BASKET THREE: IMPLEMENTATION OF THE HELSINKI ACCORDS

HEARINGS

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

IMPLEMENTATION OF THE HELSINKI ACCORDS

VOLUME I

HUMAN RIGHTS

FEBRUARY 23 AND 24, 1977

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WEDNESDAY, FEBRUARY 23, 1977

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Washington, D.C.

The Commission met, pursuant to notice, at 10 a.m., in room 2172, Rayburn House Office Building, Hon. Dante Fascell (chairman) presiding.

In attendance: Commissioners Fascell, Pell, Leahy, Bingham, Simon, Fenwick, Yates, Buchanan, Stone, and Dole.

Also present: R. Spencer Oliver, staff director and counsel; and Alfred Friendly, Jr., deputy staff director.

OPENING STATEMENT OF CHAIRMAN FASCELL

Chairman FASCELL. The Commission will come to order, please. These hearings of the Commission on Security and Cooperation in Europe have been called to begin our consideration of the provisions of the 1975 Helsinki accords dealing with respect for human rights and fundamental freedoms and with freer movement of people and information.

It is our purpose in these hearings and the ones to follow to define what we know of implementation of the accords and of their violation, to explore proposals for advancing compliance—here and abroad—and, to seek advice on the role the accords can and should play in bettering East-West relations.

The Commission's study mission returned from Europe last November with the finding that the Helsinki Final Act had already been more productive than Western signatories anticipated and contained a potential for imporving East-West relations over the long term far more significant than the initial impact.

That finding was something of a surprise to those who had criticized the Helsinki process as one of unilateral concessions to Communist political goals. Since then, however, news reports from Eastern Europe and the Soviet Union—stories of ordinary citizens as well as educated political activists citing the Helsinki agreement in campaigns for redress of grievances—have at least confirmed that the accords are eliciting an unexpected response inside those countries.

That response—and not the action of Western governments—has made Helinski a catchword for concepts of civil liberty, religious freedom and human rights in general. The response has been met by repression—arrests of the most vocal advocates of the Helsinki spirit in the Soviet Union and Czechoslovakia, police harassment in East Germany and Rumania.

And that repression has itself been met by public and governmental protest in the West. In the process an old debate has been reborn: an argument over the results to be expected from East-West dialog and the means best suited to obtain those results.

The Soviet Union, in particular, has warned Americans that our expressed concern for fair play for dissent inside the U.S.S.R. endangers the course of bilateral relations and the chances of achieving a new strategic arms limitation agreement this year.

That is linkage with a reverse twist. But it is being echoed by Western commentators who fear that the United States is committing itself to a lost cause: the protection of dissenters who protest the denial of human rights in their own countries and who seek there the recognition of the human rights provisions of the Helsinki Final Act.

As I understand—and applaud—the statements of our Government, however, I do not share the concern that America is acting either futilely or foolishly. America has always stood for the ideals of civil liberty. We stand for them now. Neither the White House, the State Department nor this Commission—by our actions—seeks to interfere in Soviet affairs nor to change any nation's internal system.

On the contrary, we seek only to further a process of understanding between two very different and long-opposed systems. That understanding cannot be advanced on false premises. It requires full exchanges of views and objective examination of facts and circumstances.

That understanding can be promoted within the framework of the Helsinki accords. Those provide protection against armed intervention in internal affairs or the threat of such intervention. They offer respect for national sovereignty side by side with respect for individual rights.

They require a commitment to gradual and orderly implementation—by all parties—of all aspects of the undertakings, whether they concern an improved flow of economic data or an easier flow of people. They may require more and more difficult accommodations from the Eastern signatories, but they impose burdens on the West as well, burdens that are not easily met.

As the Commission begins this inquiry, then, it is important to recall what we hope for and when.

We hope for a sincere effort at compliance. But we realize that results will not come overnight.

As provided in the Final Act, we hope for a relaxation of restrictions on expression and on the flow of information across international frontiers. But we also realize that progress will be gradual.

Most of all, we hope for a mutual willingess of each signatory state to expose its record of implementation—its actual practices—to the comment and inquiry of the other signatories. That is the dialog—without false premises—we hope to pursue and believe important to maintain. Through that dialog, begun at Helsinki, continuing this year at Belgrade, we expect to advance the objectives of the Helsinki Final Act.

We believe that this patient process can ultimately make a solid contribution to the expansion of real—rather than illusory—cooperation and security.

Senator Leahy, do you have comments that you wish to make at this time?

STATEMENT OF COMMISSIONERS

Senator LEAHY. Only this Mr. Chairman. I agree with your statement that our Commission is important, not only to the Congress, but to the country, and I want to note the fact that we are getting cooperation from the executive branch of Government.

It is obvious that this country should have such a commission. I believe that it not only enhances our own credibility regarding the Helsinki accords, but encourages other countries to do the same. I think that of all the things that we must be doing in the area of foreign relations, certainly in the next year or so this is as important, if not more important, than any other that I can think of. I appreciate your comments and I look forward to hearing the comments of the witnesses we will have before us during the week.

Chairman FASCELL. Senator Stone.

Senator STONE. First of all, Mr. Chairman, I would like to express my pride as a Floridian in our chairman. People who have yet to understand his strength are about to find out.

Dante Fascell is the perfect leader for this kind of commission. His tenacity and dedication are going to provide results for this country and freedom in the world, and I am proud of him.

I want to say that the efforts of this Commission seem to have been met, and the efforts of the dissident leadership in the Eastern bloc seem to have been met with two responses.

The first response has been widespread further repressions. The second response is very interesting. It is a series of challenges to alleged human rights violations in this country carried in the pages of publications in Russia.

If we can convert the rivalry and tensions that have been carried on on the military and power level, to a competition between East and West in the area of human rights, we will all benefit.

Then people like Mr. Bukovsky who is going to testify for us here today will be spokesmen, not against something, but for something and we can all benefit.

I hope that this Commission leads into that direction where if we are doing something wrong, we hear about it from them. And if they are doing something wrong they hear about it from us, and people benefit.

Thank you, Mr. Chairman.

Chairman FASCELL. Mrs. Fenwick.

Representative FENWICK. Thank you, Mr. Chairman. I think it is important what the Senator has said—and so true. We are not here for or against any country or any person. We are here hoping for two things: to make clear that when the highest leader in the Nation signs an agreement, it is not done lightly, or for any other reason than that it is to be honored. We must have in all our dealings more honor, more honesty, more determination to do what we have promised to do.

Second, we are not against anything or anyone. We are for justice.

Chairman FASCELL. Congressman Buchanan.

Representative BUCHANAN. No questions and no comments, Mr. Chairman, thank you.

Chairman FASCELL. Thank you. I thank my fellow Commissioners for those remarks. Congressman Simon just joined us. Would you care to make any remarks at this point?

Representative SIMON. No; my apologies, Mr. Chairman.

Chairman FASCELL. Our first witness today is an old friend. I am delighted to see him back in this room and back on the Hill. He is a distinguished attorney and former White House policy adviser to Presidents Nixon and Ford.

In the last 2 years he has been the U.S. representative to the United Nations Commission on Human Rights. He is an eloquent spokesman, a very able and distinguished American. We are very pleased that you could appear today, Leonard Garment, and we are very happy to hear from you.

STATEMENT OF LEONARD GARMENT

Mr. GARMENT. Thank you, Mr. Chairman. Members of the Commission, the hearings that open before this Commission today are a sign that something important has happened to the place of human rights in American foreign policy. Just 1½ years ago, the fate of political and civil liberty around the world was not an issue for very many people.

And those of us who did think and talk about it feared that there wasn't much we could do except lament the decline of freedom that we saw in most of the world's nations. This in sum is what I found when I served as the U.S. Representative to the Human Rights Commission.

The language of human rights was regularly corrupted and the suffering of millions concealed from public knowledge by official hostility or indifference to the issue.

That has changed. Right now the fate of human rights in the world, and in Eastern Europe in particular, is a matter of practical concern to those who conduct our foreign policy. Political repression is something we now think it not only desirable but even possible to do something about. We sense, in other words, that an opportunity has presented itself to us. Some would call that opportunity small, but it is certainly larger and more widely apparent than what most of us expected when this country signed the Helsinki accords in August of 1975. And because the present opportunity was so largely unexpected, it comes as no surprise to discover that we are not fully prepared for it.

There is, however, time enough; and there is at hand an extraordinary opportunity. For in June, East and West have an historic appointment in Belgrade.

Preparations will begin then for a meeting later this year of the 35 signatories to the Helsinki accords to review past performance and plan future steps. One cannot predict the outcome of Belgrade but it marks the beginning of a process that can have truly momentous human rights consequences.

It is therefore, a privilege to open the hearings of this Commission by offering a general perspective on the history of the Helsinki accords and their value to the United States.

At the time of the Helsinki signing 1½ years ago, what was most apparent was that the Soviets had succeeded in obtaining recognition of their domination of Eastern Europe. For 20 years, the Soviet Union had been calling for a European security conference that would legitimate the position it had acquired in Eastern Europe at the end of World War II. In December of 1969, NATO publicly called for greater cooperation between East and West in areas from the arts to the environment; such cooperation was something that an agreement might make easier.

In 1971, we finally reached a quadripartite agreement on Berlin; and our own Government judged that this agreement removed a major obstacle to a broader security pact. In 1972, we told the Soviets that we would link the beginning of a European security conference to United States-Soviet arms reduction talks, and later that year the Helsinki negotiations began.

Three years later our television screens showed General Secretary Brezhnev fulfilling the Soviet regime's 20-year-old wish. The United States and the Western Europeans were signing a statement of respect for existing European borders and for the principle of nonintervention.

Now we can also see that the Soviets did have to pay at least a rhetorical price for the agreement; and that price was an affirmation of some elementary human rights. As our negotiators knew at the time and as more of us became aware later, the substantive issues of security that the European conference addressed had over the years become matters of less and less practical importance.

Other pacts, other actions, and the passage of time had taken care of many of them. Yet the Russians had evidently developed a strong commitment to the general idea of an agreement; and by 1975, there were special reasons for Soviet leaders to need that agreement quickly.

The price they paid was spelled out in the famous "Basket Three" of the Helsinki accords. In Basket Three the Soviets agreed, sometimes in fairly specific terms, to increase their recognition of human rights in fields such as family contacts, the flow of information, and various cultural and educational relationships. They pledged themselves to honor these rights on the explicit ground that they derived, in the words of the declaration, from "the inherent dignity of the human person."

This admission, that human beings have rights which are morally prior to the states and ultimately owe their well-being to something other than the state, was no small matter for a Soviet regime that has spent so much effort to proselytize against such liberal notions of political morality.

When these Russian concessions on human rights took their final form, many were disposed—and with some reason—to believe that they were worth almost nothing. At the time of the signing, a journalist asked Mr. Brezhnev what he hoped the conference would accomplish; Brezhnev replied that he hoped all the nations of Europe would live at peace and "not interfere in each other's domestic affairs."

With prophecies like this, it seemed childish to think that a piece of paper was going to have any effect on the Soviet's regard for civil liberties or on our ability to force them into a semblance of such re-

gard. Many thought that all Helsinki had done was to concede yet another principle for the sake of our illusions of detente.

Now the time since Helsinki has been too short to permit any very assured judgment on the worth of the bargain we struck. Yet, increasingly I believe that on balance we have gained rather than lost.

First of all, the Eastern European regimes themselves, and the Soviet regime in particular, have behaved more circumspectly than we had expected toward Helsinki's human rights provisions. They have not adopted a stance of consistent public contempt for the Helsinki principles; instead they have shown a curious kind of ambivalence, both in speech and in practice.

Their public statements have, on the one hand, insisted on the principle of noninterference and on the idea that the state may take an active part in the "battle of ideas." On the other hand, we have by now a substantial number of statements by Soviet spokesmen affirming their obligation to abide by the whole of the Helsinki Final Act.

And one can see at least some signs of this same ambivalence in the Soviets' actual treatment of individuals who try to exercise their rights of free movement and free speech. On this matter of treatment, the first and most necessary thing to be said about the Soviet regime is that it remains totalitarian; and as such it has little use for even the most basic human rights.

To take just one example, when it comes to keeping families together—one of the most undisputed and elementary humanitarian goals affirmed by the Helsinki accords—we note that the Soviets have drastically restricted the rate of Jewish emigration from the peak it reached in 1972–73.

We note that there is a huge disparity between the number of reunification affidavits that Soviet Jews request from their relatives in Israel and the number who are in the end permitted to join those relatives. We further note that requests to emigrate are handled in a manner that is cruelly arbitrary to a degree beyond the easy imagination of most Western citizens.

Soviet behavior on other issues of human rights—travel for professional purposes, for instance, or the treatment of journalists—remains just as much a travesty of justice.

But one must also say that we can perceive marginal improvements in these areas. Somewhat lighter sentences have been handed out in a few political trials; there have been some changes in the regulations governing emigration and setting out travel rules for foreign journalists.

Given the enormity of the practices that continue in the Soviet bloc, it is painful to describe these changes as improvements. With the recent expulsion of an American correspondent, we have had dramatic evidence of just how seriously the Soviets take the idea of freedom of the press; and it is bizarre to discuss the changing length of criminal sentences in a country where trial for political crimes is so common as not even to be news.

Yet it is a fact that there has been movement, even if it is equally a fact that the systematic repression persists.

In the long run, though, perhaps even more important than the specific actions that have been taken so far by the Eastern regimes is

that the Helsinki accords have prompted new initiatives by Eastern bloc subjects themselves.

One cannot have a precise sense of these things, but we hear reports of junior-level officials reminding their superiors that the Helsinki accords do exist and should be taken account of.

We hear of increases in applications to emigrate, and we hear that some applicants explicitly base their case on Helsinki. We hear of new private groups within the Eastern bloc countries organized to spread knowledge of the Helsinki human rights principles.

In short, the existence of a formal, written document, to which the Eastern regimes gave their public consent and their formal stamp of legitimacy, has made a difference. The words matter, and are beginning to move human minds.

Perhaps we in the West, who pay such frequent tribute to the worth of ideas, should be a little embarrassed that at the time of Helsinki we entertained such a low opinion of their power.

And finally, the human rights opportunity before us has grown not just because of ambivalence in the Eastern regimes, and not only because of the response to Helsinki by Eastern bloc subjects, but because even apart from Helsinki the general climate of opinion on issues of human rights has changed.

Human rights are commanding more attention now in Western countries, especially in the United States; and that attention is beginning to make itself felt in the actual conduct of our foreign policy. It is no accident that a period that began with the White House's refusal to see Alexander Solzhenitsyn should have ended a short time ago with a forthright statement by ex-President Ford that the White House decision had been a mistake.

The U.S. Congress has begun to take a serious interest in these matters, and the existence of this Commission is one very important sign of that. Moreover, the recent statements by the Carter administration, supporting the signatories of Charter 1977 in Czechoslovakia, calling attention to the plight of dissidents in the Soviet Union, and culminating in the President's extraordinary letter to Andrei Sakharov, are cogent and encouraging evidence of a new willingness to use the climate of dissidence within the Eastern bloc to further a human rights policy which goes beyond sporadic rhetorical gestures.

We seem to be launched on a new course. But even so we will have to confront the shadow of old arguments that have prevented the pursuit of a forward and energetic human rights policy in the past.

It may be helpful to look briefly at three such arguments:

The first is that the United States does not have clean hands, that it is not morally qualified to lecture others on human rights, having not only violated human rights at home, but having also supported repressive regimes abroad.

Yet the truth surely is that whatever our own failings may be, our record in the field of human rights at home—our laws and our practices—fully justifies our role as a champion of these values. And so far as our relations with other countries are concerned. we have begun and should certainly continue to protest violations of human rights by our allies, by South Korea and the Philippines for example, as forcefully and consistently as we protest violations by members of the Soviet bloc.

The second argument is that we cannot press our human rights concerns universally without causing embarrassment and difficulty for Third and Fourth World nations which need and deserve help rather than harassment.

This I submit is a condescending, even a racist, argument. It assumes that the people living in the developing nations neither want nor need nor are qualified for freedom. This is not what Americans should be saying. Rather we should be saying that human rights are an essential condition of development, and as universal a human need as food and shelter.

The third and perhaps most imposing argument is that our pursuit of human rights may jeopardize the possibility of arms control agreements. Here again the opposite proposition is closer to the truth. For there is no treaty that can ever bind nations without some mutual trust among the signatories, and no such trust is possible unless the parties show themselves willing to abide by common values and standards of decent behavior.

The extension of contacts and communications with individuals in the Soviet bloc is the essence of cooperation and security in Europe; such contacts are integrally related to the reduction of hostility and suspicion which are the threshold barriers to arms agreements. It is in this sense that the Sakharovs of the Soviet bloc are the West's best early warning system.

In addition to the old arguments which I have just reviewed, new ones are now being advanced. Thus, it is said that we may harm our own interests not so much by antagonizing our enemies as by deluding ourselves—by allowing an aggressive stance on human rights to become a substitute for military and political strength.

It is also said that our particular human rights interventions may make life harder for the people we are trying to protect, by causing the Eastern regimes to crack down still further.

And finally, we are warned, if we seem to be acting arbitrarily or opportunistically, if we seem to focus on one kind of offense while ignoring others that are just as egregious, we could discredit the cause of human rights altogether.

I do not think all of these problems are equally liable to occur. But all of them are possible. And I think that if we make some effort to understand why these problems may arise, we will find ourselves paying attention to some underlying factors of our situation that should inform our general policy in this area.

The basic reason that we may have problems—that we may see crackdowns, or indifference, or attempts by our opponents to make us pay in other areas for what we say about human rights—is that our major adversary in these matters is a regime whose oppressions and injustices are not accidents, but a part of its very nature. Even for us to demand that the Soviets fulfill the limited provisions of the Helsinki accords is to demand that the regime participate in activities dangerous to its survival in its present form.

Now there will be occasions on which such demands will be met. The regime is an opportunistic one, and beyond that it retains if not a sense of guilt or shame then at least a residual capacity to feel embarrassment. But such demands will always be met only as a matter of con-

venience, and they will always provoke that special rage that comes from having been caught at doing what is clearly wrong.

So we must not delude ourselves into thinking that any gain we see will be permanent, or that the Soviets will refrain from trying to exact a price from us for the acts of compliance that they do undertake.

All this suggests certain criteria we should use in deciding when and how to press the cause of human rights.

For one thing we must take every opportunity to bring broader international opinion to bear regularly and comprehensively on the matter of Soviet compliance with Helsinki. In the coming review conference at Belgrade, we should work to insure that future review sessions are provided for, as they are not provided for now, to monitor adherence to the Helsinki document.

We must, in other words, see to it that Helsinki standards are publicly brought to bear on the signatories again and again, and that knowledge of deviations should be as detailed and as widespread as possible.

Second, in our own human rights initiatives, we should be clear that while we care for the fate of particular individuals, we cannot meet our goals simply by temporarily protecting those people who become enmeshed in particular instances of government repression.

We cannot assume that the struggle to achieve justice for individuals in the Soviet bloc will perpetuate and expand itself. Instead we are going to have to use the individual cases we select to call attention to the nature of the system that produced them.

We are not dealing with human rights in the context of liberal Western systems of justice, where miscarriages of justice are accidents or aberrations and the force of internal public opinion in any one instance can provoke changes in general practices.

We are dealing with a regime that is by nature corrupt, and we do not have the luxury of treating it as if it were not so, as if we could speak in a reformist manner, as if we had a common language to which to appeal in discussing human rights.

We cannot treat particular abuses without examining principles and underlying conditions. We cannot refrain from saying each time that it is not only the particular case that is at issue, but the inherent nature of a regime that routinely produces such cases.

Our audience in this, we must remember, is not only the Soviet regime but the world and ourselves; we must at each point make the broader political argument that can move the long-range opinion of this wide audience.

So that is one criterion for our choice of cases and the manner in which we pursue them. And the other criterion I would suggest stems from the fact that liberal democracies are so increasingly in the minority in this world.

As we consider how much our human rights posture might antagonize the Soviets on arms control or how much our human rights goals dictate one or another defense posture on our part, we should remember that we do not have the luxury of pursuing our human rights goals in a purely disinterested manner, wholly apart from the matter of our own defense.

Though our strength may be no guarantee of individual liberty throughout the world, there is not much doubt that our weakness will

harm the cause of liberty. We cannot defend liberty well without defending ourselves, not only with ideology but with arms.

It will not do to say that defending human rights has no particular implications for the rest of our foreign policy. On the contrary, we are going to be in no position to defend anyone else's rights in the near future, not to speak of our own, if our seriousness on issues of defense cannot be believed.

Certainly the rest of the world knows this and acts accordingly; there is no reason why we should not know and act on it as well. We hear talk of an abandonment of "linkage" in our dealings with the Soviet Union. Yet there is an inescapable relationship between our ability to champion the cause of uuman rights effectively and the extent to which the United States is perceived as willing to pay a real price for the protection of human rights.

Finally, and because of the truly embattled position we hold in the world, it is most important that we do not permit the setbacks we will almost certainly suffer to erode our confidence in ourselves. It is absurd to think that because the Soviets decide to toughen in a particular set of negotiations, or because they begin resisting our human rights importunings, our policy must have been ill-conceived.

We have a very basic interest in the pursuit of human rights, and it is an interest that far outweighs the temporary costs and unpleasantness that we are going to meet in pursuit of that interest.

There cannot be much doubt that in addition to its worthiness for its own sake, the idea of human rights is one of the chief and most persuasive points of superiority that we present to the world; it is precisely to protect our long-term interests that we should put this point of superiority before the world, and have human rights on the world's mind, as much as possible.

Of course one is going to have to bear costs for this; but it would be suicide to begin thinking that each cost is a sign of the futility of our whole enterprise.

With Helsinki, we achieved more than we had expected. We must not allow those gains to be abandoned because of some lack of understanding on our part of the fact that we will have to pay a certain price for them; we will have to choose our targets carefully, we will have to organize ourselves and our allies for a systematic effort; and we will have to remember to make our case as strongly and as clearly as possible wherever we choose to act.

I am sure that this Commission does not contemplate any such abandonment of gains or slackening of effort. I am sure this Commission knows that as it prepares for Belgrade it is moving toward what could well be the most important opportunity to advance the universal observance of human rights since the end of World War II.

And I am sure that in your hearings you are going to seek ways to make the most of this historic opportunity.

Thank you.

Chairman FASCELL. Thank you very much, Mr. Garment, for a very moving, analytical and cogent statement of policy. Thank you also for the recommendations and guideposts that you have given us.

We need to pay very careful attention to them. I have a question. What was the most difficult aspect of your service on the UN Commission on Human Rights?

Mr. GARMENT. I think that the most difficult aspect of service was the isolation of the Commission and its activity from public opinion. There was very little attention given to what the Commission was doing and why it was doing it.

Chairman FASCELL. In other words, it was very difficult to be heard?

Mr. GARMENT. Yes, it was difficult to be heard and to make it understood that a case was being steadily accumulated which inverted the ideas of the Charter and turned them against the legitimacy of Western democracies.

And not only Israel, which is of course a traditional scapegoat, but the United States itself.

Second, there was resistance within our own government to the presentation of forward positions because of the concern that this would cause problems in other areas of foreign policy.

Third, it was a matter of concern that the flow of events, the attrition of the position of the West, the way in which an accumulation of words can serve to undermine the strategic strength of a nation or a bloc of nations, seemed not to be comprehended by our allies.

I think it was this combination of passivity in our own policy, the inability to achieve some degree of cohesion with our allies in dealing with the problem, and the inability to communicate the atrocious activities of the Commission to the world at large that gave me great concern.

Chairman FASCELL. You pointed out that the cause of human rights, at least in the United States, is not anything new. It has been a matter of concern for us for a long time. Witness our own efforts internally, by law, and otherwise to advance the cause of human rights domestically.

It seems to me from recent statements, the Soviets have—on their own, quite as a surprise to me frankly—decided to push the cause of human rights into the context where we think it ought to be—the international arena—as a major factor of discussion between states on all issues.

The Soviets are suggesting, for example, that it would cause trouble in other matters, whether it happens to be arms agreements or economics. It seems to me when they have decided to make that kind of linkage, which is the kind of thing Helsinki is really all about, that we ought not to back off from it.

Mr. GARMENT. I think those remarks are much to the point, Congressman.

First of all, we, I think, have proceeded on the theory that there are certain truths which are self-evident. They may be self-evident but they are not necessarily self-proving. That has been increasingly the case in recent years in a world where the totalitarian ideologies and variations of that ideology have been pressed with great energy and intelligence in international forums as strategic policy.

The Soviets have taken questions of ideology seriously and we have not taken them seriously.

Now we find ourselves beginning to recognize the importance of human rights concerns, the kind of concerns that are the heart of the Helsinki accords, particularly freedom of movement.

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As we begin to focus on these issues, we have the best possible measure of how salient they are, and that measure is the Soviet response. And the Soviet response which you alluded to, which was to say these are not trifling matters, these are matters of strategic concern—represents a definition by them, by the Soviets, of the central nature of these questions.

They are not prepared to yield on them. The strength of their society is thin, the ability to withstand crises, economic crises, food crises, ultimately human rights crises, is precarious, and therefore they will make a real issue of our right to press for implementation of agreements arrived at in Helsinki.

You are quite right that this has become a major issue. They are joining issue not in the sense of finding a way of implementing the accords but to discourage us from pressing for implementation of the accords, and that is something that we must resist.

Chairman FASCELL. Senator Stone.

Senator STONE. Thank you, Mr. Chairman.

