relations on an increasingly sound and stable basis.

I've always believed that among the internationally recognized human rights none is more fundamental than the right to emigrate. Freedom to emigrate can be accomplished without causing fundamental changes in the internal structure of many states which today deny their citizens the right to leave. It need not be considered, and indeed is not, interference in another state's internal affairs to insist that the right to free emigration, which has been enshrined in international law, be honored.

That, I believe, is why the Congress has attached special importance to the right to emigrate, and why that right is a central feature of so many international agreements.

The experience with Romania illustrates the value to all parties of a constructive approach to existing United States law conditioning MFN and credits to non-market countries on the relaxation of restrictions on emigration. While some countries have chosen confrontation, others, like Romania, have preferred cooperation -- a result that has served the interests of both our countries and the cause of international human rights.

Holding these views, and after thorough consideration of the record, I urge this committee to recommend to the Senate extension of the waiver as requested by President Carter.

# SENATOR JACKSON

54  
*News*

---

U.S. Senator Henry M. Jackson of Washington

(202) 224-9378

---

FOR IMMEDIATE RELEASE

Tuesday, July 11, 1978

## STATEMENT ON ALEXANDER GINZBURG

Press Conference Sponsored by  
the Alexander Ginzburg Defense Committee  
Room 2200, Rayburn Building, Tuesday, July 11, 1978

It is a great honor to share with Mrs. Natalia Solzhenitsyn and other members of the Alexander Ginzburg Defense Committee this occasion to speak out for a good and brave man who yesterday went on trial in Kaluga for charity toward political prisoners and their families, and for speaking the truth about Soviet non-compliance with international accords on human rights to which the Soviet Union itself is a party.

The Ginzburg trial again raises the central question of Soviet trustworthiness -- as the Soviet government signs international agreements affirming the right to justice, to the free flow of information, and to the right to emigrate, and then wantonly denies those rights.

The trials that began yesterday are a direct challenge to the support for fundamental human rights that this Administration, and this nation, has elected to make a central theme of our foreign policy. There is no way that the President can reconcile inaction in the face of the Ginzburg and Shcharansk trials with any serious claim to leadership on behalf of human rights.

---

- 2 -

We are not without resources to give substance to the claim that we stand for international adherence to international agreements concerning human rights.

The President has it within his power to disapprove the transfer of vital American technology to the Soviet Union. He could have several pending Soviet requests on his desk within the hour. He could disapprove them.

Let me give two examples.

One: Dresser Industries proposes to build a multi-million dollar plant in the Soviet Union that would turn out tungsten carbide oil drilling bits essential to the further development of Soviet energy resources. Included also is an electron beam welding capability. Soviet industry, like our own, runs on oil. So do Soviet tanks and aircraft and navy vessels. This is no time for the Administration to approve an export to the Soviets of American technology that could assist them to fuel their industry, their army, navy and their air force.

Two: The Administration is currently considering whether to approve the sale to the TASS News Agency of a Sperry Univac computer system vastly larger than any comparable system previously sold to the Soviets and with capabilities greatly in excess of existing transfer guidelines. This comes at a time when the American correspondents of the New York Times and the Baltimore Sun in Moscow have had serious charges preferred against them by the Soviet government. TASS, I need hardly say, is the Soviet Union's official propaganda organ. Many of its so-called reporters are in fact agents of the Soviet secret police.

I call upon the President to disapprove these two license requests, and do so this afternoon. If in response to the trials of Ginzburg and Shcharans

---

the President approves high technological assistance to Soviet industry, the Soviet armed forces, and the Soviet propaganda and intelligence organ, he will make a mockery of our national policy to support fundamental internationally recognized human rights.

There are, of course, hundreds of pending requests for the transfer of U.S. technology to the Soviet Union. All of these requests should be reviewed. Only the most compelling arguments for such transfers should be permitted to prevail over the urgent need to take action in response to these outrageous trials and to the pattern of the unremitting abuse of human rights that they symbolize.

U.S. - HUNGARIAN TRADE AGREEMENT

57

May 22, 1978

CONGRESSIONAL RECORD

HOUSE

H 4376

June 27, 1978

CONGRESSIONAL RECORD

SENATE

S 9949

The CHAIRMAN, The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 448

Resolved by the Senate of the United States (with amendments): That the Congress express its opposition to the provisions of the Hungarian People's Republic presented by the President to the Congress on April 7, 1978.

Mr. VANTIE, Mr. Chairman, I move that the Committee do now rise and report the concurrent resolution back to the House with the recommendation that the concurrent resolution be agreed to.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore, Mr. Kasten, having assumed the chair, Mr. Kasten, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 448) approving the extension of nondiscriminatory treatment with respect to the products of the Hungarian People's Republic, had directed him to report the concurrent resolution back to the House with the recommendation that the concurrent resolution be agreed to.

The SPEAKER pro tempore, without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken, and the Speaker pro tempore announced that the vote appeared to have it.

Mr. SCHUTZ, Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 208, nays 174, not voting 32.

EXTENSION OF NONDISCRIMINATORY TREATMENT WITH RESPECT TO PRODUCTS OF THE HUNGARIAN PEOPLE'S REPUBLIC

The concurrent resolution (H. Con. Res. 448) approving the extension of nondiscriminatory treatment with respect to the products of the Hungarian People's Republic, was considered and agreed to.

Mr. ROBERT C. BYRD, I ask unanimous consent that it be in order to move, as now, to reconsider the vote by which the three measures were passed.

The PRESIDING OFFICER, without objection, it is so ordered.

Mr. ROBERT C. BYRD, I make that motion.

Mr. STEVENS, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. - HUNGARIAN TRADE AGREEMENT went into effect on July 6, 1978.

news from:

senator henry m. jackson

FOR RELEASE: P.M.'s

Monday, April 10, 1978

THE JACKSON AMENDMENT  
and  
FREER EMIGRATION

Remarks by Senator Henry M. Jackson

National Leadership Assembly  
of the National Conference of Soviet Jewry  
Monday, April 10, 1978, 8:30 A.M.  
The International Inn, Washington, D.C.

I am pleased to be with you for what has now become an annual event -- a chance to join with the National Conference on Soviet Jewry at its Washington Conference. This is far from the worst moment in the history of the struggle of the Soviet Jews to obtain their freedom; unhappily, it is also far from the best. The point is -- and it is my theme today -- that we are engaged in a great historic process, in a struggle of which each momentary skirmish or battle is but a small part, in a contest of will and resolve in which victory will turn on steadfastness and courage. I am confident that the Soviet Jews will prevail in the long run because they have the will to stay the course no matter how uneven the odds against them.

It took us two and a half years to get the Jackson Amendment adopted. But when the dust had cleared, the Congress of the United States had passed the first statute in this century linking economic policy with respect for international human rights.

In supporting the Jackson Amendment for freer emigration, we have

-2-

international law on our side. By adhering to the Universal Declaration of Human Rights and to the UN Human Rights Conventions, and by signing the Helsinki Final Act, signatories have made the right to emigrate a matter of legitimate international concern -- indeed of international responsibility.

Congressperson Pat Schroeder recently returned from Moscow where Professor Naum Meiman asked her to deliver to me a letter and a statement entitled "The Jackson-Vanik Amendment". In his letter Professor Meiman writes that, "Academician Sakharov has read this statement and expressed full agreement with it." I want to read Professor Meiman's statement to you because I believe the views that ought to carry the greatest weight are those of the men and women who are on the front lines in the Soviet Union. We are the support troops. We can help. We can encourage. We can speak and we can legislate. But it is they who bear the greatest burdens -- for themselves and for those who will come after them. Here is what Professor Meiman says in his statement dated March 8, 1978:

"The Jackson-Vanik amendment is a constant target of attack by the Soviet mass media. It aggravates American-Soviet relations and has not achieved its immediate goal of facilitating emigration from the USSR, particularly for Jews. This rouses doubt in a certain section of the American public as to the advisability of preserving the amendment. Notice should be taken of the systematic campaign against the amendment by a narrow, but active group of businessmen, such as the management of Pepsi-Cola, who are specially interested in Soviet trade. The clash of views and opinions compels me to present my stand on this question.

"I believe the Jackson-Vanik amendment is of far greater importance than transient politics. Perhaps it will be properly assessed with the passing of time. The amendment is more than an important Act of Congress. It is something altogether new, something unprecedented. For the first time in history the top legislature of a great country deemed it necessary to pass a law supporting one of the basic human rights, that of freedom of movement, on a global scale. This right was throughout

history the main criterion, the main test, distinguishing the freeman from the slave and the serf.

The Jackson-Vanik amendment created an entirely new situation, making it impossible once and for all to consider freedom of emigration as a domestic affair of the country from which one wishes to emigrate.

This is understood perfectly by the Soviet Government, which has to take it into actual account in spite of all the thunder in the Soviet press. The Soviet Government quite soberly sees the amendment as a political reality.

Over a long range the Jackson-Vanik amendment is one of the most effective ways to assist the emigration movement. I am convinced that it will still play an extremely substantial role in promoting freedom of emigration.

The amendment has gained special significance since the Belgrade Conference, where the USSR in fact refused to carry out its human rights commitments under the Helsinki agreements. The Belgrade Conference highlighted the need for permanent practical measures to make the USSR respect human rights.

Let me underscore that the Jackson-Vanik amendment is important not only for Jewish emigration, even not only for any kind of emigration. It is a stimulus in the general efforts for human rights.

Let me close by noting that the amendment has already produced telling, though not always apparent, results. There are grounds to maintain that it has restrained the Soviet authorities from committing further, stronger reprisals against participants in the emigration movement."

The Senate made the Jackson amendment the law of the land in the Trade Act of 1974 by a vote of 88-0. President Carter has pledged, in writing, the full implementation of the amendment. But we keep discovering Members of Congress moved by special economic interests, and bureaucrats who have not gotten the message, who want to nibble away at the Jackson amendment, or repeal it outright.

They want to reverse the course upon which we set when we tied trade benefits for the Soviets to a liberalization of their emigration practices.



Right now efforts are underway by some Senators to try to grant credits to the Soviet Union and other non-market countries, with no quid pro quo whatsoever in freer emigration.

We must resist these efforts -- we must persuade their proponents if possible, and defeat them on the Senate floor or in the contest of public opinion if personal persuasion doesn't work.

The underlying logic of the Jackson amendment is simple: we have proposed to the Soviets that they relax their restrictions on emigration and that we, in turn, relax our restrictions on access to our market and credits. They have so far refused our offer. So we must do the same. We must continue to withhold credits and most favored nation status. To do otherwise would be to throw in the towel, to run up the white flag -- to tell the Soviets that they can have the economic benefits they desire without giving anything in return.

I believe the proposition we have put to them is one that they will eventually recognize as reasonable and one that they will eventually come to accept.

The Soviet economic future is bleak in so many areas -- agriculture, high technology, energy and manpower. The Soviets stagger under a military budget that takes twice as much of their resources as our budget takes of ours.

As the Soviet economy deteriorates, the continued practice of repressive emigration becomes increasingly costly. We can afford to be patient until the Soviets recognize where their real interests lie. The Jackson amendment constitutes just the sort of leverage that we ought to be using on behalf of basic human liberties.

I urge you to make it clear to the executive bureaucrats and to the Members of Congress that you expect them to implement the Jackson amendment fully; there will be no MFN, there will be no credits until there is a flow of people.

As we talk about free trade, let us talk about free people.

news from:

62

# senator henry m. jackson

Brian Corcoran, Press Secretary, 202-224-3441

FOR RELEASE: A.M.'s

Friday, January 27, 1978

## REMARKS BY SENATOR HENRY M. JACKSON

The Coalition For A Democratic Majority Dinner  
In Celebration of its Fifth Anniversary  
January 26, 1978, 7:30 P.M.

Sheraton Park Hotel, Washington, D.C.

I want to welcome all of you to this gathering of the Coalition for A Democratic Majority.

The Coalition's Fifth Birthday is cause for celebration. Five-year-olds are supposed to be seen and not heard. The Coalition has been both seen and heard since its founding. It is a robust and healthy five-year-old and we can take pride in that fact.

\* \* \*

We are gathered together tonight to honor some absent friends: those brave men and women who have dared to insist that their government abide by the human rights provisions of the Helsinki Final Act.

Some languish in exile. Others are behind the barbed-wire and gun towers of the labor camps. Still others continue to risk arrest and punishment to carry on the struggle for individual rights in the Soviet Union.

I am proud to join in honoring them.

We have filled this room tonight to say to Orlov and Rudenko and Ginsburg and Slepak and their colleagues: you are not alone.

We have filled this room tonight to say to the Soviet prosecutor: stop this ridiculous attempt to accuse Anatoly Shcharansky of spying -- let this

brave and long-suffering young man leave and join his wife.

We have filled this room tonight to say: the great tradition of a commitment to individual liberty is alive and well and living in Washington.

The Coalition for a Democratic Majority is serious about the cause of human rights. Not just this month or this year. But unceasingly. After all, we fought for human rights before it became fashionable. And we will continue even after the fainthearted have tired of the struggle. Persistence has its rewards, my friends. And Simas Kudirka is with us tonight to prove it.

\* \* \*

In 1972 I introduced in the Senate an amendment that made trade concessions to the Soviets contingent upon a liberalization of emigration policies that had turned the Soviet Union into the world's largest prison.

It was opposed by the Nixon Administration.

It was fought by some self-interested businessmen who thought they saw great profits out of trade with the Soviets.

It was opposed by the detente theorists who subscribed to the view that to get along, it was necessary to go along.

It took us two and a half years to get the Jackson amendment adopted. But when the dust had cleared, the Congress of the United States had passed the first statute in this century linking economic policy with respect for international human rights.

In supporting the Jackson amendment for freer emigration, we have international law on our side. By adhering to the Universal Declaration of Human Rights and to the UN Human Rights Conventions, and by signing the Helsinki Final Act, signatories have made the right to emigrate a matter of legitimate international concern -- indeed of international responsibility.

The fight for the Jackson amendment was long and hard. The Soviets and their friends lobbied and threatened and cajoled and maneuvered. When they thought they could defeat us by defusing the issue, the Soviets temporarily

opened the gates and let more than 50,000 out in two years while the amendment was pending in the Congress. They have turned the flow of exit visas on again and off again in a cynical campaign to influence the Congress, to weaken our resolve.

In the three years since we passed the amendment, the Soviet economy has stagnated, her hard-currency debt has mounted and her prospects have become increasingly bleak. Labor and energy shortages are on the horizon while the Soviets stagger under a military budget that takes twice as much of their resources as our budget takes of ours.

Now, the Jackson amendment is based on the simple principle that the Soviet leadership must choose between the denial of basic rights and economic assistance from us. They cannot have both. And as their economy deteriorates, the continued choice of repression becomes more and more costly. We can afford to be patient until the Soviets recognize where their true interests lie. Three years after its passage in the Congress, the Jackson amendment constitutes the sort of leverage that we ought to be using on behalf of fundamental liberties:

The Carter Administration has committed itself to human rights. President Carter has pledged, in writing, the full implementation of the Jackson amendment. But like bad pennies, we keep turning up bureaucrats, in this agency or that, who haven't got the message -- who draft position papers and circulate memos speculating on and sometimes urging repeal of the amendment.

I call upon the President to instruct the executive agencies -- the State Department, the Treasury, the Commerce Department -- to join the Administration's campaign for human rights. I urge President Carter to make it clear to the bureaucracies in Moscow and in Washington that we are going to implement the Jackson amendment fully; there will be no MFN, there will be no flow of credits until there is a flow of people.

As we move to increase trade, let us move to decrease tyranny.

---

As we talk about free trade, let us talk about free people.

We are serious about human freedom.

\* \* \*

My friends, we must press our commitment to human rights in our relations with the Soviet Union, not only because this commitment is a most solemn pledge, not only because these values are right in themselves, but because it must be a purpose of our relationship to help bring the Soviet Union into the community of nations -- to hasten the end of what that great and courageous man, Andrei Sakharov, has called "an intolerable isolation, highly perilous for all mankind."

Without greater individual liberty in the Soviet Union, without greater freedom of conscience, without the freer flow of people and ideas across the barriers that divide East from West -- there can be no sure movement toward a more peaceful world. If we permit the human rights struggle to falter, we will not only fail to keep our own most solemn commitments, we will, in the long run, fail to keep the peace.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 95<sup>th</sup> CONGRESS, FIRST SESSION

66

Vol. 123

WASHINGTON, TUESDAY, JUNE 14, 1977

No. 102

## Senate

### HUMAN RIGHTS AND THE JACKSON-VANIK AMENDMENT

Mr. JACKSON. Mr. President, because of the special concern of Congress for the right to free emigration, I ask unanimous consent that the text of my address on June 14, 1977, to the Congressional Forum of the National Conference on Soviet Jewry be printed in the RECORD.

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

#### HUMAN RIGHTS AND THE JACKSON-VANIK AMENDMENT

(Remarks by Senator HENRY M. JACKSON)

In the area of the defense of human rights the new Administration has departed markedly from its predecessor. Those of us in the Congress who have labored long and hard on behalf of the rights of men and women everywhere to those basic liberties set forth in the Universal Declaration of Human Rights are gratified by the new American emphasis on these matters.

As a people we have been committed to human rights all along. But as a government we were too often too timid to speak out.

I believe that the Jackson amendment tying trade concessions to freer emigration from the Soviet Union and Eastern Europe is no longer an island in a sea of indifference on human rights. I am proud that the Congress took the lead in enshrining, as part of our public law, this commitment to that most fundamental of human rights, the right to emigrate to the country of one's choice.

The Congress has particularly emphasized this right to free emigration because the freedom to leave a country is the traditional final lifeline for victims of racial, religious, and political persecution. I remind you that the Senate made the Jackson-Vanik amendment the law of the land in the Trade Act of 1974 by a vote of 88 to 0. The amendment

applies to Jews and Gentiles, without discrimination on the basis of race, religion, or national origin. The fact is that tens of thousands of people—Jews and non-Jews alike—have escaped from persecution and repression because of the amendment.

I want to commend President Carter for his commitment to implement the Jackson amendment. He wrote me on September 29, 1976:

"I share your deep concern over the protection of human rights and freedom of emigration in the Soviet Union and throughout the world. The legislation which you co-authored, which is now the law of the land and which is aimed at securing those rights, will be effectively implemented by a Carter-Mondale Administration. As the platform of our Party makes clear, 'America must take a firm stand to support and implement existing U.S. law to bring about liberalization of emigration policy in countries which limit or prohibit free emigration.'"

Now as before there are great pressures to weaken our resolve—to water down the Jackson amendment. Business groups who seek to profit from government-subsidized sales to the Soviets call for its repeal. The Soviets never miss an opportunity to argue that the amendment is "unwarranted interference in Soviet internal affairs." This is, of course, nonsense.

The truth is that the governments of the world have made the right to emigrate a matter of justified international concern and of recognized international responsibility. Article 13 of the Declaration of Human Rights—adopted without opposition in 1948—affirms the right to leave any country, including one's own. That declaration was reaffirmed in the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 and the International Covenant on Civil and Political Rights of 1966, each of which was ratified by the Soviet Union. Most recently, in the Helsinki Final Act, the 35 signatories, including the

Soviet Union, agreed to act in conformity with the Universal Declaration of Human Rights.

In supporting the Jackson-Vanik amendment for freer emigration we have international law on our side.

We simply ask the Soviet government to take seriously the right to free emigration established in international accords and conventions to which it is itself a party.

We are saying: If the Soviets and other Eastern bloc countries want U.S. trade concessions and special subsidies, they will have to moderate their restrictive policies on the emigration of their citizens and move substantially to respect the obligations on freer emigration which they have subscribed to in solemn international agreements.

This is no time for a weak backbone or ambiguous declarations or unilateral concessions. It is a time for all of us to keep cool. We have to demonstrate the will to stay the course. When we embarked on this historic effort 5 years ago we knew that the road was long and hard. And so it remains. But we have taken a great first step. Our course is right and our will must remain strong.

I am convinced that as the Soviets face mounting economic problems, and a massive liquidity problem in their foreign borrowings, they will eventually decide that it is better to loosen their emigration policies than to continue the stalemate on trade and credits.

Meanwhile, the Soviets are treating President Carter—and they are treating the Congress—and they are treating the American people—with their preposterous imprisonment of the Helsinki group members—including Alexander Glushko, Professor Yuri Orlov and Anatoly Shcharansky.

These human rights defenders have been exercising their internationally affirmed right to freedom of opinion and expression, informing the government's signatories to the Helsinki Agreement, as well as the public at large, of cases of flagrant violation of the human rights articles. The Soviet authorities hear this criticism and comment, and they hope to have it silenced before the Belgrade meeting gives the truth a world audience.

Today, in your presence, I want to protest again the arbitrary arrests of the Helsinki group members. Soviet citizens must be free to monitor the observance of the humanitarian articles of the Helsinki accord. President Carter must convey this message to Secretary Brezhnev, and our delegation must take it to Belgrade.

Secretary Brezhnev himself signed the Helsinki Agreement, and that agreement affirms the obligation to respect freedom of opinion and expression.

Precisely in the name of this treaty accepted international obligation, we call upon Secretary Brezhnev to release Anatoly Shcharansky and his heroic human rights colleagues, and permit them to exercise their elementary rights.



# Congressional Record

68

United States  
of AmericaPROCEEDINGS AND DEBATES OF THE 95<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 123

WASHINGTON, WEDNESDAY, MARCH 2, 1977

No. 36

## Senate

### FREEDOM OF EMIGRATION

Mr. JACKSON. Mr. President, I am pleased to be a cosponsor of Senate Concurrent Resolution 7.

I want especially to emphasize that in the struggle for the right of free emigration the world's peoples have international law on their side. Article 13 of the Declaration of Human Rights—unanimously adopted in 1948—affirms the right to leave any country, including one's own. That declaration was reaffirmed in the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 and the International Covenant on Civil and Political Rights of 1966, each of which was ratified by the Soviet Union. Most recently, in the Helsinki Final Act, the 35 signatories, including the Soviet Union, agreed to act in conformity with the Universal Declaration of Human Rights.

In short, Mr. President, the governments of the world have made the right to emigrate a matter of justified international concern and of recognized international responsibility.

The Congress has particularly emphasized this right to free emigration because the freedom to leave a country is the traditional final lifeline for victims of racial, religious, and political persecution. I remind you that the Senate made the Jackson-Vanik amendment the law of the land in the Trade Act of 1974 by a vote of 88 to 0. That amendment states, in essence, that if the Soviets and other Eastern bloc countries want U.S. trade concessions and special subsidies, they will have to moderate their restrictive policies on the emigration of their citizens. The amendment applies to Jews and gentiles, without discrimination on the basis of race, religion, or national origin.

The amendment does not affect normal trade on a pay-as-you-go basis. It withholds special U.S. trade concessions and unlimited U.S. credit until the trading partner moves substantially to respect the obligations on freer emigration which it has previously subscribed to in solemn international agreements.

The Jackson-Vanik amendment does not interfere in any country's internal affairs. We simply ask in that amend-

ment that a nation respect the right to free emigration which is established in international accords and agreements to which that nation itself is a party.

Last Wednesday afternoon, I had the honor to spend an hour with the heroic Russian human rights leader, Vladimir Bukovsky. As we all know, Bukovsky has only recently reached the West after suffering repeated imprisonment in Russian jails and insane asylums because of his courageous defense of humanitarian values. I was very moved when Bukovsky told me that just that morning he had told a hearing of the U.S. Helsinki Commission that "the Jackson amendment was a tremendous moral victory for the United States."

The fact is that tens of thousands of people—Jews and non-Jews alike—have escaped from persecution and repression, because of the Jackson-Vanik amendment on freer emigration. It was only after Henry Kissinger turned his back on the amendment and pledged that the Ford administration would try to destroy it that the Kremlin tightened up the screws again.

If the Soviets want to have some of the trade benefits from this country that other nations enjoy—let them at least honor the basic right to emigrate.

In this connection, I want to commend President Carter for his support of the Jackson-Vanik amendment. He wrote me on September 29, 1976:

I share your deep concern over the protection of human rights and freedom of emigration in the Soviet Union and throughout the world. The legislation which you co-authored, which is now the law of the land and which is aimed at securing those rights, will be effectively implemented by a Carter-Mondale Administration. As the platform of our Party makes clear, "America must take a firm stand to support and implement existing U.S. law to bring about liberalization of emigration policy in countries which limit or prohibit free emigration."

I am glad to join today in support of Senate Concurrent Resolution 7 which underlines our steady, continuing concern that the Soviet Union, and other nations, honor the obligation they have undertaken in international agreements to respect the internationally recognized elementary right of free emigration.





# Congressional Record

PROCEEDINGS AND DEBATES OF THE 95<sup>th</sup> CONGRESS, FIRST SESSION

69

Vol. 123

WASHINGTON, FRIDAY, FEBRUARY 11, 1977

No. 26

## Senate

### INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.

Mr. JACKSON. Mr. President, in the past week world attention has been focused on the renewed efforts of the Soviet Government to silence—and to imprison—an extraordinary group of human rights activists. The human rights movement in the U.S.S.R. is not only the conscience of that unhappy country, it is also one of the best hopes that the Soviet Union can be brought to respect internationally recognized standards of conduct. It is for these reasons that the Senate of the United States should address the recent developments in the Soviet Union and recognize their great importance. For the issue of human rights is fundamental—and certainly central to our foreign policy.

When I first entered the Congress in 1941 the world was already in the midst of World War II—a conflict to determine whether Western civilization and its values would survive. The real horror of modern totalitarianism became fully apparent only after the conclusion of the war when we learned the whole and terrible history of the Nazi regime. I visited Buchenwald just after its liberation, and was profoundly moved. I believe the world inherited an obligation to insure that such barbarous crimes are never again repeated.

Americans learned more slowly perhaps but no less surely of Soviet totalitarianism, of mass executions and deportation, of the "Gulag Archipelago." In 1968 I talked to Robert Conquest, the British author, and read his classic book "The Great Terror." That monumental work definitively describes the dreadful authoritarian excesses in the Soviet Union that still haunt the world. The bloody massacres, the suppression of whole peoples, the persecution of racial and religious minorities, the mass imprisonment of individuals for their political views—all these are sources of international instability and turmoil. Indeed, we have learned that governments that engage in wholesale violations of human rights are, more often than not, threats to the peace.