Senator STONE. Mr. Garment, put yourself in the position of the Soviet leadership for a minute, facing what they would think to be a cynical world opinion or cynical world leadership and opposed to an idealistic world. What has the Soviet leadership to gain, either domestically or in the world, by helping their human rights situation by not using insane asylums politically, by not using torture in their penal systems in any way, shape or form, and by allowing freer expression of speech, religion and travel? What would they have to gain if they did do what we are asking them to do?

Mr. GARMENT. I think the fair answer is that they have relatively little to gain and that is why they are resisting co-operation. Were they to give substance to the language of the agreements, their internal problems would be increased, the need to accomodate the human needs of their people would increase.

Senator STONE. I did not hope for that answer.

Mr. GARMENT. Well, I am telling you what I believe. It is in our interest to press and to take part in a contest of ideas and to take advantage of that part of the Helsinki accords that represents our strength.

I would not try to put a gloss on the agreements by saying that it is in the short-term interest of the Soviet leadership, a leadership interested in perpetuating itself in power, to give real recognition to those provisions. I think if those provisions were literally performed, if the Universal Declaration of Human Rights was scrupulously observed, conditions within the Eastern bloc would change in a dramatic fashion.

I recognize the realities of the situation are such that that change will not take place quickly.

I certainly do not urge that this campaign be accelerated to the point where an intense crisis develops.

The gravamen of my case is that we make clear through the consistent articulation of our ideas in all appropriate ways and forums that these are strongly-held concerns of this country.

And in due course, I think this is bound to have salutary effects on the lives of individuals and on the relationship of nations.

Senator STONE. I wish respectfully to disagree with your answer, because I feel that if your answer is the fact, we are not going to get anywhere with the Soviet leadership and we really must get somewhere with them.

If they have nothing to gain, why would they grant further human rights? But I think they do have something to gain. I think they have something to gain in world opinion, something to gain in terms of domestic tranquility within their own country.

If not, we are not going to get anywhere and I hope that what you said is wrong.

Mr. GARMENT. Well, I do not think they will gain in domestic tranquility in any measurable way. I think they hope to gain in marginal terms or in a very balanced way in world opinion.

After all they have made very large strategic advances in the world, certainly in Europe. They have to balance very carefully the internal problems that are caused by adherence with the provisions of Helsinki and other such accords, with the reactions and attitudes that may develop among the constituencies of supposedly friendly political organizations in other countries.

After all, the leadership of the Soviet Union thinks in long terms. They are not thinking from month to month or from election to election. They are thinking in terms of the balance of the century. And from that standpoint there may be a great disadvantage if they affect opinion in such a negative way as to prevent the achievement of their basic aims.

Senator STONE. Thank you, Mr. Garment, and thank you Mr. Chairman.

Chairman FASCELL. Mr. Buchanan.

Representative BUCHANAN. Thank you, Mr. Chairman.

I would like to join my fellow Commissioners in commending your statement, Mr. Garment, and thank you for your service to our country.

Mr. GARMENT. Thank you.

Representative BUCHANAN. It was an excellent statement.

Like Senator Stone, however, I am a little concerned. I guess we are just determined to revise your answer pertaining to what the Soviet government has to gain by broader recognition of human rights within the Soviet Union.

It would seem to me that anyone who has heard the message of the Russian people—not only expressions of the dissidents, but of a broader range of the people of the Soviet Union—would have to pick up the message that if things were a little better for people, the government would be strengthened rather than weakened. I can not see how it could be other than the case, notwithstanding the ferment that more freedom is apt to bring.

Mr. GARMENT. If I may say, without repeating all of what I said before, Mr. Buchanan, there are certain dynamics to freedom. There are consequences to the process of enabling people to think and to intermingle with persons and ideas that are opposed to totalitarian ideas.

And, therefore, if one is dealing with a totalitarian society, I think it would be Pollyanna-ish to think that they felt that this issue—what is to them a fundamental ideological issue—can be compromised safely.

Representative BUCHANAN. Let me ask you—you mentioned the International Covenants on Human Rights. Do you think this country should ratify that, notwithstanding some of its deficiencies from our point of view?

Mr. GARMENT. Yes, I do. I think that we should ratify the international covenants for several reasons, that is the covenants on civil and political rights in particular and the other covenants on economic, social and cultural rights, and, of course, the treaty on genocide. These are all pending for ratification.

To some extent our position is hampered in debates in international forums by the fact that we have not ratified these international documents. It is certainly difficult to explain the federal system and the historic reservations that exist.

There are substantive objections. I think the covenants on civil and political rights are somewhat regressive in relation to the Universal Declaration of Human Rights. They give more weight to the centerpiece of the Soviet campaign in the Human Rights Commission, namely the primacy of the right of life over all other human rights, to wit, the right of state security, the right to be protected against other nations, which leads inexorably through the traditional Soviet syllogism to the right to suppress all other human rights.

The covenants do give greater weight to that idea, and to the principle of non-intervention. But on balance, it seems to me we should ratify international treaties that have been signed by the United States government so as to give greater force to our views. The Congress can make the appropriate reservations.

Representative BUCHANAN. Thank you and thank you, Mr. Chairman.

Chairman FASCELL. Congressman Yates.

Representative YATES. Mr. Garment, I welcome you to the Commission, and I want to congratulate you on the fine job you did as our representative to the Commission on Human Rights at the United Nations.

I had the privilege of serving at the United Nations some years ago and I was impressed by the fact that I did not really understand the Russian mind. And I don't know that I understand it today.

It was a constant effort to try to persuade them, and the impression one received was that they were not persuadable. Like the Sisyphus myth, you roll a stone up the hill and it is always down at the bottom again. And I found in connection with my debates against the Soviets on the Committee of 24 that they, of course, were always at us, hammer and tongs.

If one representative moved out of the seat, another representative came in and took up exactly the same answer in the middle of a sentence, for example. They spoke exactly the same. It was just this kind of a presentation.

And I wonder whether the approach that you suggest can be helpful or whether Jackson-Vanik, that kind of an approach is more helpful. I came late. I did not hear you once refer to Jackson-Vanik, for example, as a possible means and what your appraisal of that approach was.

Having read an interview with Mr. Bukovsky in the Christian Science Monitor, I know that he is of the opinion that pressure, constant

pressure, has to be laid upon the Soviet authorities at all times. This was what I heard, too, when I spoke to the dissidents in Moscow 2 years ago.

Good will, they said, has its place, but not in your relations with the Soviet Union. You must find some way of constantly pushing them so that there is a quid pro quo exchange that may emanate from this kind of a thing.

There is the feeling among many of my colleagues, among many so-called Soviet experts, Russian experts now, that Jackson-Vanik will not serve a purpose, that it is past, that the Soviet authorities will not be pushed into a corner. This is the phrase, they will not be pushed into a corner, and the harder you push them, the harder they resist, and that that avenue does not help.

I recently had occasion to talk to an emigre from the Soviet Union, who thought that perhaps if Jackson-Vanik didn't work, there should be pressure but in the field of détente. He thought that what the Soviet Union is interested in now, more than anything else with a new administration, is a continuation of the policy of détente, and that if you could tie human rights in some way with the continuation of the policy of détente, there is an opportunity to move forward.

I do not know what that channel is. I know that I favor what President Carter is doing at the present time. I favor the emphasis he is placing on human rights in contrast to the linkage that appeared in the last administration.

I noticed that with every statement that he makes, the Soviets back away. Apparently there is a deliberate and concerted effort thoughout the bloc countries now to prepare for the Belgrade Conference by saying, "we won't be intimidated" and by passing or by promulgating many repressive measures, and by picking on the dissidents.

I am glad to see Mr. Bukovsky here—and I don't understand why he is here. I do not know why they let him out. I hope to find out when he gets on the stand. What is your feeling about the Jackson-Vanik Amendment and its effect on the relations between the two countries?

Mr. GARMENT. Congressman Yates, let me start to answer that very difficult question by suggesting what may be the reason for Mr. Bukovsky's presence here.

A country not particularly noted for its protection of human rights but gifted with tactical ingenuity, namely Chile, after years of having been condemned, and on the evidence quite rightly so, by human rights agencies for its internal policies, and having been condemned frequently by organizations acting under the leadership of the Soviet Union, challenged the Soviet Union to exchange an important Communist leader who was imprisoned in Chile, Luis Corvalan for Mr. Bukovsky.

The Soviet Union agreed, under repeated pressure, and the exchange was effected.

Representative YATES. Pressure by whom?

Mr. GARMENT. It was raised frequently within the Commission on Human Rights and publicly. The Chilean Government made the offer and repeated it, and the Soviet Union accepted the offer.

The result, of course, was an admission, perhaps the first admission the Soviet Union had ever made, that they have political prisoners, because this was an exchange of political prisoners.

I am sure that point will be made and it will be resisted by the men Congressman Yates encountered in his visit to the United Nations, men who are trained to present, and to present effectively, the Soviet position.

Now I have had the educational privilege of being in debate with Soviet representatives in Geneva. And in certain meetings, I believe both in public and closed meetings, I had occasion to identify what were transparent lies. But this did not interfere with the repetition of the same lie, or a series of lies, and without any embarrassment whatever.

But the point in this, it seems to me, is that it devolves upon us to use our intelligence to make our case.

I think we should approach it in a hard-headed fashion. Our strongest weapon is the weapon of words, the power of ideas, the force of our history. It is representative of what we believe and of what we have done.

After all we have started as that "city on the hill" as an example to other nations. We believe that there is in the human being a yearning for freedom, for self expression. We hope to be able to convey that sense to peoples in the Soviet bloc; and if we persist long enough, I think it can make a difference.

On the other hand, if we try to fashion bargains, we denigrate the ideals by trading money and munitions for the decent treatment of an individual. The abstention from torture, the adherence to minimum rules of due process for their own sake rather than for the sake of grain or for credits, will bring strength to the principle. I think we diminish the principle by linkage.

Representative YATES. Thank you and thank you, Mr. Chairman.

Chairman FASCELL. Mrs. Fenwick.

Representative FENWICK. Mr. Garment, that was a wonderful statement and particularly the emphasis on the power of ideas which I think we have in this country to some extent.

I would like to ask you if you think this perfectly hopeless.

I would like to see us pursue Basket One and Basket Two on their own grounds, for mutual benefit: Deescalation of armaments because it is beneficial to both countries, and whatever arrangements we want to make that are sound economically and benefit both countries.

But we should keep basket three without compromise. The point of basket three is that we are talking about something that is quite separate from a mutually beneficial interchange.

We should stop saying, "We will give you more grain if you give us visas for three more people." That is to downgrade, in my opinion, the whole theory on which we are trying to proceed, which is an orderly and just world in which these injustices just will not happen to people.

I know the Russians are said to be intensely practical. They are going to do whatever is mutually beneficial in the long run for them anyway. I don't think we are going to be able to force them to destroy their system, but I am interested in what you say about that point because others who have come before this commission—those who have come out of the Soviet Union, those we saw in Paris, dissidents who managed to get out—they are saying, that if the Soviet Union did begin to

treat their people with a little more humanity and justice, that somehow the whole system would be threatened.

Do you really think that is true? Do you think that that is partly why they don't do it?

Mr. GARMENT. Yes.

Representative FENWICK. Do you think, then, that the sort of outline I suggest is impractical?

Mr. GARMENT. No.

Representative FENWICK. Do you think they would be willing to risk the destruction of their system? If we were willing to continue negotiating mutually beneficial actions, would they refuse to negotiate because we insisted so much on human rights?

Mr. GARMENT. No, I think they will pursue the line of their interest from a purely self-interested point of view.

Representative FENWICK. Yes.

Mr. GARMENT. They will strike bargains where they can, again from the standpoint of their long-term interest. I do not think they will take actions which will present a threat to their basic system, to the totalitarian idea, which identifies virtually all of the country as "dissenters," because most Soviet citizens are unhappy about one or another aspect of their life under Soviet leadership.

That can rapidly get out of control.

Representative FENWICK. Just one more question that I want to ask. It seems to me that the communists in France and Italy have increased their vote but they are also increasingly departing from the Soviet line. The Soviet system becomes more brittle and fragile as it expands, almost like a bubble that is about to break.

But I am troubled by what you say about the position of our allies in the Human Rights Commission. Did I misunderstand you or did I hear you correctly, to suggest perhaps there was not much urgency on their part?

Mr. GARMENT. They were quite weak, to put it bluntly.

Representative FENWICK. They were?

Mr. GARMENT. Certainly the individual representatives were not indifferent to the importance of the problem, but the instructions they had generally prevented us from moving in an effective way. Of course the vote is always against us.

Representative FENWICK. Yes.

Mr. GARMENT. And will be for the forseeable future. So the power lies in our ability to articulate the ideas of Western civilization, which are indeed attractive ideas.

I would not, to go back to your earlier statement, Mrs. Fenwick, be completely discouraged about the possibility of change in the Soviet Union despite the present attitude of Soviet leadership. There are matters that lie beyond our capacity for prophecy.

It may sound simple, but there is something powerful and convincing about ideas that are sound and soundly presented.

These ideas have real strength, and they can certainly affect the margins of Soviet power in Eastern Europe and by a process of ideological osmosis, can affect the way the Soviet system itself operates in the longer term.

Representative FENWICK. Thank you, Mr. Garment.

Chairman FASCELL. Congressman Simon.

Representative SIMON. First of all, I note the presence in the audience of our colleague, Representative Bill Goodling. I am sure we would be happy to have you join us here if you care to.

By implication, Mr. Garment, in your statement—and it is an excellent one incidently; I think it is solid in both ideology and practical terms—you indicate approval of the letter of President Carter to Mr. Sakharov. You are aware that some in the State Department and on the Hill, at least quietly, have great reservations about that. I am just curious about your reaction to that letter.

Mr. GARMENT. Well, I am as enthusiastic as most others about that letter. I think that it is a marvelous writing, a historic act. I am not surprised that there is a conditioned reflex that exists within certain quarters in the State Department.

These are many who are enthusiastically in support of the President's action, but I think there is a reflex that draws back with alarm from anything that represents such a departure from what has been the order of procedure for so many years.

During the period that I served as Counsellor to the U.S. delegation to the United Nations, there were occasions in which Ambassador Moynihan was unable to use the name of Soviet dissenters in statements and speeches.

So we have moved quite some distance from the feeling, institutionally, that the mention of the name of prominent dissenters would give offense to the Soviet Union and should not be done. This is a colossal inhibition of our own freedom of speech that has very little diplomatic value.

Representative SIMON. There is nothing to be gained pragmatically from pussyfooting around about what we believe?

Mr. GARMENT. Absolutely nothing.

Representative SIMON. Then one other question. You make a couple of references to the meeting in Belgrade. I assume you are still in contact with the State Department and what is going on there.

Are we making adequate preparations for Belgrade?

Mr. GARMENT. I have very limited contact with the State Department. I still have some friends in the State Department, and we have had occasion to talk very informally about what is taking place, and it is my impression that the Department would welcome and would benefit from guidance by the legislative branch on preparations for Belgrade on the extent to which this should be considered a high priority of the American Government, the kind of position that should be adopted, how forward, and so on.

There were intimations of anxieties within the Soviet bloc about Belgrade even before the events of the last couple of weeks. And so the setting in which Belgrade will play out has changed, and we should take advantage of that fact. We should also be alert to the fact that there may be great resistance to Belgrade with the Soviet bloc, and some related apprehension in the State Department.

The executive branch has a special function, and this Commission in particular has both the responsibility and, I would say, magnificent opportunity, to make sure that the events in Belgrade are known to the world.

Chairman FASCELL. Mr. Garment, thank you very much. By way of a postscript let me just add that we are certain that the level of awareness has been raised in the Department of State.

The Commission has received assurances from the Secretary of State, Mr. Vance, not only of cooperation in our mutual effort here, but also in the improvement of the preparation for Belgrade. There is now a sincere awareness not only of the issues, but the changing circumstances that surround them. I am a lot more optimistic than I was 2 or 3 months ago.

Mr. GARMENT. I am reminded of a case some years ago, one of the few cases that developed fortuitously from my own standpoint, and so well, that when it came to the trial date, the other side defaulted, and it was a great disappointment to me.

It is very important in the preparations for Belgrade that we make sure that the Soviets do not default, that they are there, and they hear and the world hears what we have to say and what they have to say.

Chairman FASCELL. Thank you very much, Mr. Garment. We appreciate your taking the time to be with us and giving the benefit of your views and your knowledge.

Mr. GARMENT. Thank you.

Chairman FASCELL. Our next witness—it is a great privilege and an honor today to have Mr. Vladimir Bukovsky as a second witness for the Commission today.

With him is Dr. Yuri Olkhovsky, who will help us as an interpreter this morning.

In the years between his arrest in March of 1971 and his release last December, Mr. Bukovsky attracted by his courage the admiration and support of thousands of people in the West.

His conduct ever since his first arrest in 1963 has come to symbolize the determination of Soviet civil rights advocates to speak their own minds, and the strength of character that sustained such a determination.

For many years his voice was one of many that the Soviet authorities did not want the West to hear, and so today we are fortunate that we do have the opportunity to hear him.

Mr. Bukovsky, you have a prepared statement, will you proceed.

STATEMENT OF VLADIMIR BUKOVSKY

Mr. BUKOVSKY. Thank you. Mr. Chairman, members of the Commission. I would like to take this opportunity to thank everyone of the many people in the United States who have worked for my release from Soviet prison.

Over the decades during which the Soviet regime has existed, a number of international agreements on the need to observe human rights have been concluded. I do not intend now to analyze in detail the qualities and deficiencies of each of them, but I wish to make clear that the essence is not the quality of the agreements themselves but how far Western countries are ready to insist on their fulfillment. The last in the series of the agreements was the Final Act of the Conference on European Security and Cooperation which, despite its obvious drawbacks, contains a number of clauses obligating all its signatories, including the Soviet Union and East European countries, to respect the rights of their own citizens.

However, from the very beginning, the Soviet Union had no intention to fulfill this part of the agreement, attempting to relieve itself of all obligations by referring to its sovereign rights.

The Soviet Union's attitude to the West and, consequently, to cooperation with the West, is easily shown by the example of article 64 of the Russian Federation's criminal code (and the equivalent articles in the codes of the various Union Republics).

According to this article, any citizen of the U.S.S.R., trying to escape from the Soviet Union or refusing to return to it, is considered a traitor and is on the same footing as a deserter who has gone over to the enemy. Such a person may be punished by imprisonment from 10 to 15 years or by execution.

What peaceful cooperation or détente can we talk about if the Soviet Union continues to force into the minds of its own citizens hostility toward European countries and the United States of America, reserving to itself the right to preserve a cold-war climate inside the country? It is obvious that the Soviet Union does not have the slightest intention of bringing its internal legal system into line with international agreements, let alone allowing the peaceful coexistence of ideologies.

There is no freedom of movement in the Soviet Union. And one can only be amazed by the blindness of people in the West who do not see the Berlin Wall in the middle of Europe. The Soviet Union is similarly fenced in.

Dozens of my fellow-prisoners are still in the U.S.S.R.'s prisons and camps only because they tried to leave the U.S.S.R. or, once they had left, returned voluntarily. Vladimir Balakhonov, a U.N. employee who asked for political asylum in Switzerland in 1973, returned to the Soviet Union of his own free will after a Soviet consul gave his assurances that he would not be subject to repression. He was sentenced to 12 years and is now in Vladimir prison.

Vasily Fedorenko was given 15 years for an attempt to cross the Soviet-Czechoslovak border and is in Vladimir prison on a special regime. He has been on a hunger-strike for more than a year in protest against his illegal sentence.

Nothing is known of the fate of the pilot Zosimov, returned by Iran to Soviet authorities for punishment. Twelve Jews, who received sentences of between 8 and 15 years for the famous Leningrad hijack case, are still in detention.

Incidentally, the merit of these people is that they were the first to attract the attention of the world public opinion and of Western governments to the problem of leaving the U.S.S.R. But even now this problem cannot be considered resolved. People are subject to persecution including imprisonment for many years, for the mere expression of a wish to leave the country.

For example, Anatoly Marchenko was exiled to Siberia for trying to exercise his right to leave. Even after the Helsinki agreement, which plainly stipulated the principle of reuniting families, Ida Nudel has not been allowed to join her sister in Israel, and she is threatened with legal and psychiatric persecution. According to the Moscow Helsinki Observance Group, the possibilities of leaving the Soviet Union have grown sharply worse since the Final Act was signed: emigration is now limited to cases of narrowly understood reunification of families. The problem of return to the U.S.S.R. for those who have left has not been touched on.

Everyone who decides to leave does so once and for all, without any hope of ever returning. Therefore, he practically has to decide to become a refugee. Under that same article 64, any attempt by representatives of various peoples of the U.S.S.R. to realize or even discuss their right to national self-determination, as provided for in the Soviet Constitution, is seen as treason.

Principle Eight of part one of the Final Act speaks of the right of every people to define its own external and internal political status in conditions of complete freedom. However, the peoples of the U.S.S.R. have never had conditions of complete freedom let alone any real possibility for self-determination.

I can bear witness to the fact that there are still hundreds of people in prisons and camps who were sentenced after the Second World War for their part in national liberation movements in the Ukraine and the Baltic republics.

In the sixties and seventies dozens of people were condemned for so-called bourgeois nationalism, that is for participating in discussions of prospects for national self-determination or even just for a cultural renaissance of their peoples. Due to limitations of time I am unable to name all of them, but I shall mention only those who have been imprisoned several times for "bourgeois nationalism" and are currently in a prison or camp.

They are the Armenian poet Pairuir Airikyan; the Ukrainians, historian Valentin Moroz, linguist Svyatoslav Karavansky, teacher Danilo Shumuk, historian Ivan Hel, poet Mikhailo Osadchi, writer Vyacheslav Chornovil. Yuri Shukhevich has spent only 4 years at liberty since the age of 15.

He was sentenced to 5 years in prison, five years in a special regime concentration camp, and 5 years' exile for writing his memoirs. The Ukrainian poet Anatoly Lupinos, is in the Dnepropetrovsk psychiatric prison under forced "treatment" for an unspecified time. He earlier served a 10-year camp sentence.

Whole peoples who were deported in Stalin's times are denied the right of return to their homeland: these are the Crimean Tartars, Meskhetians and the Volga Germans. If the Germans are now managing to emigrate to West Germany, experiencing the usual difficulties associated with leaving (arrest, persecution, and humiliation), the Crimean Tartars, expelled from the Crimea, and the Meskhetians, expelled from Georgia, are still deprived of the freedom to choose a place to live inside the Soviet Union and are subjected to the same cruel persecutions.

The Crimean Tartar activist Mustafa Dzhemilev has been imprisoned for the fourth time. His life is now in danger after prolonged hunger-strikes. At present, movements for national rights are inseparable from the general movement for the rights of man.

As a participant in this movement, I should like to point out that the necessity of observing the law always formed part of our traditions. Samizdat, peaceful demonstrations and protest petitions were and continue to be our practical expression of constitutional freedoms.

Our information journal "The Chronicle of Current Events", founded in 1968, carries the text of article 19 of the Universal Declaration of Human Rights on its masthead. Again in 1968 signatures were

collected for an appeal to the USSR Supreme Soviet with the proposal to ratify the covenants on civil and political rights.

Our constitutional actions were answered by repressions, since they were described as anti-Soviet propaganda, defamation of the Soviet system, or infringements of public order. Signed sheets of the appeal were confiscated during house-searches. Several times during house-searches (and always to this day in places of detention) the text of the Human Rights Declaration was confiscated. In a number of verdicts, participation in compiling and distributing the "Chronicle of Current Events" was considered a crime.

Hundreds of people have been imprisoned for participation in this movement, for their beliefs and convictions. Soviet punitive organs and propaganda deny the existence of persecution for one's beliefs in the Soviet Union; according to official statements, nobody is imprisoned for his views in the Soviet Union, only for his actions.

At the same time, expression of one's views is understood as a criminal act. Incidentally, article 19 of the Human Rights Declaration does not separate the right to have any views and convictions from the right to express them.

Alexander Chekalin, a fitter, was sentenced to 5 years in a concentration camp in 1971 just because he had written a remark on a voting slip during so-called secret elections to the Supreme Soviet. In this remark he expressed his opinion of Soviet electoral procedure.

Dozens of people have been sentenced only because they have complained to the country's authorities and international organizations. The merited teacher of the Moldavian republic, Yakov Suslensky, who survived a 7-year sentence by a miracle and was released in January of this year was imprisoned for a letter to the U.N. Secretary General, which the KGB got hold of while it was in the mail. Such practices force people to be hypocritical, teach them to think one thing and say another.

They violate people's consciences. There is no freedom of information in the Soviet Union. Soviet law rejects it in principle. Exercising the right to receive and spread information by any means is punishable under articles 70 and 190.3, and is considered to be a criminal act.

I was arrested in 1971 and sentenced to 7 years in prison and concentration camp and to 5 years' exile just because I had, openly, without making a secret of it, told the correspondents of the Associated Press and of CBS in Moscow what I had seen in prisons, camps and madhouses.

During the so-called trial, which lasted for only a few hours, clippings from American newspapers containing an interview with me were shown as evidence and the CBS film with my participation was shown. None of the judges spoke English, but the court nevertheless refused my request for a translation during the case.

They said that everything was already clear. I can certify that more than a month before the court examination and the verdict, a KGB investigator told me the term of my imprisonment. The following people are now imprisoned in concentration camps and prisons for distributing publications about infringements of human rights in the Soviet Union, such as the "Chronicle of Current Events," the "Chronicle of the Lithuanian Catholic Church," and the "Ukrainian Herald":

Nijole Sadunaite, Sergei Kovalev, Vyacheslav Chornovil, Gabriel Superfin, and others.

As far as the right to receive information is concerned, this is very limited for those living at liberty and almost non-existent in camps and prisons. Article 25 of the Corrective Labor Code firmly prohibits prisoners from receiving any publications produced outside the Soviet Union. A political prisoner in Vladimir prison, Nikolai Budulak-Sharygin, did not receive one single copy of the English communist newspaper, "The Morning Star," which its editorial office used to send him at the request of his English wife.

Even the "UNESCO Courier," the Russian version of which is published in Moscow, is forbidden in Vladimir prison. The infringement of the right to receive and distribute information also applies to personal correspondence. Of the tens of thousands of postcards, which as I now know were sent to me from abroad, I received just three during my detention. For months I was not given letters from my mother, and the small number of letters which I was able to write out of prison (one letter every month or two) were continually confiscated under trumped-up pretexts. Seven political prisoners in Vladimir prison were finally obliged to give up their correspondence altogether.

The Soviet system of corrective-labor reeducation for political prisoners constitutes a monstrous crime, relying on punishment by hunger, solitary confinement, deprivation of medical help, and all this is done with the aim of forcibly changing religious, political, and national convictions.

All this is what those internal affairs of the Soviet Union really are, the ones with which it will not allow interference, which it covers with its sovereignty. And, quite often, the West accepts the Soviet point of view on interference in its internal affairs.

One can say confidently that the Soviet leadership has never intended to observe the Universal Human Rights Declaration, covenants on civil and political rights, or the Third Basket of the Helsinki agreement. And it will not observe them unless Western states and societies firmly and systematically work toward their fulfillment.

For me it was quite obvious that all international documents will remain unfulfilled until the Soviet Union brings its internal legal system and practice into line with its international obligations. Quite recently the Soviet Union confronted you with a direct challenge by declaring that monitoring observance of the Helsinki agreements was a crime. The leaders of the Moscow and Ukrainian Helsinki groups, Yuri Orlov and Mykola Rudenko and other members of these groups, former political prisoners Alexander Ginzburg and Oleksa Tykhy, have been arrested.

The fate of these people, and of the Helsinki agreement itself, depends on the reaction of Western countries: will the world be able to stand up for its own understanding of freedom or will it adopt the principles of "socialist democracy?"

In order to defend basic freedoms and to support civil rights, national and religious movements in the U.S.S.R., it is essential:

(1) To investigate infringements of these freedoms in the U.N., Human Rights Commission, in UNESCO, and at the forthcoming Belgrade Conference;

(2) To demand the admittance of observers into Soviet political camps and prisons, psychiatric hospitals, and to political trials;

(3) To obtain free contact between western Helsinki groups and the Moscow, Ukrainian and Lithuanian groups, including meetings with arrested members of these groups;

(4) and finally, to make trade and economic ties depend on the observance of civil rights agreements. It is clear that a country which does not fulfill these agreements will easily break others.

I should like to issue a very serious warning: western public opinion, parliaments, and governments must have patience. The West is too impatient: after some attempts which have brought no results, you easily let your arms drop and you despair.

And the Soviet Union, knowing the West, certainly banks on such a reaction and, as recent arrests have shown, will stick to a hard line. And again a certain viewpoint can arise: "It is better not to anger the Soviet leaders"—they bank on that, too.

You must understand that a new wave of repressions in the Soviet Union does not demonstrate strength, but the Soviet Union's fear in the face of rising opposition from within the country and international solidarity with this opposition, particularly in view of the unprecedented rise of opposition in all the East European countries.

I do not hesitate to state that the fate of the world depends on the conduct of the Western nations at this time of growing crisis. A firm, relentless and constant stand by the West will force the Soviet Union to recognize political realities.

I don't want to be misunderstood. I am not against attempts to seek peaceful settlements of all the problems which divide us. I am for détente. But it must be a real détente and not a self-deception. Not at the price of basic principles on which this country was founded. Not a capitulation to the advance of communism which is the way the Soviet Union interprets détente to its own people daily. It must be a détente with a human face.

Thank you. [Applause.]

Chairman FASCELL. Thank you very much, Mr. Bukovsky, for a very sad commentary but a very powerful statement. It is very hard for us sitting here, at least for me, to realize as part of your statement, that you were sentenced to 7 years in prison and 5 years in exile simply because you expressed your observations of what took place in prison camps and psychiatric hospitals to the press.

If the same rule of law or the same interpretation were placed here with members of Congress who dissented with the administration at one time or another, we would all be in jail.

It is almost inconceivable and difficult to grasp the fact that as part of the legal system, under the cloak of sovereignty, that the Soviet Union uses these repressions and, as you state, out of fear, to make everybody conform.

You say that there is rising opposition or rising dissent in the Soviet Union and Eastern bloc countries. Is that something new, or is there just an increased awareness of it in the West?

Mr. BUKOVSKY. Excuse me. I will speak in Russian because I am tired of speaking in English. I will ask Dr. Olkhovsky to translate.

Chairman FASCELL. Please.

Mr. BUKOVSKY [through interpreter]. The increase in the strengthening and spread of the struggle for human rights in the Soviet Union—this is a constant process which has been going on for at least the last decade.

Of course the process of interaction with the West is crucially important to the movement in the Soviet Union.

Chairman FASCELL. We have been joined here at the table by the distinguished Co-Chairman of the Commission Senator Claiborne Pell. I yield to him for whatever remarks he wishes to make or whatever questions he wishes to address.

Senator PELL. No remarks except to express my regret at not being here to hear my old friend Leonard Garment make his statement and to hear Mr. Bukovsky's statement, which I have had the pleasure of reading. It is very difficult for us sitting in these comfortable circumstances and it makes us very humble—not a usual position for a politician—to hear your account of your tribulations.

I really have two questions.

Number one, do you think that conditions now from the viewpoint of political repression are better, worse, or about the same as under the czars?

Mr. BUKOVSKY [through interpreter]. I cannot in any way compare the two processes.

Senator PELL. The reason I ask it is, having read Dostoevsky and Russian literature, it seems that there is nothing new about these conditions. They are dreadful, but they have been there a long time.

Mr. BUKOVSKY [through interpreter]. I cannot agree with such comparison. It seems to me that having read Dostoevsky, one cannot really get the point of view of what was going on.

Very often in the West I encounter a very complete lack of understanding about what is going on right now in the Soviet Union and what has been going on previously.

I come across people once in a while who maintain that serfdom in Russia was abolished in 1917. [Laughter.]

Mr. BUKOVSKY [through interpreter]. One must appreciate that 50 years before the revolution all kinds of processes were taking place for the democratization of society toward the achievement of certain human rights.

For instance, we had the jury which acquitted persons attempting to assassinate the Governor General of Petersburg. Immediately after the revolution we lost all of those traditions, democratic traditions, which had been gained before that.

An entire social stratum of people was destroyed together with the institutions and traditions which had already been acquired.

And the process which is taking place now, the process of asserting moral values, is a totally different process from those which had been going on before.

Senator PELL. One difference it seemed to me was the use of psychiatric treatments in hospitals as a means of political repression.

I was wondering if Mr. Bukovsky could give us a little more of a first-hand report of the way that the Soviet Union used psychiatric treatment. I know that he was judged insane for two years and underwent the same treatment himself.

Mr. BUKOVSKY [through interpreter]. Psychiatric repression is common in the Soviet Union. This is a direct consequence of the ideological system and the state system in the Soviet Union.

The basic doctrine to which everything in the Soviet Union is subjected, maintains that being determines one's consciousness. And, inasmuch as the Soviet Union in the course of the last 60 years has maintained this type of propaganda, the socialist society, the socialist type of being, a normal human being cannot help but develop a socialist type of mentality.

In a country where for the last 60 years there has been anti-religious propaganda and religion is prohibited, every human being who believes in God is viewed as insane. Also a young person who does not support the state and does not maintain the communist point of view, can also be considered as insane. The persecution of dissidents through the use of psychiatric repression became widespread in the late 1950's and since that time it has been growing and intensifying.

New psychiatric hospitals of a special type have been built and are being built. By the end of the 1950's, there were only 3 such hospitals of this special type in the Soviet Union, now there are at least 15. Intensification of the use of psychiatric hospitals in the early 1950's and the 1960's, was given impetus by the statement made by Khrushchev.

Khrushchev said then that there are no opponents to the Soviet regime in the Soviet Union and there is no opposition, and all of those who are dissatisfied with this regime are simply insane.

This type of method is extremely advantageous to Soviet power. This is because it immediately allows the Soviet Union to blacken anyone who is against it, and at the same time it allows the authorities to lock one up in the hospital for an indefinite period of time without a court proceeding. Every person who is put into a psychiatric hospital for political reasons has no way to get out of there until the time he recants his point of view or until he recognizes that the state is right.

This type of duplicity is very typical for the Soviet regime; the doctors to whom the prisoners must speak and give testimony insist that the prisoner must immediately recant his opinions. But they claim that if a prisoner cannot critically appraise his own statements, he simply should stay in the hospital. And, practically, what happens is that every prisoner stays in the hospital and will not be let out until the time when he changes his views. The same refers also to the system of psychiatric punishment within the psychiatric hospitals.

From a legal standpoint, a person who is mentally sick cannot be legally punished, and therefore he is not punished, he is simply being "cured". And if such a prisoner violates whatever internal rules there might be, he is accused of violating these instructions. They maintain that obviously a person like this who cannot even observe internal regulations within the hospital must be absolutely nuts or crazy and he should be "helped", and therefore he should be "cured" so that at least he will be able to observe the rules in the hospital.

As a result of this hypocritical point of view there are several ways of punishing the prisoner such as the use of neuroleptics and psychiatric drugs.

Senator PELL. What is that?

Mr. BUKOVSKY. Some sort of medical drug.

Senator PELL. Thank you.

Mr. BUKOVSKY [through interpreter]. Some of those neuroleptics are known in the West, such as Haloparidol and others. Other drugs are not known in the West and I have checked with Western psychiatrists and they say that these drugs are unknown in the West, or certainly are not used.

One of these, which is extremely painful and which is perhaps used more frequently than anything else as a form of punishment, is called Sulfazine. This is simply a solution of sulfur in oil injected into a human body. This substance brings about a feverish state and raises the temperature in the human body to 41 degrees centigrade. And the pains which are induced by this substance make it impossible for one to move.

Chairman FASCELL. Mr. Buchanan.

Representative BUCHANAN. Thank you, Mr. Chairman. Have you finished your previous answer? That is rather a shocking answer that you have just given and I want to know if you have finished with your previous answer.

Mr. BUKOVSKY. Yes.

Representative BUCHANAN. There is widespread use of such drugs?

Mr. BUKOVSKY [through interpreter.] Yes, and unfortunately this is a normal practice. I have met a number of people who have been injected with this drug for many months on end.

Representative BUCHANAN. You counselled patience and perseverance on the part of the West. I wonder if you have any suggestions as to what might be most effective in terms of actions we might take to the end result of an easing of repression and greater recognition of human rights in the Soviet Union?

Mr. BUKOVSKY [through interpreter.] I met numerous psychiatrists in Great Britain and in France and elsewhere, and we have discussed with them the methods and means that could be employed to help the prisoners in psychiatric hospitals. I think that in the fall of this year, there is an international psychiatric conference scheduled in Honolulu. I understand that the question of the behavior of psychiatrists in the Soviet Union will be brought up at this conference.

I was trying to tell the psychiatrists to whom I have spoken that it is not a question of establishing a blockade against the Soviet psychiatrists because it would be incorrect to think that Soviet psychiatry is a monolithic type of psychiatry.

It is not really a question of psychiatry but a question of human consciousness. Among the Soviet psychiatrists that I have met a number of times, there are perfectly decent human beings and good physchiatrists who for political reasons refused to treat patients in such a way.

And the task of public opinion in the West and of the psychiatrists in the West is to support such people. At the same time it is completely inadmissible that perfectly honest Western psychiatrists sit at the same conference table with the criminals who misuse and abuse psychiatry in the Soviet Union.

The same general principle can be applied also in all of the relations between East and West. I am not speaking here of isolating or blockading the Soviet Union in any sphere of life. What I am trying to say is that there are people in the West who should not sit together with

the criminals who pursue their policies in the Soviet Union. The question is ultimately one of helping the people in the Soviet Union.

The violation of human rights in the Soviet Union is a serious threat to all of the world, because until the time when in the Soviet Union a public opinion is established which is capable of controlling the Soviet state—until that time the Soviet system and the Soviet Government will never observe any of the rules or any of the agreements which are not suitable for it.

Representative BUCHANAN. Thank you and thank you, Mr. Chairman.

Chairman FASCELL. Senator Stone.

Senator STONE. Thank you, Mr. Chairman. Mr. Bukovsky, in your statement you say, "a firm and relentless and constant stand by the West will force the Soviet Union to recognize political realities." What political realities?

Mr. BUKOVSKY [through interpreter]. What I had in mind was defending one's moral principles. The Western governments and Western societies will create new realities. These realities will demand the observance of the rights of man and these realities on the Soviet side will have to be observed, provided that the realities are pursued consistently and persistently.

Senator STONE. In your statement you say that we should make trade and economic ties dependent on the observance of civil rights agreements.

Recently our leadership has been supporting the dissidents in general and in particular but not linking that support to trade and economic ties.

Do you feel that the linkage is important in order to gain actual observance by the Soviet Union of these basic human rights?

Mr. BUKOVSKY [through interpreter]. We were much encouraged by the recent statements of the Government of the United States and especially by the statements of President Carter.

And as far as the linkage between trade with the Soviet Union and the struggle for the rights of men, I find this linkage essential and absolutely necessary. The thing is that there is a widespread myth which states that trade is completely neutral.

At the same time trade which is completely unlimited, is, in a way, interference in the internal affairs of another country, the difference being that it is interference by the government, it is for the government rather than for the people. Therefore I think the linkage between trade and human rights is absolutely necessary and unavoidable. Let me give an example.

In 1970, in the month of March, a group of people, members of the human rights movement in the Soviet Union, headed by Sakharov, made an appeal to the Soviet Government which stated that the Soviet Union would be able to overcome the deficiencies and the lag in computerization and mechanization only if the Soviet intelligentsia, the Soviet scientists, would be given more freedom in pursuing this. Only in the atmosphere of intellectual freedom could a certain level of creative initiative exist. And in Sakharov's opinion, the Soviet Union would never, otherwise, be able to catch up with the West, certainly in the area of computerization.

How did the Western countries respond to this warning by Sakharov? They simply increased sales of computers to the Soviet Union. How can one, after this, state that trade is neutral and not interference in internal affairs?

Senator STONE. One last question. Each time that the United States or leadership here protests the violations of human rights within the Soviet Union, that protest seems either accompanied or followed by renewed or increased repression.

Yet dissident leaders like Valery Chalidze or you keep urging us to make these protests. Do you still feel that those protests are in the interest of increased human rights as opposed to a decrease in human rights?

Mr. BUKOVSKY [through interpreter]. I think that the phenomenon which you are addressing yourself to, the increase in repressions after a number of statements, has come about because the Western countries have not always been consistent in their support for human rights. The Soviet Government has become accustomed to the fact that after a number of protests are made by the West, the West simply backs down.

They know perfectly well that—as an answer to the number of repressions in the Soviet Union—in the West there will be a number of voices speaking out, maintaining that any protests against the repressions by the Soviet authorities could not help but harm the relations with the Soviet Union.

And that is exactly what the Soviet Government is banking on, precisely on these forces. The Soviet Government has always maintained—always insisted—that they are absolutely insensitive to the protests that are emanating from the West. They try to demonstrate this.

But those of us who have lived and struggled in the Soviet Union know perhaps more than anyone else in the West, the psychology, the way of thinking of the Soviet leadership. And if the Soviet leaders become convinced that protests about the persecutions in the Soviet Union are not merely a temporary expedient of the West, but will lead to a consistent and steadfast policy on the part of the West, they will have no choice but to recognize this and they will have no choice but to take this into account in their relations with the United States.

To a certain extent I am here merely as an illustration of just how sensitive the Soviets are to this type of pressure. I do not think that anyone doubts that were it not for the widespread campaign in my defense, I still would be in prison.

Senator STONE. Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Bukovsky, but one fact seems to stand out starkly. The Soviets see you as an insane criminal for expressing your views, and yet here we sit in open session, very anxious to learn what your views are.

So, while I cannot make any assurances on policy, I think that I can safely make some assurances about the human spirit and the commitment that the people of the United States have to ideals and to struggle for liberty, independence and human dignity. We are privileged to have you here today despite the fact that the society from which you came calls you an insane criminal.

Mr. Yates.

Representative YATES. Thank you, Mr. Chairman. Mr. Bukovsky, it is a pleasure for us to have you here with us.

I would like to ask you this. Suppose you had a wife or mother or loved one who remained behind in the Soviet Union. For years now, as a representative for the people in my district, I have tried to help reunify a family, a mother and a brother who live in my district.

They were recently allowed to leave the Soviet Union, in fact, they were told they had to leave the Soviet Union, but at the railroad station, one of the mother's sons was required to stay behind. He now lives in Leningrad. His name is Felix Aranovich.

Two years ago, I was a member of Speaker Albert's parliamentary delegation that visited the Soviet Union, and at that time I brought the matter up and asked the advice of three officials of the Soviet Union.

One was Georgi Arbatov. One was Boris Ponomarev and the other was Secretary Brezhnev. In each instance I was told that anybody may leave the Soviet Union who wants to leave the Soviet Union.

Secretary Brezhnev told us he was tired of having these emigration cases brought up. I told him I thought we had worked out some procedure with Ponomarev, who was the head of Supreme Soviet delegation, for getting information on those cases on which Members of Congress were seeking to obtain information. And Brezhnev nodded at that.

Now, I have written letters since coming back to this country to each of those officials. Friends of mine who have visited the Soviet Union have carried requests again to try to find out why the case of Felix Aranovich could not be approved.

If you were I, how would you go about trying to persuade the Russian authorities to permit this family to be reunited?

Mr. BUKOVSKY [through interpreter]. It is precisely for this reason, Mr. Yates—it is precisely for the reasons that I have been mentioning that the need exists for linkage between grain and trade and the struggle for human rights. If what we are doing here, if our activity here is limited strictly to declaratory statements, the Soviet Government will soon understand that these are nothing but words and therefore will remain completely uninfluenced.

Unfortunately it is quite useless to reconvince the Soviet leaders or appeal to their consciences, and any attempt to reach a compromise with them is interpreted by them as a sign of weakness. Unfortunately, such are the sad facts. And it is for this reason that declarations, or mere statements, are simply not enough.

Representative YATES. Thank you.

Chairman FASCELL. Let me take a moment here to welcome our newest member to the Commission, the distinguished American from the other body, Senator Dole.

Senator DOLE. Thank you, Mr. Chairman. Is it my turn?

Chairman FASCELL. Yes, sir.

Senator DOLE. This doesn't happen this often in the Senate. We never have terminal facilities.

Very quickly, do you support the linkage theory that Secretary Kissinger promoted? Is that a fair statement?

Mr. BUKOVSKY [through interpreter]. As much as I can judge from cases within the Soviet Union, the results of policies which were pursued by the previous administration of the country have only increased repression within the Soviet Union and untied the hands of the Soviet leaders, who have interpreted this—that the leading country in the West simply abrogates its rights and responsibilities toward the dissident movement.

And it is precisely for this reason that we in the Soviet Union have felt the tremendous increase in repressions, not only in the country itself, but in the camps and the prisons. I can testify that until the visits of former President Nixon to Moscow in 1972, Soviet authorities, in anticipation of this visit were willing to produce some compromises. Many of my friends were even released from prisons and camps. This was because the Soviet Government fully anticipated the linkage which President Nixon would presumably insist on—linkage between the relations of the Soviet Union and the United States and the struggle for human rights in the Soviet Union.

Once President Nixon had left the Soviet Union the repression sharply increased. The number of those arrested sharply increased, and conditions in prisons and camps sharply worsened.

Senator DOLE. It has been demonstrated here today certainly, with great support and interest in your testimony. What is the extent of popular support in the Soviet Union for men like yourself, the prominent critics, the Sakharovs? Is it widespread and is it possible to gauge the support for men and women who do dissent and are critical?

Mr. BUKOVSKY [through interpreter]. Since I have spent the last 6 years in the Soviet Union in prisons and camps, I can only speak really of the conditions which existed in those places. I must say that all of the defenders of rights in the Soviet Union, especially people like Sakharov and Solzhenitsyn are very well known among the most varied strata of Soviet society.

Of crucial importance are the radio broadcasts which emanate from the West and are beamed to the Soviet Union. Such radio stations as *Radio Liberty* and *Voice of America* and the *British Broadcasting Corporation* are for all practical purposes the only source of information for people who live in the Soviet Union. Even the wardens in Vladimir Prison are very careful to listen to what the radio says from the West. And quite a few of them informed us secretly, on the sly, what they had heard on Western radio.

Another thing which is very important for the cause of dissemination of information in the Soviet Union, is the dissemination of Russian books published in the West and taken to the Soviet Union. This is the second most important source of information.

Senator DOLE. It has been suggested by some that a unilateral reduction in strategic weapons by our country would result in what has been termed "reciprocal restraint" in the arms race by the Soviet Union.

In your opinion, is it likely that such initiative by our Nation would inspire or somehow encourage the Soviet Union to follow our example and slow the arms buildup in both nations?

Mr. BUKOVSKY [through interpreter]. I think that the unilateral disarmament of which we are speaking here, the unilateral disarmament of the West can only bring about one result. All of us will find ourselves one day in Siberian concentration camps.

Senator DOLE. This theory has been advocated by one who seeks to be very prominent in this administration by the name of Warnke, so I just wanted your comments on that. Thank you Mr. Chairman.

Chairman FASCELL. Congressman Bingham.

Representative BINGHAM. Thank you, Mr. Chairman. Mr. Bukovsky, you have certainly presented to us a very vivid and terrifying picture of the conditions in the Soviet Union with respect to human rights.

I would like to pursue the question of linkage. The only specific case in which we have attempted to bring pressure through the use of some form of restrictions on trade has been in the so-called Jackson-Vanik Amendment of 1974.

There has been some expression of opinion here in the Congress that the adoption of this amendment was a mistake, and it did not achieve the result intended, but made matters worse.

Would you comment on that question?

Mr. BUKOVSKY [through interpreter]. I do not consider the amendment as a mistake.

I consider it as a tremendous moral victory for the United States.

My only concern is that the other countries in the West were not brave enough to adopt such an amendment into their laws.

Representative BINGHAM. Did it have any results one way or the other?

Mr. BUKOVSKY [through interpreter]. Yes. I think that the most important result that was achieved by the adoption of this amendment was the statement on the moral issues in the West.

If the Soviet Government were certain that this type of policy would be consistent, they would have no other choice than to recognize this political reality, and the need to respect international agreements.

Representative BINGHAM. There is a general impression in this country that the conditions in the Soviet Union, with respect to human rights, are better now than they were in the age of Stalin. Would you agree that that is the fact?

Mr. BUKOVSKY [through interpreter]. I think it would be incorrect to compare the situation in the Soviet Union today with that which existed under Stalin. I say that because since those days both the leadership and the thinking in the country have been transformed very much. The most important part in this transformation was the recognition by the Soviet leaders themselves that the continuation of mass terror would destroy themselves as happened in the 1930's.

The second most important factor in the easing of restrictions concerning the human rights movement in the Soviet Union was the growth of the human rights movement itself. Everything which this movement had achieved was not presented to the movement by the Government but rather taken by the dissidents from the Government.

Representative BINGHAM. Thank you and thank you, Mr. Chairman.

Chairman FASCELL. Mr. Bukovsky, the Soviets say that the Jackson-Vanik Amendment really had no effect. They were able to increase their repression and emigration was reduced; and as far as economics are concerned, they were able to get their needed goods and food and credits from other sources. The Soviets, therefore seem to take the position that action by the United States is really meaningless since it is unilateral. This suggests that some kind of Western effort at linkage is necessary.

What do you have to say about that kind of opinion?

Mr. BUKOVSKY [through interpreter]. I think that a certain reduction in the emigration of Jews from the Soviet Union was simply a natural process which would be very difficult to correlate with the amendment.

First, the first wave of emigration was of the most energetic Jews; this left a great number of Jews in the Soviet Union for whom the question of leaving the country was not that easily decided.

I say this because, as I have already indicated, every person who leaves the Soviet Union must decide this question in terms of leaving the country once and forever. And it is those people who, within their hearts perhaps, would like to leave the Soviet Union, if they had the opportunity to leave and come back and compare and contrast this and that part of the world, who hesitate. I am absolutely certain that a much greater number of Jews would leave the Soviet Union if they knew that their decision was not irrevocable.

So the problem which has been raised lately is not just the question of leaving the Soviet Union, but also being able to come back, because these two processes are mutually interconnected.

Chairman FASCELL. Senator Leahy.

Seantor LEAHY. Thank you, Mr. Chairman.

I apologize for being absent at the early part of the hearing today.

I am having a little trouble following the linkage question. I wonder to what extent we tend to destroy our own credibility in this whole thing. We are either going to involve ourselves in full linkages, not only trade linkages, and show a willingness to speak out, or we are not. We seem to have a hesitancy at times to speak out and at other times, not.

We seem to let trade, military, and other considerations weigh very heavily on the extent to which we are willing to express any moral outrage. I am not just speaking of the Soviet Union, but of other countries, too,—Chile and so forth.

Are we seen in the Soviet Union as being willing to speak out for dissidents rights at a time when it is politically advantageous because of an individual's own campaign in this country, or a time when it may be economically advantageous, but as unwilling to speak out at other times; or are we seen as more consistent than that?