The fact that modern society can be a mask for ancient brutalities explains, I think, the strong interest of the Ameri-

can people in human rights on a world-wide basis. In 1948, with the spirited leadership of Eleanor Roosevelt, the United States pressed for the adoption of the Universal Declaration of Human Rights. We did so precisely because we had learned that those deprived of their basic rights in any one country needed the protection of international law even against their own governments. The Declaration—unanimously adopted by the U.N. General Assembly—sets forth standards of individual liberty in a splendid, pioneering "Bill of Rights" for the world.

The Declaration affirms the right to freedom from torture and freedom from arbitrary arrest, detention or exile; it affirms the right to leave any country, including one's own; it affirms the right to freedom of peaceful assembly and association; it affirms the right to freedom of opinion and expression; and it emphasizes freedom of thought, conscience and religion, and freedom—either alone or in community with others and in public or private—to manifest one's religion or belief in teaching, practice, worship, and observance.

Subsequently this U.N. Declaration was reaffirmed in the International Convention on the Elimination of all Forms of Racial Discrimination of 1965 and the International Covenant on Civil and Political Rights of 1966, each of which was ratified by the Soviet Union.

Most recently, in the final act of the Helsinki Conference—33 European countries, including the Soviet Union, together with Canada and the United States—have agreed to act in conformity with the Universal Declaration of Human Rights. While the Helsinki Accords dealing with specific rights are often imprecise and hedged, they nevertheless constitute an official commitment by the governments that—

In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

So, in the struggle for human rights and fundamental freedoms the peoples of

the world have international law on their side. Their governments have made individual rights and free contacts matters of legitimate international concern—indeed of international responsibility.

Mr. President, the bright promise of these international accords has not been realized. Abuses of human rights constitute a continuing chronicle of suffering and injustice.

Ours is not only a humanitarian concern for our fellow men and women—although I personally believe that alone would justify efforts on their behalf. There is also the matter of contributing to the achievement of a more civilized world, the only kind of world where peace can flourish. For real peace must be based on international trust and openness, measured in part by increased respect for the standards which the Universal Declaration of Human Rights enshrined in the body of international law.

We must be willing to use our human rights concerns in the bargaining process with other nations. Nations seek our grain, our arms, our technology. Why should we not seek greater protection for internationally recognized human rights?

That is the essence of our effort in Congress to place America's economic power behind the basic right to emigrate.

Of all the individual liberties contained in the U.N. Declaration of Human Rights, none is more fundamental than that in article 13—the right to free emigration. The Congress has particularly emphasized that right, because it is the touchstone of all human rights. The right to emigrate is critical for oppressed minorities, dissident intellectuals, and divided families. It has been the traditional, vital lifeline for victims of religious and racial persecution throughout the world, many of whom found relief in the United States and helped to establish the freedoms we take for granted in our own country.

Virtually all of us owe our American citizenship to the right to emigrate. There is a famous story about Franklin D. Roosevelt once causing a great stir by addressing an audience of the DAR as "My fellow immigrants . . ." But the fact is, as I often remind American audiences, we are a nation of immigrants—and that gives us a special responsibility for the right to emigrate.

The Jackson-Vanik amendment on East-West trade and freedom of emigration is supported by an impressive coalition of groups representing diverse religious and ethnic backgrounds. It became part of the law of the land in the Trade Act of 1974. It states, in essence, that if the Soviets and other Eastern bloc countries want U.S. trade concessions and special subsidies, they will have to moderate their restrictive policies on the emigration of their citizens. The amendment applies to Jews and Gentiles, without discrimination on the basis of race, religion, or national origin.

Also, the amendment does not affect normal trade on a pay-as-you-go basis. It simply withholds special trade concessions and unlimited U.S. credit until the trading partner moves substantially to respect the obligations on freer emigration which it has already subscribed to in solemn international agreements. The Jackson amendment, far from being an intrusion into anyone's internal affairs, is one small step along the road to an international community based on law.

Tens of thousands of people—Jews and non-Jews alike—have escaped from captivity, because of the Jackson-Vanik amendment on freer emigration. It was only after Henry Kissinger pledged that the Ford Administration would try to destroy the amendment that the Kremlin tightened the screws once again. If the Soviets want some of the trade benefits from the United States that other countries enjoy—let them at least honor the right to emigrate.

Mr. President, it is of profound importance that our country—as the leader of the free nations and the most influential voice in Western public opinion—use the opportunities we have to promote greater respect for internationally recognized human rights. While the United States can and must deal with nations whose systems of government may be anathema to us, there should be no doubt that the United States stands opposed to flagrant violations of human rights and fundamental freedoms.

So I applauded the State Department's move this week in standing up for the Russian poet Alexander I. Ginzburg in the name of internationally accepted human rights.

It has often been the case that senior officials in the Department of State—who tend, naturally perhaps, to value a superficial cordiality—shy away from speaking out on behalf of human rights, where doing so may be regarded as an irritant in our relations with authoritarian governments.

But is not the best path to our silence on these issues a change in Soviet practice on human rights?

So I commended President Carter for saying at his first press conference this week that he intends to speak out strongly and forcefully on behalf of human rights, expressing at the same time his deep regret at the incarceration of Alexander I. Ginzburg.

Today—in the presence of my Senate colleagues—I want to protest the arbitrary arrest in the last few days of Alexander I. Ginzburg, Yuri Orlov, and Mykola Rudenko.

Alexander I. Ginzburg is a distinguished human rights leader—an inmate of the Gulag Archipelago with Alexandr Solzhenitsyn—and is the administrator of the fund established by Solzhenitsyn to sustain political prisoners and their families.

.. Physicist Yuri Orlov, a long-time member of the Moscow human rights movement, is a founder of the unofficial U.S.S.R. group monitoring compliance with the humanitarian provisions of the Helsinki final act.

Mykola Rudenko, Ukrainian writer and member of Amnesty International, is head of the Ukrainian committee monitoring implementation of the Helsinki agreement.

There is some talk that the arrest of these three human rights leaders is a deliberate test of the will and staying power of President Carter. This may be so; and, if it is, the President made a good start in his press conference response this week. The President's determined followup will be of central importance.

There is also the fact that the Soviet Union is seeking to throttle the Soviet citizens who are trying to promote the observance of the humanitarian articles of the Helsinki Agreement, June 15—the date for the opening of the Belgrade session of the CSCE—is approaching. These human rights defenders have been exercising their internationally affirmed right to freedom of opinion and expression, informing the government signatories to the Helsinki Agreement, as well as the public at large, of cases of flagrant violation of the human rights articles. The Soviet authorities hear this criticism and comment, and they hope to have it silenced before the Belgrade meeting gives the truth a world audience.

The U.S.S.R. has bound itself to respect the exercise of the right to freedom of opinion and expression for its citizens by becoming a party to the Universal Declaration of Human Rights, the International Covenants on Human Rights which it ratified, and by the Helsinki Accords, which reaffirm these earlier international undertakings.

Indeed, Secretary Brezhnev himself said, less than 1 month ago in a speech at Tula:

Standing now in the center of European politics is the task of fully implementing the accords reached by 35 states a year and a half ago in Helsinki. We regard the Final Act of the European Conference as a code of international obligations aimed at ensuring lasting peace. Of course, all its provisions should be fulfilled and that is our daily concern.

It is precisely in the name of these freely accepted international obligations that I call upon Secretary Brezhnev to release these three heroic human rights leaders and permit them and their colleagues to exercise their simple, elementary rights.

(Mr. DeCONCINI assumed the chair.)

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. JACKSON. I yield to the distinguished Senator.

Mr. HUMPHREY. Mr. President, I rise to join with the distinguished and

courageous Senator from Washington in his remarks today. I do so because I think a number of voices in the Senate should be heard. 71

What has happened here is a gross violation of human rights on the part of the Soviet Union. What has happened here is a violation of internationally accepted and agreed upon codes of conduct and, as the Senator from Washington has pointed out, the Soviet Union is a signatory to the U.N. Declaration of Human Rights. It was the central force for the so-called Helsinki Agreement. It affixed its signature and its so-called honor to that agreement. And it behooves the people of the United States and their duly elected representatives in Government from the President to the Congress of the United States to make it manifestly clear that we expect that these covenants will be obeyed and that these covenants will be respected.

Mr. President, there is no greater force that the United States has for international peace and for international good than to stand firm on the issue of human rights. We cannot remake the government of other countries. That we know. But we can at least let peoples around the world and their leaders know that we do not in any way modify our commitment or weaken our dedication to the principle of human dignity and human rights.

We celebrated our 200th anniversary as a nation and as a free independent country. The whole theme of the Declaration of Independence is the message of God-given rights of life, liberty, and the pursuit of happiness.

The message of that declaration is that governments were established among men to secure these rights. For the United States in any way to deviate from those principles would be to weaken ourselves and to deceive others.

So I say to the Senator from Washington that the message that he has given here today speaks for me. I believe that it speaks for an overwhelming majority of the Senate. I hope it speaks for every Member of Congress, and I think it does. I commend President Carter on his stand on this great issue of human rights. I see a new day in American foreign policy on this issue.

The best thing that our neighbors in the Soviet Union can do—and I say neighbors in the world sense—is to rethink what they have done, and for Secretary Brezhnev and his associates to understand that the release of these prisoners and the cessation of this harassment of their fellow citizens is the one best way to secure the easing of tensions and to find the path to peace. I hope and pray that it will be done, and I do not say that in anger or rancor. I say it in a plea for sensitivity to social justice, and I hope that the sensitivity is there in the minds and the hearts of the Soviet leaders.

They have their opportunity now. The message has been given, and I thank the Senator from Washington.

Mr. JACKSON. Mr. President, it goes without saying that no one in this body has been more effective in speaking out on the subject of international human rights than the distinguished senior Senator from Minnesota. I think he would agree with me that we have had very fine bipartisan support for our effort to make known the views of the Members of this body in connection with a series of violations, may I say, Mr. President, of international law.

Some people sometimes argue that we are trying to interfere in the affairs of another country. That is nonsense. All we are asking, Mr. President, is that a nation adhere to the standards of conduct established in international accords and conventions to which they are a party and which they have juridically accepted as a part of international law.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JACKSON. I salute the Senator from Minnesota for his able remarks.

Mr. NUNN. Mr. President, may I be recognized for 1 minute by unanimous consent?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I commend the Senator from Washington for his statement and the Senator from Minnesota for his praise of that statement. I would also like to join in the comments of the Senators concerning the position of leadership that President Carter has taken in this regard. I believe he is off to a good start in this area of human rights.

Mr. JACKSON. I thank the Senator from Georgia. Since he has come to the Senate, he has participated effectively in a number of our efforts to speak out in behalf of individuals in the Soviet Union and elsewhere who have been deprived of the human rights and basic freedoms to which they are entitled under international law.

---



Leaders, for a change.

September 29, 1976

The Honorable Henry Jackson  
United States Senate  
137 Old Senate Office Building  
Washington, D. C. 20510

Dear Scoop:

I am delighted that you are campaigning in behalf of the Carter-Mondale ticket. In talking with our friends and supporters I hope you will take the opportunity to convey my strong personal interest in two issues of substantial importance to the foreign policy of our country.

Right now, the Congress has an opportunity to enact the first new legislation in ten years dealing with the Arab-sponsored boycott of the State of Israel. We ought to resist all attempts by foreign governments to impose racial or religious discrimination on American citizens as the price of doing business. Moreover, in my judgment, legislation should be passed to make compliance with any secondary boycott of Israel illegal. I regret that the Ford Administration continues to oppose such legislation which seeks only to bring America's commercial practices into harmony with America's humane principles.

I share your deep concern over the protection of human rights and freedom of emigration in the Soviet Union and throughout the world. The legislation which you co-authored, which is now the law of the land and which is aimed at securing those rights, will be effectively implemented by a Carter-Mondale Administration. As the platform of our Party makes clear, "America must take a firm stand to support and implement existing U.S. law to bring about liberalization of emigration policy in countries which limit or prohibit free emigration."

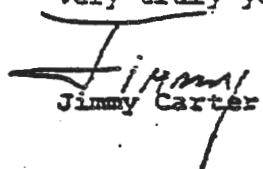
Senator Henry Jackson

-2-

September 29, 1976

The 1976 election is an important milestone in the history of our country. It is an election where the people will, I am confident, choose an Administration which shares their belief in human decency and fair play. I value your support and help.

Very truly yours,

  
Jimmy Carter

JC:j



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 94<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 122

WASHINGTON, THURSDAY, JUNE 3, 1976

No. 84

## Senate

### FREER EMIGRATION FROM SOVIET UNION

Mr. JACKSON. Mr. President, the Jackson-Vanik amendment on freer emigration is part of the struggle for human rights for all peoples. The amendment applies to nonmarket economy countries and to all the people in those countries—whether they be Jewish or Gentile, without discrimination on the basis of race, religion, or national origin.

I believe that the day the President of the United States makes it plain to the Soviet leaders that he will uphold the law of the land—that there will be no U.S. trade concessions without movement toward freer emigration—we will see a change for the better in the cause of freer emigration for which so many of us have fought for so long.

I ask unanimous consent that the remarks on the struggle for freer emigration from the Soviet Union which I addressed to the National Conference on Soviet Jewry in Washington, D.C. on May 17, 1976, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

REMARKS BY SENATOR ERNEST M. JACKSON  
MAY 17, 1976.

Four years ago I appeared before you to ask for your support in preventing this country from walking yet another one-way street in the name of detente. I urged you to join me in turning the cul de sac of unilateral trade concessions into a highway to freedom for the thousands of brave Soviet Jews and non-Jews who demanded the right to emigrate. I called upon Americans of all faiths to support our national commitment to human rights by requiring respect for those rights, on a non-discriminatory basis, as a condition

of most-favored-nation status and access to subsidized credits.

The fight for free emigration from the Soviet Union is part of the larger struggle for human rights in all lands and for all people. We see it taking place today in Rhodesia, in Chile, in the Far East and in Latin America. We see it, in the Soviet Union, among Jews and Gentiles, in the Baltic States, in the assertion of new demands for local autonomy. The struggle is being waged by Catholics, by Baptists, by Ethnic Germans and Tartars. It has acquired a universal character to which Americans have proven themselves generous in responding.

The Jackson amendment has been a part of this great movement. Contrary to the general impression created by the media, the Jackson amendment applies to many countries and to all the people in those countries—whether they be Jew or Gentile, without discrimination on the basis of race, religion or national origin. It is as universal as the movement of which it is a part, limited only by its application to those countries that did not enjoy the benefits of most-favored-nation status on the date that it was enacted.

The response of the American people has been overwhelming, a reaffirmation of our deepest national values. By staggering majorities in the House and Senate the Congress adopted the Jackson amendment. And despite a massive campaign by the Soviet Union, the White House and powerful businessmen, all efforts to abandon the commitment to freedom embodied in that historic legislation have been turned aside.

I don't need to tell those of you who have been in from the beginning that we made every effort to achieve a reasonable compromise with an Administration that opposed us every step of the way.

But because the history of our effort to achieve a reasonable arrangement is so widely misunderstood, I wish to take a moment to recall the flow of events.

Following the passage of the Jackson amendment in the House in December, 1973,

and with its passage in the Senate where it had 77 co-sponsors virtually assured, the Soviets and the Administration began to show interest in a compromise. There followed a long negotiation extending over many months that culminated in an agreement on the basis of two letters—one from Secretary Kissinger to me and one from me to him. The exchange of letters embodying the compromise we had achieved took place at the White House on October 18, 1974. In essence the compromise was this: the Administration would convey assurances to the Congress that the rate of emigration from the Soviet Union would increase and punitive action against persons wishing to emigrate would cease. In exchange I agreed to introduce an amendment to the trade bill that would authorize the President to waive the credit and LARRY restrictions of the Jackson amendment for 18 months with subsequent one-year waivers subject to Congressional approval.

The compromise of October 18 had been negotiated with Secretary Kissinger and approved by President Ford. Indeed, it was President Ford who invited the White House photographers into his office to record what we all regarded as a constructive compromise.

The October 18 compromise thus revolved around the assurances conveyed to Congress. As a result, the Soviet renunciation of the Trade Agreement cannot be understood unless the substance of those assurances, and the attitude of the participants toward the compromise to which they led is clear. On these issues Secretary Kissinger's testimony before the Senate Finance Committee on December 3 is especially instructive. Asked about the nature of the assurances in his October 18 letter, Secretary Kissinger went beyond what had already been made public:

"I have had many conferences on this subject with Ambassador Dobrynin and conferences with Foreign Minister Gromyko. . . . In addition, when President Ford took office he had some conferences in which the statements that I have made here were reconfirmed by the same individuals. Finally, General Secretary Brezhnev has made analogous statements to President Nixon, to myself and recently to President Ford. This is the substance of the assurances that we have."

Senator HARTZL, "Are the assurances that made from Mr. Brezhnev, Mr. Gromyko and Mr. Dobrynin?"

Secretary Kissinger, "That is correct." At the same hearing, urging support for the new proposed waiver amendment, Secretary Kissinger stated:

"I believe a satisfactory compromise was achieved on an unprecedented and extraordinarily sensitive set of issues. . . . I believe it is now essential to let the provisions and

2  
understandings of the compromise proceed in practice."

Clearly, an arrangement such as the October 18 compromise could only be negotiated on the basis of good faith on the part of all the participants, and continuing good faith was a prerequisite for its successful implementation. Secretary Kissinger and President Ford understood this well. As the Secretary put it on December 3:

"This understanding which is reflected in these letters can operate only on the basis of good faith by all the parties concerned and food will among the Senators and ourselves. . . . This is a specific assurance which has been extended on a number of occasions, the violation of which would certainly be one that the Administration would take very seriously. The President, on a number of occasions, has told the three Senators that with respect to what is contained in our letter he believes that he can stand behind it."

It is significant that when the Trade Bill containing the modified Jackson amendment was finally signed by President Ford at the White House on January 3, 1975, Stanley Lowell and Israel Miller were among the invited guests. Clearly the President regarded the October 18 compromise as a milestone in the struggle to obtain freedom for Russian Jews.

Between the agreement of October 18 and the December 3 testimony by Secretary Kissinger that I cited, an important event took place in Moscow. On October 26, eight days after the compromise, Foreign Secretary Gromyko handed Secretary of State Kissinger a letter that had the effect of repudiating the assurances conveyed to the Congress on October 18. The Secretary of State never informed me even of the existence of such a letter, much less its contents. Nor, so far as I have been able to determine, was anyone else outside the Administration apprised of that startling development. The letter only came to light when the Soviets chose to release it on the eve of passage of the trade bill.

The withholding of that crucial document must surely rank among the shabbiest deceptions ever perpetrated by a Secretary of State on the Congress of the United States. As it is, I suspect that we shall have to wait for Dr. Kissinger's memoir to discover how he intends to answer for this deplorable breach of good faith.

What is most disturbing in all of this is the Ford Administration's refusal to stand by its pledge, to support the compromise of which it was a part. The facts are simple: on January 14, a mere 11 days after the President signed the trade bill into law, the Secretary of State announced the intention of the Administration to seek its repeal. The ink was hardly dry when the Secretary of



State sent the Kremlin an astounding message: despite the assurances, despite the negotiations, despite the Presidential pledges, the Administration would work to wreck the law of the land by contriving to give the Soviets what they wanted. President Ford echoed this dismal message in his State of the Union speech.

We always knew that even a negotiated agreement with the Soviets could, if they so chose, be violated. We did not believe that the man who put in writing the Soviet pledge to permit freer emigration, the Secretary of State, would violate his solemn undertaking. And to this very day I remain disappointed beyond my capacity to express it at the ease with which the President of the United States callously betrayed the confidence we had placed in him in agreeing to a compromise version of the Jackson amendment.

From the time we met four years ago, at the beginning of a long and hard and still uncompleted journey, much has been accomplished. Under the threat of the Jackson amendment the odious education tax, that threatened to bring to a halt the emigration of educated Russians, was rescinded. In 1972, 3 and 4, unprecedented numbers of Soviet Jews were permitted to seek freedom in the West. We have succeeded in placing the issue of human rights on the agenda of successive summit meetings, in bringing it to the center stage of world attention, in forcing the question of freedom on the conscience of a world that has too often looked the other way when individual liberty was threatened. I believe that our efforts that began in the circumstances in which we meet again today had much to do with the inclusion of human rights provisions in the Helsinki accords.

Of the course upon which we set four years ago there has been much criticism. I have heard it all. I have heard it from Moscow. I have heard it from the board rooms of corporations. I have heard it from the Department of State and from the White House. I have listened to the criticism.

And I remain proud of what we have accomplished. I remain firm in my conviction. I will not retreat. I will not turn my back on those who are struggling to obtain their freedom. They have the will to fight and I am proud to fight alongside them. Let those who believe that the Soviets will reward weakness and retreat with a generous emigration policy take their case to Moscow—to Levich and Lerner, to Vitaly Rublin and Georgi Vlna, to Edward Kusnetsov and Sender Levin. And let them visit the camps as well as the Kremlin.

I urge those who wish to see the Jackson amendment modified to begin by reading the Jackson amendment. Do they know that the President can extend most-favored-na-

tion status and Exim credits if he certifies that doing so will lead to a significant improvement in Soviet emigration policy? Do they know—those who argue that a gesture now will free those who languish in the camps—that the Jackson amendment gives the President all the legal authority he needs to make the gesture they are urging? The logic of the Jackson amendment is simple: the Soviet rulers must choose between their emigration practices and trade concessions from the United States. They cannot have both. Freer emigration will bring the trade relationship they desire, and it will do so under the Jackson amendment. Those who wish to modify the amendment must understand that they will relieve the Soviets of the necessity to choose; for their approach would enable the Soviets to receive the trade benefits they desire without changing their brutal and capricious emigration policy.

I am not prepared to let the Soviets escape the choice they now face. We have seen the results of giving the Soviets what they desire first and waiting for the promise of progress on human rights later. That is the formula to which we succumbed at Helsinki. It didn't work there and it will not work here.

What will work is patience, steadfastness and unity within the government of the United States. Nothing has been so damaging to the cause of free emigration as the Administration's ill-conceived pledge to reward the Soviets with a reversal of the Jackson amendment in return for Moscow's refusal to honor its pledge to freer emigration. The day that the President of the United States makes it plain to the Soviet leaders that he will uphold the law of the land, that there will be no trade concessions without movement toward free emigration, we will see the beginning of the change for which we have fought so long.

Let us look for that day—together



# Congressional Record

78

PROCEEDINGS AND DEBATES OF THE 94<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 122

WASHINGTON, THURSDAY, APRIL 29, 1976

No. 61

## Senate

### AMERICA AND HUMAN RIGHTS

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the Record an address of mine entitled "America and Human Rights" given before a World Affairs Council of Philadelphia luncheon on April 19, 1976.

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

#### AMERICA AND HUMAN RIGHTS (By Senator Henry M. Jackson)

I am delighted to be here at the World Affairs Council luncheon.

Two centuries ago, our Founding Fathers expressed the belief that America's attainment of greater liberty would be accompanied by similar achievements in other parts of the world. This was a belief grounded in strong moral conviction, but it also represented a practical conclusion about the prospects of our democratic society if the world as a whole were intolerant of our democratic values. For us security, liberty and peace have always been closely linked; for we believe that true peace requires a moral consensus based on respect for the individual.

My talk today will deal with this theme—with the need for the United States to remain a champion of human rights—for I believe that such a stance serves our best national interest. And I shall also speak of how each of us can in our own way individually champion human rights.

Out of the ashes and tragedy of World War II and the Holocaust, there arose a United Nations intended to promote world peace and to protect fundamental freedoms for all.

In 1948, the U.N. adopted the Universal Declaration of Human Rights, a splendid, pioneering document which set forth a kind of Bill of Rights for the world. But the bright promise of the universal Declaration has not been realized.

South Africa and Rhodesia engage in racism against blacks, and Uganda does the same against whites and browns. The Soviet Union commits political protesters to insane asylums, stifles the right of intellectuals to speak their mind and publish their views, and denies its citizens the right to leave. Syria persecutes its Jewish minority. Paraguay abuses the Ache Indians. And India, in whom we had so much hope, is the latest nation to suppress liberty and repress human rights.

The list is not exhausted. The abuses of human rights form an unhappy chronicle of injustice and despair.

Meanwhile, there is a growth in self-serving hypocrisy at the United Nations so that human rights concerns are not dealt with on their merits, but are exploited and manipu-

lated to serve political ends. In such an atmosphere, Zionism is outrageously equated with racism. In such an atmosphere, repression in the USSR, or racism in Uganda never even reach the agenda of the Human Rights Commission; every day, principle is prostituted to powerful voting blocs.

In the face of these developments, the Ford Administration has defaulted in the struggle for human rights. Dr. Kissinger's detente is a body without a soul—a policy indifferent to human rights.

Everyone across the country was shocked when President Ford snubbed Nobel Laureate Alexandr Solzhenitsyn.

For a brief moment we had a representative at the United Nations, Pat Moynihan—who spoke up for human rights—but he was quickly and unwisely eased off stage.

If the United States does not stand up for freedom, who will? I believe it's time for a foreign policy in Washington which reflects our deepest beliefs as a people, which embodies the best in our democratic and humanitarian heritage.

America cannot be true to itself without a commitment to human rights. The United States was founded—in this city—on that very commitment. And this nation has suffered through great crises which tested and affirmed that commitment: The Alien and Sedition Laws, Secession, the Mitchell Palmer raids, the McCarthy hearings, and Watergate, all challenged our liberties. Yet, individual rights prevailed and those lapses are looked upon as woeful events in our history. If America does not take a strong stand for human rights, we will have abandoned the very heart and soul of our own tradition.

Moreover, furthering human rights has important practical consequences for world stability and peace. The suppression of whole peoples; the persecution of religious and racial minorities; the imprisonment of individuals for their political views remain major sources of international instability and turmoil today.

On the other hand, the freer exchange of ideas across national frontiers is a vital ingredient in building the kind of international understanding that a genuine, stable peace requires. Alexandr Solzhenitsyn said it eloquently in the address he prepared to deliver on accepting the 1970 Nobel Prize for Literature:

"We are threatened by destruction in the fact that the physically compressed, strained world is not allowed to blend spiritually; the molecules of knowledge and sympathy are not allowed to jump over from one half to the other. . . . Suppression of information renders international signatures and agreements illusory; within a muffled zone it costs nothing to reinterpret any agreement, even simpler—to forget it, as though it had never really existed."

Furthermore, in the struggle for human rights, we have international law on our side.

The Declaration of Human Rights was reaffirmed in the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which the Soviet Union ratified in 1968 and 1969 respectively. The Helsinki accords, which the Soviet Union joined in signing just last August, also pledge all participating states to uphold the Universal Declaration; indeed they go considerably further in promising cooperation for the freer movement of people.

The United States and the world community must not allow the Soviet Union to dismiss as "domestic privileges" or as "private business" its wholesale violations of fundamental human rights. They are violations of international law, pure and simple.

I believe that the American people and their representatives in Congress have a better understanding than the Ford Administration of the need for a genuine, human detente—a detente which benefits the people of East and West, not a U.S.-Soviet formula for capitulation on human rights.

That is why my colleagues and I are now sponsoring legislation to set up a commission to monitor compliance with the human rights provisions of the Helsinki Accords.

And that is why we passed the Jackson Amendment on Freedom of Emigration. Soviet ratification of the 1968 and 1969 Conventions ended once and for all the pretense that Soviet emigration policy is an improper subject for action by the international community. The Jackson amendment far from being an intrusion into anyone's internal affairs, is one small step along the road to an international community based on law.

Human rights concerns should be in the day-to-day calculus of American foreign policy making. They should be felt at all levels of foreign policy—not just a Moynihan speaking in splendid isolation at the U.N.—but in the diplomacy of the President and the Secretary of State, in U.S. missions abroad, in bilateral negotiations, in international monetary funds; in short, felt in all the reaches of our foreign policy. Such is not the case now.

And we must be willing to use our human rights concerns in the bargaining process with other nations. Nations seek our grain, our arms, our technology. Why should we not seek greater protection for internationally recognized human rights?

And we must have better supportive organization. The human rights office in the State Department is in fact a non-entity. Our government should take the initiative to reform the maze of obstacles which prevents human rights complaints from being properly heard at the U.N.

Above all, we need a Chief Executive and a Secretary of State who take seriously human rights in foreign policy.

So far I have talked about the public sector. But what can individuals do—in their own way?

Human rights have always needed individuals who dare to resist injustice.

I think of Rosa Parks, who simply refused to go to the back of a bus; I think of unknown freedom riders; I think of James Meredith, who dared to apply to the University of Mississippi; of three young civil rights workers who died in Philadelphia, Mississippi; of two young reporters on the Washington Post, who persisted in their investigation of Watergate. These were all private persons of no great authority and without reputation. Yet their accomplishments are firmly inscribed in the annals of our history.

On the international scene, too, bands of dedicated individuals have achieved much.

Two organizations—small organizations with sparse funds and small resources—are Amnesty International and the International League for the Rights of Man. Most of their members are people like yourselves—people willing to work, to write, to protest, to lift their voices.

Some years ago, the International League made contact with a small group of persons in the Soviet Union who believe deeply in intellectual freedom and who formed a Moscow Human Rights Committee. The leader of that committee was Andrei Sakharov. Sakharov and Solzhenitsyn welcomed contact with the League. They welcomed the knowledge that they were not in isolation, that organizations which appeared before the U.N. were interested in their plight, and that the outside world was not apathetic and remote.

And when the harassment and repression increased in the Soviet Union, the League helped marshal writers, authors, scientists and others throughout the world to lift their voices on behalf of Solzhenitsyn, Sakharov, and other beleaguered dissidents.

Valery Chalidze, one of the members of the Moscow Human Rights Committee who was exiled, analyzed it this way: He said he did not know what would help the dissident voices in the Soviet Union. But, he said, "I only know that they will not be helped by silence."

An aroused opinion has a power of its own. And its power can sometimes be decisive. We know that the aggregate of small, powerless voices can often produce a lever strong enough to move tyrants, to obtain release of political prisoners, to reduce sentences, to secure amnesties and to help bring to the free world Valery and Galina Panov, Leonid Tarassuk, Sylvia Zaimanson, Alexander Galich, Simas Kudirka, Pavel Litvinov, Vladimir Maximov and so many other brave souls.

There is, as you know, much talk about the role of power in international affairs. But physical resources alone are not necessarily the best measure of national strength. An American foreign policy which stresses our basic values reflects, in fact, what we have always known to be true—that our democratic faith, our representative institutions, freedom itself, are our most important strategic assets. And let us remember that history is on our side; for freedom, not tyranny, is still the basic aspiration of men and women in society.

Genuine self-respect and self-confidence, therefore, can give us a foreign policy that is both patient and determined—and, most of all, committed to our best national purposes.



United States  
of America

# Congressional Record

80

PROCEEDINGS AND DEBATES OF THE 94<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 121

WASHINGTON, WEDNESDAY, DECEMBER 10, 1975

No. 182

## Senate

### THE 27TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. JACKSON. Mr. President, today, the 10th of December, should be a day of celebration. On the 27th anniversary of the Universal Declaration of Human Rights, we should be able to rejoice in great progress in the area of human rights around the world. And the Nobel Committee should be welcoming in Oslo a great defender of human rights, Andrei Sakharov, the recipient of the Nobel Peace Prize.

But the dream of 27 years ago remains a dream. The reality in too many parts of the world is a nightmare. And Sakharov himself was refused permission to accept his prize in person, refused the elementary human right, guaranteed by the Universal Declaration, "to leave any country, including his own, and to return to his country."

This right, specifically, and the declaration itself were reaffirmed in the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which the Soviet Union ratified in 1968 and 1969 respectively. The Helsinki accords, which the Soviet Union joined in signing just last August, also pledge all participating states to uphold the Universal Declaration; indeed, they go considerably further in promising cooperation for the freer movement of people.

In legislative initiatives, I have associated myself particularly with the right to emigrate because I believe it is the touchstone of all human rights. It is the lifesaving right of last resort for individuals or religious or ethnic groups who either cannot tolerate or be tolerated by their own governments. Moreover, as long as this right is respected, governments must pay some honor to other rights or risk losing some of their most valuable citizens.

Despite Soviet commitments in international agreements, and Soviet assurances conveyed to the U.S. Congress by President Ford and Secretary of State Kissinger, the Soviet Union continues its wholesale violations of the fundamental right to emigrate—a right especially critical for minorities and intellectuals.

The Helsinki provisions on family reunion should have a special meaning for

many people of Baltic descent in our own country. One especially poignant Lithuanian case concerns Marija Jurgutiene and her 12-year-old daughter, who are still denied permission to join their husband and father in Chicago. She has been living under constant threat of imprisonment for over a year and a half.

We are all aware that the Soviet Government, in its determination to frighten would-be emigrants away from the visa office, subjects leading activists to harassment even more obscene than that visited on lesser known applicants for emigration. I am thinking of people like Vladimir Slepak, Mark Azbel, and Vitaly Rubin, who for several years have been objects of particular harassment and persecution because they have sought to emigrate.

Another apparent target of this campaign is Mark Abramovich of Kishinev, whose application to emigrate has been refused repeatedly since February 1973, on grounds of previous army service—he was demobilized in 1971. Abramovich's persistence in demonstrating for his right to emigrate is now being met by the sort of press attacks which have frequently preceded condemnation to long labor camp terms.

Just such an attack was made on Dr. Mikhail Shtern after his sons applied for visas to Israel. Dr. Shtern, a well-loved and respected physician in Ukraine, was arrested, convicted on trumped-up charges at a show trial last December, and sentenced to 8 years at hard labor. Already suffering from spinal tuberculosis and stomach ulcers, he has been subjected to such inhuman treatment that he was unable to recognize his wife when she visited him recently.

Ever since the Soviets reneged on the agreed compromise on trade and emigration in the Jackson-Vanik amendment, the Ford administration's policy has been to join the Soviet Government in seeking to ignore international law and emasculate our own.

And on top of this shabby record, the administration has now refused to cooperate with the Congress in implementing the Cranston human rights amendment in the current Foreign Assistance Act. That amendment states that it is the sense of Congress that "except in extraordinary circumstances" security assistance should be reduced or terminated for "any government which engages in a

consistent pattern of gross violations of internationally recognized human rights." The legislation also calls on the President to provide Congress with reports on the status of human rights in each affected country. The administration has cavalierly defaulted on its responsibilities under this reporting provision on the peculiar grounds that human rights violations are just too "widespread" in the nations we are aiding—which is precisely the source of congressional concern.

Therefore, to give further substance to this concern, Senator CRANSTON has now introduced a similar amendment, but with language that would be binding on the President, and I am proud to join him as a cosponsor.

If any administration wishes to contribute U.S. aid for purposes other than progress toward a more peaceful and humanitarian world, then the Congress and the American people have the right to demand an explanation. And if the Ford administration insists on continuing to send the American taxpayers' money to bolster antidemocratic regimes of either the left or the right—without any effort to advance respect for basic human rights and freedom of movement—then it is up to this Congress to undertake action stronger than nonbinding sense-of-Congress statements.

And it is up to us here, today, to rededicate ourselves to the goals of the Universal Declaration of Human Rights, which the United States so proudly saw through to unanimous adoption by the United Nations exactly 27 years ago.

Mr. President, on November 18, the Senate Permanent Subcommittee on Investigations, which I chair, held a hearing on the American role in negotiating for progress on human rights issues in the international community, with an emphasis on those rights associated with freedom of expression. We were privileged to hear testimony from a number of distinguished American literary figures, including Mr. Arthur Miller, and it is especially appropriate today to call the attention of the Senate to Mr. Miller's statement before the subcommittee.

I ask unanimous consent that this material be printed in the Record.

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

**STATEMENT BY ARTHUR MILLER ON FREEDOM TO WRITE AND PUBLISH**

This is an imperfect world. The United States cannot go about lecturing other governments on how to treat their own citizens. Let us do business, as much as we can wherever we can and at the same time see to our military defenses. The internal affairs of other countries are not for us to judge, any more than they have a right to judge us.

So runs the argument on which the policy of detente is based. It is clear, concise and persuasive. The only trouble with it is that it leaves out the facts.

We do not merely do business with certain countries. We instituted what in effect was

a financial blockade of the Allende government in Chile and our influence was crucial in toppling it, making way for the present bloody dictatorship, and we are going to the aid of that dictatorship.

We are not merely doing business with the South Korean dictatorship which has cancelled whatever democratic protections its people once had. I will spare the Committee the long list of Latin American dictatorships which we have either helped to set up or subsidized afterwards.

The problem is not how to justify injecting moral judgments into commercial transactions abroad, but how to justify our claim that we are businessmen and do not attempt to influence the way foreign governments treat their own people. We do so attempt and we always have where it is possible, and the real problem now is how to make that influence positive, how to place our weight on the side of human rights and the sanctity of the human person.

We did this once. We came out of World War II with a prestige unmatched by any other nation in history. It was not merely that we had demonstrated overwhelming military power; the fact is, the Russians demonstrated an equal if not greater military power. It was that the United States represented freedom, the freedom to read, to write, to speak, to worship without hindrance by governmental power.

Why that prestige was lost is too complicated a question to go into here. It is enough to say that we compound that loss and we confirm it with a foreign policy of a moral eunuch. When we set up the West German Government, we did not tell them to do as they pleased with liberty; our military and financial support was contingent upon their rejecting a revival of Fascism.

Nor were we a perfect democracy at home then, any more than we are now. But the democratic ideal and the struggle to realize it were not irrelevancies as we faced the world. We were called hypocrites at worst, and naive innocents at best, but for millions of ordinary people everywhere that promise, unrealized as it was, represented a goal and a human content for the otherwise terrifying power we possessed.

The solution is not to set up in the State Department a new division which will read moral lectures to dictatorships. I would suggest instead, that the Senate and Congress begin by informing the Administration, this one and those to come, that the hard-won wealth, the resources and the talents of the American people are not to be travestied in the support of anti-democratic dictatorships no matter how anti-Communist they advertise themselves to be.

I would suggest that if we will resolve to clean our own hands, we will begin to move away from the defensiveness, the inner uncertainty, the confusion which characterizes our relations with the Soviet Union and the Third World.

It is no secret that detente is less a policy than an agreement by ourselves and the Soviet Union to leave the status quo undisturbed. This would be fine if it were possible, but it is like commanding the sun not to set, or summer not to change to fall. To live is to change, and a policy worth the name either guides the future toward justice or away, toward or away from a respect for the human person.

In any case, detente is right now far more than the empty gesture it appears to be, but its impact is far more various than its detractors or supporters are willing to see.

It is certain, for example, that exchanges of hockey teams, symphony orchestras, art exhibitions are weak reeds on which to build a structure of peace. That two iron barrels are bolted together in space is bound to strike us with limited amazement and hope when down on the ground in Czechoslovakia a whole generation of writers is still black-listed, still forbidden to publish their works, their unfinished manuscripts swept off their desks by the secret police. If American and Soviet astronauts can transfer from one space ship to another applause comes hard when, as Ludvik Vaculik has recently written, he and other Czech writers cannot transfer a thought from the right to the left sides of their brains without fear of retribution.

It is foolish, however, to dismiss detente as a gag. With all its insubstantiality it does provide a rationale on which demands for intellectual freedom can be based. It is harder to justify repression as necessary for national security when the enemy has to some extent become a friend. From my own experience in Eastern Europe, I can say that no dissident writer has ever spoken longingly of the Cold War situation. A reversion by the United States to the old hostility can only make it far harder for these people. But Cold War or this moral impotence are not the only options.

My own view is that detente at present is a body without a soul, but that its promise is enormous if we will seize it. The fact is, that the Helsinki accords bind both sides to respect elementary human rights. Why are we so powerless to speak to this issue? Is it that we fear the other side will start making noises about the race situation in Boston? The tortures in our client-state, Chile? The re-arrest under fake charges of the South Korean poet, Kim Chi Ha?

The answer is, not to sweep our own sins under the same rug as the Soviets—or for that matter, the sins of South Africa, but to rise to the challenge that detente implicitly raises: to open our own actions to the same measure and standard that we and the Soviets have signed and agreed to. The truth of the matter is that with all our failings, we are still the freest country in the world, and if it should turn out that foreign criticism forces us to take a new and resolute look at our own injustices, why must we fear such a competition?

The truth is that such criticism is going on anyway, but from the other side, not from ours, at least not openly, not as part of our relationships with repressive regimes. And I repeat, this super politeness, at least in part, stems from a clouded conscience. But the Congress has the power to begin clearing that conscience by requiring certain minimal standards of respect for civil rights at least in those countries whose dependence on our support is nearly total. And if you say that we cannot be held responsible for what another government does, I can only answer that we are already responsible when that government cannot exist excepting with our support.

This is not a question of coming out with high class speeches supporting academic or intellectual freedom. We are supporting repression. We can stop doing it. And in the process we can turn to our new trading partners and say, "We meant what we signed to in the Helsinki accords; we are actively working to eradicate injustice and unfreedom within our country and in those countries dependent on us—what are you doing to carry out the obligations in regard to human rights that you signed to?" This is not interference in another country's internal af-

airs; it is an attempt to implement a signed agreement, and the Soviet Union has the right, even the obligation, to demand that we live up to our part of it as well.

The question inevitably arises as to whether we should refuse, for example, to sell wheat until the human rights provisions of the Helsinki accords are lived up to. I believe it would be unwise and unproductive to equate so many bushels with so much liberty. Besides, enlarging commerce not only benefits both sides materially, it is also a manifest of good will and good faith and as such can serve as a base upon which to build a new forthrightness in our relationships with the Soviet world. To again think in either/or terms at all times and in every instance can only lead back to impotence, and on the Soviet side must lend justification to those who can see only a threat to Soviet power in any deepening relationship with the United States.

Detente may indeed be a gesture empty of human content, but so is a letter of intent that precedes a binding contract. As with such a letter, everything depends on the next steps, and we apparently have no intention of taking such steps. It is the business of the Senate and Congress to decide whether such steps should be taken to implement the Helsinki agreement.

For example, a specific number of writers in Czechoslovakia (a country where large numbers of Soviet troops are stationed) is denied the right to publish their works in the Czech or Slovak languages. Certain of them have had their unpublished manuscripts seized from their homes. Many, if not most of these writers are former members of the Communist Party and have never advocated a return to Capitalism, nor do they now. Their chief sin is to have advocated an indigenous, independent Czech culture responsible to their own people rather than the demands of Soviet authorities. The black-list against these writers is so broad that the regime has found it impossible to staff a literary magazine or newspaper.

The situation of the Czech writers and intellectuals is not unique in a world where repression, jailing, and the outright murder of writers by their governments is ordinary news. But there is one respect in which they are special; they have nowhere to appeal for relief.

As citizens of a Socialist country, it is futile to look to other Socialist states for support, and their case is ambiguous in the eyes of the European Left whose anti-capitalist stance mutes its indignation against repression in the East.

The prospect, therefore, is that they will continue to be sacrificed on the altar of peace. The Soviet Government evidently believes that any liberalization will ultimately menace its hegemony, and the United States must blind itself to what is happening or risk Soviet displeasure.

It should be added that even in other Socialist countries the Czech situation is an embarrassment. In Hungary, for example, I could walk with Hungarian writers and meet with them in restaurants without a secret policeman dogging my footsteps. Not so in Prague where a plainclothesman will take a table a few feet away, openly and brazenly warning all concerned that the regime is observing them. I had a drink one night in a Czech writer's home with five or six of his colleagues present, when his teenage son looked out the window and saw an unmarked car drive up with plainclothesmen in it; they simply sat there silently warning my host that he was driving another nail into his coffin.

International P.E.N., an organization of writers with centers in some seventy countries, exists to defend the freedom of writers. One of its oldest centers was in Prague, and it still has thriving centers in all the other Eastern European countries. The Prague center no longer answers mail, it has been driven to silence.

I have walked in Prague with a certain playwright whose works are played all over Europe and in the United States; he once had his own theater and acting company. He still writes plays and can send them out of the country for production and publication, but like his colleagues he cannot be played in his own country or in his own language. Moreover, the Czech newspapers reported that he had emigrated, flown to the West, no longer exists in Czechoslovakia. He lives and works quite openly in Prague, but is a non-person to his compatriots. He is allowed to write for export and his royalties are taxed at ninety percent, a literary milk cow, condemned but exploited.

The wives of these writers are not permitted to hold jobs above the most menial. Their children are forbidden entrance in all but the lowest grades of school. Women holding doctorate degrees are washing store windows because their husbands are on the blacklist. Czechoslovakia lives under a permanent state of McCarthyism from which there is no appeal.

Unlike Chile, South Korea, the late regime in South Vietnam, and other places, the United States is not responsible for this disastrous situation. But are we not implicitly assuming responsibility when we refuse to utilize the Helsinki agreement which we signed with the Soviet Union obligating both sides to protect certain elementary freedoms in our territories?

I am not telling you that the Czech writers look to us for help. It is far worse than that. I believe they have long since assumed that we have decided to collaborate with the Soviet Union as a trading partner and that it is unrealistic for them to expect us to rock the boat. And this is why their situation is so meaningful; it has all the earmarks of the long future in which small nations especially must settle for a modicum of prosperity in exchange for which their souls will be excised, quietly, remorselessly, all for a good cause, the cause of peace between the giants.

I do not believe we have to cut out our

tongues in order to reassure any other country of our peaceful intentions, or that we must adopt the impotence of moral eunuchs so that the volume of trade may grow. The Helsinki accords explicitly acknowledge that our relations with the Soviet Union encompass far more than trade, far more than cultural exchanges, and that fundamental protections of human freedom on both sides are of the essence.

The Senate and the Congress, it seems to me, have the obligation to decide whether Czech repression is in contravention of the Helsinki accords. If it is, then the State Department should be instructed to ask the Soviet Government what it intends to do about the matter as a signatory to the agreement. If, for example, the existence of this blacklist is denied, the Senate can discover evidence that it indeed exists. If the Soviet Government still refuses to attempt to correct the situation—indeed, if no concrete result comes of the whole effort something vital will nevertheless have been gained.

The United States will have at least begun to establish before its own citizens and the world that its power exists not only to make the world safe for American business, but to hasten the evolution of humanity toward a decent respect for the human person. And if such an approach can only lead to counter-charges against ourselves, so be it. A long, evolutionary path lies before us, too, and nobody knows this better than we do. It needed no foreigner but the United States Office of Education to tell us that thirty percent of our people are effectively illiterate, that we fear to walk the streets of our cities, that a vast proportion of our Black and Puerto Rican youth cannot find work.

The failures of American society are known everywhere now; we can only gain by learning how others really see us. Perhaps our rightful pride in our freedom does need to be measured against our injustices, and so openly as to be an element in the diplomatic process. We have nothing to hide for those with eyes to see. And if we have to take it or we dish it out, perhaps this new necessity will help us, if only for our pride before the world, to revive that will, that insistence and faith in our capacity to make a society that is just to all.





# Congressional Record

PROCEEDINGS AND DEBATES OF THE 94<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 121

WASHINGTON, FRIDAY, JULY 25, 1975

No. 120

## Senate

### UNITED STATES-ROMANIAN TRADE AGREEMENT AND FREEDOM OF EMIGRATION

Mr. JACKSON Mr. President, I am pleased to urge favorable Senate action on Senate Concurrent Resolution 35, the resolution of approval of the United States-Romanian trade agreement, which would make Romania the first Communist country to qualify for most-favored-nation tariff treatment and participation in U.S. Government credit programs under the Jackson-Vanik amendment.

Along with providing the means for closer commercial relations with an Eastern European country which has managed to develop a relatively independent and relatively positive policy toward the West, implementation of this agreement should bring about a parallel accommodation in the equally important area of human relations. As the author of the East-West trade and freedom of emigration provisions of the Trade Act of 1974, I especially want to address myself to the significance of approving Romanian eligibility for the affected trade benefits on that basis, pointing out some necessary reservations as well as the hopeful prospects.

Under the terms of the compromise on trade and emigration in the Trade Act, the President may waive the trade restrictions in the free emigration section for a nonmarket country if he reports to the Congress that:

First. He has determined that such waiver will substantially promote the objectives of this section; and

Second. He has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section."

This formula was drafted jointly by the administration and the Congress, adopted by the Senate by a vote of 88 to 0, and signed into law by the President.

Nevertheless, the Presidential report of April 24, 1975, exercising the waiver authority for Romania, fell far short of the language specified in the legislation. The President failed to report that he had received assurances on Romanian emigration and relied instead on a vague phrase relating to the "solution of humanitarian problems" in a 1973 joint

Declaration by then President Nixon and Romanian President Ceausescu. That Declaration makes no mention of emigration and had yielded no progress on emigration since its signing. Furthermore, although the administration urged Congress to take into account the "sensitivity" of the issue by making our judgment on the basis of Romanian emigration performance rather than pressing for detailed assurances, Romanian performance both leading up to and in the period immediately following the President's action showed no improvement whatsoever which would allow Congress to determine that satisfactory assurances had been received, as required by law.

Progress on Romanian emigration came only in recent weeks, after it became clear that Congress would withhold approval of the trade agreement in the absence of concrete evidence of movement to fill the gap in the President's report. In addition to continuing consultations with the State Department, for the past several weeks many of us in the Senate and House have been in close contact with representatives of the Romanian Government, with humanitarian organizations concerned with emigration, and with members of divided United States-Romanian families who will be so personally affected by the resolution of this issue. Some of us also had the opportunity to stress the need for genuine progress at a meeting with President Ceausescu in Washington in early June.

I believe that this was a very healthy interaction for all concerned, and I am encouraged by the spirit of cooperation with which the Romanian Government has recently responded. Some 1,250 emigration applications were approved in June, including primarily Romanians seeking to be reunited with families in the United States, and Romanians of Jewish and German origin who wish to go to Israel and the Federal Republic of Germany, respectively. This improved, if not entirely satisfactory, rate of approvals has been continuing in July. Obviously, we expect that these approvals will mean that the persons receiving them will soon depart for their chosen destinations.

My own decision to support the trade



agreement at this time is based on the expectation that these signs mark the beginning of a steady upward trend in Romanian emigration—the only real basis we have for determining the legitimacy of the President's waiver and, moreover, for determining whether a renewal of the waiver authority is justified when it comes before Congress in 11 months.

The Senate Committee on Finance and the House Ways and Means Committee are to be congratulated for the strong legislative record they established both during the hearings on the trade agreement and in their reports on the resolution of approval last week to their respective Houses. By withholding action until progress on emigration was clearly discernible, both committees made full and, in my judgment, critically productive use of the time allotted to them for consideration of the trade agreement. I fully support their conclusion that the language of the President's report alone was not sufficient to allow favorable action on the part of the Congress. I also endorse their position that action on Romania is not to be interpreted as a precedent for countries other than Romania. It is the recent sharp increase in Romanian emigration and Romania's special circumstances in the Communist bloc which justify our willingness to extend the benefit of the doubt in this case.

It should also be noted a relaxation of Romanian emigration restrictions would

be consistent with the more liberal emigration policy practiced by Romania up through the mid-1960's, as well as with the provisions on emigration in the International Convention on the Elimination of All Forms of Racial Discrimination, acceded to by Romania in 1970. Freer emigration is also in keeping with the family reunification provisions of the Conference on European Security and Cooperation declaration, which Romania is expected to sign later this month. Romania's earlier emigration practices and the cooperative attitude which the Romanian Government is apparently ready to renew provide a welcome contrast to the Soviet Union's dismissal of the human dimension of detente and hypocritical accession to the same international agreements.

Mr. President, it seems to me that Romania is beginning to appreciate what the Soviet Union and the handful of nations bound to the Soviet Union have yet to understand: That emigration is cause for national embarrassment and international concern only when it is denied, and that the freer movement of peoples should be a bridge rather than an obstacle to improved East-West relations. I hope that Romania has in fact decided to join the rest of the international community in respecting the fundamental human right to emigrate, and that the continued Romanian progress expected in this area will make it possible for Congress to renew Romanian eligibility for trade benefits next year.