Mr. BUKOVSKY [through interpreter]. The question of how the American foreign policy is viewed in the Soviet Union really depends mostly upon how the policy will be conducted.

It is quite obvious to me that it is impossible to defend fictitiously the rights of men in the Soviet Union, and at the same time, simultaneously, help the Soviet state to strengthen that prison.

I was taken out of the Soviet Union in handcuffs on which it was labelled, "Made in U.S.A."

The only thing that I ask for and the only thing that I really insist on, is please do not sell us the handcuffs, not directly or indirectly.

Senator LEAHY. Are there any items at all that you would let the United States sell to the Soviet Union?

Mr. BUKOVSKY [through interpreter]. It is not really a question of what can be sold or should not be sold. It is not by accident that I have stressed handcuffs. My statement on the handcuffs should be taken

both directly and symbolically. It is said that trade with the Soviet Union without any conditions will turn out to be in handcuffs.

Senator LEAHY. That is the point I was leading to. Selling wheat for example, would that be like selling handcuffs, directly or indirectly? In your viewpoint, would that be?

Mr. BUKOVSKY [through interpreter]. If the grain which is sold by the United States to the Soviet Union, in times of stress for the Soviet Union, is sold without any conditions whatsoever, but just sold, then it simply makes it possible for the Soviet Union to continue the arms race.

And in no way does this ease the plight of the nation. There is absolutely no guarantee that this grain would be distributed among the people. It can be sold to anyone, and, for instance, it could be sold to the Cubans, and we know of such cases.

And when one speaks of trading grain with the Soviet Union in times of stress, one would hope that certain assurances should be received from the Soviet Government that it is the people, the nation, that will really get this grain.

Senator LEAHY. If the assurances are given that indeed the grain goes to the people, Mr. Bukovsky, do you still run the risk of what you were saying before about it being turned into handcuffs? For example, if we sell grain, does that allow the Soviet Union to maintain a work force on items other than farm production? Does it free them up to do things they might not have done if they had to take care of their own agricultural deficiencies?

Mr. BUKOVSKY [through interpreter]. That is what I am saying. Every time this trade is carried on, conditions must be set to make the Soviet Union observe its international obligations and convenants.

Senator LEAHY. Have we not in the past set some conditions—I am going back to some of the same questions that have been asked—in the past have we not set certain conditions, for example, with the Jackson Amendment?

And has not the effect been one that was completely different than what we had expected? Has not emigration been slowed down as a result of that? And is that the issue that we should concern ourselves with?

To the question that if indeed emigration has slowed down as a result of this, is that something that we should still concern ourselves with, or do we have a larger moral issue? At which point are we moral, and at which point are we pragmatic?

Mr. BUKOVSKY [through interpreter]. In my opinion, the Soviet Governor never considered that the Jackson-Vanik Amendment would last very long. They have been counting very strongly on the opposition to this amendment, counting on the strengthening of this opposition.

Again I can only speak of my own experience and on my knowledge of the Soviet mentality.

Senator LEAHY. The opposition to the Jackson-Vanik Amendment, where do they count on that opposition coming from?

Mr. BUKOVSKY [through interpreter]. Within the United States of America and within the countries of the West.

Senator LEAHY. From any particular interests? Through political interests, through manufacturing interests, commercial interests, military interests?

Mr. BUKOVSKY [through interpreter]. Essentially from the business interests. The Soviet papers are full of statements and commentaries by the business people from the West. These people come to the Soviet Union to visit and maintain, time and time again, that within the United States of America, they do everything in their power to abolish the Jackson-Vanik Amendment.

According to the communist interpretation of society, the Western world, Western society, is ruled by the capitalists. And when the capitalists come to the Soviet Union and state very strongly that they will do everything in their power, and succeed in abolishing the Jackson-Vanik Amendment, everyone believes them.

Senator LEAHY. To what extent would you feel the Soviet Union would be influenced by international reaction in Belgrade at the next meeting of the Helsinki Conference, the one that will be held in June?

To what extent would they be influenced by public opinion, either findings of a Commission like ours, or findings by other countries? Would it be influenced at all, or are we just wasting our time in going through this exercise?

Mr. BUKOVSKY [through interpreter]. I can judge this by the official statements of Soviet propaganda and by the statements made by the Soviet leaders.

The Soviet papers and the Soviet propaganda mention this Commission very often, as they often mention the forthcoming Belgrade Conference.

Now, judging by their rather pained reaction to the activities of this Commission, the Soviet authorities treat it rather seriously, and they also treat the forthcoming Belgrade Conference with equal respect. Of course, this is always accompanied by statements such as, "Nobody will force us to do anything that we do not want to do." However the general tone of the propaganda and tone of the newspapers clearly show just how much the Soviets are concerned with the work of this Commission and other efforts along these lines.

Senator LEAHY. Thank you very much. Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Simon.

Representative SIMON. Three short questions, Mr. Chairman.

First, Mr. Bukovsky, we deeply appreciate your testimony and your courage. You mentioned being in the psychiatric hospital. How many people were in the hospital and how many were there, would you guess, for political reasons?

Mr. BUKOVSKY [through interpreter]. In that particular hospital where I spent some time in the late 1960's, a special hospital in Leningrad, the total number of prisoners was about 1,000.

About 200 of these were kept there for political reasons. Others were either murderers or those who were insane and were put into the hospital for these reasons.

Representative SIMON. You used the phrase a couple of times that we do not understand the way of thinking of the Soviet leadership. Our friend Andrei Amalrik has used the same phrase.

I gather as I try to read between the lines, that one of the things that you believe is that we do not understand the power of public opinion within the Soviet Union. Is that correct reading?

Mr. BUKOVSKY [through interpreter]. It is difficult to generalize, but it does happen quite frequently that here in the West people do not understand the mentality either of the Soviet leaders or of the Soviet people.

I recall one day, the Prime Minister of Canada visited the Soviet Union and he stated that he would like to become acquainted with the experience that the Soviets had in the development of the regions of the far north.

According to him, he wanted to use the experience the Soviets had in developing the regions in the north of Canada. And I am quite certain he did not really understand what he was saying, because every person in the Soviet Union knows just exactly how the northern territories were developed in the Soviet Union. We also know how many prisoners perished developing these lands in the north. I presume that Mr. Trudeau is not going to develop his northern areas in such a way.

Representative SIMON. One of the major pieces of the world puzzle is China.

How deep is the cleavage, how fundamental is the split, between the Soviet Union and China?

Mr. BUKOVSKY [through interpreter]. I cannot really consider myself an expert on Chinese affairs or even Sino-Soviet affairs. But based on my experience and with the understanding of the mentality of people there, I would say this: When the communists fight among themselves, they fight very seriously and for a very long time.

Representative SIMON. Thank you and thank you, Mr. Chairman.

Chairman FASCELL. Mrs. Fenwick.

Representative FENWICK. Thank you, Mr. Chairman.

This is a very important day for all of us. We are very proud to be able to hear you. I am sure you know that.

We have all read your interview with Mr. Vankovich, and we understand some of the things that you have told us about psychiatric hospitals. It is very good news that not only in Hawaii but also in Toronto, the Psychiatric Association will be taking up those matters, and we will all follow the proceedings with great interest.

Many of the questions I had in mind have been asked, but I still have one. We have to consider the figures. We passed the Jackson-Vanik Bill, of which I approved, because I think it stands as a symbol of what we really intend in this country. But we have to admit that it has been paid for by people. In 1973, 35,000 Jews were leaving the Soviet Union and last year it was at a rate of 14,000 a year. In January it fell to between 10,000 and 12,000.

That is a heavy payment for lots of people, and we have lists of many names. All of us who are concerned have lists of people, begging to join their families, begging to get out of prison, and to be able to undertake professional engagements in universities of the West.

So it is not something that we can consider as being of no interest to Jewish people, because we have those sad figures. We interviewed the people, not only in Leningrad and Moscow, but also in the hostel in Vienna, Austria.

On the other hand, we also know that the actions taken by the Secretary of State—which I and many of us in Congress endorse—are an encouragement to those who are caught in the prison countries.

But what I ask myself sometimes is this: are we asking them, also, to pay a heavy price? Do we put them in danger? In other words we are in a curious situation of worry on the one hand, and desire to show our human solidarity on the other. The only thing that I would like to assure you, Mr. Bukovsky, is that this desire is evident in every part of this country.

I, too, have had my encounters with Mr. Arbatov and Mr. Ponomarev and General Secretary Brezhnev and I was accused of having an obsession about human rights. It is not a personal obsession, Mr. Bukovsky. It is not just the determined stand of this Commission.

It is, and I think I speak the truth, the continuous, long-historied position of the American people. And I do not think that anybody need be concerned as to its being abandoned in the United States.

Mr. BUKOVSKY. Thank you.

Chairman FASCELL. Mr. Bukovsky, I want to thank you very much for appearing here today. It has been a very unusual event for us. We appreciate your thorough and candid expression and your willingness to answer all of our questions.

We are very fortunate, of course, to have the views of someone who has not only had the sad experience that you have had as a result of the expression of your views, but also because you come from a country that we need to understand better, and you have given us a much needed perspective.

I say this in light of the upcoming Belgrade Conference, which is very important. I think we need to have a realistic and open assessment of progress, if any, on compliance with the Helsinki Accords. It seems to me highly improbable, given the strong effort the Soviet Union engaged in, to obtain a security conference of 35 signatory countries, and to claim thereby its own interpretation that the status quo in Europe had received endorsement.

The Soviet Union really must proceed with the Belgrade Conference in light of this position and it can in no way disavow or reject Helsinki even though they feel pressure on the human rights movement. To do that would undo the years of effort that they spent in trying to gain what they consider a very important political advantage.

Is there any question in your mind, that as the dynamics of the question of human rights continues, and it seems to me that it will, that the Soviets would give away this hard fought position and in some way subvert or undercut the Belgrade Conference?

Mr. BUKOVSKY [through interpreter]. It is difficult for me to predict specifically what will happen, however, with all certainty I can maintain that the reaction of the Soviet Government toward a firm Western moral position would be a demonstration and showing of its nonsusceptibility to such a position.

And I am certain that such a reaction on the part of the Soviets is unavoidable, but I hope it will not discourage you and all those who have tried to support this type of position.

It is very difficult to say anything specific about the fate of the forthcoming Belgrade Conference. And I can admit the possibility that the Soviet Government would simply refuse to take part in it. But even this should not discourage you, should not stop you. The question is ultimately this: Will the Western societies be able to withstand the pressure to defend their moral position?

Chairman FASCELL. Mrs. Fenwick.

Representative FENWICK. I don't think they are going to refuse to come. They walked out once in the United Nations and it cost them a lot.

Chairman FASCELL. Mr. Bukovsky, thank you very much.

Senator DOLE. Mr. Chairman.

Chairman FASCELL. Senator Dole.

Senator DOLE. I wish to put a statement into the record.

Chairman FASCELL. Without objection, your statement will appear in the record.

Senator DOLE. Mr. Chairman, I have only a few brief remarks to make at this time. As one who only recently became a member of the Commission on Security and Cooperation in Europe, I want to state at the outset my strong convictions regarding the importance of the Helsinki Accords, especially insofar as observance of human rights is concerned.

When the United States became a principal signatory to the Accords in 1975, there were those who criticized our involvement as being counterproductive to our national interests. Indeed, some charged that the Ford Administration had given tacit agreement to Soviet domination of Eastern Europe by agreeing to sign the pact.

However, the experience of recent months makes it clear that our participation, and our determination to hold the Soviet Union to their part of the agreement performs a positive function. It has helped focus world attention on continuing Soviet repression and harsh emigration regulations.

We perform a valuable role in keeping the pressure on European communist governments to ease emigration rules and to observe accepted humanitarian standards toward internal dissidents.

The United States has legitimate authority and the moral responsibility to hold the Communist governments responsible for their part of the Agreements when the signatories meet at Belgrade this summer for a follow-up conference.

In the meantime, our Government should speak out boldly against all forms of human repression and persecution wherever they are in evidence.

I am encouraged by the role this Commission is taking in monitoring compliance with provisions of the Accords. I believe the information we gather from authoritative witnesses such as those appearing today, and the input we provide to official U.S. Representatives at the Belgrade Conference, will be of valuable assistance in promoting freedom of expression and movement among the citizens of the signatory nations.

Chairman FASCELL. Mr. Bukovsky, we welcome you to your new life and wish you the best. Dr. Yuri Olkhovsky, we want to thank you very much for helping us today with the translation.

I realize that it was a very tiresome task, so we are extremely grateful to you.

Dr. OLKHOVSKY. Thank you, sir.

Chairman FASCELL. The Commission will meet tomorrow here at 10 o'clock in this room. Our witnesses tomorrow will discuss the work of the Orlov Group and Helsinki watchers in the Soviet Union. One of those is a member in Lithuania.

Also tomorrow we will issue a staff translation of Orlov Group documents. That concludes our business for today. We stand adjourned until 10 o'clock tomorrow.

[Whereupon, at 1:05 p.m., the Commission adjourned, to reconvene at 10 a.m. on the following day in the same place.]

IMPLEMENTATION OF THE HELSINKI ACCORDS: HUMAN RIGHTS

THURSDAY, FEBRUARY 24, 1977

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Washington, D.C.

The Commission met, pursuant to notice, at 10 o'clock a.m., room 2172 Rayburn House Office Building, Hon. Dante B. Fascell (chairman) presiding.

In attendance: Commissioners Fascell, Bingham, Buchanan, Simon, Fenwick.

Also present: R. Spencer Oliver, staff director, counsel and Alfred Friendly, Jr., deputy staff director.

OPENING STATEMENT OF CHAIRMAN FASCELL

Chairman FASCELL. The Commission will come to order, please.

Before we begin the second morning of testimony in these introductory hearings on questions of human rights and Basket Three compliance, I wold like to call your attention briefly to a publication the Commission is releasing today.

It is an edited compilation, in English, of the reports the Commission has received from the Public Groups to Promote Observance of the Helsinki Agreements in the U.S.S.R. Included in the compilation are 14 of the first 17 reports of the Orlov Group in Moscow, the first Memorandum and Declaration of the Ukrainian Group and the first two documents of the Lithuanian Group, whose representative, Mr. Venclova, will be a witness later this morning.

The compilation is not complete, because not all the original documents have reached the West and some which we have are still being translated. Nevertheless, it is long and may look daunting. I urge that it be read, however, because in the detailed, often dry reporting of the problems of individuals and groups within the Soviet Union we see—in human terms—the problems the Helsinki Agreement is all about. They are the problems of people denied the right to leave the Soviet Union because they have relatives who work or worked in classified jobs. They are the problems of priests who cannot preach in their own parishes and farmers who cannot work their ancestral land. They are the problems of prisoners who must undergo confinement in psychiatric prisons until they prove they are sane by recanting their beliefs. They are the problems of former prisoners who cannot live in their former homes.

Since the arrests earlier this month of Yuri Orlov and Alexandr Ginzburg of the Moscow Group and Mykola Rudenko and Oleksa Tykhy in the Ukraine, much has been reported in the West about the Helsinki watchers in the Soviet Union. Very little, however, is known of their work, of what they reported. This compilation, I believe, will at least begin to fill that vacuum of information. The documentation the Groups have provided speaks for itself. I recommend that it be given serious attention and, to that end, the Commission will be sending copies to all Members of Congress and to the embassies in Washington of the 34 other signatory countries.

I would also like to advise you of some further news about the activities of the Orlov Group. Last weekend members of the Commission staff met in Rome with Lidia Voronina, a young woman who was an active participant in the Orlov Group until she left the Soviet Union—on a week's notice—in January. She and Lyudmila Alekseeva, one of the founding members of the Group, intend to continue its activities in the West. A press release that is available here describes their plans. We withheld that release until we could be sure that Mrs. Alekseeva had left the U.S.S.R. which she did on Tuesday. She is now in Vienna, and we look forward to seeing her and Miss Voronina in the United States soon.

We are happy to continue our hearings this morning with an old friend who is an outstanding individual. He is an experienced correspondent and analyst of all kinds, but especially well known in the field of foreign policy.

For 20 years, Mr. Szulc was a correspondent for *The New York Times* and in 1968 he was one of the American journalists who reported on the Soviet invasion of Czechoslovakia. Since 1973, he has been a freelance writer and is a contributing editor of *The New Republic*, which published a distinguished series of articles by him last fall after he made an extended trip in Eastern Europe.

He was able to visit a lot of the countries that we tried to get into but were denied permission to visit. So we find his testimony particularly interesting not only because it comes from a person of his background, but because we did not have the opportunity to do what he did and, therefore, are most anxious to hear what he has to say. Mr. Szulc.

STATEMENT OF TAD SZULC

Mr. SZULC. Thank you, Mr. Chairman. My comments before the Commission are based on a month-long tour of Poland, Hungary, Romania, and Yugoslavia last fall, and on subsequent contacts concerning the situation in these countries. I should note that I was unable to visit Czechoslovakia during that trip, having been refused a visa without any explanation. Information I possess concerning Czechoslovakia, East Germany, and Bulgaria was obtained from authoritative diplomatic and journalistic sources.

I believe that this Commission is principally concerned with the compliance by the Eastern European governments with the "Basket Three" provisions of the Helsinki Final Act of 1975. The Commission may find it useful, however, if I attempt to relate the question of "Basket Three" compliance to the developing internal ferment in most of the Eastern European countries. In my judgment, there is

direct linkage at this time between this ferment and the "Basket Three" problem.

In brief, I think it would be accurate to state that political ferment and dissidence in Eastern Europe are greater than at any time since the "Prague Spring" and the Soviet invasion in 1968 that halted that Czechoslovak experiment.

As illustrated by the "Charter 1977" movement in Czechoslovakia, political dissidence is currently at a higher point of intensity in that country than elsewhere in Eastern Europe although thus far it appears to be confined to intellectuals, writers, and artists.

In Poland, the present unrest has its roots in the food riots of last June, and it affects segments of the working class as well as the Roman Catholic Church and intellectuals. Unlike the authorities in Prague, however, the Polish Government has avoided direct repression and reprisals; much of the Polish protest movement centers on the arrests of workers charged with the disorders of last June. And unlike Czechoslovakia, there appears to be no open confrontation, at this time, in Poland between the regime and its critics.

In Yugoslavia, much of the emerging dissidence seems to be linked to the approaching succession crisis. It remains unclear who may replace Marshal Tito, and Yugoslavia is clearly concerned over its survival as a federated republic in the light of historical regional autonomy and separatist pressures. The Yugoslav regime has been acting with certain harshness toward those it considers "unsafe"; some of the liberties enjoyed earlier by Yugoslavs have been recently curtailed, but, in my view, it would be inaccurate to characterize the situation in Yugoslavia as repressive in Eastern European terms.

In Romania, the political lid is firmly on. However, instances of open dissidence have been recently reported, and the Government has acted with determination to stamp out any sign of political opposition.

In East Germany, the regime has faced considerable intellectual dissent since last autumn. Its actions in dealing with dissidents have tended to be contradictory.

In Hungary, one finds probably less visible dissent than anywhere in Eastern Europe—except for Bulgaria where the Government's authority has not been seriously challenged in decades. The emergence of dissent in Hungary, however, should not be ruled out. This is especially so if one believes, as some observers do, that Eastern Europe has again entered a period of political unrest with contagious possibilities.

I have heard the view expressed that the approach of the Belgrade Conference this year is relevant to this new ferment. I am told that in several instances—notably in Czechoslovakia—opponents of local regimes have concluded that Belgrade presents an exceptional opportunity to call attention to their grievances, including noncompliance with "Basket Three", and that the rise in political dissent is, indeed, calculated to win them a hearing at the forthcoming conference.

In terms of "Basket Three," my own observation is that compliance in Eastern Europe is the greatest, in that order, in Yugoslavia, Hungary and Poland. The worst cases of non-compliance are Czechoslovakia, Romania and Bulgaria. East Germany seems to fall somewhere in the middle. A number of tests must be applied, however, to these situations.

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Concerning foreign travel, Yugoslavs are, with some minor exceptions, the freest to go abroad. As the Commission is aware, some 750,000 Yugoslavs currently work in Western European countries. Travel to the West has been reasonably free for Poles and Hungarians although there have been cases of passport refusal for reportedly political reasons. To an important extent, frequency of foreign travel is regulated by the availability of foreign exchange. Normally, a Pole or a Hungarian may be permitted to go to the West every 3 or 4 years—although there are exceptions for journalists and others who may travel more often.

In this area, the worst performance is, I believe, in Czechoslovakia, Romania, Bulgaria and East Germany. A recent example concerns a Czech woman art historian who was forbidden to go to the United States for her own one-person show because she signed "Charter 1977". Romanians are rarely allowed to travel abroad, even to other Socialist countries, except on official missions. Foreigners, including diplomats up to ambassadorial level, need special permission from the government to spend even one night at a Romanian home.

Western journalists are, by and large, free to enter all the Eastern European countries although Czechoslovakia tends to be selective and there have been cases of visa refusal to others than myself. I understand that most recently there have been long delays on the part of the Czechoslovak Government in deciding whether journalist visas are to be granted or not. During my recent trip, I had full freedom of access to news sources, including on the highest Government level.

There is much less "Basket Three" compliance, however, when it comes to the freedom of circulation of Western periodicals in Eastern Europe. These are easily available in Belgrade, but almost impossible to purchase in other Eastern European capitals. The few copies of newspapers and magazines that arrive can be occasionally obtained at the big hotels in Warsaw and Budapest. There are none in Bucharest. In Poland and Hungary, citizens may subscribe by mail to certain foreign publications, but, on occasions, foreign exchange for it may be denied. There is no interference with foreign radio broadcasts, but Czechoslovakia and Romania occasionally jam Radio Free Europe.

On the positive side, the Hungarian television has been organizing since last year foreign policy debates involving Hungarian, American, Soviet and West German journalists. These telecasts are presented uncensored, as I understand it.

The Eastern European record of "Basket Three" compliance is, therefore, uneven from country to country. There have been some important gains, but in instances cited above, the results remain not satisfactory, on the whole.

My own belief is that the Belgrade Conference is the proper forum for the United States and the West to address themselves in considerable detail to the "Basket Three" question. This, of course, would be consistent with the policy of the present Administration in the realm of human rights.

It would be useful, I believe, to recognize publicly the advances that have been made in parts of Eastern Europe in terms of "Basket Three." This, I think, would encourage even better compliance. Conversely, however, an issue should be made of noncompliance where it occurs.

I have two more observations that I hope will be helpful to the Commission. One is that several Eastern European governments tend to invoke their sovereign rights in domestic policy to reject the Western interpretation of "Basket Three" provisions. This is a point that I, for one, would like to hear debated in Belgrade. It may help to clarify some of these problems. The other observation is that the United States itself is somewhat vulnerable in "Basket Three" discussions when it comes to freedom of travel to the United States given our immigration laws and visa regulations. I understand that this question is not within this Commission's jurisdiction, but I believe that free access to the United States from Eastern Europe is a dimension to be taken into account. I must note, of course, that President Carter at his press conference yesterday addressed himself to this specific point.

And now I shall be happy to answer any questions that the Commission may have. Thank you very much.

Chairman FASCELL. Thank you very much. Mr. Szulc, for that overview of practices in Eastern Europe. We appreciate your taking your time to put it all together and appear here today with us.

Mrs. Fenwick, would you like to ask some questions?

Commissioner FENWICK. Yes, thank you, Mr. Chairman. Mr. Szulc, on the second page of your testimony, you say it would be useful to recognize publicly the advances that have been made?

Mr. SZULC. Yes.

Commissioner FENWICK. I think that that is always good, if you can emphasize it, but would that not tend to embarrass some of the smaller nations, putting them into a difficult position with the U.S.S.R.? What is the relationship? I have never given any publicity to advances in human rights involving a smaller nation because I have been afraid of putting them in a difficult position with Russia.

Is there any danger there?

Mr. SZULC. I think that this is a very valid point. What I had in mind, specifically, making my comment was this: I was thinking in terms of the Belgrade Conference itself which, I believe, would be the proper place—in whatever context or debate that would develop or might develop for the U.S. delegation or other Western delegations—simply to state in the context of the discussion that we are happy or pleased to note that there have been or has been compliance in this and that area.

I understand your concern about the pressure on others. I suppose it is very much a question of style as to how this is done in debate. Omission of those who do not comply will be as telling as the inclusion of those who do. On the other hand, my comment is really based on my own notion that the governments that do make an effort to comply should be given recognition for living up to a very complicated set of agreements.

Commissioner FENWICK. Yes.

Mr. SZULC. So I understand your concern, but perhaps the style and way in which it is done could reconcile these two points.

Commissioner FENWICK. I was afraid that it might stop any further advances because it might earn them a reprimand from above.

I am wondering if at Belgrade this might even be more true in the sense that the forum is going to be so public.

But further, Mr. Szulc, you describe the variety of the countries and certainly we were struck with that when we were in Europe, although we were not allowed to go into the Eastern European countries. How do you sense the climate? Is it ferment up to the point where if this agitation continues, we might see those tanks and troops coming out from behind the screens and moving into the streets?

Mr. SZULC. This is obviously a very difficult analysis to make. Let me try to answer you in this manner. During the fall of last year, 1976, a serious situation had developed in Poland, as I understand it, somewhere between September and November, as a political aftermath of the food riots in June where very powerful political tensions did develop within the Polish Communist Party and the Polish Government.

This is based on my own observations and interviews in Warsaw at the time.