---



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 94<sup>th</sup> CONGRESS, FIRST SESSION

86

Vol. 121

WASHINGTON, THURSDAY, JANUARY 30, 1975

No. 11

## Senate

### EAST-WEST TRADE AND FREEDOM OF EMIGRATION

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the Record a statement which I made on Sunday, January 26, in response to Secretary Kissinger's announcement of January 14 that the Soviet Union had decided not to bring into force the 1972 Trade Agreement.

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

#### STATEMENT BY SENATOR HENRY M. JACKSON ON SECRETARY KISSINGER'S ANNOUNCEMENT OF JANUARY 14

On January 14, Secretary of State Kissinger informed us that the Soviet Union has decided not to bring into force the 1972 Trade Agreement granting Moscow most-favored-nation treatment by the United States subject to implementing legislation. The Secretary's announcement, which came as a complete surprise to me and to my Congressional colleagues, has given rise to confusion, speculation, and misunderstanding. The time has come to set the record straight.

At the outset, I wish to make my own position clear; to me, genuine detente requires freer movement of people and ideas, and not just of machinery or wheat. I continue to believe that the economic power of the United States should be pressed into the service of human rights, and I continue to believe that the courageous men and women fighting for their freedom in the Soviet Union are worthy of our support. I will not abandon their cause, whether under pressure from the cold-hearted in Moscow, or the faint-hearted in Washington.

#### TRADE WITH THE SOVIET UNION

I continue to support expanded trade with

the Soviet Union, despite its rejection of the 1972 agreement; and ordinary commercial trade—profitable to both sides, and requiring no government subsidies—may well continue to grow. But the fact is that to the Soviets the 1972 Trade Agreement was designed to bring not so much our trade, as our aid—in the form of a huge infusion of American capital at subsidized interest rates. On this we have the authority of Dr. Kissinger in his January 13 Business Week interview:

"The Soviet Union was much more interested in credits than it was in trade because, for the next four or five years, it will have very little to give in reciprocal trade."

The Trade Agreement of 1972 was not, in economic terms, the sort of "mutually beneficial trade relations with the Soviet Union" Secretary Kissinger espoused in his January 14 statement; rather the stream of benefits in that agreement flowed one way only—east to Moscow. Well aware of this, Congress insisted that the imbalance of benefits be redressed—not in economic terms (for there is no real prospect of that), and not in geopolitical terms (where Soviet accommodation has proved wholly elusive), but in terms of movement toward the implementation of Article XIII of the Universal Declaration of Human Rights which provides for free emigration. Despite the Administration's timidity, the judgment of Congress prevailed. By overwhelming margins in both Houses, credits and most-favored-nation treatment were linked to elementary human rights.

#### INTERNATIONAL LAW AND INTERNAL AFFAIRS

By acceding to the "International Convention on the Elimination of All Forms of Racial Discrimination" in 1969, the Soviet Union acknowledged that emigration policy goes beyond the limits implied by the term "internal affairs." Soviet ratification of this convention ended once and for all the pretense that Soviet emigration policy is an improper subject for action by the interna-

tional community. The 1969 convention specifies that: "... Parties undertake to ... guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin ... to leave any country, including his own, and to return to his country." The Jackson amendment, far from being an intrusion into anyone's internal affairs, is one small step along the road to an international community based on law. Had the international community acted in this spirit at other times and places, much of the brutality and suffering that have marked the first three quarters of the twentieth century might have been avoided.

#### A SHORT HISTORY OF THE JACKSON AMENDMENT

On October 4, 1972, prior to the signing of the 1972 U.S.-Soviet Trade Agreement, more than 70 Senators joined me in introducing what became known as the Jackson-Vanik amendment. In December 1973 the House of Representatives passed this amendment by a vote of 319-80. At that time there were 77 Senators cosponsoring the Jackson amendment in the Senate. Its passage was certain. Nevertheless, in the interest of reconciling the Soviet desire for unconditional American trade concessions and the Congressional view that these concessions should be accompanied by Soviet action in the area of human rights, I, along with Senators Ribicoff and Javits, entered into negotiations with Secretary Kissinger aimed at producing a fair compromise. These negotiations, carried on over a period of nine months, led to agreement on the texts of two letters—one from Secretary Kissinger to me and one from me to Secretary Kissinger. The unique form of these letters, in which Dr. Kissinger conveyed to the Congress assurances that he had received from various Soviet leaders, was developed to accommodate the Soviet Union's refusal to become a party to a government-to-government agreement relating to what they still contended was an internal matter.

#### THE OCTOBER 18 COMPROMISE

The negotiations that resulted in the exchange of letters of October 18, 1974, were conducted over an extended period with the utmost care. At his press conference on January 14, Secretary Kissinger explained why the negotiations were so protracted:

"The reason the negotiations with the Senators took so long was our concern to make sure that we would communicate nothing that we could not back up. The Soviet Union gave us certain descriptions of their domestic practices, which we attempted to communicate as accurately as we could ...

they [the Soviets] have never disavowed the assurances or the statements in my letter [to Senator Jackson]."

The compromise of October 18 was in essence this: the Administration would convey assurances to the Congress that the rate of emigration from the Soviet Union would increase and that punitive action against individuals seeking to emigrate would cease. In exchange, I agreed to introduce an amendment to the trade bill that would enable the President to waive the credit and MFN restrictions of the Jackson amendment for 18 months with subsequent one-year waivers subject to Congressional approval.

The compromise of October 18 had been negotiated with Secretary Kissinger and approved by President Ford. It was an encouraging example of constructive cooperation between the Congress and the Administration that effectively bridged our philosophical differences on the substantive question of tying trade concessions to human rights. To implement the October 18 compromise the three Senators drafted, along with Administration and Finance Committee representatives, the agreed upon waiver authority. The Senate approved it by a vote of 88-0, and it was adopted by the full Congress with the trade bill on December 20.

Having negotiated the October 18 compromise in good faith, we thus delivered on our half of the bargain: we had authorized the President to extend MFN to the Soviet Union and to permit the Soviets to participate in U.S. government credit programs. The Russians, for their part, were expected to live up to the assurances that Secretary Kissinger had been authorized to convey to the Congress.

#### THE ASSURANCES ON EMIGRATION

The October 18 compromise thus revolved around the assurances conveyed to Congress. As a result, the Soviet renunciation of the Trade Agreement cannot be understood unless the substance of those assurances, and the attitude of the participants toward the compromise to which they led, is clear. On these issues Secretary Kissinger's testimony before the Senate Finance Committee on December 11 is especially instructive. Asked about the nature of the assurances in his October 18 letter, Secretary Kissinger went beyond what had already been made public:

"I have had many conferences on this subject with Ambassador Dobrynin and conferences with Foreign Minister Gromyko ... In addition, when President Ford took office he had some conferences in which the statements that I have made here were recon-

firmed by the same individuals. Finally, General Secretary Brezhnev has made analogous statements to President Nixon, to myself and recently to President Ford. This is the structure of the assurances that we have."

Senator HARTKE: "Are the assurances then made from Mr. Brezhnev, Mr. Gromyko, and Mr. Dobrynin?"

Secretary Kissinger: "That is correct."

At the same hearing, urging support for the new proposed waiver amendment, Secretary Kissinger stated:

"I believe a satisfactory compromise was achieved on an unprecedented and extraordinarily sensitive set of issues . . . I believe it is now essential to let the provisions and understandings of the compromise proceed in practice."

Clearly, an arrangement such as the October 18 compromise could only be negotiated on the basis of good faith on the part of all the participants, and continuing good faith was a prerequisite for its successful implementation. Secretary Kissinger and President Ford understood this well. As the Secretary put it on December 3:

"This understanding which is reflected in these letters can operate only on the basis of good faith by all the parties concerned and good will among the Senators and ourselves . . . This is a specific assurance which has been extended on a number of occasions, the violation of which would certainly be one that the Administration would take very seriously. The President, on a number of occasions, has told the three Senators that with respect to what is contained in our letter he believes that he can stand behind it."

As late as December 18, 1974, when the trade bill was under consideration in a House-Senate conference committee and after the Soviet news agency TASS released the text of a secret October 26 letter from Foreign Minister Gromyko to Secretary Kissinger, the State Department formally commented that Mr. Gromyko's letter "does not in our view change the understandings referred to in the Secretary's letter to Senator Jackson of October 18."

#### GOOD FAITH AND THE SOVIET UNION

I have quoted at length from remarks of the Secretary of State because I am astonished that, in all that has been said about the recent Soviet action, there has been so little recognition of the simple fact that the Soviet Union has unilaterally abrogated a good-faith compromise on which the ink was hardly dry.

Reading the commentaries of the Soviet

press one would have thought that there had never been a compromise on October 18, a lapse of memory that recalls George Orwell's famous characterization of the Soviet Union as a country in which "yesterday's weather can be changed by decree." It was a bizarre case of blaming the lender for the borrower's failure to pay his debts. Rather than saying plainly that the Soviets had reneged, the Administration sought to blame the Congress—and then to exploit the Soviet action to inhibit the Congress from playing its Constitutional role in establishing tariffs and regulating credits.

Some commentators have suggested that the October 18 compromise might have worked if it had been kept secret. Not only is this contradicted by the repeated public reaffirmations by the Administration of the October 18 compromise after it had been announced but, more important, it implies that the Congress would have been willing to modify the Jackson amendment on the strength of intimations that there had been a "secret deal" that would justify such action. I could not ask my 534 Congressional colleagues to enact authority for the President to waive the House-passed Jackson-Vanik amendment without a full disclosure of the compromise that justified doing so, nor could Congress have fulfilled its statutory obligation to review the implementation of the compromise after 18 months if it had remained secret. The fact is the Administration fully understood that the compromise could not be a "secret deal."

#### EMERGENCY, CREDITS, AND THE FUTURE

The \$300 million ceiling on loans to the Soviet Union can, under existing law, be increased with Congressional approval. In my judgment, the Congress should not abdicate its responsibility to oversee the disposition of U.S. credits, particularly to the country whose policies require us to spend billions of dollars for defense. Congress cannot forfeit the public's confidence by giving the Administration a multi-billion dollar blank check to subsidize the Soviet economy. On this matter, I would like to commend to my colleagues the excellent statement by Senator Adlai Stevenson on January 21.

In supporting the Jackson-Vanik amendment the Congress has upheld the traditional American commitment to individual liberty. In negotiating the compromise of October 18 and incorporating its provisions with the original Jackson-Vanik language into the Trade Act, the Congress acted both in the hope that our good faith would be rewarded by good faith on the Soviet side, and with the prudence of providing legisla-

-4-

tive safeguards which deny the affected economic benefits to the Soviet Union in the event of bad faith.

Our determination on these matters is all the more justified by President Ford's January 21 statement that the Administration intends to "work with the Congress to eliminate any of the problems in the trade bill that might have precipitated the action by the Soviet Union." This unfortunate reaction suggests that we should reward an egregious Soviet breach of good faith with increased largesse and a weakening of our insistence that they move toward freer emigration.

I do not believe that the Congress will respond to the disappointing Soviet move by abandoning its commitment to help bring about the freer movement of people and ideas between East and West, and I expect the President and the Secretary of State to stand by their own commitments embodied in the October 18 compromise.

---

For Further information  
Call 224-9732

FOR IMMEDIATE RELEASE  
Wednesday, January 15, 1975

JOINT STATEMENT BY SENATORS JACKSON, RIBICOFF AND JAVITS AND CONGRESSMAN VANIK  
On East-West Trade and Freedom of Emigration  
January 15, 1975

Secretary Kissinger's announcement that the Soviet Union will not put into force the 1972 trade agreement under which it was to have received most-favored-nation status from the United States is a disappointing development.

We believe that the compromise under which most-favored-nation status and U.S. government credits could be extended to non-market economies was fair and equitable, holding forth the promise of an improvement in human rights as well as expanded East-West trade.

The compromise on which we and the Administration labored long and hard and in a spirit of fairness and good faith went far toward reconciling the Soviet interest in economic assistance and the American interest in the freer movement of people across international frontiers.

It is now nearly three months since the exchange of correspondence between Secretary Kissinger, on behalf of the Administration, and Senator Jackson on behalf of the Congress. In the period since October 18 the assurances contained in Secretary Kissinger's letter have been reaffirmed on several occasions -- by General Secretary Brezhnev in Vladivostok and by Secretary Kissinger in Washington. At no time have we been informed by the Administration to which the assurances were made that they have been withdrawn.

Consistent with the compromise reflected in the October 18 correspondence, we introduced legislation enabling the President to waive the restrictions on tariffs and credits contained in the previously approved Jackson-Vanik amendment. That waiver authority is now on the statute books. Should the Soviets choose to enter into a new trade arrangement at some future date, the President, subject to the assurances in the October 18 correspondence, will be enabled to exercise the required waiver. Until such time there can be no Soviet participation in U.S. government credit programs. Normal commercial trade, without American

-2-

subsidies, can continue; if commercial institutions find it profitable to engage in such trade.

We cannot know why the Soviets have chosen to scuttle the 1972 trade agreement. We do know that the compromise of October 18, which was freely entered into by all concerned, appears to have lost its appeal to the Soviets only when it became apparent that the Congress would not approve government credits for multi-billion dollar development programs in the Soviet Union.

We in the Congress remain committed to the view that a broadening of trade relations must be accompanied by progress in the area of human rights. We shall not diminish our efforts to help those who seek freedom. Progress toward free emigration is especially critical for minorities and to the reuniting of families.

With or without a trade agreement we have a right to expect the Soviet Union to honor the Universal Declaration of Human Rights and the international convention, now a part of the body of international law, that affirms the right to free emigration.

In connection with Secretary Kissinger's announcement yesterday (January 14, 1975) that the Soviet Union has elected not to implement the trade agreement of 1972, it is useful to review the chain of events that led to and followed from the correspondence which Secretary Kissinger and Senator Jackson exchanged on October 18, 1974, on behalf of the Administration and the sponsors of the Jackson-Vanik amendment respectively:

- May 1972: President Nixon and General Secretary Brezhnev held a Summit Conference in Moscow and agreed to make provisions for the expansion of U.S.-Soviet trade.
  - July 1972: The United States extended a \$750 million line of credit to the Soviet Union for the purchase of American grain.
  - August 1972: The Soviet Union imposed a tax on emigrants that required individuals to pay up to \$30,000 to obtain an emigration visa. With average Russian salaries at \$150 per month, emigration of persons with any significant education was all but impossible.
  - October 4, 1972: More than 70 Senators introduced legislation limiting most-favored-nation status and credits for non-market economies to those that permit their citizens the right and the opportunity to emigrate.
  - October 18, 1972: A Soviet-American trade agreement was signed, providing for the extension of most-favored-nation tariff treatment and credits, requiring implementing legislation. It is this agreement which the Soviets have decided not to put into force.  

Pursuant to this agreement, the United States began a program of extending subsidized credits to the Soviet Union, initially at 6% and later at 7% interest. The first such loan, \$86.5 million for a Soviet truck plant, was followed by additional loans, bringing the present total to approximately \$470 million.
  - December 31, 1972: Emigration figures for the year indicated that approximately 32,000 persons were permitted to leave. Most came from rural areas in the outlying provinces. The practice of harassing would-be emigrants by arrests, trials, imprisonment, dismissals from their employment, etc. remained commonplace. Individuals from Moscow, Leningrad, Kiev and other metropolitan areas were, with a few exceptions, unable to obtain visas.
  - April 1973: After majorities in both houses of Congress went on record as cosponsors of the Jackson-Vanik amendment on trade and emigration, President Nixon reported to a Congressional meeting Soviet assurances that the education tax had been suspended, that emigration would proceed at a rate of about 35,000 per year. The commitment to maintain the 35,000 rate was not honored in 1974; harassment continued in 1973 and 1974 and in some cases was intensified.
  - December 1973: The House of Representatives passed the Jackson-Vanik amendment by a vote of 319-80.
-



-4-

- January 1974: Negotiations began between the Congressional sponsors and the Administration, aimed at developing a compromise that would provide for substantial movement toward free emigration in exchange for Presidential authority to waive the provisions of the Jackson-Vanik amendment.
- October 18, 1974: In an exchange of letters with Senator Jackson, Secretary of State Kissinger conveyed assurances based on discussions with Soviet authorities that harassment of applicants would cease and that the number of visas would "rise to correspond to the number of applicants." These assurances did not constitute a government-to-government agreement. Rather, they took the form of an understanding between the Congress and the Administration. The Congress, as its part of the compromise, would adopt an amendment to the original Jackson-Vanik amendment permitting the President to conditionally waive the restrictions on most-favored-nation status and government credits.
- November 23-24, 1974: The Soviets reaffirmed the understanding of October 18 during the Vladivostok summit, as reported by Secretary Kissinger in testimony to the Senate Finance Committee on December 3.
- December 3, 1974: Secretary Kissinger, testifying before the Senate Finance Committee, urged passage of the trade bill with the waiver authority included.
- December 13, 1974: The Senate, implementing the compromise of October 18, adopted the amendment enabling the President to waive the restrictions of the Jackson-Vanik amendment on the basis of the assurances of October 18.
- December 16, 1974: The Senate voted to insist that credits for the Soviet Union be limited to \$300 million; amounts in excess of \$300 million could only be lent with Congressional approval.
- December 18, 1974: The Soviet news agency TASS released the text of a private letter from Soviet Foreign Minister Gromyko that had been delivered to Secretary Kissinger in Moscow on October 26 -- despite the fact that the October 18 understanding had been reaffirmed at Vladivostok three weeks earlier. The State Department issued an immediate statement that the private communication "does not in our view change the understandings referred to in the Secretary's letter to Senator Jackson of October 18." There were indications from a number of sources that the limitation on U.S. government credits disappointed the Soviets who had hoped to receive several billion dollars in credits to develop their natural resources and industrial capacity.
- January 3, 1975: President Ford signed the trade bill into law. The Trade Act contains the original Jackson-Vanik amendment as well as the authority to waive its provisions under conditions that would promote freer emigration.

Section 402  
Excerpts from  
Public Law 93-618  
93rd Congress, H.R. 10710  
January 3, 1975

TITLE IV—TRADE RELATIONS WITH  
COUNTRIES NOT CURRENTLY RECEIV-  
ING NONDISCRIMINATORY TREAT-  
MENT

SEC. 402. FREEDOM OF EMIGRATION IN EAST-WEST TRADE.

(a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of law, on or after the date of the enactment of this Act products from any nonmarket economy country shall not be eligible to receive non-discriminatory treatment (most-favored-nation treatment), such country shall not participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, and the President of the United States shall not conclude any commercial agreement with any such country, during the period beginning with the date on which the President determines that such country—

- (1) denies its citizens the right or opportunity to emigrate;
- (2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or
- (3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.

54 STAT. 7057

Nonmarket  
economy  
countries,  
products,  
eligibility.  
Report to  
Congress.

and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) After the date of the enactment of this Act, (A) products of a nonmarket economy country may be eligible to receive nondiscriminatory treatment (most-favored-nation treatment), (B) such country may participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and (C) the President may conclude a commercial agreement with such country, only after the President has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and, with current information, on or before each June 30 and December 31 thereafter so long as such treatment is received, such credits or guarantees are extended, or such agreement is in effect.

Waiver.

(c) (1) During the 18-month period beginning on the date of the enactment of this Act, the President is authorized to waive by Executive order the application of subsection (a) and (b) with respect to any country, if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

(2) During any period subsequent to the 18-month period referred to in paragraph (1), the President is authorized to waive by Executive order the application of subsections (a) and (b) with respect to any country, if the waiver authority granted by this subsection continues to apply to such country pursuant to subsection (d), and if he reports to the Congress that—

(A) he has determined that such waiver will substantially promote the objectives of this section; and

(B) he has received assurances that the emigration practices of that country will henceforth lead substantially to the achievement of the objectives of this section.

Termination.

(3) A waiver with respect to any country shall terminate on the day after the waiver authority granted by this subsection ceases to be effective with respect to such country pursuant to subsection (d). The President may, at any time, terminate by Executive order any waiver granted under this subsection.

Waiver  
authority,  
extension.

(d) (1) If the President determines that the extension of the waiver authority granted by subsection (c) (1) will substantially promote the objectives of this section, he may recommend to the Congress that such authority be extended for a period of 12 months. Any such recommendation shall—

(A) be made not later than 30 days before the expiration of such authority;

(B) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c) (1) is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

January 3, 1975

- 81 -

Pub. Law 93-618

88 STAT. 2058

(2) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c) (1), such authority shall continue in effect with respect to any country for a period of 12 months following the end of the 18-month period referred to in subsection (c) (1), if, before the end of such 18-month period, the House of Representatives and the Senate adopt, by an affirmative vote of a majority of the Members present and voting in each House and under the procedures set forth in section 153, a concurrent resolution approving the extension of such authority, and such resolution does not name such country as being excluded from such authority. Such authority shall cease to be effective with respect to any country named in such concurrent resolution on the date of the adoption of such concurrent resolution. If before the end of such 18-month period, a concurrent resolution approving the extension of such authority is not adopted by the House and the Senate, but both the House and Senate vote on the question of final passage of such a concurrent resolution and—

Arts. p. 2006.

(A) both the House and the Senate fail to pass such a concurrent resolution, the authority granted by subsection (c) (1) shall cease to be effective with respect to all countries at the end of such 18-month period;

(B) both the House and the Senate pass such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 18-month period; or

(C) one House fails to pass such a concurrent resolution and the other House passes such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 18-month period.

(3) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c) (1), and at the end of the 18-month period referred to in subsection (c) (1) the House of Representatives and the Senate have not adopted a concurrent resolution approving the extension of such authority and subparagraph (A.) of paragraph (2) does not apply, such authority shall continue in effect for a period of 60 days following the end of such 18-month period with respect to any country (except for any country with respect to which such authority was not extended by reason of the application of subparagraph (B) or (C) of paragraph (2)), and shall continue in effect for a period of 12 months following the end of such 18-month period with respect to any such country if, before the end of such 60-day period, the House of Representatives and the Senate adopt, by an affirmative vote of a majority of the Members present and voting in each House and under the procedures set forth in section 153, a concurrent resolution approving the extension of such authority, and such resolution does not name such country as being excluded from such authority. Such authority shall cease to be effective with respect to any country named in such concurrent resolution on the date of the adoption of such concurrent resolution. If before the end of such 60-day period, a concurrent resolution approving the extension of such authority is not adopted by the House and Senate, but both the House and Senate vote on the question of final passage of such a concurrent resolution and—

(A) both the House and the Senate fail to pass such a concurrent resolution, the authority granted by subsection (c) (1) shall cease to be effective with respect to all countries on the date of the vote on the question of final passage by the House which votes last;

88 STAT. 2059

(B) both the House and the Senate pass such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 60-day period; or

(C) one House fails to pass such a concurrent resolution and the other House passes such a concurrent resolution which names such country as being excluded from such authority, such authority shall cease to be effective with respect to such country at the end of such 60-day period.

(4) If the President recommends under paragraph (1) the extension of the waiver authority granted by subsection (c)(1), and at the end of the 60-day period referred to in paragraph (3) the House of Representatives and the Senate have not adopted a concurrent resolution approving the extension of such authority and subparagraph (A) of paragraph (3) does not apply, such authority shall continue in effect until the end of the 12-month period following the end of the 18-month period referred to in subsection (c)(1) with respect to any country (except for any country with respect to which such authority was not extended by reason of the application of subparagraph (B) or (C) of paragraph (3) or subparagraph (B) or (C) of paragraph (3)), unless before the end of the 45-day period following such 60-day period either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 153, a resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 45-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 45-day period of a resolution disapproving the extension of such authority with respect to such country.

Waiver authority further extension.

(5) If the waiver authority granted by subsection (c) has been extended under paragraph (3) or (4) for any country for the 12-month period referred to in such paragraphs, and the President determines that the further extension of such authority will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendations shall—

(A) be made not later than 30 days before the expiration of such authority;

(B) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

(C) include, for each country with respect to which a waiver granted under subsection (c) is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless before the end of the 60-day period following such previous 12-month extension, either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 153, a

1975, p. 2006.

January 3, 1975

- 83 -

Pub. Law 93-618

48 STAT. 2080

resolution disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the adoption by either House before the end of such 60-day period of a resolution disapproving the extension of such authority with respect to such country.

THE JACKSON PROVISIONS ON "EAST-WEST TRADE AND FREEDOM OF EMIGRATION" ARE NOW INCORPORATED IN THE TRADE ACT OF 1974, WHICH WAS APPROVED BY THE CONGRESS ON DECEMBER 20, 1974.



# Congressional Record

PROCEEDINGS AND DEBATES OF THE 93<sup>d</sup> CONGRESS, SECOND SESSION

Vol. 120

WASHINGTON, FRIDAY, DECEMBER 13, 1974

No. 174

## Senate

### TRADE REFORM ACT OF 1974

**MR. JACKSON.** Mr. President, I call up my amendment No. 2066, and ask for its immediate consideration.

**MR. JACKSON.** Mr. President, it has been 2 years since I first offered an amendment to the trade bill conditioning eligibility for trade concessions on respect for the right to emigrate.

Mr. President, after a long and often difficult road, I am pleased that an agreement has been reached on emigration from the Soviet Union that should do much to advance the cause of human rights—to reaffirm on the part of the American people the commitment to individual liberty that has made this nation a symbol to men and women everywhere.

I believe that we have reached a fair and productive compromise. We have agreed upon an unprecedented measure to bring the blessings of liberty to those brave men and women who have asked only for the chance to find freedom in a new land. We have acted on behalf of those of all faiths, of all religions—on behalf of artists and dancers, workers and students, the educated and the uneducated.

The agreement we have reached, which is contained in an exchange of letters between myself and the Secretary of State and printed in the Senate Finance Committee report on the trade bill, should signal an end to the U.S.S.R.'s positive actions against persons wishing to emigrate. It provides that no unreasonable impediments will be placed in the way of persons wishing to emigrate. It stipulates that applications for emigration will be processed in order without discrimination on the basis of race, religion, national origin, professional status, or place of residence. It promises sympathetic and expeditious processing of hardship cases.

It provides that persons imprisoned, who, prior to their imprisonment, expressed an interest in emigrating will be given prompt consideration for emigration upon their release; and it states that sympathetic consideration may be given to the early release of these unfortunate persons.

The agreement is based on, and the Secretary's letter conveys, the assumption that the rate of emigration from the U.S.S.R. will begin to rise promptly from the 1973 level—and that it will continue to rise to correspond to the number of applicants. And as my letter to the Secretary states:

We would consider a benchmark—a minimum standard of initial compliance—to be the issuance of visas at the rate of 60,000 per annum; and we understand that the President proposes to use the same benchmark as the minimum standard of initial compliance.

If the agreement is implemented in good faith, the actual number will exceed 60,000 per annum since there is abundant evidence of a current backlog in excess of 130,000. New applications are submitted daily, and the agreement calls for the number to rise to correspond to the number of applicants.

The agreement provides that the Soviet leadership will give "sympathetic consideration and response" in the event that we have indications that these criteria and practices are not being applied.

In reaching this agreement, negotiated over the last several months, we have developed a set of guidelines appropriate for the purpose of determining whether eligibility for trade benefits extended to the U.S.S.R. should be continued beyond an initial period of 18 months. The understandings and interpretations, contained in my letter to the Secretary of State, have been accepted by the President as among the considerations to be applied by the President in assessing performance under this agreement. The two letters taken together are a tribute to the perseverance of my fellow Senators and Congressmen and the spirit of cooperation on this issue that we have enjoyed from the first days of the Ford presidency.

Mr. President, the trade bill that is now before the Senate incorporates language in title IV that places a number of restrictions on the extension of most-favored-nation treatment to nonmarket economies. Moreover, title IV as passed by the House and reported out of the Senate Finance Committee restricts the participation of nonmarket economies in programs of the Government of the United States that extend credits, credit guarantees, or investment guarantees. In the case both of credit programs and the extension of most-favored-nation treatment, title IV sets a simple standard: a recipient nonmarket economy may not deny its citizens the right or the opportunity to emigrate, nor can it impose more than nominal taxes, fees, levies, or fines on persons who wish to emigrate, or set a condition for obtaining an exit visa.

I describe the standard in title IV as simple, because there are no qualifying words or phrases that would authorize the President to extend MFN or credits to any nonmarket economy that denies a citizen the opportunity to emigrate or that imposes more than nominal charges in connection with emigration. I believe it is clear—and clearly understood in both the Congress and the executive branch—that under the provisions of title IV as passed by the House and affirmed by the Senate Finance Committee, no nonmarket economy covered by title IV could at present qualify for MFN or credits.

I believe, Mr. President, that it is important to understand the nature of the freedom of emigration language of title IV as passed by the House for two reasons: First, the restrictions in title IV have been incorporated in the trade bill now before us with respect to any country that does not qualify for a waiver of those restrictions under the conditions set forth in an amendment I propose to offer to title IV, amendment No. 2066. And, second, the freedom of emigration restrictions in title IV will continue to limit the authority of the President if the Congress, according to the procedures set forth in amendment No. 2066, should

vote to discontinue any waiver authority it might choose initially to enact.

#### SUMMARY OF THE AGREEMENT

The amendment was first introduced in the Senate—with 76 cosponsors—on October 4, 1972, in connection with the East-West Trade Relations Act, a measure which would have granted the President the authority to grant MFN tariff treatment to nonmarket economy countries not yet enjoying the privilege. Following the Soviet-American trade agreement of October 18, 1973, the administration decided to seek this authority in title IV of the omnibus trade reform legislation—then designated H.R. 6767—introduced in the House of Representatives. My colleagues will recall that, on April 10, 1973, the amendment was then reintroduced in the Senate, to be taken up whenever the Senate acted on the trade bill. I would like at this point to include for the Record the names of the 76 Senate cosponsors of the Jackson amendment:

*COSPONSORS OF JACKSON AMENDMENT OF EAST-WEST TRADE AND FREEDOM OF EMIGRATION*

*(Introduced to the Trade Reform Act on April 10, 1973)*

Mr. Jackson, Mr. Ribicoff, Mr. Magnuson, Mr. Javits, Mr. Buckley, Mr. Gurney, Mr. Roth, Mr. Hollings, Mr. Humphrey, Mr. Dale, Mr. Packwood, Mr. Percy, Mr. Kennedy, Mr. Tamm, Mr. Williams, Mr. Roth, Mr. Hugh Scott, Mr. Hart, Mr. Allen, Mr. Baker, Mr. Bentsen, Mr. Bursum, Mr. Erlen, Mr. Erlen, Mr. Ewell, Mr. Ewell, Mr. Henry F. Byrd, Jr., Mr. Robert C. Byrd, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Cook, Mr. Corson, Mr. Cranston, Mr. D'Amico, Mr. Dornan, Mr. Eagleton, Mr. Evans, Mr. Fong, Mr. Goldwater, Mr. Gravel, Mr. Hansen, Mr. Hart, Mr. Kersten, Mr. Kasten, Mr. Malone, Mr. Rostenkowski, Mr. Harkin, Mr. Inoué, Mr. Johnston, Mr. Long, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mitchell, Mr. Monrath, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Nease, Mr. Packer, Mr. Pelt, Mr. Proxmire, Mr. Rands, Mr. Schweiker, Mr. Sparkman, Mr. Stennis, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Talmadge, Mr. Thurmond, Mr. Tower, Mr. Wicker, Mr. Young.

A companion measure, with Congressman CHARLES A. VAWTER, of Ohio, as the principal cosponsor, was introduced in the House of Representatives.

There can be no question, Mr. President, about the intent of the Congress in its subsequent deliberations concerning title IV. The House-passed language was approved December 11, 1973, by a vote of 319 to 80, a clear and decisive result. I believe that when the history of this congressional initiative comes to be written, the cosponsors of this legislation will be able to look with satisfaction upon their determined and principled fidelity to our own highest values and the practical effectiveness of linking the legislative process to uphold and defend these values where they have been threatened.

As my colleagues know, the administration flatly opposed, and organized an abortive but prolonged effort to defeat, the freedom of emigration restrictions now incorporated in the bill before us.

The wide gulf that separated the Congress from the administration on the issue of how best to encourage free emigration from the Soviet Union and other nonmarket economies began to narrow early this year when the administration reconciled itself to the need for compromise. By that time more than a year had been lost during which the repeated and articulated willingness of the congressional sponsors of the freedom of emigration amendment to discuss alternatives to a lengthening impasse had been greeted, not by negotiation, but by confrontation.

Only after a change in administration policy that resulted in the first reluctant approach from the administration early this year did negotiations aimed at the reconciliation reflected in amendment No. 2000 get underway. Early this year I put forward a proposal setting forth the general outlines along which a compromise aimed at breaking the deadlock between the two branches of Government might be negotiated. At each subsequent exchange the congressional sponsors of the freedom of emigration amendment made every effort to expedite the agreement that was ultimately reached on October 18, 1974—more than 2 years after the Jackson amendment was originally proposed and more than 6 months after the first submission to the administration of my proposal to reconcile our differences.

#### THE COURSE OF NEGOTIATIONS

With this background, I wish to comment on my exchange of letters with Secretary of State Kissinger—an exchange finalized, after detailed negotiation, on October 18, 1974.

The two letters that constitute this exchange are integrally related to each other. The agreement between the administration and the Congress contained in these letters can neither be understood nor interpreted by reference to either letter alone. At every stage of the deliberations that produced the compromise of October 18 the subject matter of the two letters was under consideration. The agreed text of these letters was developed in concert after much give-and-take on both sides. I emphasize this point because the Congress, at the end of the 18-month waiver of the freedom of emigration restrictions contained in title IV, will have to consider whether Soviet performance pursuant to the undertakings and interpretations in those letters warrants a further extension of the President's authority to waive sections (a) and (b) of section 402. Moreover, I believe it is essential if we are to make the sort of progress toward the objective of free emigration that is envisioned in this exchange that the Soviets understand the basis upon which the Congress will evaluate the implementation of the agreement of October 18.

Broadly speaking, Mr. President, the letter written by Secretary of State Kissinger on behalf of the administration conveys assurances that he has received from Secretary Brezhnev, Foreign Minister Gromyko, and Ambassador Dobrynin as to the criteria and practices that will henceforth govern emigration from the Soviet Union. As Secretary Kissinger has pointed out, these assurances do not take the form of a formal agreement between the United States and the Soviet Union. But the assurances in Secretary Kissinger's letter are no less solemn, no less binding, and no less significant, because of the form in which they have been conveyed from Soviet representatives to President Ford and Secretary Kissinger and from President Ford and Secretary Kissinger to the Congress.

The assurances conveyed in Secretary Kissinger's letter are broad and inclusive. Thus, our Government has been assured that punitive actions against individuals seeking to emigrate from the U.S.S.R. will "not be permitted by the Government of the U.S.S.R." Included among the punitive actions that will not be permitted are "various kinds of intimidation or reprisal," among which three examples are specifically indicated: the firing of a person from his job, his demotion to tasks beneath his professional qualifications, and his subjection to public or other kinds of discrimina-

tion. Clearly these three examples do not begin to exhaust the list of past or potential punitive actions. The use of the term "various kinds of intimidation or reprisal" makes it plain that all such devices aimed at discouraging individuals from emigrating through punitive means will not be permitted.

#### "PUNITIVE ACTIONS"

In order to identify further what is intended under the heading of "various kinds of intimidation or reprisal," my letter to Secretary Kissinger of October 18, 1974, includes the following passage:

It is our understanding that the punitive actions, intimidation or reprisals that will not be permitted by the government of the U.S.S.R. include the use of punitive conscription against persons seeking to emigrate, or members of their families; and the bringing of criminal actions against persons in circumstances that suggest a relationship between their desire to emigrate and the criminal prosecution against them.

This paragraph was incorporated in the exchange of letters because punitive conscription and trumped-up criminal proceedings have frequently been employed as "punitive actions," within the meaning of the phrase in Secretary Kissinger's letter, to discourage or prevent emigration. Without this understanding as a part of our correspondence—as well as the several others in my letter—I could not have consented to offer amendment No. 2000.

There is, however, an important distinction to be drawn between Secretary Kissinger's letter to me and mine to him: it is this: The Soviet authorities limited their specific assurances to those contained in Secretary Kissinger's letter to me. The interpretations of those assurances in my letter to Secretary Kissinger, while integral to the compromise and firmly rooted in the language in Secretary Kissinger's letter, are in the form of an agreement between the administration and the Congress. They will form the basis on which Congress will exercise its review authority and on which the administration will base its representations to the Soviets in the course of implementing the agreement and its recommendations to the Congress for any further waiver of the provisions of sections (a) and (b) of Section 402.

One could well argue, Mr. President, that the interpretations and understandings in my letter to Secretary Kissinger are, in several instances, redundant—clearly punitive conscription constitutes "punitive action" and punitive action is clearly ruled out by Secretary Kissinger's letter to me. The same might be said of the bringing of criminal actions against persons wishing to emigrate. The second paragraph of my letter to Secretary Kissinger is an elaboration of the substance of the understanding therein: I felt it desirable, in several instances, to add a measure of specificity to the exchange of letters so as to minimize the likelihood of disagreement between the Congress and the administration at some future date. There is no question, Mr. President, that the action taken against Alexander Feldman in sentencing him to jail last year was utterly inconsistent with the understanding we have achieved and with the assurances conveyed in Secretary Kissinger's letter as well as my letter of response. I cite this as one example because it is so blatant, and because it is precisely the sort of behavior to which I have reference in the second paragraph of my letter.

#### "NATIONAL SECURITY"

Mr. President, there is an additional point in my letter to Secretary Kissinger that warrants special attention. This point has to do with the interpretation of the fifth paragraph of Secretary Kissinger's letter in which he writes:

We are informed that there are limitations on emigration under Soviet law in the case of individuals holding certain security clearances, but that such individuals who desire to emigrate will be informed of the date on which they may appear to become eligible for emigration.

In order to interpret this provision it is necessary to refer to paragraph four of Secretary Kissinger's letter and to paragraph four of my letter. Paragraph four of Secretary Kissinger's letter states

that—

No unreasonable or unlawful impediments will be placed in the way of persons desiring to make application for emigration . . . including (necesses) frequently employed in the past.

Among the obstacles "frequently employed in the past" is the denial of visa applications on the grounds of national security. Paragraph four of my letter seeks to make this clear and explicit:

We understand that the special regulations to be applied to persons who have had access to genuinely sensitive classified information will not constitute an unreasonable impediment to emigration. In this connection we would expect such persons to become eligible for emigration within three years of the date on which they last were exposed to sensitive and classified information.

It is clear that Congress and the administration have agreed that "national security" will not be employed as an obstacle, an excuse, a subterfuge to circumvent the provision against unreasonable impediments, and we have agreed that the criterion to be applied in judging this is "access to genuinely sensitive classified material." In no event would "national security" justify detaining for more than 3 years a person who has had access even to "genuinely sensitive classified material" after the date on which he was last exposed to such sensitive and classified information. Without this understanding no compromise would have been possible, because the excuse of national security has become the most common device by which applications to emigrate are denied. I know that my colleagues would wish to have this clearly stated prior to any vote to affirm the grant of waiver authority in amendment No. 2000.

#### THE RATE OF EMIGRATION

Although I referred earlier to the issue of the number of visas that we expect to flow from this agreement, there has been sufficient confusion in the press on this matter to justify some further comment. The basic understanding on numbers of visas is contained in paragraph nine of Secretary Kissinger's letter. According to paragraph 9:

The rate of emigration from the U.S.S.R. would begin to rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants.

Thus we anticipate both an immediate increase to the 1973 rate of around 35,000 per year followed, with the implementation of the practices and procedures set forth in Secretary Kissinger's letter and my response, by a continuing increase until the number of visas corresponds to the number of applicants. In other words, as we move into implementation of the agreement, we would expect that if there are 75,000 applicants there will be 75,000 visas, if there are 100,000 applicants there will be 100,000 visas, and so on. The number of visas can thus be determined only by the number of applicants.

In reporting the trade legislation for the Senate's consideration, the Committee on Finance stated the following:

It is the Committee's understanding that the "Freedom of Emigration" amendment in the bill is intended to encourage free emigration of all people from all communist countries (and not be restricted to any particular ethnic, racial, or religious group from any one country).

This proper explanation of the purpose of the amendment is underscored in Secretary Kissinger's letter to me, in which he conveys the Soviet assurance that—

Applications for emigration will be processed in order of receipt, including those previously filed, and on a nondiscriminatory basis as regards the place of residence, religion, national origin and professional status of the applicants.

The report of the Finance Committee also states:

Each communist country which enters into a bilateral commercial agreement with the United States will be expected to provide reasonable assurances that freedom of emigration will be a realistic goal.

This expectation is given the force of law in amendment No. 2000, where it is expressly provided that the waiver au-



thority can be used only after the President has received the appropriate assurance. The only country which has thus far conveyed such assurance is the Soviet Union. It is obvious therefore that, before the President can waive the provisions of sections (a) and (b) of section 402 and grant MFY tariff treatment and eligibility for U.S. Government credits or credit guarantees to any other nonmarket economy country, understandings—appropriately comparable to those reached with the Soviet Union—must be mutually agreed upon.

The following cases represent but a fraction of the number of individuals directly affected by title IV of the trade legislation. The circumstances and background of these individuals are diverse indeed, but whatever their national and religious heritage, whatever moves them to seek to emigrate, they are affected equally by what Congress and the administration have done—and will continue to do—to realize the objectives of title IV:

**Stanislav Kashtibay**, who married an American citizen in Moscow in June 1974, is being detained by Soviet authorities in his efforts to make application to emigrate. His wife, a resident of my home state of Washington, is expecting their first child in three months and is anxious to have her husband with her.

**Vikaly Rubin**, a 51-year old Soviet specialist in ancient Chinese philosophy, was forced to leave his teaching post, as was his wife, when they applied to emigrate. During the almost three years since Rubin first applied, he has been threatened with prosecution, and harassed by the KGB. Rubin still lives in constant jeopardy.

**Wladimir Roman**, a Massachusetts-born American citizen who was taken to Russia as an infant in the 1880's by his Russian immigrant parents, has been unable to secure permission from the Soviet government to return to the United States with his wife and child. His American brother and other relatives in the United States have stepped up their efforts in his behalf over the past three years, but without success.

**Felicitia Valanets** of Vilnius, Lithuania, was separated from her husband during World War II under tragic circumstances. Her husband, Kazimierz Paulius, made his way to the United States and has been an American citizen since 1944. They both had given up their efforts to be reunited in the United States despite the repeated refusals of Soviet authorities to grant Mrs. Valanets an exit visa. As Mr. Paulius wrote to me in a recent letter, "we still have many dreams."

**Dr. Imma Fortinadze**, a well-known ophthalmologist, his wife, and daughter, applied to emigrate to Israel more than two years ago. Since applying he has been deprived of his position, and his wife and daughter have been imprisoned for a time. The family is still in November, unable to obtain an exit visa.

**Maria Jureviciene**, a Lithuanian woman who is seeking exit permission for herself and her 11-year-old daughter to join her husband in the United States, has been forced to give up her employment as a librarian and has been warned by Soviet authorities that she will receive a one-year prison term if she persists in her requests to emigrate. Her husband, formerly a professor at the State Conservatory of Music in Vilnius, Lithuania, escaped to the West in May 1974 and is now a resident of Chicago.

**Mart Amsel**, a 48-year old physicist, applied to emigrate to Israel two years ago. He was then forced to resign his research post and forfeit his salary; his writings have been banned from Soviet scientific journals and his books withdrawn from Soviet libraries. Professor Amsel has been invited to teach at the University of Washington. He still awaits approval of his application to leave the USSR.

Secretary Kissinger explained in his recent testimony to the Senate Committee on Finance that with respect to the Eastern European countries, our Government has already entered into discussions with Romania with a view toward securing assurances which would qualify Romania for the conditional waiver under amendment No. 2000. I would like to stress that in addition to several thousand Romanian Jews who are known to wish to emigrate to Israel, there are many other Romanians who are also waiting for permission to emigrate to Western nations, and among them several hundred who are seeking to be reunited with families in the United States. One such case involves Karin and Jacqueline-Zoe Mironescu of Bucharest, the wife and 8-year-old daughter of Stefan Mironescu, an em-

ployee of the American National Red Cross who came to the United States in 1972 and is a permanent resident. Despite numerous efforts on behalf of his family—including representations by the American National Red Cross—the Romanian Government is still refusing to grant them exit permits. Mr. Mironescu began a hunger strike in Washington, D.C., earlier this week. Another particular hardship case concerns the Massone family in Timisoara, Romania, who have been seeking in vain to join their American relatives here for 3 years. New representations have been made to the Romanian Government in their behalf in light of a serious illness in their American family, but so far in vain.

**THE QUESTION OF BAD FAITH**

Mr. President, this agreement which I believe to be a great step forward in the enduring struggle for human rights, can only operate in the interest of improved United States-Soviet relations if it is implemented in good faith. I pray that this will prove to be the case. Obviously the opportunities for bad-faith circumvention are numerous. No agreement can be drafted to prevent the maneuverings associated with bad faith.

If the Soviets fail to live up to the letter and the spirit of this agreement the basis of trust and confidence that is essential to the whole range of our relations will be destroyed. We will be watching closely—not just at the days and weeks preceding the expiration of the 18-month waiver, but day by day from this moment on. Violations of the spirit or the letter of this agreement in the early days cannot be compensated for with belated compliance later. The record of the whole period will be before the Senate 18 months from now.

**AMENDMENT NO. 2000**

Mr. President, consistent with the understanding that has been achieved, I call up my amendment No. 2000. This amendment, which permits section (a) and (b) of section 402 to be waived under certain conditions, has the following principal features:

Beginning with the date of enactment of the bill, the President has authority to waive requirements of Section 402 for 18 months for any country after he has received assurance that the emigration practices of that country will lead substantially to the achievement of the objectives of section 402. It is understood that the President will inform the Congress of his expectations, based on the assurances received, of how the emigration practices of that country will, during the period of the waiver, lead substantially to the achievement of the objectives of section 402.

Eighteen months after the date of enactment of the bill, the waiver may be renewed upon the adoption of a concurrent resolution extending the authority for 1 year. If an extension is desired, a request shall be made by the President no later than 30 days prior to expiration of the 18-month period.

In the event that the Congress has not voted on a resolution of approval by the end of the 18-month period, the waiver authority will be extended for up to 60 days after the end of the 18-month period to permit the Congress additional time to act on the concurrent resolution. If the vote on the resolution of approval fails in both Houses, the waiver authority expires.

In the event that Congress within 60 days after the expiration of the 18-month period does not adopt or disapprove a concurrent resolution on the issue of extending the authority, the authority will nevertheless continue in force unless either House of Congress—within 45 calendar days of the expiration of the 60-day period—passes a simple resolution of disapproval of the continuation of the waiver authority.

The waiver may be further extended by Executive order at 1-year intervals upon a Presidential determination and report to Congress that such extension will substantially promote the objectives of section 402, provided that neither House of Congress—within 60 calendar days of the issuance of the Executive order—adopts a resolution of disapproval of the extension.

The statutory language permits the concurrent resolution of the simple reso-

lution of disapproval to exclude one or more countries from the extensions of the waiver authority. Resolutions may be amended to include or exclude any particular country.

Finally, any extension of waiver authority will not apply to any country which has been excluded in a concurrent resolution or in a resolution of either House.

Mr. President, I cannot conclude my remarks without first expressing my deep appreciation to the 78 Members of the U.S. Senate who cosponsored the amendment. May I just say that their support played an invaluable part in the negotiating process which, I think, will be historic if the Russians show good faith and if they comply.

Mr. President, I want to single out two Senators, the senior Senator from Connecticut (Mr. RUSSELL) and the senior Senator from New York (Mr. JAVRS), who participated in the negotiations over a long period of time with the Secretary of State and, finally, with President Ford. Their help meant the difference, in my judgment, in working out the kind of agreement that is now before the Senate. Their counsel, their advice, their support was, as I said, invaluable.

Over on the House side Congressman VANCE showed great and effective leadership. His task was the pioneering task in the Ways and Means Committee and then again on the floor of the House of Representatives.

Through his able leadership, with the support of other of our colleagues in the House, the House was able to pass the amendment by an overwhelming margin, which made our task in the Senate a lot easier.

So I want to acknowledge the support, the tremendous support, of my two colleagues in the Senate, and the able Congressman from Ohio, Mr. CHARLES VANCE, a member of the Ways and Means Committee, for his role in the House of Representatives.

Now, Mr. President, I would like to include in the Record the exchange of letters, dated October 12, 1974, between myself and Secretary of State Henry A. Kissinger.

In addition, I would like to include an open letter to Congress by Andrei Sakharov which had been placed in the Record earlier but should be placed in the Record again at this point. It was dated September 14, 1973. It was and is a courageous and historic statement.

I would then like to include a statement to the Finance Committee by Hans J. Morgenthau in connection with his appearance before that committee, a statement on non-favored-nation status by Bishop James S. Rausch, general secretary of the U.S. Catholic Conference, and a series of editorials. I ask unanimous consent to include this material in the Record at this point.

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

**EXCHANGE OF LETTERS BETWEEN SECRETARY OF STATE AND SENATOR JACKSON**

October 12, 1974.  
 DEAR SENATOR JACKSON: I am writing to you, as the sponsor of the Jackson Amendment, in regard to the Trade Bill (H.R. 10710) which is currently before the Senate and in whose early passage the administration is deeply interested. As you know, Title IV of that bill, as it emerged from the House, is not acceptable to the administration. At the same time, the administration respects the objectives with regard to emigration from the U.S.S.R. that are sought by means of the stipulations in Title IV, even if it cannot accept the means employed. It remains in particular your own leadership in this field.

To advance the purposes we share both with regard to passage of the trade bill and to emigration from the U.S.S.R., and on the basis of discussions that have been conducted with Soviet representatives, I should like on behalf of the administration to inform you that we have been assured that the following criteria and practices will henceforth govern emigration from the U.S.S.R.

First, punitive actions against individuals seeking to emigrate from the U.S.S.R. would be violations of Soviet law and regulations and will therefore not be permitted by the government of the U.S.S.R. In particular, this applies to various kinds of intimidation or reprisal, such as, for example, the firing of a person from his job, his denunciation to train beneath his professional qualifications, and his subjection to public or other kinds of reprimand.

Second, no unreasonable or unjustified impediments will be placed in the way of persons desiring to make application for emigration, such as interference with travel or communications necessary to complete an application, the withholding of necessary documentation and other obstacles including kinds frequently employed in the past.

Third, applications for emigration will be processed in order of receipt, including those previously filed, and on a nondiscriminatory basis as regards the place of residence, race, religion, national origin and professional status of the applicant. Concerning professional status, we are informed that there are limitations on emigration under Soviet law in the case of individuals holding certain security clearances, but that such individuals who desire to emigrate will be informed of the date on which they may expect to become eligible for emigration.

Fourth, hardship cases will be processed sympathetically and expeditiously; persons imprisoned or held prior to emigration will be given prompt consideration for emigration upon their release; and sympathetic consideration may be given to the early release of such persons.

Fifth, the collection of the so-called emigration tax on emigrants which was suspended last year will remain suspended.

Sixth, with respect to all the foregoing points, we will be in a position to bring to the attention of the Soviet leadership individuals that we may have had these criteria and practices being applied. Our recommendations, which would include but not necessarily be limited to the precise matters enumerated in the foregoing points, will receive sympathetic consideration and response.

Finally, it will be our assumption that with the application of the criteria, practices, and procedures set forth in this letter, the rate of emigration from the U.S.S.R. would begin to rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants.

I understand that you and your associates have, in addition, certain understandings incorporated in a letter dated today respecting the foregoing criteria and practices which will henceforth govern emigration from the U.S.S.R. which you wish the President to accept as appropriate guidelines to determine whether the purposes sought through Title IV of the Trade Bill and further specified in our exchange of correspondence in regard to the emigration practices of non-market or non-free countries are being fulfilled. You have submitted this letter to me and I wish to advise you on behalf of the President that the understandings in your letter will be among the considerations to be applied by the President in exercising the authority provided for in Sec. 402 of Title IV of the Trade Bill.