A certain fear did arise in some quarters that the situation might however, get out of hand again; as it had in June, when the Polish authorities refused or chose not to use firearms against the workers.

A concern did develop that this situation would deteriorate in the fall, because of economic pressures, and the Government of Mr. Gierek might have been forced to take action or force orders to fire on the people—and here we are talking about workers, and not just about intellectuals or ex-bourgeoisie, or what have you. This would have become very relevant to the central concept of that state. There was a feeling that the police would not want to fire on these people and the whole scenario was developing as follows: "If our people cannot establish order, do we have the danger of a Soviet move?" This is always in the back of the minds of the leaders of Eastern Europe.

I am citing that as an example of the dangers in response to your question. At this time, however, the tensions in Poland have been somewhat alleviated by certain economic measures and by a certain political dexterity, not existing in past governments.

Still, I would watch Poland as one of the most interesting ones potentially. I do not want to use the word explosive, but certainly as a meaningful example of this whole situation of ferment.

The very big point that I believe is implied in your question is that if we, the United States, and the West, indeed, encourage observance and compliance and encourage, in effect, political dissidence, are we leading them to dissidence from the Soviet Union down the line to expectations of support from the West which presumably the West is no more prepared to exercise at this time than it was in 1956?

I think that is a very key point in this whole thing that we are discussing here and again, I think, in my own judgment, it is a question of a very fine balance in statements and policies not to lead people astray.

Commissioner FENWICK. Thank you, yes. And we have been very much aware of that. Did you see Dr. Lipinsky when you were there?

Mr. SZULC. No, he was away. This was the "Indian Summer" and the time that people are sometimes away.

Commissioner FENWICK. Thank you, Mr. Chairman.

Chairman FASCELL. Some of our listeners are having a hard time hearing you. Therefore, I am going to urge all of us to speak closely to the microphone. So if you pull that microphone up closer to you, I will do the same and we will get Mr. Buchanan to speak into the mike.

Mr. Buchanan, go ahead.

Commissioner BUCHANAN. Thank you, Mr. Chairman. Mr. Szulc, in speaking about the Eastern European record of "Basket Three" compliance, I wonder whether there have been adjustments or changes by most or all of these governments to come into compliance with "Basket Three" or is it primarily a matter of already having had policies notably and markedly more liberal than those of the Soviet Union, for example. I wonder whether there has been change or is it simply that they already were further along?

Mr. SZULC. I would say that certainly in the cases of the governments of the countries where I found compliance to be reasonable, this is the result of a process of evolution which has been underway clearly for some time.

This is certainly true in Yugoslavia and Poland and Hungary. Because of national decisions taken earlier in the previous 7 years or 6 years, this is true.

Further, there is a chance on their part to exercise these possibilities. They now have 1½ years since Helsinki. During that time, I would say that innovations and improvements and that which has been now known as "Basket Three," are probably minor inasmuch as you said yourself, the thrusts of the policies in these places had been in the direction of liberalizing anyway.

I would simply make the comment that the existence of Helsinki and the "Basket Three" concept encourages and makes it easier to move those policies forward.

Contrariwise, the countries which had not practiced much liberties before are not doing it now either, Helsinki notwithstanding.

Commissioner BUCHANAN. In looking toward Belgrade, I wonder whether you see any problem posed for the Soviets, for example, in the fact of greater East European compliance on immigration policies or information flow and whether or not this could be a matter of some embarrassment to the Soviet Union and might be an area in which we might seek to profit at Belgrade—the contrast does exist?

Mr. SZULC. If I may put this rather crudely, we will be facing a situation in Belgrade which is the result of the Helsinki Conference, which was very much desired for a very long time by the Soviet Union. The Soviet Union, along with others, signed all of the provisions of the Final Act, including "Basket Three." Having done this, they are as vulnerable and open to that which you can call embarrassment as for a variety of other reasons.

If they choose to castigate us on Basket One or Two or even on "Basket Three," I would simply say that, assuming that the Soviet Union went with its eyes open into the "Basket Three" situation, they simply have to live with the repercussions in Belgrade.

The new element is President Carter's human rights policy which presumably was not anticipated 1½ years ago, and which will obviously be a factor in the atmospherics of it.

Commissioner BUCHANAN. There are several possibilities. One is simply an attempt to scuttle the new conference and another is to gain a unified Warsaw Pact or Soviet-Eastern Europe response. I wonder if you see either of those things on the horizon?

Mr. SZULC. I would imagine that, to some extent, the answer to that is yes because the way in which Eastern Europe and the Soviet Union

have developed in the last year and a half does today present a situation quite different from what it was even at the time of Helsinki.

It may be relevant to point to the document issued last June by the European Communist Parties in East Berlin. The document was not signed, but it was accepted by the Soviet Union very much against the ideological views of some parts of the Soviet leadership.

I think this is relevant because it places the Communist Parties in Western Europe, France, and most notably, Italy, on the side of those in Eastern Europe who are trying to cope with the problems which we are discussing, including human rights, in a positive way.

I think that the Communist Parties' document is a factor which the Soviet Union will have to take into account themselves at the time of Belgrade as one more form of pressure which, presumably, the majority are seeking to effect.

I think that they will have their own or intracommunist problems unless the Soviet Union, for various reasons, chooses to have a clash in Belgrade, which presumably would not be desirable by anyone.

Commissioner BUCHANAN. Thank you.

Chairman FASCELL. Mr. Szulc, do you not think that the saving grace is the fact that the United States is also vulnerable? We are not 100 percent in compliance and it gives the Soviets something to talk about. Other countries in the West have the same problem. Does that not give them some kind of incentive?

Mr. SZULC. Presumably, it does, except that you can always work this the other way because the Soviet Union comes to Belgrade to insist on totally free entry of anyone in the United States. If we wish to be polemical at that time, we can ask why there is no free travel to the Soviet Union. But I think President Carter was very helpful yesterday in surfacing our vulnerable point which is immigration, at the press conference yesterday, before the other nations had an opportunity of doing that.

Chairman FASCELL. What recommendation for Helsinki compliance do you have that might be helpful to newsmen? What can the U.S. recommend and what should the U.S. do?

Mr. SZULC. In terms of the United States newsmen?

Chairman FASCELL. For all newsmen seeking entry into Eastern Bloc countries or the Soviet Union where there seems to be more of a problem. I do not think there is a major problem about entry into the United States, do you?

Mr. SZULC. No, except the very minor point which we discussed before concerning travel here by journalists and others from Eastern Europe.

In my experience, the State Department and the Department of Justice have been able to provide waivers so that most of those people are able to travel.

As to how the U.S. Government, and Congress can help American journalists—I would like to believe that in each case, for example, of visa refusals for American journalists to enter foreign countries when there is no valid reason, it should be incumbent on our Government to make proper statements and invoke "Basket Three" provisions for for journalists. Essentially, this is basically the area where you, the Congress, and also the Executive Branch, could be most helpful in

seeing to it that there is pressure when there is noncompliance in the area of our professional interests.

Chairman FASCELL. Mr. Bingham.

Commissioner BINGHAM. Thank you, Mr. Chairman. Mr. Szulc, I am dying to ask you questions about Cuba, but I guess that is a little out of our realm today.

We had a good deal of discussion yesterday with Mr. Bukovsky on the subject of linkage of trade, particularly with human rights. What are your thoughts on that with respect to Helsinki and Eastern Europe, including the Soviet Union?

Mr. SZULC. I would say, to this rather full question of yours, that I am not sure that precise linkage, as we learned to understand the word in the past 8 years, at least, is necessarily the solution to this kind of problem.

I am more inclined to believe that we are facing a situation which is one of general evolution in those countries. I am not sure that precise linkage—if you take, for example, the Jackson-Vanik amendment to the Trade Act—has really produced the kind of results on Jewish emigration that was desired.

I know the arguments about the past, but this is a new era in history. My own private judgment would be that not much is necessarily gained by linkage instituted by our side at this time.

Again, I would like to think that our policy—evidently you are talking about trade or SALT—should be more balanced.

A danger may develop that the other side may practice linkage for example, by being unwilling to pursue SALT II. You may remember that in 1974 they reacted in that way.

If there is to be linkage, I would think that from our viewpoint, it would be more helpful if it were initiated by the other side. I would prefer to see the momentum and pressure and evolution along the whole line of American policy, hopefully Western policy, day in and day out, trying to keep making the point on compliance with Helsinki and the whole range of human rights, rather than to try to create confrontations and clashes which could become self-defeating at some point in the execution of foreign policy.

I think this is the case for the reasons that Mrs. Fenwick and Mr. Buchanan raised. Do we wish to embarrass people too much prematurely? How far should we push if we want, in the end, to have the kind of results that we desire? We know we live in an upleasant world.

So I think that this would be my comment to your question.

Commissioner BINGHAM. This may have been touched on earlier—and you may ignore it if it was—but do we not have to be careful in dealing with totalitarian governments that we do not attempt to achieve some result, seriously attempt to achieve some result, which they would perceive as being directed to their own security in the sense of going to the heart of their regime and endangering their regime? We will not be able to do that and probably it is nonproductive to try. Do you agree with that?

Mr. SZULC. Yes. Because it takes us back to a point which I tried to make earlier. The Eastern European group and the Soviet Union have invoked on many occasions the question of sovereign right in terms of their domestic policies.

There is clearly a problem between this and the Western interpretation of "Basket Three". I am not an international lawyer, but I think this does enter into international law which may usefully be explored in Belgrade, not only as an exercise in legal abstraction, but as a very specific policy consideration, precisely to avoid the dangers that you mentioned and to define more clearly what are the obligations, in fact, of all of the nations under the Helsinki agreement, without infringement on domestic sovereignty.

There have been an enormous number of treaties and argeements in the last 100 years. So, I think that there is a problem in how this should really be defined.

I would like to see clearly how the interpretations may be accepted.

Commissioner BINGHAM. Thank you.

Chairman FASCELL. Mr. Oliver.

Mr. OLIVER. Mr. Szulc, in your statement, you indicated there might be another kind of linkage. You mentioned that foreign travel was regulated by the availability of foreign exchange and also that the subscription to foreign journals was regulated by the availability of foreign exchange. Are you saying, in effect, that the ability to comply with the freedom of travel provisions of the Helsinki Final Act, and perhaps also the importation of books and journals, will be determined to a large extent by the economic situation in the Eastern European countries?

Mr. SZULC. I would say certainly on the first point which is foreign travel, because here we are dealing with allocations to individuals of anywhere from $300 to $400 to several thousand dollars to make a trip to the United States.

Mr. OLIVER. Could you repeat that?

Mr. SZULC. On the first point of foreign travel, I think that it might be relevant because you are dealing here with a possible need to allocate any number of hundreds or thousands of dollars to individuals to undertake the travel.

I think that we can break this into two areas. No. 1, would it be a legitimate question of shortage of foreign exchange which, since the recession in Eastern Europe, does exist. Inevitably, the governments can always invoke fairly or unfairly, a shortage of foreign exchange to curtail travel against those whom they wish to deprive.

I am not clearly in a position to give you a precise breakdown. From conversations that I have had in the capitals with foreign embassies and foreign diplomats and local governments, and people at large who travel, my impression has been that so far—and here I am talking essentially about Poland and Hungary—there has been no undue or unjustified refusal of currency for purpose of travel.

There certainly must have been a number of cases, but I am not in a position to tell you how many. By and large, it has not happened.

Can it happen in the future if the political situation deteriorates and pressures develop? I would say that answer is obviously yes.

On the question of periodicals, here we are obviously dealing with very small amounts of foreign exchange. I am talking really about people subscribing to the *International Herald Tribune* published in Paris and *Newsweek* and *Time* magazines.

Here you may find a situation where exchange is refused by the local bureaucracy, really giving no reason and saying that it is too small a

case for anyone to make a big issue of. However, if the Government wishes to curtail or prevent importation of journals of this type, American or French or what have you, this does remain a weapon to be invoked in such cases, although it would not be a very convincing one because essentially we are dealing with $50 a year or $30 a year.

In the case of travel, it could be a meaningful situation should the situation deteriorate further in the years to come.

Commissioner FENWICK. Mr. Chairman.

Chairman FASCELL. Mrs. Fenwick.

Commissioner FENWICK. In your travels, I wonder if you had any news of what is happening in the Ukraine or Baltic countries and what the situation might be there.

Mr. SZULC. I am sorry I am not in a position to answer that question because I have not been in the Soviet Union. I concentrated entirely on those countries that I did visit and unfortunately there is not that much information available in Warsaw or Bucharest or Budapest.

Commissioner FENWICK. Nothing seems to be coming out?

Mr. SZULC. Nothing that I heard casual or otherwise regarding the Baltic countries or the Ukraine. The answer is no, I have not got that information.

Chairman FASCELL. Mr. Friendly.

Mr. FRIENDLY. Mr. Szulc, a question on the idea of insuring that when U.S. journalists are harassed or denied facilities, we should institute tit-for-tat reprisals. As a matter of practice do most American journalists that you know even bother to inform the State Department when they are denied visas? When you were denied entry to Czechoslovakia, did you make the call to the Department?

Mr. SZULC. As a matter of fact, I did. I was expelled from Czechoslovakia 4 months after the invasion, and to me it was an interesting test as to whether I would be readmitted. In private conversations with officials in the Eastern European Division of the State Department, I told them what I was doing and they were curious as to what the answer would be and I made a point of informing the Department on the case. Their answer was that this was very interesting because it helps the Department to keep track in this matter of compliance.

I think that it would be useful if more of my colleagues did report such refusals as occur. I believe now that they are almost entirely confined to Czechoslovakia, that I know of.

There is always an odd case elsewhere. I am aware of one case of which I heard recently of a correpondent for a magazine who has applied for a journalist visa to go to Czechoslovakia about 4 or 5 weeks ago. The last time he checked, he was told that it would take 4 more weeks before he would even receive a reply from the embassy here in Washington as to whether or not he would be granted a visa.

I have encouraged this colleague of mine simply to report this to the State Department for purposes of keeping track of things and whether he did or not, I do not know.

Mr. FRIENDLY. It might not hurt if the State Department sent a round-robin letter to editors asking to be informed when an incident occurs. Would that not be helpful?

Mr. SZULC. That is up to their discretion. I am not sure how editors would care to react to this. This is a problem on which you are knowledgeable.

I think it would be useful if editors and journalists knew that the State Department does take an active interest, not only in expulsion, some have expulsions, but also in the day in and day out access by journalists. I think this would be helpful.

Mr. FRIENDLY. Thank you.

Chairman FASCELL. Mrs. Fenwick.

Commissioner FENWICK. As a footnote to that, I was just going to say this. How would you feel about telling the Commission about when you were refused or have inordinate delays?

Mr. SZULC. I would say absolutely. If a mechanism could be organized with your Commission, and therefore, the Commission can make us, in our business, aware that you have the interest, by all means, certainly.

Commissioner FENWICK. I think it would be helpful on all points and perhaps we can institute that, Mr. Chairman.

Chairman FASCELL. Mr. Szulc, thank you very much for being here today and giving us your testimony, your recommendations, observations and answering our questions. It has been very helpful.

Mr. SZULC. Thank you very much.

Chairman FASCELL. Let me say before we call our next witness up that we have been asked from time to time, and recently by a foreign correspondent, as to what kind of governmental body this Commission is. Let me restate again that we are an independent agency of the U.S. Government with members of the executive branch, appointed by the President. The executive members of this Commission in this new Administration have not yet been appointed. We understand that those nominations are on the way to the White House and we expect new executive members of this Commission to be announced shortly.

The rest of the members of the Commission are made up of members of the House of Representatives of both parties, and members of the U.S. Senate with both parties represented.

We were created by a special law passed by the U.S. Congress and signed by the President. We are funded by a special appropriation to operate as an independent agency of Government.

We are not a congressional committee—neither joint, standing, nor select—and we have no legislative authority. Our relationship to the Congress is that we were created by law, the majority of the members of the Commission come from the U.S. Congress, and our offices are physically located on Capitol Hill.

Our responsibilities as an independent agency of the U.S. Government are to review the entire question of implementation of the Helsinki accords; to assist and cooperate in preparation for Belgrade and thereafter; and to conduct such hearings and gather such facts as we might on the question of implementation or lack of implementation of the Helsinki Final Act.

The law requires that the President must report to this Commission every 6 months on the status of implementation. The first of such reports has already been received and distributed. The Commission, in turn, will issue reports based either on our staff work, study missions, or on the hearings of the Commission such as the one we are holding today. We integrate our findings and efforts with those of the State Department. The State Department has the primary responsibility for negotiation and is the agent and spokesman for the President.

The State Department has the basic responsibility for preparation for Belgrade or any policy decisions related to the Belgrade Conference. However, we do work very closely with the State Department on all questions regarding the Helsinki accords and the Belgrade Conference. We will continue to work jointly with them in whatever work has to be done for and at Belgrade and thereafter.

Our second witness this morning is one of the five founding members of the Lithuanian Group to Promote Observance of the Helsinki Agreements in the U.S.S.R., Mr. Tomas Venclova.

Mr. Venclova is a poet and, I am told, a very good one. But he appears today not as a literary figure but as a spokesman for a group of people who believe in the cause of human rights in Lithuania and in the Soviet Union.

I might add, parenthetically, any place else.

He is on his way to a teaching assignment at the University of California in Berkeley, and we are grateful to him for stopping by in Washington on his way, to tell us about the work of the Lithuanian Group.

Mr. Venclova only received permission to leave the Soviet Union after he joined that Group, but he applied to emigrate in May of 1975, and I would like to read, in part, what he wrote in his application to the Central Committee of the Communist Party of Lithuania.

> In my land the opportunities of broader and public literary, scientific and cultural activities are barred to me. Every humanist—and not only one in the Soviet Union—must often prove his loyalty to the ruling ideology so that he can work. That is not difficult for kow-towers and careerists * * * That was impossible for me.

I think that we can all admire a man like that no matter where he is. It kind of strikes at the very heart and spark of what human dignity is all about and what freedom is all about.

So we are very fortunate to have Mr. Venclova here today. And we want to express our appreciation also to Mr. Kestutis Ciziunas. We want to thank Mr. Ciziunas for being here today to help us with the translation between English and Lithuanian, although Mr. Venclova has a prepared statement which he is going to read, in English, first. Mr. Venclova.

STATEMENT OF TOMAS VENCLOVA; ACCOMPANIED BY KESTUTIS CIZIUNAS

Mr. VENCLOVA. Mr. Chairman and members of the Commission. The announcement of the formation of the Lithuanian Group to Promote Observance of the Helsinki agreements was made on November 25, 1976 and shortly thereafter was announced at a press conference held in Yuri Orlov's apartment in Moscow. At the present time, the Group consists of five people who have all signed the announcement. We are people of various ages and backgrounds, with differing opinions and, finally, different ethnic backgrounds—four Lithuanians and one Jew.

We are united in one respect: a desire to achieve in a legal and open manner observation of the humanitarian articles of the Helsinki Agreement which in Lithuania are violated not less, and sometimes even more often, than in other republics included in the U.S.S.R.

Respect for the signed agreement and for human rights, in our view, is an absolutely essential condition for the health of the international situation and of the internal atmosphere in the country. Although we are only a voluntary association of people who think in a similar fashion, we have grounds to believe that our opinion is shared by many other people in Lithuania who for one reason or another cannot express it openly.

Now, I—one of the five members of the Group—have the opportunity to be in the West. I engaged in the struggle for the right to leave the U.S.S.R. long before the formation of the Group. After its formation, all of a sudden this right became a reality. My departure is temporary in nature. I was given a Soviet passport which is valid for 5 years, and in Lithuania I have left my family behind. It is understood that I continue to be a member of the Group, and I intend to represent its interests in the West. In this, I see my human and civic duty. Everything which I am prepared to say in the West I would have said—and have already said—in Lithuania.

According to information which I now have, one of the members of the Lithuanian Group, the 71-year-old Ona Lukauskaite-Poškiene, on January 11, 1977 was warned in the prosecutor's office of the city of Siauliai about her activities. Attempts to frighten her continued for about 3 hours. Since the members of the Moscow and Ukrainian groups have undergone repression, it is very probable that this will be done in Lithuania also. I ask that international public opinion pay close attention to the fates of these four members of our group: Ona Lukauskaite-Poškiene, Father Karolis Garuckas, Viktoras Petkus and Eitan Finkelstein. I also would like to express my protest about the arrests of our friends in Moscow and in the Ukraine.

At first, the Helsinki Agreement evoked a certain pessimism in Lithuania since it seemed that it would only confirm the European status quo, and that the humanitarian articles would be, even under the best circumstances, no more than good intentions. In connection with this, we decided to document those cases in which the humanitarian articles of the Agreement are violated and to bring them to the attention of world opinion. Now we feel that such documentation and information may often help specific people and may also serve the cause of human rights and broader freedoms in Eastern Europe, including Lithuania. Therefore, the Helsinki Agreement now evokes in us considerably more optimism, especially if Western governments will show interest and a strictly principled approach to the defense of human rights. In this sense, we expect much from the conference in Belgrade.

Our group has published two documents and one announcement about an arrest in Lithuania of two people who were accused of so-called anti-Soviet activities. As a supplement to these documents, I would like to tell about some other instances known to our group and about some trends in our work.

First of all, I must say that many people in Lithuania are brought to trial for expression of their views and at present are imprisoned, usually outside Lithuania. This is a very serious violation of human rights. I am now unable to name all of them. I will mention only Nijole Sadunaite who is now in camp and Sergei Kovalev whose trial

is known to all the world and which took place already after the signing of the Helsinki Agreements.

The poet and architect, Mindaugas Tomonis, openly expressed his disagreement with officially accepted views in the U.S.S.R.: he refused to restore a monument to the Soviet Army and then turned to the Central Committee of the Lithuanian Communist Party, demanding greater freedom and observance of human rights. After this, he was subjected to treatment in a psychiatric hospital. On November 5, 1975 upon leaving the hospital, he died under the wheels of a train in mysterious circumstances.

Other people have been subjected to forcible treatment in psychiatric hospitals. For example, a resident of the city of Panevezys, Pukhlyakov, turned to our group and said that he had been forcibly treated only because he had written complaints about abuses by the local authorities.

In many cases, people who do not agree with the official way of thinking are subjected to other types of persecution. One of these is known to us as "the case of the boys". In 1976, Vytautas Bogusis and four of his friends were expelled from the last class of high school for being interested in religion, Lithuanian history, and Russian dissidents. They were expelled by order of the school director who took his orders from the KGB. They were expelled in a flash without a vote of the faculty and in their absence. Now these boys are in a difficult situation and are being pressured by the organs of the KGB.

Many other instances are known of pressuring priests who fulfill their pastoral obligations. The priest of the village of Paberze, Stanislovas Dobrovolskis, known for the independence of his sermons, at the end of 1976 was called by the KGB in Vilnius, where he was threatened with being transferred to a distant parish. The priest of the village of Vidukle, Alfonsas Svarinskas, in 1976 was sentenced and fined because he organized a religious procession which supposedly blocked street traffic, although Vidukle is a small village with hardly any street traffic.

Not only are the rights of Catholics infringed upon, but also those of other religious communities. The authorities directly explain to people what they can and cannot do in the synagogue; for example, it is forbidden to commemorate those who died in the Arab/Israeli war. Members of religious sects are subjected to particular persecution. A resident of Vilnius, Vasilev, a Christian Pentecostal, came to our group saying that administrative persecution had driven him to decide to emigrate from the Soviet Union.

Emigration from Lithuania in the context of reunification of families or human contacts is also extremely difficult. I will mention an instance with Kestutis Yokubynas. This linguist, who is a polyglot, spent 17 years in camps; he has already for a long time unsuccessfully struggled for the right to emigrate to Canada where his brother lives. Many instances are known of Lithuanians, Jews or other inhabitants of Lithuania, receiving refusals—without any motives—to their appeals for visits to relatives abroad. Sometimes this refusal is accompanied by expressions of ridicule.

At least several thousand Lithuanians who, after the Second World War participated in the partisan resistance against Soviet authority

and served sentences in camps, cannot settle even in their own country, since the militia refuses to give them residence permits for Lithuania. Many of them are forced to live in Latvia close to the borders of Lithuania. Even if one assumes the point of view of the authorities and considers that these people at one time violated the law, they are being punished twice for the same crime. Such limitation of the freedom of movement is a serious violation of the Declaration of the Rights of Man, and the spirit and letter of Helsinki. The rights of Lithuanians who are living beyond the borders of Lithuania—in Latvia, Belorussia, the Kaliningrad district of the RFSFR, Siberia, and also, for example, in Moscow—are being infringed in that they do not have Lithuanian schools there or any possibility for cultural activities. In many of these places Lithuanians live in compact groups, and organizations or at least schools would be possible for them and extremely desirable. Lithuanian schools existed before the war, on the territory of present day Belorussia, Latvia, et cetera.

All this I can already say today, although our group was formed quite recently. I hope that I can, in the future, be informative about possible violations of the Helsinki agreement in Lithuania or in connection with Lithuania or specifically Lithuanian problems.

Chairman FASCELL. I want to thank you very much, Mr. Venclova, for the report which you have given us, which unfortunately, seems very bleak and sad for its account of violations and degradations of human rights.

It almost seems unreal and yet we are beginning to get some glimmer that it is harsh reality. In many ways, such harshness is not understood by us in the West. The United States has its own problems on human rights, but we have seemed to have found some way by law and the acceptance of our people, to arrive at a satisfactory rate of evolution and improvement so that complaints in the West pale by comparison to others.

I do not know what the fear is and sensitivity that exists in the Soviet Union and the Eastern Bloc countries. Why is it that we cannot have a—let me state it another way. Is it possible to have a realistic assessment at Belgrade on this whole question, without the fear that it would just be a shouting match, a polemical exercise? Is there a chance that we will have a realistic assessment with compliance or noncompliance with the Helsinki Agreement?

Mr. VENCLOVA [through interpreter]. I am sure that a serious and principled and strong review of the question in Belgrade can provide for some chance that the situation in our country will be somewhat eased or become better.

Further, that this would provide great improvement for some people, and for the whole Lithuanian nation in its cultural development and in the matter of its self-determination.

Chairman FASCELL. Mr. Venclova, as I heard you make your statement, I was certainly impressed by your courage. I could not overlook the fact you stated that what you have said here today you have already said in your own country. I guess that is a certain amount of freedom—and recognition of human rights.

How does the Helsinki Observance Group work in Lithuania? For example, here we are holding a public meeting and it is open to the whole world. I am sure we have all kinds of correspondents from the

Eastern Bloc countries and the Soviet Union and anybody else who wants to listen.

Would anything comparable to this be possible in Lithuania with your group?

Mr. VENCLOVA [through interpreter]. As far as the statement that our group's activities demonstrate some freedom of action, one could agree that some improvement has occurred or has been achieved. However, it is very temporary and there are no guarantees that there will not be any repressions, and the Government, as you can see, gives us nothing.

All of the freedoms that have been achieved have been achieved through our own efforts. We knew very well that when we founded this group, we were taking a great risk, and that risk does still exist—you can help us by drawing the attention to the fate of the people still remaining in Lithuania—the group members still remaining in Lithuania.

As far as my own situation, the attention given to my case by the Western press and the radio was in truth very helpful. There are other cases like this. Simas Kudirka is sitting in this room now and he was under incomparably harder conditions than I and in an incomparably worse situation than I was. And he was assisted by the attention that was focused on him in the West.

For this reason, this attention is very desirable and can be very helpful.

Of course, we in Lithuania, cannot have anything that would come even close to the kind of conversation that we are having here today.

Our discussions in founding the Group were always private and unofficial and we have always had to make an effort to avoid being followed or tracked. We could not even hold our press conference in Vilnius, our capital, because it is very hard for Western correspondents to come to Vilnius. We were forced to go to Moscow on separate trains bringing no documents with us. The documents which had to be prepared were prepared in Moscow and only with the help of the brotherly assistance of our friends in Moscow.

Only in this way were we able to attract more attention to the situation in Lithuania.

Chairman FASCELL. That sounds difficult, at best.

Mr. Bukovsky, who testified yesterday, Mr. Venclova, said that he spent 7 years in prison and 5 years in exile because he had a meeting with the press in Moscow and gave his observations about what went on in some of the prison camps and psychiatric hospitals.

For that, under Soviet law, he became a criminal and it was a crime against the state plus also, under Soviet law, he was declared insane so he was an insane criminal for talking to the press.

Are your activities in Lithuania subject to the same kind of law?

Mr. VENCLOVA [through interpreter]. Yes, our activities and our life in Lithuania are, in fact, governed under the same law. But we have noted, that on some occasions, brave and open statements—people who make these statements will, for a while, go unpunished. It seems that they will go unpunished because the Government is maneuvering and for this reason, it is very hard to predict its course on one or another event or at one or another time.

It seems that the Government is interested in making its possible actions hard to predict.

So this way, almost no person has the nerve to openly express his opinion—and he never knows what his fate would be.

Chairman FASCELL. Mr. Buchanan.

Commissioner BUCHANAN. I would like to say to our distinguished witness that those of us who have taken too much for granted a great deal of personal freedom are humbled by your courage and by that of your group.

I am encouraged by your testimony that efforts in the West seem to have some benefit for people like you. Vladimir Bukovsky yesterday testified that the proof of the Soviets' sensitivity to Western protests was to be found in the many official complaints that we receive about alleged "interference in internal affairs" from the Soviet Union, for example.

Do you agree that there is such sensitivity and do our efforts sometimes result in greater oppression or do you think sometimes they are helpful?

Mr. VENCLOVA [through interpreter]. I am sure that I completely agree with what Mr. Bukovsky said yesterday. He said more or less that Western aid to dissidents could bring some harm only if this assistance, let us say, is not permanent. In that case, then there really would be a grave danger. However, looking at it from a general aspect, serious and permanent and continuing efforts on the part of the West can only help. And I firmly believe this.

Chairman FASCELL. As you can see by the bells, we have to go answer a roll call vote in the House. May we ask him to stay here——

Commissioner FENWICK. Can we ask him to stay?

Chairman FASCELL. If you do not mind, could you please stay while we go to answer this roll call and we will be right back. We now will stand in informal recess. We do have another witness after Mr. Venclova. Also before we leave the committee room I would like to note that Mr. Simas Kudirka is here, the famous Lithuanian sailor who tried to jump onto an American ship. [Applause.]

Chairman FASCELL. He was returned to the Soviet Union, where he was promptly put in jail. Finally he was allowed to emigrate. I want to say that we are pleased that he is here.

Commissioner FENWICK. Mr. Kudirka, I think that you would be interested to know that there was a large number of people in New Jersey who were very, very active on your behalf and you may be happy to know that.

[Short recess taken.]

Chairman FASCELL. Will the Commission please come to order. We do have one more witness and we have to clear this room by 12:30 p.m.

I want to yield to my distinguished colleague from New Jersey, who is one of the founders and original sponsors of the creation of the Helsinki Commission, who has done outstanding and fabulous work in the field of human rights and who is a strong right-arm of everything that this Commission is doing. We are all indebted to Millicent Fenwick for her devotion and dedication to the cause of individual human rights. [Applause.]

Chairman FASCELL. Mrs. Fenwick.

Commissioner FENWICK. Thank you, Mr. Chairman. I am quite overcome with your generosity and kindness, although I think every member of this Commission has learned that that is what we all receive from you.

I would like to ask the witness in what town it was that his group is located.

Mr. VENCLOVA [through interpreter]. It is impossible to talk about the exact location of the Group, since at this time, only two members of the group live in Vilnius. One member lives in a provincial city of Siauliai and one in a very small village, a provincial village.

Commissioner FENWICK. Where were you living when you were active?

Mr. VENCLOVA [through interpreter]. When living in Lithuania, I resided in Vilnius.

Commissioner FENWICK. I noticed in your letter that you had asked for permission for your wife to accompany you. Did that permission not come?

Mr. VENCLOVA [through interpreter]. My wife has decided that at the moment she wants to remain in Lithuania. That decision of hers might be temporary. She did not interfere with my leaving and, in fact, she helped me leave.

Commissioner FENWICK. Do you think perhaps the eminent position of your father in the whole history of letters of Lithuania perhaps accounts for the fact that you were able to speak freely and then to get an exit visa for 5 years?

Mr. VENCLOVA [through interpreter]. This question is very hard to answer. I really do not know how much it could have helped me. Thinking logically, most likely it helped some.

Commissioner FENWICK. I am sure that we would like to pursue an expression of our concern for the welfare of the other four members, but generally we need the address of those people in the letters that we send to the Soviet authorities on their behalf, so perhaps if you could leave with us the addresses of these four people, we could properly attempt to do this.

Mr. VENCLOVA [through interpreter]. The addresses of the four people are noted in the manifesto which we all signed.

Commissioner FENWICK. Thank you.

Mr. VENCLOVA [through interpreter]. They are attached to it. May I say one more thing?

Our friend, Ludmila Alekseeva, who just arrived in Vienna has informed Vladimir Bukovsky—and I want to add this to my statement—that another member of our group is in a dangerous position and that is Viktoras Petkus. It seems that they are preparing to arrest him very soon.

Commissioner FENWICK. Could you please give us his address as well.

Mr. VENCLOVA [through interpreter]. His address is in the manifesto, but we will repeat it. It is 16 Garelio Street in Vilnius and the apartment number is 4.

Chairman FASCELL. Could you spell that?

The INTERPRETER. G-a-r-e-l-i-o.

Chairman FASCELL. Commissioner Simon.

Commissioner SIMON. My apologies for being here late. I do not have any questions, but I am reading your statement and we welcome you to the United States. I wish I were a student at the University of California.

Chairman FASCELL. Mr. Venclova, there is some feeling in the West that the dissent or civil rights advocacy in the Soviet Union and other places is simply a matter for intellectuals to engage in.

Is there a broader audience in Lithuania for samizdat or for material like the Chronicle of the Lithuanian Catholic Church?

Mr. VENCLOVA [through interpreter]. This is a very important question and I am happy to have the opportunity to answer it. Yes; we believe that the dissidents in Lithuania at this time have wider support among the people than in Russia. We must note that Lithuania has its own very serious problems which are very different from the problems of Russia.

We have the problem of maintaining our nation. We have the problem of maintaining our culture and enriching our culture and we have the religious problem, since most of the Lithuanians are Catholics and that is a big difference from the religious problem in Russia.

As is known, there was a petition in Lithuania in connection with human rights, which was signed by 17,000 people.

In Russia, as far as I can tell, you would not be able to collect such a petition. Therefore, we believe that in Lithuania we have very much support among the people.

Commissioner FENWICK. Mr. Chairman.

Chairman FASCELL. Mrs. Fenwick.

Commissioner FENWICK. I just wondered whether you know Mr. Aloyzas Jurgutis?

Mr. VENCLOVA [through interpreter]. Personally, no.

Commissioner FENWICK. Do you know that his wife and family have not been able to join him?

Mr. VENCLOVA [through interpreter]. I have heard about the case.

Commissioner FENWICK. But you do not know anything about the mail?

Mr. VENCLOVA [through interpreter]. No, I do not know anything about that.

Commissioner FENWICK. He has not registered with your group?

Mr. VENCLOVA [through interpreter]. No, we only note the events which are directly reported by the people who contact us. She did not contact us while I was in Lithuania.

Chairman FASCELL. Commissioner Simon.

Commissioner SIMON. I am interested in the 17,000 names which I was not aware of on the petition. It is very impressive. The fact that you could get 17,000 names in Lithuania and could not do so in Russia—does that indicate that there may be slightly more freedom in Lithuania or does it simply reflect the depth of resistance?

Mr. VENCLOVA [through interpreter]. In my opinion, it is only a sign of greater resistance.

Chairman FASCELL. When was this petition signed?

Mr. VENCLOVA [through interpreter]. If I am not mistaken, it was in 1972.

Chairman FASCELL. Is it still in existence as a document?

Mr. VENCLOVA [through interpreter]. Yes, the document exists. It was published in the Chronicle of the Catholic Church in Lithuania.

Chairman FASCELL. So it had relatively broad distribution?

Mr. VENCLOVA [through interpreter]. Yes. It was sent to the United Nations. My friends here know more about its fate than we, in Lithuania, because we did not have any further information about it after it was made public.

Chairman FASCELL. Mr. Venclova, what can you tell us about activities similar to the activity of your group in other countries?

Mr. VENCLOVA [through interpreter]. I know that such groups in the Soviet Union exist in three republics: Russia, the Ukraine and Lithuania.

Moreover, you can expect that in the future, groups like this will be organized in the other two Baltic states, Latvia and Estonia, and maybe some place else. I have just been informed that a group like this has been organized in Georgia.

Chairman FASCELL. Mr. Friendly.

Mr. FRIENDLY. Just for the record, I would like to note that we have heard that, too, but we have not been able to confirm it.

Mr. VENCLOVA [through interpreter]. I cannot confirm this. I just state it as news that I have heard, but I cannot guarantee its accuracy.

Chairman FASCELL. Mr. Simon.

Commissioner SIMON. Thank you, Mr. Chairman.

Mr. Venclova, if you were a member of the U.S. delegation to Belgrade, what do you think we ought to be doing there as a follow-up to Helsinki?

Mr. VENCLOVA [through interpreter]. In my opinion, first of all, you should document and inform as much as possible about the many and frequently serious violations of the Helsinki Accords in the Soviet Union and maintain the position that a country which violates the Helsinki Agreements in this manner can be trusted very little in other spheres as well.

Chairman FASCELL. I have one final question, Mr. Venclova. You have a 5-year permit which allows you to go back to your country. Some of the testimony that we have heard is that in other republics, such as the RSFSR, if you leave, you leave forever.

Am I to understand that because of the fact that you ostensibly are able to return back to Lithuania and to your family and friends, that this is a different approach that Lithuania has taken from other countries, or are you a special case?

Mr. VENCLOVA [through interpreter]. As far as I know, Bukovsky has a similar passport to mine. Those, of course, are exceptions and as far as the case of Lithuania and the entire Baltic area, this is an absolute exception.

I do not know how I earned this exception and, of course, I do not know whether after today's conversation or statement, this right will not be taken away from me.

As long as it has not been taken away from me, I keep it. If I find the need to return, I will return to Lithuania.

Chairman FASCELL. Thank you very much Mr. Venclova. Also we want to thank you very much, Mr. Ciziunas, for acting as translator. Could you please spell your name for the reporters?

Mr. CIZIUNAS. It is C-i-z-i-u-n-a-s.

Chairman FASCELL. And the accent is on the second syllable.

We wish you lots of good luck and a fine experience out in California.

Our final witness today is the president of the Helsinki Guarantees for Ukraine Committee, Dr. Andrew Zwarun.

How do you pronounce it?

Dr. ZWARUN. It has been mercifully Americanized to Zwarren, like Warren with a "Z".

Chairman FASCELL. But how do you pronounce it?

Dr. ZWARUN. In what country?

Chairman FASCELL. Go ahead, Dr. Zwarun.

Dr. ZWARUN. I would like to introduce my assistant Dr. Ihor Koszman from New Jersey. He is vice president of our group.

Chairman FASCELL. We are happy also to have you here, Mr. Koszman.

Dr. Zwarun emigrated to the United States from the Ukraine as a child and is now a successful soil chemist. But he appears today to speak for the Ukrainian Group to Promote Observance of the Helsinki Agreements in the U.S.S.R., a group with which his organization has been in contact since it was formed. I understand that members of his Committee have even been able to talk to one member of the Ukrainian Group since the arrests of Mr. Rudenko and Mr. Tykhy on February 5.

So we look forward very much to hearing from you. I know you have a prepared statement and without objection we will enter it into the record and you may summarize as you see fit.

Dr. ZWARUN. Well, I've shortened it considerably. If we run out of time just please cut me off.

Chairman FASCELL. No, that's all right. You have plenty of time.

STATEMENT OF DR. ANDREW ZWARUN, ACCOMPANIED BY IHOR KOSZMAN

Dr. ZWARUN. Mr. Chairman, I thank you and the members of this Commission for the privilege of testifying here and on behalf of the Helsinki Guarantees for Ukraine Committee.

Our committee was formed in November of 1976, shortly after word reached the United States that the Ukrainian Public Group to Promote the Observance of the Helsinki Accords had been formed in Kiev. We share the Ukrainian Public Group's conviction that the signing of the Helsinki Final Act was an extremely important development in mankind's search for peace and security and that it has a special relevance for the people of Ukraine. Like the Kiev Group, our committee bases its activity not on political but on humanitarian and legal considerations.

The Helsinki Guarantees for Ukraine Committee consists of individuals active in various organizations dedicated to the defense of human rights. In addition to serving as president of our committee, I am also vice president of the Smoloskyp Organization for the Defense of Human Rights in Ukraine. As a member of the American Society for Microbiology, I was active in that organization's campaign on behalf of Ukrainian microbiologist and Soviet political prisoner Nina Strokata-Karavanska. In October of 1975, I testified at the International Sakharov Hearings in Copenhagen.

Rather than go into already familiar details of events and activities of the citizens' groups monitoring Soviet compliance with the provisions of the Helsinki Final Act, especially the articles dealing with human rights, I believe I can better serve the purpose of these hearings by sharing with you our committee's perception of what are the essential and important aspects of the work of these committees, especially of the Ukrainian Public Group.

Our debt to the members of the Helsinki-monitoring committees in the U.S.S.R. would be great if only because they focused the world's attention on the desire of the citizens of totalitarian states to have the Helsinki human rights provisions taken seriously, to see them fully implemented in their own countries, and to take their governments to task for any noncompliance. Without their insistent demands that the promises of Helsinki be kept, the cynical view that the Final Act was not worth the paper it was written on might have prevailed. Insisting that the Helsinki Agreement was too important to be left solely in the hands of governments, these citizens' groups have compiled materials documenting Soviet violations of its humanitarian provisions, publicized them, and set a worthy example for such monitoring elsewhere, including our own country.

The work of the Ukrainian Public Group in Kiev has been severely hampered by the repression it has suffered from the day of its formation on November 9, 1976. During an organizational meeting that day, the home of the Group's head, Mykola Rudenko, was subjected to a vicious stoning attack. Since then, members of the group have suffered repeated searches of their apartments; Rudenko has received mailed death threats; his phone was disconnected shortly after our conversation with him on November 21, 1976. We know that on February 5, 1977, Mykola Rudenko and another member of the Group, Oleksiy Tykhy, were arrested. Rudenko's wife Raisa was humiliated by the KGB, being made to strip naked.

Much of the work that the Ukrainian Public Group has done was apparently lost when the KGB confiscated much of the compiled documentation during a search of Rudenko's apartment. However, two very articulate and forceful documents prepared by the Ukrainian Public Group—its declaration and memorandum No. 1—did reach the West, and told us much about the purpose and goals of the Group.

We know that in addition to compiling information on violations of the Helsinki human rights provisions, the Ukrainian Public Group in Kiev had begun work on facilitating the emigration of individuals desiring to leave the U.S.S.R. On at least one occasion, members of the Group took practical steps to save a Ukrainian dissident from psychiatric incarceration. As Petro Hryhorenko (who is better known in the West as Pyotr Grigorenko, according to the Russian pronunciation of his name) told us in a phone conversation on December 31, the Group's vocal protests secured Yosyp Terelya's release from a psychiatric prison-hospital.

I would like to direct your attention to two themes, which we believe form the basis of the Ukrainian Public Group's approach to the Helsinki agreement.

One theme is to be found in the title of Memorandum No. 1: "The Effects of the European Conference on the Development of Legal Consciousness in Ukraine." The idea that legal documents have to be

adhered to by their signatories—whether in the case of international documents such as the Universal Declaration of Human Rights and the Helsinki Final Act, or internal documents such as the Soviet Constitution and the Constitution of the Ukrainian SSR—is not very new to us in the West, but it is a revolutionary one to the peoples of the Soviet Union. It used to be, as Valentyn Moroz wrote, that it was "safe to introduce any constitution and grant every right after turning people into cogs. The whole trick of it is that it will not occur to the cog to take advantage of these rights." But times have changed. The fear born of the terror of the Stalin era, the fear that turned men into cogs, has lost much of its hold and has given way to a new phenomenon: the conviction that what has been legally promised must be delivered, whether it be a guarantee of the right of free speech, the right of worship, or the constitutional right of a Soviet republic to secede from the Union. This phenomenon has found its most effective reinforcement in the Helsinki Agreement.

The second basic theme in the Ukrainian Public Group's documents is that Ukraine—as a large European nation and a member of the U.N.—had legal and moral right to be represented at the Helsinki Conference, and that the Helsinki Final Act has a special significance for Ukraine. Quoting from the Final Act's Declaration of Principles—"* * * in conformity with their membership in the United Nations and in accordance with the purposes and principles of the United Nations, their full and active support for the United Nations * * *"—we join the Ukrainian Public Group in asking: On what legal grounds was a United Nations member—the Ukrainian SSR—excluded from participation in the Helsinki Conference?

The memorandum of the Ukrainian Public Group also makes a strong case for attaching special significance to the Helsinski accords with respect to the Ukrainian problem. It quotes a Ukrainian political prisoner, M. Masyutko, who stated that Ukrainians comprise 60 or even 70 percent of all Soviet political prisoners. We know that Aleksandr Solzhenitsyn, Andrei Sakharov, and, most recently, Vladimir Bukovsky (February 14, 1977, in Paris) have said that Ukrainians make up over half the total number of political prisioners in the U.S.S.R. In his first letter to President Carter, Dr. Sakharov listed 15 prisoners who are especially in need of help. Of the 15, at least 9 are Ukrainians. That most Ukrainian political prisoners are forced to serve their terms outside the territory of Ukraine, usually in remote areas of the Russian SFSR such as the Mordovian ASSR, constitutes an added hardship for them, as well as another blow against the sovereignty of the Ukrainian Soviet Republic. "In the last half century," states the Memorandum, "more Ukrainians have died in Mordovia than Mordovians were born there."

The Memorandum of the Ukrainian Public Group then cites examples of genocide against the Ukrainian nation, beginning with the artificial famine of 1933, which killed over 6 million people, the liquidation of the kulaks, which added another 4 million to the toll, World War II, which cost 7 to 8 million more Ukrainian lives, the destruction of the Ukrainian Insurgent Army and the population of Western Ukraine that supported it. Add to this the present-day Russification policies of the Soviet Government and you have the reasons for the very real concern of nationally conscious Ukrainians over the danger that in a very few generations Ukraine will cease to exist as a nation.

The point of all this is that in Ukraine the human rights problem is magnified and severely aggravated by the Soviet Government's violations of national rights—of the right of a people to a national culture, a language, the right to bring up one's children in harmony with one's traditions. This is why for Ukrainians, national rights are inseparable from human rights. The case of Vasyl Fedorenko, cited in the memorandum, will serve as an example of how the nationality issue aggravates the human rights problem. In September 1974, Fedorenko illegally crossed the Soviet border into Czechoslovakia, an act punishable by 1 to 3 years' imprisonment. But because he had previously served a term for Ukrainian "nationalism," Fedorenko was sentenced to 15 years and is now on the brink of death in Vladimir Prison, as a result of a hunger strike he began in December of 1975. *The New York Times* recently published an appeal on his behalf from Vladimir Bukovsky and Leonid Plyushch; Fedorenko was also on the list in the Sakharov letter to President Carter.

The Ukrainian activists for human and national rights have been driven to such despair that they are considering the heretofore unthinkable alternative of emigration. The Moscow Helsinki-monitoring committee, in its Document No. 12, title "On Ukrainian Refugees," reports that of 26 political prisoners who have renounced their Soviet citizenship and proclaimed their desire to emigrate, 19 are Ukrainians. Yet the only Ukrainian dissidents allowed to leave the U.S.S.R. in recent years have been Leonid Plyushch and Andriy Hryhorenko, both of whom were members of the all-Union human rights movement, rather than being associated with Ukrainian national dissent. We know that Nadiya Svitlychna, who just completed a 4-year labor-camp term and who has been trying to emigrate with the help of a sponsor in Canada, informed him by phone on February 7 that she has received none of the several packages, letter, and notarized invitations he had sent her.

What has engendered and perpetuated the extreme situation in Ukraine—in the past and at present—is its almost total isolation, diplomatic and in the area of communications. It is this isolation that kept the world from knowing of the Ukrainian tragedy of 1933—the great famine and the death of 6 million by starvation—that allowed Ukraine to be excluded from the Helsinki Conference while not one of the participants asked for the legal justification of such a move against a fellow member of the U.N., that allowed *The New York Times* to ignore the arrests of Ukrainian Public Group members Rudenko and Tykhy, while giving full coverage to the other arrests and developments. We know that this isolation is more the result of psychological rather than geographical barriers, for the reports on the arrests of the Ukrainians came from Moscow from Orlov's committee and were carried extensively by the wire services.

The Ukrainian Public Group has addressed the problem of Ukraine's isolation; in addition to its demand that Ukraine be included in any future international conferences dealing with the implementation of the Helsinki Accords, it has cited the Helsinki provision for the "free flow of information and ideas" in pressing for the accreditation in Ukraine of foreign correspondents.

Here I believe it necessary to mention two sets of circumstances that shed a special light on the situation in Ukraine and the relationship between human and national rights.

The Ukrainian patriotism of the 10 members of the Kiev Group is all the more remarkable because none has any ties with the traditional organized Ukrainian nationalist movement; furthermore, most have backgrounds which seemingly would not have been conducive to the development of strong national feelings. Nina Strokata was brought up in a Russified family in Odessa; Oleksiy Tykhy comes from the Donetsk Region, the most Russified area in Ukraine; Rudenko and Hryhorenko are both veterans of the Red Army and lifelong communists; Oles Berdnyk also served in the Soviet Army; Lukyanenko and Kandyba completed their legal education in Moscow; the young Matusevych is a resident of heavily Russified Kiev. Yet all are united in their defense of Ukraine's constitutionally guaranteed sovereignty and in their advocacy of national rights for all Ukrainians.

In the past, Vladimir Bukovsky's statements of support for the national rights of the non-Russian peoples of the U.S.S.R., which he has continued after coming to the West, were echoed by few other Russian dissidents, with the exception of Sakharov and Solzhenitsyn. But today, two developments deserve calling attention to. One is the high degree of cooperation between the predominately Russian Moscow Helsinki-monitoring group and the Ukrainian Public Group in Kiev. Members of the Orlov committee have been instrumental in passing on information about and documents from the Ukrainian Public Group outside the borders of the U.S.S.R. Their own documents have dealt extensively with Ukrainian problems.

Perhaps this is a good place to point out that—contrary to the statements to that effect in most of the Western press—the Ukrainian Public Group to Promote the Observance of the Helsinki Accords, as well as the Lithuanian Group, are not sections or chapters of the Orlov committee, but were formed as independent groups in response to an appeal from the Moscow committee for the formation of national committees.