I believe that the contents of this letter represent a good basis, consistent with our shared purposes, for proceeding with an acceptable formulation of Title IV of the Trade Bill, including procedures for periodic review, so that normal trading relations may go forward for the mutual benefit of the U.S. and the U.S.S.R.

Best regards,

Henry A. Kissinger.

October 12, 1976.

Dear Mr. Secretary: Thank you for your letter of Oct. 12 which I have now had an opportunity to review. Subject to the further understandings and interpretations outlined in this letter, I agree that we have achieved a suitable basis upon which to modify Title IV by incorporating within it a provision that would enable the President to waive objections designated (a) and (b) in Sec. 402 of Title IV as passed by the House in circumstances that would substantially promote the objectives of Title IV.

It is our understanding that the punitive actions, intimidation or reprisals that will not be permitted by the government of the U.S.S.R. include the use of punitive conscription against persons seeking to emigrate, or members of their families; and the wounding of criminal victims against persons in circumstances that suggest a relationship between their desire to emigrate and the criminal prosecution against them.

Second, we understand that among the unreasonable impediments that will no longer be placed in the way of persons seeking to emigrate is the requirement that such applicants receive the permission of their parents or other relatives.

Third, we understand that the special regulations to be applied to persons who have had access to previously sensitive classified information will not constitute an unreasonable impediment to emigration. In this connection, we would expect such persons to become eligible for emigration within three years of the date on which they last were

<sup>1</sup> Statutory language authorizing the President to waive the restrictions in Title IV of the Trade Bill under certain conditions will be added as a new (and as yet undesignated) subsection.

exposed to sensitive and classified information.

Fourth, we understand that the actual number of emigrants would rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants, and may therefore exceed 60,000 per annum. We would consider a benchmark—a minimum standard of initial compliance—to be the issuance of visas at the rate of 60,000 per annum; and we understand that the President proposes to use the same benchmark as the minimum standard of initial compliance. Until such time as the actual number of emigrants corresponds to the number of applicants the benchmark figure will not include categories of persons whose emigration has been the subject of discussion between Soviet officials and other European governments.

In agreeing to provide discretionary authority to waive the provisions of subsections designated (a) and (b) and Sec. 402 of Title IV as passed by the House, we share your anticipation of good faith in the implementation of the assurance contained in your letter of Oct. 12 and the understandings conveyed by this letter. In particular, with respect to paragraphs three and four of your letter we wish it to be understood that the enumeration of types of punitive action and unreasonable impediments is not and cannot be considered comprehensive or complete, and that nothing in this exchange of correspondence shall be construed as permitting types of punitive action or unreasonable impediments not enumerated therein.

Finally, in order adequately to verify compliance with the standard set forth in these letters, we understand that communication by telephone, teletype and post will be permitted.

Sincerely yours,

Henry M. Jackson.

OPEN LETTER TO THE GOVERNMENT OF THE UNITED STATES FROM ALEXANDER SAKHAROV

Moscow, September 14, 1973.

At a time when the Congress is debating fundamental issues of foreign policy, I consider it my duty to express my view on one such issue—the protection of the right to freedom of residence within the country of one's choice. That right was proclaimed by the United Nations in 1948 in the Universal Declaration of Human Rights.

If every nation is entitled to choose the political system under which it wishes to live, this is true all the more of every individual person. A country whose citizens are deprived of this natural right is one where even if there were not a single citizen who would want to exercise that right.

But, as you know, there are tens of thousands of citizens in the Soviet Union—Jews, Germans, Russians, Ukrainians, Lithuanians, Armenians, Estonians, Latvians, Turks and members of other ethnic groups—who want to leave the country and who have been seeking to exercise this right for years and for decades at the cost of endless difficulty and humiliation.

You know that prisons, labor camps and mental hospitals are full of people who have sought to exercise this legitimate right.

You surely know the name of the Lithuanian, Simon A. Kusnieks, who was handed over to the Soviet authorities by an American vessel, as well as the names of the detainees in the tragic 1970 hijacking trial in London. You know about the victims of the Berlin Wall.

There are many more lesser known victims. Remember them, too!

For decades the Soviet Union has been developing under conditions of an intolerable isolation, bringing with it the ugliest consequences. Even a partial preservation of these conditions would be highly perilous for all mankind, for international confidence and détente.

In view of the foregoing, I am appealing to the Congress of the United States to give its support to the Jackson Amendment, which represents in my view and in the view of its sponsor an attempt to protect the right of emigration of citizens in countries that are entering into new and tripartite relations with the United States.

The Jackson Amendment is made even more significant by the fact that the world is only just entering a new course of detente and it is therefore essential that the proper direction be followed at the outset. This is a fundamental issue, extending far beyond the question of emigration.

Those who believe that the Jackson Amendment is likely to undermine anyone's personal or governmental prestige are wrong. Its provisions are minimal and not demanding.

It should be no surprise that the democratic press can add its voice to the actions of public figures who negotiate without admitting the possibility of such an amendment. The amendment does not represent interference in the internal affairs of socialist countries, but simply a defense of international law, without which there can be no mutual trust.

Adoption of the amendment therefore cannot be a threat to Soviet-American rela-

tions. All the more, it would not imperil international detente.

There is a particular stiffness in objections to the amendment that are founded on the alleged fear that its adoption would lead to outbreaks of anti-Semitism in the U.S.S.R. and hinder the emigration of Jews.

Here you have total confusion, either deliberate or based on ignorance about the U.S.S.R. It is as if the emigration issue affected only Jews. As if the situation of those Jews who have vainly sought to emigrate to Israel was not already tragic enough and would become even more hopeless if it were to depend on the democratic attitudes and on the humanity of OVIE (the Soviet visa agency). As if the techniques of "quiet diplomacy" could help anyone, beyond a few individuals in Moscow and some other cities.

The abandonment of a policy of principle would be a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall.

Such a denial would lead to stronger repercussions on ideological grounds. It would be tantamount to total capitulation of democratic principles in face of blackmail, deceit and violence. The consequences of such a capitulation for international confidence, detente and the entire future of mankind are difficult to predict.

I express the hope that the Congress of the United States, reflecting the will and the traditional love of freedom of the American people, will realize its historical responsibility before mankind and will find the strength to rise above temporary partisan considerations of commercialism and prestige.

I hope that the Congress will support the Jackson Amendment.

(signed) A. SAKHAROV.

September 14, 1973.

MEMORANDUM TO THE FINANCE COMMITTEE OF THE U.S. SENATE

(By Hans J. Morgenthau, Leonard Davis Distinguished Professor of Political Science, City College of the City University of New York, Chairman, Academic Committee on Soviet Jewry, April 10, 1974)

A rational consideration of trade between the United States and the Soviet Union must start from the premise that from the very beginning of its history the Soviet Union has regarded foreign trade as being inseparable from foreign policy. It has regarded foreign trade as a weapon of Soviet foreign policy, as Lenin put it in 1921:

"The capital of the entire world and these governments, in the rush of conquering Soviet markets, will close their eyes to the above mentioned realities, and will thus become blind deaf mutes. They will open credits which will serve as a support for the Communist Party in their countries and will provide us with essential materials and technology thus ensuring our military industry, essential for our future victorious attacks on our support. Speaking otherwise, they will be working to prepare their own straits."

In 1922, Stalin voiced his confidence in the words of Werner, businessman as an instrument through which the Soviet Union would be made strong enough for its final triumph. Khrushchev was equally explicit in 1967. What I said in my testimony before the Senate Foreign Relations Committee in February, 1968, applies today:

"The leaders of the Soviet Union have consistently laid the greatest emphasis upon the expansion of foreign trade. They have not tried to emphasize what foreign trade can do for private profits and international peace. They have consistently shown a particular interest in whole industrial plants rather than manufactured goods. But the Russian leaders are not Manchester liberals. They have wanted foreign trade not for the commercial purposes our businessmen want it for, but in order to gain the political strength necessary to achieve the universal triumph of Communism. . . . I am not arguing here against Western trade with Communist nations per se. I am only arguing in favor of the proposition that foreign trade has a different meaning for Communist nations than it has for us. Trade with Communist nations is a political act which has political consequences. It is folly to trade, or for that matter to refuse to trade, with Communist nations without concern for these political consequences."

There is, therefore, nothing extraordinary in making benefits in foreign trade dependent upon political considerations on the part of nations whose foreign trade policies serve political purposes altogether. Such a linkage is dictated by common sense unless we want to make sure that Lenin's, Stalin's, and Khrushchev's expectations come true. The only legitimate question to be asked concerns the expediency of the political conditions proposed in the so-called Jackson amendment.

The expediency of the Jackson Amendment has been attacked before this committee on three major grounds: that it increases the risk of nuclear war, that it causes the complete cessation of Jewish emigration from the Soviet Union, and that it tries to interfere with the domestic affairs of

the Soviet Union. These arguments are assembling both in themselves and in view of their eminent source.

It can be taken as common knowledge that nuclear war between the two superpowers has been avoided not by virtue of what a particular diplomatic maneuver accomplished or avoided but because of the nuclear balance of power between the United States and the Soviet Union and because of the remarkable self-restraint with which both superpowers have managed conflicts between them.

The second argument assumes that the emigration policy of the Soviet Union is a mere reflection of United States foreign policy. There is no evidence for such an assumption. It is of course true that the Soviet government is most sensitive to foreign and particularly American opinion and that it will therefore try to avoid antagonizing that opinion unless it feels it must heed overriding interests to the contrary. Based upon that argument, a case could indeed be made in support of the Jackson Amendment, with a message of disapproval is unmistakable. However, determining the Soviet emigration policy are of course considerations of domestic policy, the most important of which is that the Soviet Union does not mind getting rid of certain categories of troublemakers and unreliable elements and supposedly unreliable elements regardless of what the United States does or does not do.

The Jackson Amendment does not seek a change in the domestic regime of the Soviet Union. It does not try to introduce, for instance, parliamentary democracy or freedom of speech into the Soviet system. Rather it attempts to give the Soviet Union an incentive to comply with certain fundamental requirements recognized by the Soviet Union itself as legally binding and which have become one of the tests of civilized government.

International peace and order are a function of the balance of power—that is, of an approximately equal distribution of power among several nations or a combination of nations, preventing any one of them from gaining the upper hand over the others. It is this approximate, tenuous equilibrium that provides whatever peace and order exists in the world of nations-nations.

But the equilibrium does not operate mechanically, as the "balance" metaphor would seem to indicate. Rather, it requires a consensus among the nations involved in favor of the maintenance—or, if it should be disturbed, of the restoration—of the balance of power. In other words, the dynamics of the arrangement are embedded in a moral framework without which, in the long run, it cannot operate. The participants must give their moral approval, in theory and more importantly in practice, to the principles of the balance of power itself in order to make it work.

What makes certain domestic policies of the Soviet government a matter of vital concern to the outside world is its refusal to become part of a moral consensus that is the balance for the balance of power, and which would make genuine detente not only possible but well-nigh inevitable. Were the Soviet Union part of such a system, one would indeed not need to carp on political grounds about how autocratic and despotic its government might be. But as long as the Soviet Union remains outside such a system, at best indifferent and at worst hostile to it, the rest of the world has a vital interest in certain of its domestic policies. If the Kremlin shows totalitarian practices by allowing its people a modicum of freedom of movement, it would be taking the first step toward joining and in a sense re-creating a system that would itself be a manifestation of detente and provide the moral framework for the balance of power.

Thus our interest in the totalitarian excesses of the Soviet government is not unwarranted meddling in the affairs of another sovereign nation in a misguided spirit of liberal reform. Nor does it merely express a humanitarian concern or serve to placate public opinion at home. Foremost, it is in the service of the basic interest which the United States and the Soviet Union have in common: survival in the nuclear age through a viable balance of power and genuine detente.

— September 4, 1974.

Statement Released May-Pavlov-Narveson Bureau  
(Bishop James S. Hanson, General Secretary, United States Catholic Conference)

The June 13, 1973 Congressional testimony by the United States Catholic Conference on U.S. overseas trade acknowledged the need for Congress to address "a host of thorny, economic issues," including "the new opening of East-West trade and the related question of most-favored-nation status." The purpose of this statement is to develop the USCC position on this thorny issue.

The recent moves by the United States and the Soviet Union to improve and normalize

relations between them may make a significant contribution to a peaceful future. It is expected that the projected exchanges in commercial, scientific and cultural affairs will contribute significantly to the erosion of hostilities between the two nations. Any such action by two powerful "antagonists" has a favorable impact on the total world community.

In addition, however, such overtures will also have impact on the internal affairs of the United States and the Soviet Union as is always the case between trading nations. Because of the magnitude of U.S. involvements globally, our impact on the affairs of other nations is especially great. The United States is obliged to consider the use of power carefully, pursuing her own interests always in the context of the international common good.

As the American Bishops pointed out in their recent Resolution of the Twenty-fifth Anniversary of the Universal Declaration of Human Rights:

"Internationally, the pervasiveness of American power creates a responsibility of using that power in the service of human rights. The link between our economic assistance and regions which utilize torture, deny legal protection to citizens and detain political prisoners without due process is a question of conscience for our government and for each of us as citizens in a democracy."

Consistent with this position, the United States Catholic Conference supported the re-establishment by the United States of the UN approved sanctions against Rhodesian chrome ultimately to cause the white racist regime in Rhodesia to change its policies and guarantee the human rights of the blacks in that country.

By urging the adoption of such measures, it is not suggested that the United States must renounce the internal affairs of all the nations with whom we have relationships—the nation's actions must be appropriate to the conditions and the situation, and not merely be arbitrary, indiscriminate or punitive. By supporting such policies as are clearly intended to promote universal human rights, where these rights are blatantly denied, the United States sets responsibly in the world community.

The current debate about granting most-favored-nation status to the Soviet Union must be examined in this light. The Soviet Union has a long record of alleged practices of repression of its own society and especially against members of Russia's academic, scientific and literary community. Continued efforts in Russia to restrict its citizens' contacts with foreigners are also disturbing.

Most disturbing is the Soviet Union's persistence in violating certain basic human rights which are clearly explicated in the Universal Declaration to which it was a ratifying nation. Specifically, Article 18 states that "everyone has the right to freedom of thought, conscience and religion; this includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Despite this declared guarantee, it is repeatedly alleged that in the Soviet Union "restrictions on religious freedom are steadily enforced and violations are often subject to severe penalties" (UNHCR 9-3-73). Similarly, the practice of religious freedom continues to be in serious jeopardy in many Eastern European countries.

In addition, Article 13 of the Universal Declaration states: "Everyone has the right to leave any country, including his own, and to return to his country." Here again, the Soviet record is appalling. Thousands of Jews, as well as non-Jews, desiring to emigrate are subjected to severe and arbitrary harassment. Such practices clearly violate the basic human rights of the person.

These violations of human rights by the Soviet Union have not gone unnoticed by the international community. A most significant dimension about the Universal Declaration of Human Rights is that by affirming these rights each of the ratifying nations has made a public commitment not only to its own citizens, but also to the other ratifying nations as well.

We believe the political process of detente should be supported and fostered by all reasonable means. We even are prepared to urge some limited risks in support of the process. However, it should not be pursued in isolation from or to the exclusion of other elements of a humane and constructive foreign policy. Concern for human rights, within our own borders and in all areas of the globe where our power and presence have an impact is a crucial element in such a humane policy.

Consequently, we believe that our nation's commitment to the United Nations as well as to the Universal Declaration of Human Rights, requires that the United States officially express its dismay about the Soviet

Union's disregard of these human rights. Further we believe it would be most inappropriate for the United States to enter into trade agreements with the Soviet Union which have the effect of promoting the transfer of merchandise between the two nations with a minimum of impediment, while at the same time it continues to place oppressive restrictions on the movement of persons across its border.

Given this continuing restriction of a basic human right as well as the well-known restrictions placed upon expressions of religious freedom in the Soviet Union and other Eastern European nations, we are urging support of the amendment to the trade bill to prohibited the most-favored-nation treatment and commercial and guarantee agreements to nations which impose excessive loss as a condition to emigration.

**THE PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON). The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.  
Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BERRYMAN), the Senator from Kentucky (Mr. EVERTSON), the Senator from Iowa (Mr. EVERTS), the Senator from Louisiana (Mr. JENNINGS), the Senator from New Mexico (Mr. MONROE), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANWELL) is absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. TALMADGE) would each vote "yes."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from New Hampshire (Mr. CORCOS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HARTFIELD), and the Senator from Maryland (Mr. MARSHALL) are necessarily absent.

On this vote, the Senator from Oregon (Mr. HARTFIELD) is paired with the Senator from Arizona (Mr. GOLDWATER).

If present and voting, the Senator from Oregon would vote "yes" and the Senator from Arizona would vote "nay."

The result was announced—yeas 22, nays 0, as follows:

[By the Leg.]  
YEAS—22

Abrams	Evins	Moak
Allen	Faulstich	Mohr
Allen	Fong	Nelson
Baker	Fulbright	Quinn
Bartore	Gravel	Radwold
Bayh	Griffin	Rosen
Bell	Gurney	Strom
Bennett	Hansen	Toll
Bible	Hart	Wary
Biden	Harkin	Wicker
Bishop	Hecht	Wicker
Brewster	Hathaway	Wicker
Bryant	Holmes	Wicker
Burdick	Hollings	Wicker
Byrd, Robert C.	Hruska	Wicker
Canham	Kemp	Wicker
Casper	McClellan	Wicker
Case	McClure	Wicker
Chiles	McDermott	Wicker
Church	McGuire	Wicker
Clark	McGuire	Wicker
Coak	McGuire	Wicker
Cranston	McGuire	Wicker
Curtis	McGuire	Wicker
Date	McGuire	Wicker
Deming	McGuire	Wicker
Dominick	McGuire	Wicker
Dunham	McGuire	Wicker
Eagleton	McGuire	Wicker
Eastland	McGuire	Wicker

NAYS—0

NOT VOTING—12

Bellmon	Hartfield	Manwell
Berryman	Hollings	Marshall
Case	Hughes	McGuire
Chandler	Jennings	Talmadge
Goldwater		

So Mr. JACKSON'S amendment was agreed to.

Mr. JACKSON. Mr. President, the action of the Senate today is the culmination of a struggle for human rights that began some 27 months ago. Over the last 2 years countless Americans of diverse religious and national backgrounds and of differing political persuasions and occupations have worked long and hard to bring about the result that we are enacting today. Many thousands of my fel-

low citizens have expressed their support for the effort to associate freer trade with progress toward the freer movement of peoples between East and West. The American press has helped arouse the conscience of so many in the West by focusing on the human rights aspects of a genuine détente.

Above all, Mr. President, we have been sustained and inspired throughout a long and difficult struggle by the bravery and resourcefulness and dedication of those individuals who are standing up in the Soviet Union and other such countries to demand their fundamental human right to emigrate promised them in the Universal Declaration of Human Rights which was adopted unanimously 25 years ago this week.

---

THE SECRETARY OF STATE  
WASHINGTON

October 18, 1974

Dear Senator Jackson:

I am writing to you as the sponsor of the Jackson Amendment to the Trade Bill (H. R. 10710) which is currently before the Senate and in whose early passage the Administration is deeply interested. As you know, Title IV of that Bill, as it emerged from the House, is not acceptable to the Administration. At the same time, the Administration respects the objectives with regard to emigration from the USSR that are sought by means of the stipulations in Title IV, even if it cannot accept the means employed. It respects in particular your own leadership in this field.

To advance the purposes we share both with regard to passage of the Trade Bill and to emigration from the USSR, and on the basis of discussions that have been conducted with Soviet representatives, I should like on behalf of the Administration to inform you that we have been assured that the following criteria and practices will henceforth govern emigration from the USSR.

First, punitive actions against individuals seeking to emigrate from the USSR would be violations of Soviet laws and regulations and will therefore not be permitted by the Government of the USSR. In particular, this applies to various kinds of intimidation or reprisal, such as, for example, the firing of a person from his job, his demotion to tasks beneath his professional qualifications, and his subjection to public or other kinds of recrimination.

Second, no unreasonable or unlawful impediments will be placed in the way of persons desiring to make application for emigration, such as interference with travel or communications necessary to complete an application, the withholding of necessary documentation and other obstacles including kinds frequently employed in the past.

Honorable Henry M. Jackson,  
United States Senate,  
Washington, D. C.

---

Third, applications for emigration will be processed in order of receipt, including those previously filed, and on a non-discriminatory basis as regards the place of residence, race, religion, national origin and professional status of the applicant. Concerning professional status, we are informed that there are limitations on emigration under Soviet law in the case of individuals holding certain security clearances, but that such individuals who desire to emigrate will be informed of the date on which they may expect to become eligible for emigration.

Fourth, hardship cases will be processed sympathetically and expeditiously; persons imprisoned who, prior to imprisonment, expressed an interest in emigrating, will be given prompt consideration for emigration upon their release; and sympathetic consideration may be given to the early release of such persons.

Fifth, the collection of the so-called emigration tax on emigrants which was suspended last year will remain suspended.

Sixth, with respect to all the foregoing points, we will be in a position to bring to the attention of the Soviet leadership indications that we may have that these criteria and practices are not being applied. Our representations, which would include but not necessarily be limited to the precise matters enumerated in the foregoing points, will receive sympathetic consideration and response.

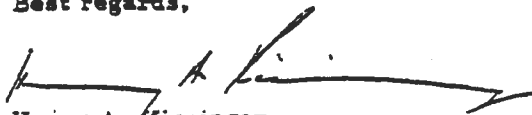
Finally, it will be our assumption that with the application of the criteria practices and procedures set forth in this letter, the rate of emigration from the USSR would begin to rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants.

I understand that you and your associates have, in addition, certain understandings incorporated in a letter dated today respecting the foregoing criteria and practices which will henceforth govern emigration from the USSR which you wish the President to accept as appropriate guidelines to determine whether the purposes sought through Title IV of the Trade Bill and further specified in our exchange of correspondence in regard to the emigration practices of non-market economy countries are being fulfilled. You have submitted this letter to me and I wish to advise you on behalf of the President that the understandings in your letter will be among the considerations to be applied by the President

in exercising the authority provided for in Section \* of Title IV of the Trade Bill.

I believe that the contents of this letter represent a good basis, consistent with our shared purposes, for proceeding with an acceptable formulation of Title IV of the Trade Bill, including procedures for periodic review, so that normal trading relations may go forward for the mutual benefit of the US and the USSR.

Best regards,



Henry A. Kissinger

\*Statutory language authorizing the President to waive the restrictions in Title IV of the Trade Bill under certain conditions will be added as a new, as yet undesignated subsection.

---

## United States Senate

WASHINGTON, D.C. 20510

October 18, 1974

The Honorable Henry A. Kissinger  
Secretary of State  
Washington, D. C.

Dear Mr. Secretary:

Thank you for your letter of October 18 which I have now had an opportunity to review. Subject to the further understandings and interpretations outlined in this letter, I agree that we have achieved a suitable basis upon which to modify Title IV by incorporating within it a provision that would enable the President to waive subsections designated (a) and (b) in Sec. 402 of Title IV as passed by the House in circumstances that would substantially promote the objectives of Title IV.

It is our understanding that the punitive actions, intimidation or reprisals that will not be permitted by the Government of the USSR include the use of punitive conscription against persons seeking to emigrate, or members of their families; and the bringing of criminal actions against persons in circumstances that suggest a relationship between their desire to emigrate and the criminal prosecution against them.

Second, we understand that among the unreasonable impediments that will no longer be placed in the way of persons seeking to emigrate is the requirement that adult applicants receive the permission of their parents or other relatives.

Third, we understand that the special regulations to be applied to persons who have had access to genuinely sensitive classified information will not constitute an unreasonable impediment to emigration. In this connection we would expect such persons to become eligible for emigration within three years of the date on which they last were exposed to sensitive and classified information.

Fourth, we understand that the actual number of emigrants would rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants, and may therefore exceed 60,000 per annum. We would consider a benchmark -- a minimum standard of initial compliance -- to be the issuance of visas at the rate of 60,000 per annum; and we understand



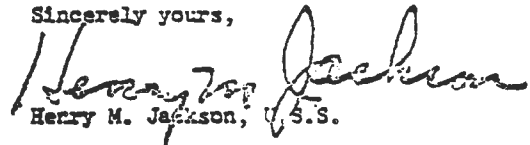
-2-

that the President proposes to use the same benchmark as the minimum standard of initial compliance. Until such time as the actual number of emigrants corresponds to the number of applicants the benchmark figure will not include categories of persons whose emigration has been the subject of discussion between Soviet officials and other European governments.

In agreeing to provide discretionary authority to waive the provisions of subsections designated (a) and (b) in Sec. 402 of Title IV as passed by the House, we share your anticipation of good faith in the implementation of the assurances contained in your letter of October 18 and the understandings conveyed by this letter. In particular, with respect to paragraphs three and four of your letter we wish it to be understood that the enumeration of types of punitive action and unreasonable impediments is not and cannot be considered comprehensive or complete, and that nothing in this exchange of correspondence shall be construed as permitting types of punitive action or unreasonable impediments not enumerated therein.

Finally, in order adequately to verify compliance with the standard set forth in these letters, we understand that communication by telephone, telegraph and post will be permitted.

Sincerely yours,

  
Henry M. Jackson, U.S.S.

## FREEDOM OF EMIGRATION IN EAST-WEST TRADE

EXCHANGE OF LETTERS BETWEEN SECRETARY KISSINGER  
AND SENATOR JACKSON(Reprinted from Report of the Senate Finance Committee on  
the Trade Reform Act of 1974)

OCTOBER 18, 1974.

DEAR SENATOR JACKSON: I am writing to you, as the sponsor of the Jackson Amendment, in regard to the Trade Bill (H.R. 10710) which is currently before the Senate and in whose early passage the administration is deeply interested. As you know, Title IV of that bill, as it emerged from the House, is not acceptable to the administration. At the same time, the administration respects the objectives with regard to emigration from the U.S.S.R. that are sought by means of the stipulations in Title IV, even if it cannot accept the means employed. It respects in particular your own leadership in this field.