Along with the mutual cooperation, a second welcome development within the human rights movement in the Soviet Union is the increasing support and even sympathy on the part of Russian activists for the Ukrainian and other non-Russian national movements, support which acknowledges the inseparability of national and human rights and which extends even to the right to secede from the U.S.S.R. and form national republics. This should help convince some Western leaders of the legitimacy and constitutionality of this right, and of the possibility of its being exercised in the future, something which they have not rushed to admit.

Such is the Ukrainian situation as we see it.

I must now talk about the force that sustains the dissident movement in the Soviet Union in all of its varied aspects—the movements for national rights, for freedom of religious worship, for civil liberties and human rights—presently focused on the Helsinki Accords and on the promises they hold for all. That force is the moral strength pervading the movement, the conviction that the cause is just, a strength which manifests itself in a consistency of principle leading to mutual support among diverse groups, in a perseverance in the face of overwhelming hostile forces, in a spirit of steadfastness which cannot comprehend our own debate over the advisability of compromise on the issue of human rights. From over there, we hear no voices for

moderation on human rights, for an easing of our stand lest we provoke increased repression. We hear Aleksandr Ginsburg declaring, "The righteousness of power must inevitably yield to the power of righteousness." We hear the concluding words of the Ukrainian Public Group's Memorandum:

> For the sake of life on Earth, for the sake of our grandchildren and their children, we say: Enough! And our call is echoed in the Universal Declaration of Human Rights and the Helsinki Accords, which were ratified also by the Soviet Government.

As the Ukrainian Group's documents indicate, the initial expectations of real improvement, even of an amnesty for political prisoners, which would result from the Helsinki Accords, were not to be fulfilled. Yet the struggle has just been joined. We in the Helsinki Guarantees for Ukraine Committee are faced with a special problem in that a segment of the Ukraine community in the United States considers the signing by our Government of the Final Act another "Munich," a sellout of the people and peoples of the Soviet Union. We do not share that view. For the longest time the lonely battle for human rights was waged by individuals, defense committees, and that worthiest of organizations, Amnesty International. Now it has become an issue among governments. We see the Helsinki Final Act as a document in which the heads of 35 governments pledged their full support of human rights, as a document whose provisions, if implemented, guarantee the fulfillment of the national aspirations of subjugated peoples, including the Ukrainian people. We agree with Mr. Mark Evans Austad, U.S. Ambassador to Finland, who said that the West won in Helsinki, that it took advantage of Soviet eagerness for the Conference to be held and got very real concessions in the humanitarian areas without giving up anything in other fields.

And what's in it for us? If the West's vigorous insistence on the full implementation of the provisions of the Helsinki Final Act does result in increased tolerance of dissent in the Soviet Union and increased respect for human and national rights, and leads to the gradual liberalization of Soviet society and real change, then our own security will have been immeasurably strengthened. And it will be a security based not on superior might in confrontation with an adversary, but a security based on the inherent superiority of our democratic ideals.

I must say that our committee is very much encouraged by the general trend we see in our Government with respect to the humanitarian provisions of the Helsinki Final Act. We applaud this Commission for the work it is doing, Members of Congress for their continuing support of human rights in the Soviet Union, and President Carter and his administration for their principled stand on the human rights issue.

I believe that we—Congress, this Commission, the Administration, committees such as ours, the press—are on the right road in pressing for the full implementation of the human rights provisions of the Helsinki Final Act. And we must not turn back. For even if the Soviet Government is not swayed by our stand, even if it reacts to it by intensifying repression, we must, by our example, continue nurturing the growth of legal consciousness within the Soviet Union and in other totalitarian states. We must not turn away from the righteousness of the movement for human and national rights in the U.S.S.R. It is

very important that we support the forces that are working toward humanizing Soviet society.

With respect to Ukraine, our committee believes that it would be just and proper for Western governments, including our own, to take positive steps to end the isolation of that country that has led to its tragic situation. We believe there is every legal basis for including in the agenda of the upcoming conference in Belgrade the question of why Ukraine was excluded from the Helsinki Conference, and we ask the Commission's support in convincing the State Department to undertake this initiative. We will work to convince Western governments that Ukraine has every legal right to participate in international affairs, including such events as the Olympic games, and that its status as a sovereign republic, guaranteed by its Constitution and the Soviet Constitution, entitles it to conduct its own external affairs and to establish diplomatic relations. A small yet positive step in this direction will be the establishment of an American consulate in Kiev, which, we hope, the American Government will use in such a way as to promote the idea of Ukrainian sovereignty. Mindful of the deterrent effect the presence of Western correspondents in Ukraine would have on the Soviet Government's inclination to repression, and citing the provision for the free exchange of information and ideas promised in the Helsinki Final Act, our committee will encourage the State Department to work with press agencies toward securing accreditation and access to Ukrainian cities for members of the free Western press. Finally, we call for continued American Government support of the arrested members of the Helsinki-monitoring groups in the Soviet Union, and ask that such support be extended with equal consistency to the lesser-known Oleksiy Tykhy as to the better-known activists Yuri Orlov, Mykola Rudenko and Aleksandr Ginzburg.

In conclusion, I wish to emphasize that the idea of legal consciousness put forth in the Ukrainian Public Group's Memorandum No. 1, and the moral strength of the defenders of human and national rights in the U.S.S.R.—the Sakharovs, the Morozes, the Rudenkos, the Orlovs and countless others—are very real forces and we should not underestimate their power. Rather, we should draw from this moral strength to sustain our own determination to pursue the goal of the full implementation of the provisions of the Helsinki Final Act. We really have no choice. The alternative is to let the Helsinki Accords become not only worthless in terms of the promises they contain but worse than that yet another "provocative document of international scope, which may serve as a trap for the credulous." This is what Ukrainian political prisoner Nadiya Svitlychna called the Universal Declaration of Human Rights in a letter from a labor camp in Mordovia where she had ended up because of her "indiscreet faith" in the Declaration.

I do not think any of us here know how much the defenders of human and national rights in the U.S.S.R. look to us in the West, how fervently they call on us to join them in their righteousness. We received a phone call a week ago from Nina Strokata-Karavanska of the Ukrainian Public Group. She said, I quote: "Our fate is in your hands."

Mr. Chairman, I would like to propose that the transcripts of those telephone conversations be included in the permanent record of these hearings.

Chairman FASCELL. Without objection we would be glad to receive them for the record.

[Transcript of the above-mentioned telephone conversation follows:]

Phone conversation between Nina Strokata-Karavanska, a member of the Ukrainian Public Group To Promote the Observance of the Helsinki Accords, and a member of the Washington-based Helsinki Guarantees for Ukraine Committee. The call came from Tarusa, near Moscow, where she is now residing, at 1:10 a.m., EST, February 17, 1977.

At the beginning of the call, Nina Strokata-Karavanska identified herself and asked that the conversation be recorded.

WASHINGTON COMMITTEE MEMBER. I'm turning on the recorder.

NINA STROKATA-KARAVANSKA. To Ukrainians on the American continent, from Nina Strokata-Karavanska and Stefaniya Shabatura.

Sisters, Brothers, Colleagues, and all who care about Ukraine's fate!

Another wave of arrests has rolled across the Ukrainian land. Among those arrested was writer Mykola Rudenko, who was the leader of the citizens' Group formed in Ukraine to Promote the observance of the Helsinki Accords. Oleksiy Tykhy, a member of the Kiev Group, was also arrested.

Mykola Rudenko and Oleksiy Tykhy will remain behind bars if Ukrainians fail to muster the necessary strength and courage to defend them.

All of us who were and who remain political prisoners of the Soviet Union trust that our countrymen across the sea will staunchly defend all the patriots of Ukraine.

February 17, 1977. From places of forced exile—Nina Strokata-Karavanska and Stefaniya Shabatura.

Hello? * * *

WC. Nina Antonivna, we have it. * * * And where are you living now?

NSK. In Tarusa.

WC. In Tarusa, at the same address?

NSK. Yes, yes.

WC. And where is Stefaniya (Shabatura) living? Do you have her address?

NSK. Listen to me carefully. Chinchenko in Canada knows the address. * * * Please listen further. * * * You're recording, yes?

WC. Yes.

NSK. To the members of the American Society for Microbiology, from the Ukrainian microbiologist, Nina Strokata-Karavansaka.

Dear Colleagues!

My views on the responsibility of the scientist in today's world compel me to call on you, in the U.S.A., to raise your voices in the defense of those scientists who become victims of totalitarian regimes. In our country such victims were never few. Today, the authorities are after those who dare defend the humanitarian principles of the Helsinki Accords. For his stand on this vital issue, Professor Yuri Orlov was arrested. A corresponding member of the Academy of Sciences, Professor of Physics Yuri Orlov is one of the most prominent scientists in this country.

Colleagues, can you imagine a scientist behind bars? Imagine that it is any one of you and not Professor Orlov who is being persecuted for his beliefs. (Inaudible.)

WC. Nina Antonivna, we can't hear you. * * * Hello, Nina * * * we can't hear you. Would you please repeat the last paragraph?

NSK. Having imagined this, can you remain indifferent? If you cannot, let us begin, together, to defend Professor Orlov.

February 17, 1977. From a place of forced exile—(Nina) Strokata-Karavanska.

WC. Very good, very good.

NSK. (Inaudible) * * * Extremely serious. Our fate is in your hands.

WC. Yes, we are going to work.

NSK. I beg of you, please do. * * * The Group is being destroyed, but I am insisting that it continue to exist even if only with two, even with three people.

WC. Was anyone else arrested in Ukranine in addition to Rudenko and Tykhy?

NSK. Obviously, there might have been someone else, but this is all I'm sure about. * * * Did your recording come out well?

WC. Yes, it came out well, came out well. Everything is clear. We'll give this to the press tomorrow.

NSK. Yes, please do, please.

WC. Nina Antonivna, do you have any news from the camps?

NSK. What did you say?

WC. From the camps. * * * Hello? They're interfering * * * Hello?

NSK. Listen to me further. * * * I await from you my microbiological (society) membership card and another invitation to attend your (ASM) annual conference.

WC. Then you will get it.

NSK. It is necessary that I receive this. And then, whether they let me go or not—that's my problem. That's the way it is.

MOSCOW OPERATOR. Are you speaking? No?

WC. Yes, yes, we are speaking.

OPERATOR. OK.

NSK. Do you have anything to tell me?

WC. Yes, listen please. Do you know about our Helsinki committee in Washington?

NSK. Yes.

WC. On Thursday of next week a hearing will be held in the American Congress on the arrests of Rudenko and Tykhy in Ukraine. Zwarun will testify. That's Thursday of next week. * * * We have the Declaration and the Memorandum No. 1 of the Kiev Group. * * * And all of this has been passed on to the States that signed the Helsinki Act.

NSK. Good.

WC. We give everyone a copy of the original and an English translation. They were forwarded also to President Carter * * * and to members of the American House of Representatives and the Senate. * * *

So we hope that many of the Senators and Congressmen have already voiced their support of Rudenko, Tykhy, Ginzburg and Orlov. So we are continuing to mobilize public opinion and we hope we will be successful. * * *

NSK. It's necessary that Ukrainians also support him (Orlov). This is very important.

WC. Ukrainians support him as well. Ukrainians also include Orlov and Ginzburg.

NSK. Yes, yes, that's very important.

WC. Yes, good. * * * And how are you feeling.

NSK. No complaints. I have to feel fine.

WC. Nina Antonivna, is Lyuda (Lyudmyla) Alekseyeva leaving the country?

NSK. Yes.

WC. And when is she leaving? When?

NSK. On the twenty-first.

WC. And where is she going to? To America or to Europe?

NSK. She'll be going to you (the U.S.).

WC. Aha, she is coming here. Very good.

NSK. She has an invitation to Israel, but she'll be going to you (the U.S.).

WC. Aha. * * * Now, Andriy Hryhorenko (Andrei Grigorenko), the general's son, has come to America.

NSK. Who?

WC. Andriy, the son of Petro Hryhorovych.

NSK. Yes, I know, I know.

WC. Yes, he's already here. * * * Aha, and how is your husband, Nina Antonivna?

NSK. My husband (political prisoner Svyatoslav Karavansky) has been deprived of his annual meeting with me for this year, that is, the kind of meeting when we are allowed to be together without witnesses. There was a search of my apartment * * * precisely the day that I was to be with my husband, visiting him. * * * Obviously, he was deprived (of the visit) for the sake of this operation (search). * * * You've understood me, that the camp administration deprives him (of the visit) for the sake of tying me down here. Well, I guess that's all.

WC. Yes, I understand. * * * Good, then * * *

NSK. We are grateful for everything you are doing, and we expect that you will do more.

WC. We will be doing more. We will continue our efforts, we will keep on trying, that's for sure. We are grateful that you called.

NSK. The best of everything.
WC. The best of everything to you. Until the next time. Greetings to everyone * * * Good night.
NSK. It's already morning here.
WC. Already morning. * * *
NSK. So—Let's Be! Glory to Ukraine!
WC. Yes, Glory! Good-bye!

I want to thank you for your clear statement on the work of the Ukraine Committee.

You certainly have included many recommendations. I am not sure that the breadth of those recommendations can be fully acted upon by this Commission, nevertheless, we were happy to have been able to be a forum by which you can officially make your presentation of the legal basis and the desire to promote in every way you can the concept, not only of nationalism, but of independent sovereignty.

One of the questions that arises constantly in these discussions on Helsinki is the matter of disputes on interpretation which must be resolved. Also the Helsinki Accords carry no enforcement mechanism. So if the efforts on compliance are to be more than indirect, there has to be a great amount of public and governmental attention paid to it with all the signatory countries.

The question always arises: How much attention and pressure and at what cost?

I gather from your statement, as far as the people in the Ukraine are concerned, that there is not enough pressure. Any pressure, regardless of the consequences is worth the price.

Am I correct in my interpretation of what you are saying?

Dr. ZWARUN. Yes, sir.

Chairman FASCELL. You are not advocating moderation in any way, or evolution, or a step by step process?

Dr. ZWARUN. No, I wouldn't go this far. I think that the Government of the United States obviously has to think of its interests first. However, if they are concerned for the individuals over there, they really have nothing to be concerned about.

Chairman FASCELL. They should not be concerned?

Dr. ZWARUN. These people know what they have gone into. They have been in it many times, for 15 years already and have come out. Three members have been in concentration camps and were under surveillance for 15 years in prisons. They came out and they joined immediately, knowing full well the consequences and knowing that they have families, both through marriage and through birth, and yet they take the risks.

Chairman FASCELL. The risks or consequences that might be suffered by activists are not to be used as an excuse for not doing something?

Dr. ZWARUN. That is right.

Chairman FASCELL. Mr. Buchanan.

Commissioner BUCHANAN. Thank you, Mr. Chairman. Mr. Zwarun, like other members of the Commission, I have been privileged to serve as part of our delegation at the United Nations.

As I recall, the three Soviet representatives were as alike as three peas in a pod in terms of their statements. I cannot think of any instance when that was not the case. Do I gather from your testimony that you feel that the recognition involved of the status of Ukraine that is implied in the United Nations membership and Soviet and

Ukrainian Constitutions—that that would be worth the price of representation that would probably simply take the Soviet line? Or do you think that some other line might be taken by a representative, should there be one?

Dr. ZWARUN. To us it seems that such recognition—knowing full well that they would be puppets at best—is trivial or humorous even sometimes. To those people there, they have risked their lives for just this thing and you have to start some place.

You cannot go on over forever and ever calling the Soviet Union "Russia," because it is not. Less than half of the people in the Soviet Union are Russians. They are not only Ukrainians, but there are at least 30–40 other nationalities in various stages of development that are and have been—for hundreds of years before there was such a thing as Muscovy or Russia—have been independent, will always be that way, unless they are liquidated.

Now, as soon as our press and government stops—a small minor thing like this that differentiates it—as soon as Kurt Goudy on Olympic coverage or other sports programs stops saying, "He is from Russia" when he means, "He is from the Soviet Union", you will see a complete change in the external and internal affairs of every country on this Earth. This is my firm belief and I have seen it over and over again.

Commissioner BUCHANAN. Thank you. And thank you, Mr. Chairman.

Chairman FASCELL. It is so easy to do—I do it also—in talking about Russia when I really mean the Soviet Union or talking about Russians when I really mean somebody else. It is a bad habit because of the political connotations, and one to which we must pay great attention.

Commissioner Simon.

Commissioner SIMON. Thank you, Mr. Chairman. Mr. Zwarun, do you know of any groups outside the group of Kiev and the group of Lithuanians in Moscow within the Soviet Union who are monitoring this?

Dr. ZWARUN. No.

Commissioner SIMON. The other question—you mentioned twice the Olympic thing. I assume that there are Ukrainian athletes who are part of the Soviet—get put on the Russian—get put in the publicity as "The Russians got these medals", when, in fact, frequently they are Ukrainian youths. Is that correct?

Dr. ZWARUN. If you pull the Ukrainian athletes out and take away their medals, I think the Soviet Union would be in the same gold list as the Vatican or some others. It is an overstatement, but over half of the Soviet athletes are from the Ukraine.

Commissioner SIMON. We certainly appreciate your testimony. I have no further questions.

Chairman FASCELL. Mrs. Fenwick.

Commissioner FENWICK. I wonder if you could tell us whether you know Father Vasyl Romanyuk?

Dr. ZWARUN. I know of him.

Commissioner FENWICK. Have you any news of his welfare or his whereabouts?

Dr. ZWARUN. He is still in camp, he has a long sentence, and that is all I know.

Commissioner FENWICK. I sent him ten Bibles in Ukrainian. They were all returned, and I wonder if that is—I hope not—a bad note. Is that common? They do not allow that?

Dr. ZWARUN. Yes, it is very common. The point is that someone has to put a return stamp on it and by doing this he had to report it to someone. So the effect of sending it, even if it is returned has already been accomplished. You have told them, in effect, "I know he is there."

Commissioner FENWICK. And I have told them that I know where he is.

Dr. ZWARUN. And they have to acknowledge it by putting a return stamp on it.

Commissioner FENWICK. In other words, as you have emphasized before, no matter what the dangers involved, you still think that this is what should be done—no matter what is involved for the people there?

Look, let me ask you something. Do you think that sending communications or Bibles or whatever to Father Romanyuk puts him in more danger or does it lessen the danger?

Dr. ZWARUN. It lessens it tremendously. They know that we know. No criminal likes being exposed. You have to remember this principle. If no one knew there was anything such as a Romanyuk rotting away in a camp whatever they did to him would be inconsequential and there would be absolutely no restraints on his treatment. Just by them knowing that we know makes them think twice. "What if something about him blows up into an international incident? Can we present him before international cameras looking the way he does now?"

Commissioner FENWICK. I understand. When you speak about the 10 members in your testimony, are they now in Kiev?

Dr. ZWARUN. As you know, they are scattered around and several are in jail. Many are from all over Ukraine and not just from Kiev.

Commissioner FENWICK. But they are part of the Kiev Group?

Dr. ZWARUN. Yes. It is not really the Kiev Group, but it is the Ukrainian Observance Group and their headquarters, whatever that is, is in Kiev.

Commissioner FENWICK. Thank you very much and thank you, Mr. Chairman.

Chairman FASCELL. Commissioner Bingham.

Commissioner BINGHAM. Thank you, Mr. Chairman. I have no questions, but I would like very much to thank the witness for his testimony. I think it is very, very useful to have constant emphasis on the identification of the Ukrainian aspects of this problem.

And having had some experience at the U.N. also along with Congressman Buchanan, I do find it rather ironic that we may be in the position now of turning around what was always a kind of convenient way of giving the Soviet Union an extra vote and saying that now, in fact, we are taking seriously the idea that the Ukrainian SSR is a separate entity at the United Nations, and ought to be so treated.

Dr. ZWARUN. I think that Mr. Martynenko at the U.N. in New York would be very much shocked. Of course he would not verbalize how he felt.

Commissioner FENWICK. Mr. Chairman, on that particular note, would you not just get somebody who was completely under the control of the Government of Moscow if such a representative turned up at Belgrade? You would not get somebody who really represented the Ukrainian people, would you?

Dr. ZWARUN. That is right, but you have to realize that this is de facto recognition by the Soviets which they originally gave, but they are now squelching. And now you would be reaffirming what they committed. How they use it, it is up to the world to see.

If I may make one more point and I realize I am grinding my axe in front of you.

Chairman FASCELL. You have a lot of friends in here backing you up, so go ahead. [Applause.]

Dr. ZWARUN. Being brought up in America since I was seven, I now think completely as an American. It was a shock to me to learn, when I went to Copenhagen 2 years ago, what the words "national," "nationalism," and "nationalist" mean. It is not at all the same meaning there as it is here, although the spelling and pronunciation are identical.

A nationalist here, though *Webster Dictionary* is very clear—denotes hobnail boots and goose stepping power and might over reason, fascistic type of outlooks. Whether we realize it or not, this is the feeling we have inside every time we see that word. And it already taints it. But something that I learned from the political prisoners who were in Copenhagen 2 years ago is that the word "nationalist" is the equivalent not of "fascist," but rather of "patriot."

So when you see in the literature, whether it be ours or the Lithuanians' or any "nationalist", you are talking about a patriot. This is not someone who wants his political system to be superior to others, no matter what the expense, but rather it is something that denotes that he wants what has been his for over a thousand years to be continued with his children and his family and with his religion.

This is the only meaning it has and this is why the Soviet Government says, "bourgeois nationalism". This is why, and because they know "nationalism" is not a dirty word, as it sometimes is here. This is why they always have to throw in "Zionist nationalist," and "bourgeois nationalists," and "other nationalists."

Chairman FASCELL. I agree and I appreciate the clarification. I would like to say that nationalism is certainly not a dirty word to me in all cases. But it is a dirty word when a Government in the exercise of its national sovereignty decides to expropriate American property without prompt and adequate compensation. We do not like that particular kind of nationalism, but if we are talking about a right of a people for the existence of their culture, and the right to pass on to their children beliefs and values, I think we could agree on that definition of nationalism. We realize that the word should not be used in a derogatory sense, as you say, there are obvious good aspects to it.

What do the activists, nationalists, in the Ukraine, reasonably expect? I know what you advocate and I know what you want out of Belgrade. But what do you think realistically will happen at Belgrade?

Dr. ZWARUN. I can think of several alternatives that might happen or scenarios. I think that there will be a lot of verbosity.

Chairman FASCELL. You cannot help that. Sometimes it takes a lot of talk to explain adequately.

Dr. ZWARUN. There will be some attempts to bring up issues and there will be a lot of smoke-screening by certain governments. As I see it, what will really happen is what Western Europeans and particularly American governments will make of it. You are in the driver's seat. You signed the agreement with the Soviet Union and so did 33 or 34 other countries. There was some sort of deal and some sort of exchange. We will have better relations, a status quo for an endorsement of human rights.

They got their part of the deal, they did get the status quo in a sense. But where are the human rights?

Chairman FASCELL. I think that the Soviet Union and the Eastern Bloc countries have an opportunity and a responsibility. We, in the West, might have some kind of edge because of the fact that we seem to be more advanced in the area of human rights and individual dignity. This might give us some kind of discussion advantage.

But I do not know that we are in the driver's seat exactly. But for your own preference, very personally and speaking very philosophically, would you want to see Belgrade get down to a shouting match and finger pointing as to who is right and who is wrong?

Dr. ZWARUN. Absolutely not.

Chairman FASCELL. One of our witnesses who was here said that Belgrade was as much a matter of style as anything else. I have chosen to use the phrase "realistic assessment of compliance" which in my judgment means a mature look or approach to what good things we have done and what things we have been unable to do, without necessarily being concerned about what our motives are.

We have either done it or not. Right?

There might be other definitions, but I would think that as a matter of style, what we seek is a realistic assessment 18 months after Helsinki, coming out publicly in Belgrade at the end of the Conference, after everybody has had a chance to look at everybody else and talk with everybody else. There would be a record of the evolution of progress, if any, and that record is about the most that we can expect.

Do you feel that that would be satisfactory for this first step?

Dr. ZWARUN. If this is the best that can be accomplished, then it is a big gain already. If the whole world, or at least 35 countries with various opposing desires and views can sit down and keep a conference going in simple declaratory sentences about very touchy subjects, then it is very much of a success.

Chairman FASCELL. I am very much pleased to hear you say that. Your group is a very activist group, a very vocal group and a very important group. And what happens between now and Belgrade not only in the United States, but in the Western World and in the Eastern Bloc countries is very important to what will happen at Belgrade.

For example, if the road from here to Belgrade is seen as simply a rising level of confrontation, then we have a lesser opportunity in Belgrade to get a realistic assessment of what we are all trying to do.

Would you agree with that?

Dr. ZWARUN. I think that is very true. I do not think it is advantageous for anyone to see a constant rise in confrontation. However, I

think you must try for a constant rise in assessment and evaluation and in factual data and information.

Chairman FASCELL. I would agree with you there and I think we could also have a caveat that in this process, we must never be fearful of or hesitate to speak out in either an individual case or in cases involving groups of people where what has happened to them violates every standard of common decency that exists in the world.

Does anyone else have any questions?

[No response.]

Chairman FASCELL. Dr. Zwarun, we want to thank you very much. If you have those transcripts, we would appreciate it if you would give those to us. Are they here now?

Dr. ZWARUN. I have a copy, yes.

Chairman FASCELL. If you turn them over to us, we will see that they are included in the record. I want to thank you and your vice president for being here and to welcome all of the friends of the Ukrainian Committee who made the effort to get down here today to attend this public session.

We want you to know that you are most welcome and we are very much interested in everything that you have to say. [Applause.]

Dr. ZWARUN. Thank you very much.

Chairman FASCELL. The meeting stands adjourned, subject to the call of the Chair.

[Whereupon, at 12:30 p.m., the meeting was adjourned, subject to the call of the Chair.]