To advance the purposes we share both with regard to passage of the trade bill and to emigration from the U.S.S.R., and on the basis of discussions that have been conducted with Soviet representatives, I should like on behalf of the administration to inform you that we have been assured that the following criteria and practices will henceforth govern emigration from the U.S.S.R.

First, punitive actions against individuals seeking to emigrate from the U.S.S.R. would be violations of Soviet laws and regulations and will therefore not be permitted by the government of the U.S.S.R. In particular, this applies to various kinds of intimidation or reprisal, such as, for example, the firing of a person from his job, his demotion to tasks beneath his professional qualifications, and his subjection to public or other kinds of recrimination.

Second, no unreasonable or unlawful impediments will be placed in the way of persons desiring to make application for emigration, such as interference with travel or communications necessary to complete an application, the withholding of necessary documentation and other obstacles including kinds frequently employed in the past.

Third, applications for emigration will be processed in order of receipt, including those previously filed, and on a nondiscriminatory basis as regards the place of residence, race, religion, national origin and professional status of the applicant. Concerning professional status, we are informed that there are limitations on emigration under Soviet law in the case of individuals holding certain security clearances, but that such individuals who desire to emigrate will be informed of the date on which they may expect to become eligible for emigration.

Fourth, hardship cases will be processed sympathetically and expeditiously; persons imprisoned who, prior to imprisonment, expressed an interest in emigrating, will be given prompt consideration for emigration upon their release; and sympathetic consideration may be given to the early release of such persons.

Fifth, the collection of the so-called emigration tax on emigrants which was suspended last year will remain suspended.

Sixth, with respect to all the foregoing points, we will be in a position to bring to the attention of the Soviet leadership indications that we may have that these criteria and practices are not being applied. Our representations, which would include but not necessarily be limited to the precise matters enumerated in the foregoing points, will receive sympathetic consideration and response.

Finally, it will be our assumption that with the application of the criteria, practices, and procedures set forth in this letter, the rate of emigration from the U.S.S.R. would begin to rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants.

I understand that you and your associates have, in addition, certain understandings incorporated in a letter dated today respecting the foregoing criteria and practices which will henceforth govern emigration from the U.S.S.R. which you wish the President to accept as appropriate guidelines to determine whether the purposes sought through Title IV of the trade bill and further specified in our exchange of

correspondence in regard to the emigration practices of non-market economy countries are being fulfilled. You have submitted this letter to me and I wish to advise you on behalf of the President that the understandings in your letter will be among the considerations to be applied by the President in exercising the authority provided for in Sec. 402 of Title IV of the trade bill.

I believe that the contents of this letter represent a good basis, consistent with our shared purposes, for proceeding with an acceptable formulation of Title IV of the trade bill, including procedures for periodic review, so that normal trading relations may go forward for the mutual benefit of the U.S. and the U.S.S.R.

Best regards,

HENRY A. KISSINGER.

OCTOBER 18, 1974.

DEAR MR. SECRETARY: Thank you for your letter of Oct. 18 which I have now had an opportunity to review. Subject to the further understandings and interpretations outlined in this letter, I agree that we have achieved a suitable basis upon which to modify Title IV by incorporating within it a provision that would enable the President to waive subsections designated (a) and (b) in Sec. 402 of Title IV as passed by the House in circumstances that would substantially promote the objectives of Title IV.

It is our understanding that the punitive actions, intimidation or reprisals that will not be permitted by the government of the U.S.S.R. include the use of punitive conscription against persons seeking to emigrate, or members of their families; and the bringing of criminal actions against persons in circumstances that suggest a relationship between their desire to emigrate and the criminal prosecution against them.

Second, we understand that among the unreasonable impediments that will no longer be placed in the way of persons seeking to emigrate is the requirement that adult applicants receive the permission of their parents or other relatives.

Third, we understand that the special regulations to be applied to persons who have had access to genuinely sensitive classified information will not constitute an unreasonable impediment to emigration. In this connection we would expect such persons to become eligible for emigration within three years of the date on which they last were exposed to sensitive and classified information.

Fourth, we understand that the actual number of emigrants would rise promptly from the 1973 level and would continue to rise to correspond to the number of applicants, and may therefore exceed 60,000 per annum. We would consider a benchmark—a minimum standard of initial compliance—to be the issuance of visas at the rate of 60,000 per annum; and we understand that the President proposes to use the same benchmark as the minimum standard of initial compliance. Until such time as the actual number of emigrants corresponds to the number of applicants the benchmark figure will not include categories of persons whose emigration has been the subject of discussion between Soviet officials and other European governments.

In agreeing to provide discretionary authority to waive the provisions of subsections designated (a) and (b) in Sec. 402 of Title IV as passed by the House, we share your anticipation of good faith in the implementation of the assurances contained in your letter of Oct. 18 and the understandings conveyed by this letter. In particular, with respect to paragraphs three and four of your letter we wish it to be understood that the enumeration of types of punitive action and unreasonable impediments is not and cannot be considered comprehensive or complete, and that nothing in this exchange of correspondence shall be construed as permitting types of punitive action or unreasonable impediments not enumerated therein.

Finally, in order adequately to verify compliance with the standard set forth in these letters, we understand that communication by telephone, telegraph and post will be permitted.

Sincerely yours,

HENRY M. JACKSON.

1 Necessary language authorizing the President to waive the restrictions in Title IV of the Trade Bill under certain conditions will be added in a new (and as yet unassigned) subsection.

THE WHITE HOUSE  
PRESS CONFERENCE  
OF  
SENATOR HENRY M. JACKSON  
OF WASHINGTON  
SENATOR ABRAHAM A. RIBICOFF  
OF CONNECTICUT  
AND  
SENATOR JACOB K. JAVITS  
OF NEW YORK

THE BRIEFING ROOM

9:31 A.M. EDT

MR. TER HORST: Gentlemen, the President had breakfast this morning from 8 to 9:10 with the three Senators in the Residence. This is his first breakfast in the Residence. They obviously discussed many things, but they particularly concentrated on the trade bill, and I have here to talk to you the three Senators who had breakfast with the President, Senators Jackson, Javits and Ribicoff, and I will turn the meeting over to Senator Jackson.

SENATOR JACKSON: We had a most productive meeting with the President and Dr. Kissinger. I might just point out that the three of us have been meeting with Dr. Kissinger over a period now of several months in an effort to negotiate a solution in connection with the amendment to the trade bill, providing for free emigration from the Communist countries.

We want to express our appreciation to President Ford for directly participating in this matter. This is the first time that a President has been involved in these discussions. I think it is fair to say that we made very good progress.

We are hopeful that we will be able to resolve this matter in time for appropriate action by this Congress. We are deeply indebted to the direct interest of President Ford in connection with this long dispute that has existed between our Government and specifically and more particularly the Soviet Union.

I will ask my colleagues to also comment.

SENATOR JAVITS: First, I would like to associate myself with everything Senator Jackson has said; second, to emphasize that the role of the President, in my judgment, will prove to be decisive in this matter in terms of our arriving at an agreement without in any way surrendering the fine objectives which Senator Jackson initiated, and which already have had such splendid results in terms of loosening up the situation respecting the Soviet Union.

We have had a relapse this year as against 1973, but we believe that conditions can be restored if the Russians really want a trade bill and really want to do some justice in this situation. We will soon find that out.

I would like to emphasize that my strong feeling from the breakfast was that my colleagues in the Senate -- and I certainly feel that way -- want a trade bill, and if it is humanly possible, we will come to an agreement, at the same time observing in conscience the wonderful objectives which Senator Jackson has set for the three of us.

SENATOR RIBICOFF: I am deeply impressed with President Ford's involvement in the Jackson amendment. I am confident that his personal involvement will make it possible to come to an understanding on the Jackson amendment without in any way going back and downgrading the objectives of the Jackson amendment.

I am confident that these discussions that have taken place now involving the President personally will succeed, and with their success a trade bill can be passed in this session of Congress.

SENATOR JACKSON: We will be glad to entertain any questions.

Q. On what lines do you think the compromise on agreement might emerge, and specifically, sir, when you talk about the President's initiative, do you mean with the Senate or with the Russians, or both?

SENATOR JACKSON: The President's initiative here runs to both. He met, I believe, with Mr. Dobrynin yesterday. The President's direct intervention in this matter, which is the new development -- this had not taken place before -- has given it new momentum, new movement. The issues that we are struggling with of course are basically harassment, for those who try to apply, and numbers, but we can report, all three of us, that the results this morning, I think represent the biggest movement thus far.

Q. May I follow up, sir?

SENATOR JACKSON: Yes, sir.

Q. Are you suggesting that the President is now about to make a new initiative with the Russians?

SENATOR JACKSON: The President has already, with the talks yesterday, undertaken new initiatives with the Russians on this specific point, and this goes to the heart of the trade bill. I think my colleagues would agree on that. Senator Ribicoff is on the Committee on Finance and it is a key to what happens on the trade bill, very candidly, and the significance of it, from the standpoint of what Congress will do on the trade bill, the real significance is in the area of human rights, and that is the thing we went to emphasize.

SENATOR RIBICOFF: My feeling is with the President's involvement we get off dead center on the Jackson amendment as far as the Russians are concerned and as far as the trade bill is concerned, and I am confident the objectives of the Jackson amendment will be achieved. The formula is in the process of being worked out. There are a lot of technicalities, this is rewriting of the law, but I do believe with the President's initiative and involvement, we will be able to solve this problem here in this country and with the Soviet Union.

Q. Would you gentlemen describe in a little more detail what the President's initiative was? He apparently said something to Dobrynin yesterday.

SENATOR JACKSON: Obviously when you are in the area of negotiations, we cannot discuss the substance of those talks, otherwise we defeat the whole objective here of reaching an accord. But I would say that the significant development is the President's direct participation and as a result of that participation and with Mr. Dobrynin's return here, there has been movement. Mr. Dobrynin had not planned to come to Washington at this time, but he has made a special return trip early and he has addressed himself to this specific problem in our relations with the Soviet Union. That is the significance of it.

Q. You seem to be implying that the Russians may be willing to come across with something in agreement with your amendment. Is that correct?

SENATOR JACKSON: We are moving in the direction of an agreement, and there has been significant Russian movement. I think that is the best way to describe it.

SENATOR RIBICOFF: I would even add further that it is important for the Soviet Union to understand the meaning of the Jackson amendment and its role in any trade bill and their desire for MFN and credits.

My feeling is that they now understand this, and I am confident that there will be movement on the Soviet Union's part which will enable Senator Jackson, Senator Javits and myself and 76 cosponsors to achieve the objective and at the same time of achieving the objective that the Soviet Union can get MFN with certain safeguards.

Q. You say you are moving in the direction of an agreement. Is that an agreement with the Russians or an agreement by you to modify or drop in some way your amendment?

MORE

SENATOR JACKSON: The amendment will not be dropped. It will be in the direction of granting the President certain discretion which we have to work out. This is a subject of negotiation, but the amendment per se will be in the bill, and we are exploring the possibility of how we will relate the understandings that will be worked out between the President and the Congress and the President, of course, in turn, has to have understanding with the Russians, but we don't negotiate directly with the Russians.

Q. What does your amendment say then in its refinement?

SENATOR JACKSON: This is what we are negotiating and we are dealing with the basic target of granting to the President certain authority which he does not now have in the bill as it passed the House, but that would be, in turn, tied to the understanding that will be reached between the President and ourselves.

Q. Has Dr. Kissinger changed his mind from earlier when he said that your amendment would be an interference in Russian internal affairs?

SENATOR JACKSON: We didn't discuss that today.

Q. Did you make any reference to that feeling of his?

SENATOR JAVITS: May I just say in talking about the form of the amendment, et cetera, we miss the forest for the trees. What we are seeking is substance; in other words, will people be able to get out of the Soviet Union who want to emigrate in adequate numbers, considering the number that want to get out without the harassment and sanctions that they have endured, and we are satisfied -- and my colleagues will correct me if I am wrong -- we are satisfied that this President will himself see that whatever is agreed to is performed, and there are lots of things he can do which are in and out of the Jackson amendment.

Q. What you have said, to my mind, does not adapt to completely free movement.

SENATOR JACKSON: Look, let's make one thing very clear. The three of us have never insisted that the amendment would contemplate that those who want to leave all leave at once. That has not ever been the position. What we are spelling out is a rational, sensible approach of free movement that is realistic and achievable, and what we want is progress, and we want more than what is happening now.

They have cut back to 1000 a month, and that is going in the wrong direction. We are interested in human rights, we want to see movement in this area and at this stage of the negotiation, there is movement.

Q. Did you discuss Cyprus and the possible expulsion of U.S. troops from Greece?

SENATOR JACKSON: Well, on the light side, the biggest problem I have had, frankly, was getting the Big Cypress bill through the Senate Interior Committee yesterday, and we got it through by one vote, and I don't envy any President dealing with anything called Cyprus. It is tough. We had a brief discussion about it, but we were just brought up to date.

Q. Will there be something in writing between the United States and the Soviet government regarding the Jackson amendment, which will ensure, as you have said, the free movement of people?

SENATOR JACKSON: That will be a matter, of course, that the President will have to work out. There will be written exchanges between the President and the Congress.

Q. Will it be with the Russians?

SENATOR JACKSON: You know, that is up to the President, he is the one who will have to guarantee, and what arrangements he makes with the Russians that will be a matter for him. But he has assured us that whatever is worked out that he will see that the guarantees are there, period. And we will rely on his integrity for those assurances, and we have faith in that integrity.

Q. Is it fair to say that the President's well-known desire to arrange compromises and so forth has prevailed upon you to back away a bit from the earliest forms of your amendment?

SENATOR JACKSON: No. The substance of the amendment will be there. We have faith in the President, in his ability to be prudent and to exercise that kind of judgment that will help achieve what we all have in mind, and I think it is fair to say that the President has a very, very strong sympathy for what we are seeking to do affirmatively.

SENATOR RIBICOFF: If I may add, there is no backing away. The objectives of the Jackson amendment, which is to move minorities out of the Soviet Union, will be achieved if the negotiations now going on, the President's involvement, succeed and I am confident that they will.

SENATOR JACKSON: May I say finally that Congressman Vanik and Congressman Mills will be kept advised by this, because, as you know, that amendment passed the House four to one, and we are working together as a team, and we are grateful for the spirit of Grand Rapids, which was the first breakfast --

Q. Did he cook his own breakfast and what did you have?

SENATOR JACKSON: We had an unusual breakfast, scrambled eggs and orange juice, and we had a choice of English muffins and sweet rolls, bacon and sausages, and I had tea. (Laughter)

I don't know where that puts me, but I have very strong feelings about tea. I take a firm stand on tea. (Laughter)

Q. Do you have any idea as to when you might get an answer from the Russians developing from this?

SENATOR JACKSON: The President is in touch. Mr. Dobrynin made a special trip back. We are going to work over the weekend. We are making real progress.

Q. Did he come back just to discuss the trade bill?

SENATOR JACKSON: He was not scheduled to be back here this month, and the trip was largely on this subject. He made a special trip back for that purpose.

THE PRESS: Thank you, gentlemen.

Mills-Vanik provisions are in this bill. But I feel constrained to oppose the Trade Reform Act of 1973 on final passage.

Mr. RANDALL. Mr. Chairman, I support the amendment sponsored by the gentleman from Ohio (Mr. Vance) which seeks to prohibit extension of trade credits or credit guarantees to any non-market economy country which denies or unduly restricts the fundamental human right of emigration. In offering his amendment, our colleague from Ohio is merely attempting to restore the original provisions of the so-called Mills-Vanik-Jackson amendment.

As now written, the committee bill prohibits extension of most-favored-nation status to countries that deny freedom of emigration. The credit limitation language is not contained.

It should be no secret that these prohibitions are primarily aimed at achieving a relaxation or alteration in Soviet emigration policy. There is no need to describe in detail the many official and unofficial barriers a Soviet citizen encounters if he wishes to exercise his fundamental human right to emigrate. Everyone is aware of the education taxes, excessive document and visa fees, and so forth, which have been used to restrict the freedom of Soviet citizens.

In other words, Mr. Chairman, my vote in favor of the Mills-Vanik amendment is essentially a humanitarian vote in support of basic human rights. It puts the U.S. Congress on record in favor of freedom to emigrate to the country of a person's choice.

However, if this expression of humanitarian concern is to be more than illusory, we must support the amendment now before the House. The prohibition against conferral of most-favored-nation status to countries which deny freedom of emigration while allowing extension of credits and credit guarantees to the same countries makes the freedom of emigration section an illusory promise, a mere rendering of lipservice to the principle of free emigration.

The credit provisions are much more important to the Soviet Union than the granting of most-favored-nation status. The Soviets are much more interested in obtaining credit financing for industrial development than in obtaining MFN status for its exports. The truth of the matter is that at this time the Soviets do not have too much of a U.S. market for their exports. In other words, in order to be an effective tool of international diplomacy, the Mills-Vanik-Jackson amendment must include a prohibition on extension of credits. If this body wishes to make a firm commitment to freedom of emigration, it will support the amendment now before us.

Moreover, there is another, and perhaps more compelling reason to support the Vanik amendment. In view of today's international situation, it is questionable whether the United States should guarantee or extend any credits to the Soviet Union. We must remember that these credits, American money, will be used to fuel the Russian state economy and its industrial development. They will enable the Soviet Union to continue and expand

its high expenditures for defense and its investment in military hardware. Remember, in a nonmarket economy there is no differentiation between the private and public sectors. What we give money to the Soviets for economic development we are giving money to the Soviet Government. Extension of trade credits to Russia is actually a disguised or type of "back door" foreign aid. In principle, I have been consistently opposed to foreign aid. My opposition hardens, however, when the foreign aid is given to a country which, despite detente, remains our principal international adversary.

Why should we spend upwards of \$80 billion annually for defense against the Soviet threat, and then turn around and provide American money to fuel the Russian military-industrial complex? In my mind, there appears to be an inconsistency involved here. The potential expenditures involved for our Government are not limited to extensions of credit. Think of this. What if we are forced to increase our own defense budget to offset the increased strength of the Soviet military-industrial complex resulting from the infusion of American capital?

I have respect for this administration's achievements in the field of foreign policy. Its promotion of detente is to be commended. However, events of most recent date should remind us that detente is still only a hope, and not much reality. Indeed, consideration of this very bill now before us has been at least twice delayed, at the administration's request, because of Soviet adventures in the Middle East. Who can forget that it was Russian arms and support which allowed the Arabs to initiate hostilities against Israel just 2 months ago? Who can overlook the fact that the U.S.S.R. is presently supporting the Arab oil boycott which has crippled our allies in Europe and aggravated our own energy crisis at home?

Detente is something for which we all hope and pray. Yet it is a long way from reality. Therefore, I submit that we should not permit American money in the form of credits to promote Russian economic advancement. We should not subsidize the Soviet military machine. We should adopt the amendment of the gentleman from Ohio.

Mr. ABZUG. Mr. Chairman, I rise in support of this amendment, which would deny most-favored-nation status and the extension of credit to the Soviet Union and other nations which deny the basic right of emigration to some of their citizens. I was an original cosponsor of Mills-Vanik and am glad to have the opportunity to support it today.

We are at the beginning of a cautious detente with the other great powers; trade and travel restrictions are gradually being relaxed; American cultural and professional groups are traveling to the four corners of the world.

This is tremendously encouraging. It leads us to hope that one day the entire world will be free of artificial barriers, since all human beings share the same small planet.

To reach this point, it is essential that we in the United States indicate what are the standards of human freedom. Different countries may be expected to

hold different values, and I respect them, but some universal human rights must not be abridged. These are the freedom to choose one's place of residence and the freedom to observe one's own religious and cultural practices, for example. The United Nations Declaration of Human Rights, which just this week marked its 25th anniversary, has stood firm on these points.

Yet these rights are being denied to Soviet Jews who are now subject to exit fees, the amount depending on the extent of their education and the country to which they wish to go. Sometimes, as in the case of highly trained scientists, the amount may run into thousands of dollars.

Under these circumstances, the amendment before us and title IV of this act is the correct response.

I look forward to the time when all countries will have a free emigration policy so we may proceed with a freer trade policy.

There should be no price tag on human rights.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Vance).

The question was taken.

Mr. ICHORD. Mr. Chairman, I demand a recorded vote.

Mr. WOLFF. Mr. Chairman, a point of order. The Chair did not rule on the vote, on the eyes and nose on the voice vote.

The CHAIRMAN. The Chair will state that the Chair did not rule on the voice vote. When the gentleman from Missouri rose he requested a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 318, nays 80, not voting 33, as follows:

[Roll No. 643] AYES—318

- |                |                |                 |
|----------------|----------------|-----------------|
| Almog          | Burgener       | Dervinski       |
| Adams          | Burke, Fla.    | Dickinson       |
| Adkins         | Burke, Mass.   | Diggs           |
| Alexander      | Burton         | Dippel          |
| Anderson,      | Byron          | Down            |
| Calif.         | Carnoy, Ohio   | Downing         |
| Anderson, Ill. | Casew, Tex.    | Drinan          |
| Andrews, N.C.  | Cederberg      | Driscoll        |
| Armstrong      | Chappell       | Duggan          |
| Archer         | Cianey         | du Pont         |
| Ashbrook       | Clark          | Edwards,        |
| Bafalis        | Clausen,       | Ala.            |
| Baker          | Dun N.         | Edwards, Calif. |
| Barron         | Claussen, Del. | Elbert          |
| Bassman        | Clay           | East            |
| Beard          | Cleveland      | Eshleman        |
| Beall          | Cochran        | Evins, Tenn.    |
| Bennett        | Cohen          | Fasell          |
| Berglund       | Collins, Ill.  | Flood           |
| Bever          | Collins, Tex.  | Flores          |
| Bishop         | Conlan         | Foley           |
| Blester        | Coste          | Ford,           |
| Bingham        | Conyer         | William D.      |
| Blackburn      | Corman         | Forsythe        |
| Black          | Cotler         | Fountain        |
| Boggs          | Coughlin       | Frazier         |
| Boiland        | Crane          | Frenzel         |
| Boiling        | Crosby         | Frey            |
| Brademas       | Culver         | Froehlich       |
| Braun          | Daniel, Dan    | Fulton          |
| Brown          | Daniel, Robert | Furqua          |
| Brock          | W. Jr.         | Gaydos          |
| Brinkley       | Daniels        | Gettys          |
| Brooks         | Deminick V.    | Glavin          |
| Brownfield     | Davis, Ga.     | Gibbons         |
| Brodman        | Davis, S.C.    | Gilman          |
| Brown, Calif.  | de la Garza    | Ginn            |
| Brown, Mich.   | DeLoach        | Goldwater       |
| Broyhill, N.C. | DeLuca         | Conrad          |
| Buchanan       | DeMunn         | Grasse          |
|                | Denholm        | Green, Pa.      |
|                | Dent           |                 |





news from:

118

# senator henry m. jackson

Brian Concoran, Press Secretary, 202-225-3441

FOR RELEASE UPON DELIVERY: 10:15 A.M.

For further information  
call 225-3381

Thursday, October 11, 1973

## DETENTE AND HUMAN RIGHTS

### Speech by Senator Henry M. Jackson

Pacem in Terris Conference  
Sheraton-Park Hotel  
Washington, D.C.

Thursday, October 11, 1973

At no time since the end of World War II has the Western democratic world been more hopeful, nor the struggling democrats in the East more apprehensive, at the prospects of the developing international detente. And nowhere should the fears and apprehensions of those whose love of freedom has survived behind the Iron Curtain find a more receptive and thoughtful consideration than at a gathering devoted to Pacem in Terris. So my remarks this morning are devoted to the question of detente and human rights.

On Monday night the Secretary of State and the Chairman of the Senate Foreign Relations Committee -- who agree on little else -- came before you to share their belief that it is wrong for the United States to condition trade concessions to the Soviet Union on adherence to the free emigration provision of the Universal Declaration of Human Rights.

Senator Fulbright, who is beguiled by the Soviets, and Dr. Kissinger, who believes that he is beguiling them, manage to find common ground in rejecting Dr. Andrei Sakharov's wise counsel against promoting a "detente" unaccompanied by increased openness and trust.

I believe in the Universal Declaration of Human Rights; and I believe that now, 25 years after its adoption by the United Nations, it is not too late or too early to begin to implement it. And I am sustained in the belief that the best way

-2-

to do this is through pressing my amendment to the trade bill by these brave words from the great Soviet physicist, Andrei Sakharov:

"The abandonment of a policy of principle would be a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall.

Such a denial would lead to stronger repressions on ideological grounds. It would be tantamount to total capitulation of democratic principles in face of blackmail, deceit and violence. The consequences of such a capitulation for international confidence, detente and the entire future of mankind are difficult to predict.

I express the hope that the Congress of the United States, reflecting the will and the traditional love of freedom of the American people, will realize its historical responsibility before mankind and will find the strength to rise above temporary partisan considerations of commercialism and prestige.

I hope that the Congress will support the Jackson Amendment."

## II

In an age of nuclear weapons, Senator Fulbright suggests, the Soviet Union is "the one country whose cooperation is absolutely essential." Dr. Kissinger, who recognizes that our traditional commitment to individual liberty poses moral dilemmas, implies that this commitment must be weighed against "the profound moral concern...of the attainment of peace." Senator Fulbright hints darkly that our very survival may depend on the pursuit of a detente without human rights.

But is the risk of nuclear war really going to increase if the Congress conditions most-favored-nation treatment to the Soviet Union on free emigration? Does Senator Fulbright believe that the Soviet Union will be any less cautious about the risks of a suicidal nuclear war if we choose not to subsidize their foreign borrowing? I concur in Dr. Sakharov's belief that "the danger of nuclear war continues to be the foremost concern for all of humanity," and with him I support "all measures to avert this danger including proposed measures of armament

-3-

reduction." The process of reducing the risks of nuclear war can and will continue because it is in the mutual interest of both the United States and the Soviet Union to do so. But the development of more extensive mutual interests, of a closer and more cordial relationship between the two countries, must be based on something more solid and more enduring and more comprehensive than bargain-basement credits and one-sided commercial transactions.

A true peace, an enduring peace, can only be built on a moral consensus. What better place to begin building this consensus than on the principles embodied in the Universal Declaration of Human Rights, among which the right to choose the country one lives in -- the right to emigrate freely -- is perhaps the most basic.

We are asked to believe that the prospects for peace are enhanced by the flow of Pepsi-Cola to the Soviet Union and the flow of Vodka to the United States. I say that we will move much further along the road to a stable peace when we see the free flow of people and ideas across the barriers that divide East from West -- a flow unchecked by arbitrary and capricious power.

### III

Now, at this time in history, we have been presented with an unparalleled opportunity. The growth of the Soviet economy -- the means by which the Soviet Union has so long been hoping to "overtake and surpass" the United States -- has begun to falter badly. The Soviet economy, despite enormous inefficiencies, had managed to sustain significant economic growth only by resort to a staggering rate of capital investments, twice that of the United States. In recent years, the productivity of that capital has declined drastically. The inflexible Soviet economy has found it increasingly difficult to assimilate modern technology. Even massive infusion of their own capital no longer promises to sustain economic growth.

-4-

If the Soviet Union were a minor country with no external ambitions, it might stagger along indefinitely with a no-growth or slow-growth economy. But she is not such a country -- and therein lies our opportunity and our challenge. The task that the Soviet leaders wish to impose on their rigid economic system is nothing less than to make the Soviet Union the dominant world power -- economically, militarily and politically. They hope to achieve a high rate of economic growth and hold their economy up as a model for the less-developed world. They want to continue to divert a disproportionate share of their resources to military spending -- more than twice the percentage of GNP as in our case -- to sustain their build-up of strategic arms and conventional forces in Eastern Europe and on the Chinese border -- and to underwrite the military forces of their Arab allies. The Soviet government needs desperately to improve the quality and quantity of goods available to the Soviet consumer, because it is only too aware of the political threat posed by the continued frustration of consumer demands. Yet the Soviet leaders are also afraid -- or perhaps they do not know how -- to relax their rigidly controlled economy -- and so they have come to us for help. We would be ill-advised to treat this request as just another business proposition -- or even as a routine request for foreign aid.

In my judgment, the most abundant and positive source of much needed help for the Soviet economy should come, not from the United States, but through a reordering of Soviet priorities away from the military into the civilian sector. And in this connection, it is high time that we propose serious disarmament at the SALT negotiations -- not the sort of fiddling at the margins that has characterized the approach to arms control thus far, but serious reductions of strategic weapons on both sides. I see no reason, for example, why we cannot, in concert with the Soviet Union, agree that 900 ICBMs and 35 nuclear submarines are adequate for both sides. Would this not be better than the present situation in which they have 1600 ICBMs and are building toward 62 submarines and we have 1,000 ICBMs and 41 submarines?

The Soviets are seeking billions of dollars in U.S. government subsidized credits -- long-term loans at 6 percent interest. Neither Dr. Kissinger nor Senator Fulbright chose to dwell on this aspect of what the Secretary of State euphemistically termed "a carefully shaped, overall mosaic." What is involved here are credit transfers that will dwarf last year's grain deal -- or, as I prefer to call it, the great grain robbery.

There are, in my judgment, countries and purposes more deserving of our assistance, whose needs are greater -- in some cases dire -- and whose use of our aid for humanitarian purposes is more readily assured. The drought-stricken nations of the African Sahel come immediately to mind.

Let us not lose this opportunity to bargain hard for human rights. Let us not be misled by arguments that the time is not yet ripe or that we will be able to accomplish more later, after we have enmeshed the Soviets in some entangling web of investments and business deals. As Dr. Kissinger so eloquently stated here a few nights ago, opportunities once lost may never recur again. What are now clearly recognized by the Russians as concessions on our part will eventually be demanded as the normal way of doing things. Already we see Dr. Kissinger insisting that the discretion of the Congress to grant or deny or condition most-favored-nation status no longer exists because he has bargained it away, never minding that he had no authority to do so. Does anyone believe that American corporations will be more willing, when they have massive investments to protect, to insist on the rights of Soviet dissenters than they are now? At this moment we have an opportunity -- which may not again be repeated -- when the Soviet people are graced with men with the stature and prestige of Sakharov and Solzhenitsyn who have courageously spoken out on behalf of human rights. Their plea must not fall on deaf ears.

As Sakharov said in his open letter to the Congress:

"The Jackson Amendment is made even more significant by the fact that the world is only just entering on a new course of detente

and it is therefore essential that the proper direction be followed from the outset. This is a fundamental issue, extending far beyond the question of emigration.

IV.

I believe that we ought to press our traditional commitment to human rights in the emerging detente not only because this commitment is a most solemn pledge, not only because these values are right in themselves, but because it must be a purpose of the detente to bring the Soviet Union into the community of civilized nations, to hasten the end of what Sakharov has called, "an intolerable isolation, bringing with it the ugliest consequences." The isolation of the Soviet Union, which, in Sakharov's words, "is highly perilous for all mankind, for international confidence and detente," is as dangerous as and comparable to the isolation of Germany in 1937. In that year the great German writer Thomas Mann wrote these words:

"Why isolation, world hostility, lawlessness, intellectual interdict, cultural darkness, and every other evil? Why not rather Germany's voluntary return to the European system, her reconciliation with Europe, with all the inward accompaniments of freedom, justice, well-being, and human decency, and a jubilant welcome from the rest of the world? Why not? Only because a regime which, in word and deed, denies the rights of man, which wants above all else to remain in power, would stultify itself and be abolished if, since it cannot make war, it actually made peace."

Too often, those who insist that the pace and development of detente should reflect progress in the area of human rights are accused of opposition to detente itself. Nothing could be further from the truth. The argument is not between the proponents and detractors of detente, but between those who wish a genuine era of international accommodation based on progress toward individual liberty and those who, in the final analysis, are indifferent to such progress.

We will have moved from the appearance to the reality of detente when East Europeans can freely visit the West, when Soviet students in significant numbers

-7-

can come to American universities, and when American students in significant numbers can study in Russia. When reading the Western press and listening to Western broadcasts is no longer an act of treason, when families can be reunited across national borders, when emigration is free -- then we shall have a genuine detente between peoples and not a formula between governments for capitulation on the issue of human rights.

Without bringing about an increasing measure of individual liberty in the communist world there can be no genuine detente, there can be no real movement toward a more peaceful world. If we permit form to substitute for substance, if we are content with what in Washington is referred to as "atmospherics," we will not only fail to keep our own most solemn promises, we will, in the long run, fail to keep the peace.



# First, Human Détente

By Henry M. Jackson

WASHINGTON—Since the Moscow summit of May 1972, it has become fashionable to contrast the "credulity" and "bluntness" of earlier Soviet relations with the "subtlety" and "sophistication" of Mr. Brezhnev and his associates. But there is nothing subtle about the latest wave of Soviet ritual, staged confessions and harassment in the Soviet Union. It is evident that the supposed "relaxation of tensions" in international affairs is not yet accompanied by a corresponding relaxation of Soviet internal controls.

In 1937, Thomas Mann, then in exile in Switzerland, was informed by the University of Bonn that "the faculty feels itself obliged to scold your name off its roll of honorary doctors."

In his written reply, Mann asked the Nazi Government he had fled:

"Why, therefore, would hostility, lawlessness, intellectual intolerance, cultural darkness, and every other evil? Why not rather Germany's voluntary return to the European system, her reconciliation with Europe, with all the inward-accommodations of freedom, justice, well-being and human decency, and a just and welcome from the rest of the world? Why not? Only because a regime which in word and deed denies the rights of man, which wants above all else to remain in power, would scold itself and be abolished. If since it cannot make war, it actually makes peace."

In 1969, Aleksandr Solzhenitsyn wrote to the Secretariat of the Soviet Writers' Union after being informed that it had expelled him:

"Your clumsy articles fall apart; your vacant minds sit feebly—but you have no arguments. What would you do without 'members'? You could not live without 'members'; hatred, a hatred no better than racial hatred, has become your sterile atmosphere. But in this way a sense of our rights, common humanity is lost and its door is accelerated. Should the Antarctic be next tomorrow, we would all be come a sea of drowning humanity, and

into whose hands would you then be drilling your concepts of 'class struggle'?"

The message of these two great writers is the same: A regime that denies the rights of man can never be reconciled to membership in the community of civilized nations.

The question today is whether recent East-West developments have in fact increased the chances the Soviet Union will decide to become a member of the community of civilized nations. I am bound to say that I share the apprehensions of those who remain doubtful. But this much is certain: How we design and implement the emerging policy of détente, the weight we assign to human rights in the development of relations with the Communist nations, and the depth of our own commitment to individual liberty will prove decisive.

This is the point that Andrei Sakharov communicated to us during his brave and outspoken press interview last month. "Detente," Sakharov said, "has to take place with simultaneous liquidation of isolation." Detente without democratization would be "very dangerous . . . that would be called a violation and encouragement of closed countries, where everything that happens goes unseen by foreign eyes behind a mask that hides its real face. No one should dream of having such a neighbor, and especially, if this neighbor is turned to the teeth."

Thus, without an increasing measure of individual liberty in the Communist world there can be no genuine détente. There can be no real movement toward a more peaceful world. If we permit forms to substitute for substance, if we are content only with "demonstrations," we will fail to keep the peace.

Of all the human rights contained in the universal declaration of the United Nations, none is more fundamental than that in Article 13—the right to free emigration. And as we assess the developing détente, a basic measure of progress will be its impact on the free movement of people. The importance of free emigration stems

from the fact that whatever other liberties may be denied—speech, press, religion, employment—any and all of these can be removed by emigration to free countries of the West. Of human rights, free emigration is first among equals. Moreover, emigration has a special international character that necessarily places it in the context of international relations—for the state that wishes to receive emigrants has at least as much of a stake in free emigration as the state from which they come.

Significantly, the economy of the Soviet Union is in desperate straits, and we have been asked to extend to Russia the benefits of our markets on a most-favored-nation basis, of our capital at preferential rates, and of our superlative technology. There are those who argue that we must make these trade concessions in the interest of promoting détente but that we would, at the same time, promote human rights in the Soviet Union. This is the argument of the Krynol. It is also, I am pleased to say, an argument that we in the Congress have clearly rejected. The overwhelming support for my East-West Trade and Freedom of Emigration amendment—77 cosponsors in the Senate and over 240 in the House—for makes three benefits conditional on free emigration. In my view, not only the best hope for the survival and freedom of many brave people, it is a sound and proper way to approach the potential détente.

Those who insist that the pace and development of détente should reflect progress in the area of human rights are often accused of opposing to détente itself. Nothing could be further from the truth. The argument is not between the proponents and detractors of détente, but between those who recognize that a genuine era of international accommodation must be based on progress toward individual liberty and those who choose to pretend otherwise.

Henry M. Jackson, Democratic Senator from Washington, is a member of the Armed Services Committee.

# Congressional Record

SENATE

PROCEEDINGS AND DEBATES OF THE 93<sup>d</sup> CONGRESS, FIRST SESSION

Vol. 119

WASHINGTON, TUESDAY, APRIL 10, 1973

No. 56

## TRADE REFORM ACT OF 1973— AMENDMENT

AMENDMENT NO. 19

(Ordered to be printed, and to lie on the table, by unanimous consent.)

THE JACKSON AMENDMENT ON EAST-WEST TRADE AND FREEDOM OF EMIGRATION

Mr. JACKSON. Mr. President, I am pleased to submit, on behalf of a bipartisan majority of more than three-fourths of the Senate, an amendment which I intend to propose to H.R. 8767, the Trade Reform Act of 1973. I ask unanimous consent that the amendment be printed and lie on the table, and that the amendment be printed in the Record, together with the list of cosponsors.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table; and without objection the amendment together with the cosponsors will be printed in the Record following the Senator's statement.

(See exhibit 1.)

Mr. JACKSON. Mr. President, 76 Senators who are joined in this amendment share the deep commitment of the American people to the fundamental human rights affirmed more than 25 years ago by the United Nations. America then played a leading role in the drafting and the adoption of the Universal Declaration of Human Rights; and now it is time for America to take the lead in assuring that the right of free emigration, so central to the Universal Declaration, is supported by the full weight of our economic power.

Our amendment, Mr. President, is a simple one. It would require the President, prior to the granting of most-favored-nation treatment to nonmarket economies—the Soviet Union and the countries of Central Europe—or the extension to them of credits, credit guarantees or investment guarantees, to submit to the Congress a report indicating that the recipient of these benefits does not deny its citizens the right or opportunity to emigrate. Moreover, the President would be required to report that the country in question does not resort to more than nominal taxes as a means of denying its citizens the right or opportunity to emigrate. This report, required initially prior to the granting of trade benefits would have to be submitted semiannually thereafter so long as the benefits were extended. It is this provision that will enable the Congress to assure that its insistence on the right to free emigration is and will remain a condition of American economic assistance to the Soviet Union and other nonmarket economies.

There is absolutely nothing in this amendment which would prevent an American businessman or an agency of the U.S. Government from trading with the Soviet Union or any other nation.

Many of my colleagues who support this amendment also support expanded East-West trade, and, in fact, I was among the group of Senators who cosponsored legislation to promote such trade long before the President went to Moscow. What is at issue here is whether to give the countries in question, in effect, "economic assistance."

I use the term "economic assistance," Mr. President, because there is much in the developing East-West trade relationship that closely resembles—indeed constitutes—foreign aid. The Soviet Union, for example, has recently borrowed substantial sums at a rate of interest lower than the prime rate. No American corporation—no American homeowner—can do that. Agricultural commodities in vast amounts have been purchased by the Soviet Union at prices lower than those paid by American consumers; and both the grain itself and its financing and transportation have been subsidized by the American taxpayer. At a time when Americans are paying more for bread baked with American wheat than Russians are paying for their bread, also baked with American wheat, our consumers understand that we are sliding into the foreign aid business with respect to the failing Soviet economy. At a time when American beef production is based on high-cost feed grains—because cheaper feed grains have been shipped to the Soviet Union—every American at the supermarket can understand who is paying the price for expanded trade with the Soviet Union.

With respect to the granting of most-favored-nation treatment, there is no question that it is the Soviet Union, and not the United States, that desires this accommodation. The Soviets are making purchases in this country because, for certain critical goods, services and commodities, they have nowhere else to go. As the enormity of the failure of the Soviet economy looms larger in their politics and in ours, we can expect that they will continue to make critical purchases in the United States. Whether they are granted MFN or denied it will have little effect on their pressing needs or on our capacity to meet those of their requirements that we may wish to satisfy through increased exports.

I believe, Mr. President, that the American people share the conviction of an overwhelming majority of the Senate that it is right and proper to attach conditions to the extension of aid. And I am deeply moved by the determination of the American people to join together in this effort to bring freedom to tens of thousands of innocent human beings who ask only the right to emigrate to the country of their choice. As we move to increase trade, let us move to decrease tyranny. As we talk about free trade, let us talk about free people.

The amendment, including sponsors, follows:

## EXHIBIT

## LIST OF SPONSORS OF AMENDMENT NO. 19

Mr. Jackson (for himself, Mr. Ribicoff, Mr. Magnuson, Mr. Javits, Mr. Buckley, Mr. Quayle, Mr. Bayh, Mr. Hollings, Mr. Humphrey, Mr. Dole, Mr. Packwood, Mr. Percy, Mr. Kennedy, Mr. Tunney, Mr. Williams, Mr. Roth, Mr. Scott, Mr. Telf. Mr. Allen, Mr. Baker, Mr. Beall, Mr. Beaman, Mr. Bible, Mr. Sides, Mr. Brock, Mr. Brooks, Mr. Harry P. Byrd, Jr., Mr. Robert C. Byrd, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Clark, Mr. Cook, Mr. Cotton, Mr. Cranston, Mr. Domenici, Mr. Dominick, Mr. Easton, Mr. Fannin, Mr. Fong, Mr. Goldwater, Mr. Gravel, Mr. Hansen, Mr. Hart, Mr. Harris, Mr. Haskell, Mr. Helms, Mr. Huddleston, Mr. Hughes, Mr. Inouye, Mr. Johnston, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Mathias, Mr. Mondale, Mr. Montoya, Mr. Muskie, Mr. Nunn, Mr. Pastore, Mr. Pell, Mr. Proxmire, Mr. Randsolph, Mr. Schweiker, Mr. Sparkman, Mr. Stennis, Mr. Stevens, Mr. Stevenson, Mr. Symington, Mr. Talmadge, Mr. Taurmond, Mr. Tower, Mr. Welcker, Mr. Young). \*

## AMENDMENT NO. 19

At the end of Title V of the Act, add the following new section:

## EAST-WEST TRADE AND FREEDOM OF EMIGRATION

SEC. 507. (a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of this Act or any other law, after October 15, 1972, no nonmarket economy country shall be eligible to receive most-favored-nation treatment or to participate in any program of the Government of the United States which extends credits or credit guarantees or investment guarantees, directly or indirectly, during the period beginning with the date on which the President determines that such country is no longer in violation of paragraph (1), (2) or (3) of subsection (a).

(1) denies its citizens the right or opportunity to emigrate; or

(2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or

(3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice, and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2) or (3).

(b) After October 15, 1972, a nonmarket economy country may participate in a program of the Government of the United States which extends credits or credit guarantees or investment guarantees, and shall be eligible to receive most-favored-nation treatment, only after the President of the United States has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country, shall include information as to the nature and implementation of emigration laws and policies and restrictions or discrimination applied to or against persons wishing to emigrate. The report required by this subsection shall be submitted initially as provided herein and semiannually thereafter so long as any agreement entered into pursuant to the exercise of such authority is in effect.

\*Plus Sen. Russell B. Long and Sen. Howard W. Metzenbaum



# Congressional Record

WASHINGTON, WEDNESDAY, SEPTEMBER 27, 1972

## EAST-WEST TRADE AND FUNDAMENTAL HUMAN RIGHTS

Mr. JACKSON. Mr. President, I will be offering on behalf of a bipartisan group of my colleagues an amendment to the East-West Trade Relations Act of 1971, S. 2820. It is a simple amendment. It arises out of and is rooted in our traditional commitment to the cause of individual liberty. It is a simple plea for simple justice. But unlike other such pleadings, it has some teeth in it.

Our amendment would add a new section 10 to the bill, consisting of nine parts, that would extend most-favored-nation treatment to Communist countries. It would establish a direct legislative link between that status and other trade and credit concessions, on the one hand, and the freedom to emigrate without the payment of prohibitive taxes amounting to ransom, on the other. Under this amendment no country would be eligible to receive most-favored-nation treatment or to participate in U.S. credit and investment guarantee programs unless that country permits its citizens the opportunity to emigrate to the country of their choice. Moreover, the amendment would require the President to judge and report in detail upon the compliance with this condition of any country wishing to obtain most-favored-nation status or U.S. credits. Such a report, updated at regular intervals, would make available our best information as to the nature, content, application, implementation and effects of the emigration laws and conditions in the countries concerned.

Mr. President, the Nobel lecture of the great Russian writer, Alexander Solzhenitsyn, was recently published in the West. It is more than an eloquent defense of truth and justice. It is more than a sharp condemnation of tyranny. It contains the profound message that—

Mankind's sole salvation lies in everyone making everything his business, in the people in the East being vitally concerned with what is thought in the West, the people of the West vitally concerned with what goes on in the East.

Mr. President, the "thought in the West" is contained in our amendment. I propose that this great Senate concern itself with what goes on in the East.

We have received numerous reports of late about the intensification of state repression in the Soviet Union. Intellectuals and other dissidents have been arrested and sent to labor camps, hospitals, and mental institutions. In Lithuania demonstrations by Roman Catholics demanding religious and cultural freedom have been brutally put down. And the Soviet regime has stepped up its campaign against Jews seeking to emigrate to Israel.

The most dramatic violation of basic human rights is the recent decision of the Politburo to demand a ransom from Jews wishing to leave the Soviet Union. The reaction to this decision in the West has been one of outrage and revulsion. It violates our most deeply held convictions about human freedom and dignity. It recalls to us a dark age when human beings were enslaved and traded as chattel. In our own land it took a civil war to blot out that disgrace and vindicate the principles of our Constitution.

Mr. President, those of us who lived during the time of the Third Reich remember when Himmler sold exit permits for Jews. As the great British historian Robert Conquest has pointed out, the Soviet leaders may be unaware of this unflattering parallel since none of the Western literature on the Holocaust has been published in Russia. But we are aware of the Holocaust. We see the parallel. And that is why we must do whatever we can to prevent a repetition of that horrible catastrophe.

I will not here catalog the continuing record of oppression suffered by the Soviet Jews and by other minorities and dissidents in the Soviet Union. But I must express my fear that the current ransom program, wicked in itself, carries with it the potential to exacerbate anti-Semitism in the Soviet Union to an extent and a depth that we hoped had perished for all time with the collapse of the Third Reich. For in the effort to justify this barbaric trade in human beings the Soviets have appealed to the basest instincts. The reports reaching us affirming the popularity of the ransom policy are the most painful of all. They portend the unleashing of bitter forces that even a totalitarian regime as adept at regimenting its people as the Soviet state cannot always control. Nor is it certain that control is what the leaders in the Kremlin desire.

Now, the Soviet leaders have explained that the exorbitant emigration taxes, amounting to thousands of dollars, are in reality a tax on education incurred by the student as a consequence of his state-supported studies. The more audacious Soviet spokesmen have gone so far as to compare these taxes to the obligation incurred by the graduates of our military academies who undertake to spend a specified period of time following graduation in the armed services. In principle there is nothing wrong with the making of an agreement between student and institution of learning—or, for that matter, between the student and the state—in which the student undertakes certain obligations in return for his tuition. But that is not what is involved in the Soviet case and it is a lie to suggest otherwise. For one thing the emigration taxes have been retroactively imposed on all citizens. They do not arise out of any agreement or understanding or voluntary obligation. For another, the Soviet student is denied recourse to private educational institutions so that even if the obligations were placed on a voluntary basis, which they are not, there would be no way to avoid them. One would be forced either to accept the state's terms or go without any education. Moreover, the taxes imposed on emigration, unlike agreements sometimes made in Western countries to serve after graduation in a prearranged capacity, are prohibitive and intended to be so. Soviet citizens are simply not permitted to earn or amass the sums necessary to purchase their freedom. To attempt to borrow the huge amounts involved opens one to persecution for economic crimes, and no one earns the sort of income that would enable him to pay the visa tax for an advanced education without borrowing. So the funds cannot be generated internally.

The fact is, Mr. President, that a decision to pay the ransom demand would be to submit to blackmail of the most odious sort. Where would it stop? Would it spread to other countries as serial hijacking did when first attempted and then emulated? Would the remnant of scattered minorities, Jews and others, become the new medium of international exchange? Would we organize the agencies, arrange for the planes and ships, transfer the foreign exchange, negotiate the prices—in short, would we institutionalize the sale of a whole people? I say no—and I ask the Senate to join with me in saying, "no."

There will be those who will say, even as Mr. Brezhnev must surely have said to the President in Moscow, that the action we are proposing is an intrusion in the internal affairs of the Soviet Union. To this I would quote Solzhenitsyn:

There are no internal affairs left on our crowded Earth.

The fact is, of course, that the ransom—were it to be paid—would be paid out of funds raised primarily in the United States. That surely gives us the right as a government, quite apart from the dedication to our own high principles, to be vitally concerned with what goes on in the East.

Mr. President, we Americans are fortunate to have at our service the greatest economy the world has ever known. It can do more than enrich our lives. It can be pressed into service as an instrument of our commitment to individual liberty. We can deny our vast markets to the Soviet Union. We can reserve participation in our credit and investment programs—our "internal" matters—to those countries who accord their citizens the fundamental human right to emigrate. We can, and we must, keep the faith of our own highest traditions.

We must not now, as we did once, acquiesce to tyranny while there are those, at greater risk than ourselves, who dare to resist.

Mr. President, I ask unanimous consent that the text of the proposed amendment be printed in the RECORD as the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit L.)

Mr. JACKSON. I shall later offer a formal amendment, with various Senators as cosponsors.

### EXHIBIT 1

#### PROPOSED AMENDMENT TO S. 2820

(A bill, consisting of 9 parts, that would extend most favored nation treatment to the Soviet Union and other countries)

The following amendment will be proposed by Senator Henry M. Jackson and a bipartisan group of Senators.

At the end of the bill, add the following new section:

#### EAST-WEST TRADE AND FUNDAMENTAL HUMAN RIGHTS

SEC. 10. (a) To assure the continued dedication of the United States to fundamental human rights, and notwithstanding any other provision of this Act or any other law, no nonmarket economy country shall be eligible to receive most-favored-nation treatment or to participate in any program of the Government of the United States which extends credits or credit guarantee or investment guarantee, directly or indirectly, during the period beginning with the date on which the President of the United States determines that such country—

- (1) denies its citizens the right or opportunity to emigrate to the country of their choice;
- (2) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever;
- (3) imposes more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice, and ending on the date on which the President determines that such country is no longer in violation of paragraph (1), (2), or (3).

(b) The authority conferred by sections 3 and 6 (a) of this Act shall not be exercised with respect to any country unless the President of the United States has submitted to the Congress a report indicating that such country is not in violation of paragraph (1), (2), or (3) of subsection (a). Such report with respect to such country shall include, but not be limited to—

- (1) the best available information as to the nature, content, application, and implementation of emigration laws and policies;
- (2) the best available information as to restrictions applied to persons wishing to emigrate, the national and religious backgrounds of such persons, the destination of such persons' choice, and the nature and extent of discrimination against such persons arising from the desire to emigrate or the initiation of emigration procedures; and
- (3) the best available information as to the number of citizens of that country who have applied for permission to emigrate but have been denied such permission, and the number whose applications are pending. The report required by this subsection shall be submitted prior to any exercise of the authority conferred by sections 3 and 6(a) with respect to any country, and semi-annually thereafter so long as any agreement entered into pursuant to the exercise of such authority is in effect.

Louis Sell

of Solid Efforts

Union