IMPLEMENTATION OF THE HELSINKI ACCORDS: HUMAN CONTACTS: FAMILY REUNIFICATION AND BINATIONAL MARRIAGES

TUESDAY, MARCH 15, 1977

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Washington, D.C.

The Commission met, pursuant to Notice, at 10 a.m., in room 235, Russell Senate Office Building, Hon. Claiborne Pell, vice chairman, presiding.

In attendance: Commissioners Pell, Fenwick, Case, and Dole.

Also present: R. Spencer Oliver, staff director and counsel; and Alfred Friendly, Jr., deputy staff director.

OPENING STATEMENT OF COMMISSIONER PELL

Mr. PELL. Good morning. The Commission will be in order.

The 2 days of hearings before the Commission on Security and Cooperation in Europe this week deal with a very narrow and yet a very central aspect of the Helsinki Final Act: the reunification of divided families. The issue is narrow in that it does not take us to the broad question of emigration and travel. Indeed, the signatories of the Helsinki accords only indirectly endorsed free emigration and travel as a right of all their citizens. But they did jointly pledge to "deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family." And the implementation of that pledge has become one of the key standards by which compliance with the Helsinki Agreement is being measured today by governments and by public opinion.

Obviously, there is a simple human factor behind the attention given to this issue. Everyone can understand and sympathize with the yearning of husbands and wives, brothers and sisters, parents and children to be together instead of apart.

But fulfillment of the family reunification pledge has a broad political meaning as well. Our success or failure in reconciling diverse practices and traditions in this area of East-West differences will have a significant impact on efforts to bridge the divide in other fields. To the extent that the Warsaw Pact nations truly relax restrictions on their own citizens' freedom of movement—beginning with family reunification—they feed the hope we all have of progress toward more nearly common standards of internal and external behavior.

For the individuals involved in divided-family cases that progress has direct, personal meaning. For governments—over a longer term—

such progress opens the way to further cooperation and enhanced security, exactly the goals the Helsinki signatories set for themselves.

In these 2 days of hearings, the Commission is seeking to compile a record on the basis of which it can measure the progress that has occurred in reuniting divided families and can identify the obstacles that remain despite the Helsinki accords. We will hear testimony about the situation in general and about individual cases that remain unresolved.

The result of our inquiry, we hope, will be a documentation of patterns of conduct, documentation which should be useful to the signatory states when they meet later this year in Belgrade to review implementation of the Final Act.

Our first witness today is Mr. Jack Armitage, Deputy Assistant Secretary of State for European Affairs. He is a very old friend of this particular presiding officer of the Commission. I recognize his very wonderful efforts and I welcome him this morning.

Mr. ARMITAGE. Thank you, sir.

STATEMENT OF JOHN A. ARMITAGE

Mr. ARMITAGE. Mr. Chairman, if I may, I have a statement I would like to read.

Mr. PELL. Thank you. you may proceed.

Mr. ARMITAGE. I welcome this opportunity to appear before the Commission to discuss those provisions of the Helsinki Final Act regarding family reunification and emigration as they relate to the Soviet Union and Eastern Europe. I would like to offer some general observations about our efforts in this area and give a picture of the situation, as we see it, in the countries concerned.

As a nation of immigrants, we hold a deep historical commitment to the fundamental right of the individual to leave the country in which he or she resides and a general abhorrence of situations in which family members are forced to live apart from one another, divided by national boundaries. To millions of Americans, many of whom are directly affected, family reunification and emigration represent the area of foreign policy which most closely reflects their interests and concerns.

I would like to note at the outset that family reunification cases and cases of marriage between nationals of different states comprise the great bulk of emigration cases from the U.S.S.R. and Eastern Europe. Family reunification is, in fact, one of the few grounds for emigration which is recognized in most of these countries. I should also point out that emigration as such is not covered directly in the Helsinki Final Act. It is covered indirectly through a commitment to "act in conformity with" the Universal Declaration of Human Rights, which recognizes the right of all persons to leave their country and to return to it. Family reunification and marriage between nationals of different states are, of course, covered in considerable detail in Basket III of the Final Act.

Since the last war, the reuniting of families with origins in the Soviet Union and Eastern Europe has never been an easy task. One example is indicative of the kind of difficulties we face. In 1947, one

U.S.-born dual citizen living in the Baltic area of the Soviet Union began an effort to return to the United States. A young vice consul named Walter Stoessel worked on her case at our Embassy in Moscow. When Walter Stoessel returned to Moscow as our Deputy Chief of Mission in 1963, the case had still not been resolved. Finally, Ambassador Walter Stoessel had the pleasure of congratulating this woman on her receipt of an American visa when she received Soviet exit permission in 1974. That pleasure was obviously tempered by the knowledge of the woman's 27-year effort to return to the country of her birth. This case illustrates both the dimensions of our problems and the need to persevere in our efforts to resolve them.

I wish I could report to you that there has been significantly better progress across-the-board in family reunification matters in Eastern Europe and the Soviet Union since the signing of the Final Act. Some improvement of the situation has been obtained. But the record is mixed, as the situations I will describe in the individual countries indicate.

First, the Soviet Union. Emigration of persons with exit visas for the United States is small relative to the number of Soviet exit visas issued for, say, Israel or the Federal Republic of Germany, but it has increased steadily in recent years. Our Embassy in Moscow processed 230 such emigrants in 1970, 287 in 1971, 494 in 1972, 758 in 1973, 1,019 in 1974, and 1,162 in 1975. Last year, the number of Soviet exit visas for the United States took a susbtantial jump to 2,574, or more than 10 times the number 6 years ago, and twice the total of the previous year. Most of this increase can be ascribed to a large surge in Armenian emigration to the United States, but the overall increase may bear some relation to the commitments assumed by the Soviet Union at Helsinki.

There has also been an increase in issuance of exit visas for private visits to relatives in the United States. In 1975, there were 1,184 such visitors; in 1976, 1,654.

Unfortunately, there has not been matching progress in the resolution of longstanding divided-family cases. We have presented U.S. representation lists of these cases to the Soviet Government for about 20 years. In 1974 and 1975, about 30 percent of the cases on those lists were resolved. Last year, we undertook a major effort to make our list thoroughly accurate, and when former Ambassador Stoessel presented it in August 1976, it contained the names of 316 persons in 113 family units. Seventy-five of these families had appeared on previous lists. Since August, only 20 persons in 7 of the family units have received exit visas.

Some of the families, such as that of Mr. Anatol Michelson, who is scheduled to testify before you, have been separated for over 20 years. Needless to say, we are disappointed with this situation and hope to overcome it. Secretary Vance has raised our concern about persons on the representation list with Ambassador Dobrynin and has also expressed his interest in some special hardship cases. Our Embassy in Moscow is also actively and persistently pursuing with the Soviet authorities cases of individual Soviet citizens seeking exit visas to join or visit relatives here.

The emigration of Soviet Jews to Israel is another yardstick one can use to measure Soviet performance on family reunification since

Helsinki. To put this into proper perspective, it is useful to look at the emigration flow in the past two decades. From 1960 to 1971, an average of 1,000 Soviet Jews per year left the Soviet Union for Israel. In 1971 this emigration rose to about 14,000. The recent figures are as follows: 1972, 31,500; 1973, 35,000; 1974, 20,000; 1975, 13,000; 1976, 14,000. The number of exit visas issued for Israel has, therefore held fairly steady for over 2 years. Last year was the first time since 1973 that this figure increased, although the rise was slight. In the fall of 1976, emigration took a significant rise from the summer level of less than 900 monthly to an average of over 1,300 for the next 5 months and, although February's figure of around 1,000 is discouraging, we are watching closely to see if there is an upward trend.

Soviet officials have said that less than 2 percent of those Soviet Jews who apply to emigrate are rejected. Although no independent figures are available, it is probably true that the great majority of those who apply and persist in their applications are allowed to leave. It is clear, however, that the emigration flow has been held down more by manipulation of the psychological atmosphere than by large numbers of outright refusals of applications. That is, because of the fear of losing one's livelihood or being harassed if a refusal is given, fewer potential emigrants have been applying and that has resulted in constriction of the flow of emigrants.

Now to Poland. The Polish Government's policy toward emigration has been relatively restrictive in recent years. Therefore, in part as a result of the large Polish-American population in the United States, we have had a correspondingly large number of divided family cases to deal with. As of March 1, 1977, we had 213 current cases in Poland involving separation of immediate family members—376 individuals, and 808 of nonimmediate family separations—2,530 individuals

We have had much more success in getting favorable action from the Polish authorities in cases of close family members—husbands/wives and children/parents—than with siblings and more distant relatives. The highest percentage of prompt and positive responses from the Poles has resulted in cases where members of the U.S. Congress have expressed their interest to the Polish Embassy in the reuniting of particular families.

Since Helsinki, the number of cases being solved with Poland has failed to keep up with the number of new cases. In our frequent representations, Polish officials have maintained that sympathetic consideration is given to those cases where they believe legitimate humanitarian concerns are highest, but normally these involve only close family members. Recently, the Polish Government has taken favorable action on a number of urgent humanitarian cases.

Now the German Democratic Republic. This is somewhat of a new problem; since establishment of diplomatic relations with the German Democratic Republic in 1974, we have made the successful resolution of humanitarian cases a basic issue upon which the development of relations hinges. The number of active cases, however, has not been large. This may be a result of the fact that large numbers of applicants wish to emigrate to the German Federal Republic and also because we have only recently established diplomatic relations.

At the onset of diplomatic ties, we presented the German Democratic Republic with a list of 27 family and fiance reunification cases. Subsequently, most of these have been successfully concluded. At present, we have a total of 39 cases involving 56 individuals. Overall, we are pleased by the number of cases which have been resolved. However, in almost every case, bureaucratic delays have been the rule and quite a few of the individuals have endured varying degrees of harassment.

The latest figures from our Embassy in East Berlin indicate there may be a connection between Helsinki and the German Democratic Republic's handling of divided families. In the approximately 11 months between the establishment of U.S. relations with the German Democratic Republic and Helsinki, 12 individuals were permitted to emigrate from the German Democratic Republic to come to the United States. In the 19 months since then, 56 individuals have been able to join their families or prospective spouses here. Despite this progress, the German Democratic Republic's basic policy of restricting the migration of its citizens, whether to the United States, or elsewhere, remains unchanged.

Now to Czechoslovakia. The Czechoslovak policy on emigration also remains restrictive, but there are relatively few pending divided family cases. As of February 28, there were 69 individuals who were awaiting permission to emigrate to the United States to join immediate relatives.

In the first half of 1975, Czechoslovak authorities did not resolve any of our pending cases involving divided families. However, since Helsinki and more so in the past few months, the Czechoslovak authorities have improved their record somewhat with the United States on family reunifications. Six individuals were granted exit permits from January to November of 1976, and our Embassy was informed by the Ministry of Foreign Affairs in November that 20 children would soon be allowed to emigrate to join their parents in the United States. Thus far in 1977, we are aware of eight individuals having received emigration passports. On March 2, we were informed of an additional case of a spouse and two children who will soon be allowed to emigrate.

Now to Hungary. Although Hungary's emigration law is strict on paper, we have found that in practice it is applied in a generally positive spirit and without discrimination against Hungary's Jewish population of some 30,000 people. Thus, the number of outstanding family reunification cases which we have with Hungary is quite small.

Since Helsinki, our Embassy in Budapest has issued 178 immigrant visas. In the same period we have identified 18 problem cases and brought each of them to the attention of the Hungarian Ministry of Foreign Affairs. In eight of these cases, passports were issued; in three cases, the prospective emigrants withdrew their applications for unrelated personal reasons. Seven cases remain pending at the present time.

Now to Bulgaria. Since Helsinki, the Bulgarian record with the United States on family reunification has improved considerably. Following a series of representations made here and in Sofia, we received high-level assurances from the Bulgarian Government in the spring

of 1976 that our pending divided family cases would be resolved. As of February 16 of this year, the Bulgarian authorities had resolved favorably 24 divided family cases, involving 27 individuals, since Helsinki. This constitutes a significant improvement over the 12 months immediately prior to the CSCE meeting, when only two such cases were resolved. As of January 31, 1977, a total of 53 cases were pending.

Clearly with an eye on the upcoming Belgrade meetings, the Bulgarian authorities have recently resolved a number of cases that had been stalled. While we have no illusions about any basic change in Bulgarian policy concerning emigration, we are pleased by these positive results.

Romania. Romania discourages emigration and imposes penalties on families of those who leave the country illegally or who fail to return from authorized trips aboard. However, Romania does take a more sympathetic approach toward divided family cases and distinguishes these from general emigration requests. In the case of Romanians seeking to be reunited with relatives in the United States, we have found that persistence on the part of the applicant and support from the United States side generally result in eventual approval of the application, although the process always takes months and sometimes years.

Emigration from Romania to the United States increased considerably in the period following the Helsinki Conference. As an illustration, our Embassy in Bucharest issued 312 immigrant visas in fiscal year 1975, whereas the total for fiscal year 1976 was 1,339. This increase, however, may be more closely related to the fact that in August 1975, Romania was granted most-favored-nation (MFN) tariff treatment under the terms of title IV of the Trade Act of 1974, which of course, establishes a link between our granting MFN and government credits and emigration performance. MFN was granted with the understanding that the Romanian Government would respond sympathetically to our interest in resolving emigration requests, and this has proved to be the case.

Despite the improvement in emigration to the United States, the number of pending divided family cases with Romania has remained at approximately the same level in recent month. We believe this is partly because increased immigration to the United States has created new cases, since new immigrants very often wish to bring other family member here. As of March 1, 1977, there were pending 222 cases involving separation of immediate family members (341 persons) and 594 cases involving nonimmediate family members (1,611 persons).

Emigration to Israel has remained at approximately the same level in the pre- and post-Helsinki years (2,423 in fiscal year 1975 and 2,565 in fiscal year 1976). We do not know what proportion of those emigrating to Israel do so in order to join family members, but it is probably quite high, since some 300,000 Jews have emigrated from Romania to Israel in the postwar period.

Yugoslavia. In the area of emigration, as in most matters, Yugoslavia is an exceptional case in Eastern Europe. Virtually all Yugoslavs can leave the country legally and return at will. We have no cases of family members being unable to leave Yugoslavia to join relatives in the United States.

Mr. Chairman, with this background in mind, a number of observations can be made. First, the difficulty in our handling of family reunification, binational marriages, and emigration matters stems in large part, as you noted in your statement, from the difference in attitude toward the rights of individuals versus the rights of the state. The prevailing ideology in the Soviet Union and Eastern Europe subordinates the individual to the needs of the state, and the inalienable rights to which we are closely committed are not acknowledged in that area of the world.

Much of the current difficulty began with the uprooting of families during the last war—a situation which was then prolonged by many years of cold war. We have found that the most difficult cases involve individuals who left their countries under troubled circumstances. Often they were considered outcasts or even traitors by the governments which came into power after the war, and there was little sympathy shown for the members of their families who remained behind. In much of the area emigration has been viewed historically as betrayal of the motherland and this view was further sharpened by the perception of the governments concerned—as unfair as it may appear to us—that many of their former citizens were working to subvert their internal systems and damage their international reputations. The rhetoric of the cold war undoubtedly worked to intensify the sharp differences between emigres and the governments of their former countries and to impose further obstacles to the families seeking to reunite.

Besides these ideological and historical factors, we also encounter the attitude in some countries that an uncontrolled outflow of skilled workers may weaken national policies of rapid industrialization. And another problem, not often articulated openly, is the fear that unrestricted emigration may result in the flight of scientists and intellectuals needed to maintain the technological base of the economy.

As indicated, our approach to the problem of family reunification has been one of steady persistence. In cases of emigration to the United States to join relatives or to marry we employ various methods at various levels of government. Family reunification comprises the bulk of the work of our consular officers in the Soviet Union and Eastern Europe.

Mr. Chairman, I would like to say here that I think that there is no more imaginative, resourceful, dedicated, and energetic bunch of fine service officers in our corp than the people that are doing consular work in the Soviet Union and Eastern Europe.

They are in touch virtually on a daily basis with the foreign ministries and exit visa offices of the countries concerned. They often visit exist visa officials in the capitals and other cities of each country to discuss particular cases as well as the general problem and write letters to encourage resolution of these cases. There is a continual flow of activity at the consular level. Our ambassadors also present lists of divided families at high levels of government and often discuss special hardship cases with host country officials. There is also a parallel effort here in Washington with the ambassadors and embassies involved. Representations are regularly made at the office, bureau, and highest levels of the Department.

You asked, Mr. Chairman, that I comment on how we gather information to support our efforts in family reunification and how it is updated. I would note that the political systems in many of the Communist countries are such that we are often unable to obtain all the basic information we need to work effectively on family reunification matters. We are rarely given the reasons for refusal of exit permission or an idea of the length of time which might be involved in effecting a reunification in a particular case. It is, therefore, difficult to gain an accurate measurement of the problem.

Our embassies try to stay in touch with divided family members in the host countries, but this is often most difficult or even impossible. Our information, therefore, mainly comes from sponsors and family members in the United States. We keep in close touch with them in order to determine dates and places of application for exit, refusals, or the dropping of applications. For instance, with regard to our representation list for the Soviet Union, there is a flow of daily correspondence between the Department and United States sponsors, and we send a yearly letter to all sponsors on the list asking for an update of the situation of their relatives in the Soviet Union. This system has proved to be relatively accurate. We have found, however, that some divided family members carried on our lists have not even applied for exit permission, or have applied only for a visit, or occasionally that they do not want to leave at all.

I guess these lists cannot ever be the statistics they seem because we are dealing with people who change their minds to meet new circumstances, and we are not always able to get the communications that are needed to make these lists completely accurate.

You also asked for the U.S. Government's definition of "family" for the purposes of family reunification. At the CSCE, the definition of "family" in the Final Act was left open, allowing for broad interpretation. Our law, as you know, terms "family" the immediate family, fathers and sons, parents and children, for purposes of preferential visas.

Generally, our interpretation of immediate family members includes spouses and minor children, and nonimmediate family members includes siblings, adult children, parents of adult children, et cetera. But I want to make it clear we believe all these persons should be allowed to come to the United States for family reunification. We do not have a clear definition of "family" for family reunification purposes from the Eastern European countries, although some of them certainly interpret the term more narrowly than we would like. In fact, we will provide what assistance we can to any foreign citizen who applies to come to our country from Eastern Europe or the Soviet Union.

I want to draw a distinction between our handling of cases of emigration to the United States and those involving emigration to third countries. Obviously, the principle is the same, and our commitment to freedom of emigration is no less in the latter case than in the former. But, it is clear that while all host governments recognize our right to make direct representations involving the relative of a U.S. citizen, the position of most of these governments is that we have no standing to represent families seeking emigration to third countries. We have had to find other ways of dealing with these cases.

With respect to divided families in which one or more family members reside in a country which has diplomatic relations with the host government, we have not thought it appropriate or productive to attempt to intervene. The representation of such individual cases is properly the responsibility of the country concerned, and these governments have not requested our intervention on behalf of their citizens. Only these governments can determine whether or not the individuals concerned would be eligible to immigrate to their respective countries.

Emigration to Israel from the Soviet Union is, of course, a special case. Because of the tragedies of the Second World War, the firm commitment of the American people to freedom of emigration and the fact that Israel does not maintain diplomatic relations with the Soviet Union, we have assumed a special obligation to pursue the question of the emigration of Jews to Israel with the Soviet Government.

Because of the Soviet attitude that we have no standing to do so, our efforts over the years have therefore focused on the more general question of improving performance in the emigration field, rather than on specific cases. We have made numerous approaches at every level of government to encourage freer emigration and I believe with some success—although the disappointments are great—if one takes into account the 130,000 Soviet Jews who have emigrated in the past 6 years.

We believe the efforts of the Congress and American private individuals and groups to keep the governments of Eastern Europe and the Soviet Union constantly aware of the deep concern in this country for human rights and for freedom of emigration have played an extremely important role in this process. In our view, this combination of governmental and private action offers the best chance of achieving further significant progress in the field of emigration.

Our interest in this issue is well justified, both on moral grounds and because of the strong support of Americans for those seeking to emigrate. In his recent letter to you, Mr. Chairman, Secretary Vance noted our desire to find the best means for expressing American concern in cases of individuals refused permission to emigrate to third countries and we will be working closely and cooperatively with the Commission staff on this matter.

It is clear, Mr. Chairman, from our experience that the degree of responsiveness of the Soviet and Eastern European authorities in family reunification cases varies considerably, but we have found we have had better success when progress is being made in our relations with these countries in other fields, whether in disarmament matters, trade, in the expansion of cultural and scientific exchanges, or in bilateral relations generally. It is simply easier to encourage better performance during periods when relations are good than when they are troubled and strained. Our objective is to induce a steady process of improving performance by keeping the CSCE signatories mindful of the obligations they have assumed.

Mr. Chairman, our efforts with regard to family reunification and emigration began long before the signing of the Final Act, but we believe the CSCE has lent significant strength to our position. The Final Act represents a further acknowledgement by signatory powers of the legitimacy of our interest and has made it clear that family reunification is a proper subject of bilateral relations and international diplomacy.

Clearly, this has not overcome all the frustrations and difficulties in handling divided family cases, but we believe there are considerable advantages to be gained from using the CSCE mechanism as an important tool in promoting progress. Progress in family reunification and emigration will play an important role in setting the tone at Belgrade and I can assure you that we will have these issues uppermost in our minds as we move toward those meetings.

Thank you for your attention. I would be happy to answer any questions you may have.

Mr. PELL. Thank you very much, indeed, Mr. Armitage, and thank you, too, for your kind references to the consular officers working behind the Iron Curtain. You and I have participated in that.

What do you think is the impact of publicity concerning the resolution of these cases of divided families? You mentioned here private work and diplomatic work and you also mentioned in passing the effect of public protests. What is your assessement of the relative value of each?

Mr. ARMITAGE. Well, sir, I think it takes a combination of the two. The thing that the CSCE has done for us so prominently is to have greatly broadened the area of pubilc attention and the number of people who are involved and concerned about emigration and has made it an issue in which there is an expectation of performance.

As I indicated in the figures, the results of this have been less than we would have hoped, but I think there is a consciousness on the part of the signatory powers in the Soviet Union and Eastern Europe that performance is expected of them. I think this is due in large measure to the fact that they undertook this obligation and now this obligation has been articulated in public, in hearings like this, and in various discussions—both public and private—that groups have had with regard to this question and the performance of the obligations thereunder.

I think that it is important, sir, that we have this multilateral forum as we approach Belgrade so that the prospect is lessened of it being a bilateral issue solely in its public aspects where there is a certain amount of increased engagement of the prestige of the countries concerned. Putting this on the basis of a multilateral concern in which over 35 governments are concerned, helps to make it easier.

I think that public attention is an absolutely essential part of progress in this field.

Mr. PELL. Are there any particular countries where you think congressional pressure or interests are counterproductive?

Mr. ARMITAGE. I do not think congressional interest is counterproductive in any case. I do find that when one speaks of individual cases, it has been a mixed experience. I think this is a general experience, although some countries are more responsive than others; Poland, for example, has been quite responsive to expressions from the Congress to the Polish Embassy here.

But when you get to individual cases, as distinct from the more general proposition, then I would say that one of the most effective channels has been the expression of interest—sustained interest I might say—from the Congress to the individual embassies here.

You know, the heat, so to speak, is generated by the public attention to the general problem. When the individual cases are then taken up

in this way, the action can be taken without the kind of engagement of prestige that might sometimes hinder them from acting.

Mr. PELL. When governments have a bilateral visit coming up, the number of outstanding family cases seems to get more resolved than not. What has been our own experience in that regard?

Mr. ARMITAGE. Mixed. I think that there have been no high level meetings with the Soviets at which this question has not been raised, both before and at the meetings. I would not be able to say that the question of high level visits to the Soviet Union has been customarily followed by the kind of action that we might like.

In some of the Eastern European countries, I think both our experience and that of the Western European countries with their Eastern European counterparts has been a bit more positive.

This may be because the numbers are smaller. Perhaps when you have a double handful of pending cases in a particular country, the prospects of cleaning the decks for a high level visit are probably better.

Mr. PELL. Do you think there is any difference in the Eastern European countries of the treatment of reunification of families when one member left illegally as compared with those who left legally?

Mr. ARMITAGE. No question about that. There is no question about that. By and large, this is the root of a good deal of the difficult cases. When I say "illegally", I want to make it clear that we do not always feel that it means that the action was one which we would not have taken ourselves. But it does make it more difficult.

Mr. Chairman, the most difficult cases, I think, have been those in which the government feels that there was a good deal of sensitive matters involved in the departure or in the defection when abroad.

In those cases, we have a pretty sticky problem. The governments look at this—our own view is that it is totally unconscionable to punish a family for the alleged errors of the husband, if it is the husband—but these cases are difficult because the governments see this as an encouragement to an action and activity that they get very tense and excited about.

Mr. PELL. Thank you very much. Congressman Fascell, whose legislation created this whole Commission.

Mrs. FENWICK. I am Congresswoman Fenwick.

Mr. PELL. You are right. I recognize Congresswoman Fenwick.

Mrs. FENWICK. Thank you, Mr. Chairman.

I would like to ask you about this. One of the effects of the signing of the Final Act surely should have been that those matters such as family reunifications and the right of travel for professional and personal reasons and information, and all the others which before might have been considered internal matters, are now matters of international agreement.

Does that not make our position far stronger and does that not make it far easier for us to be perfectly clear that we are resting our claims on behalf of these people, for whom we write, on the basis of accords which these countries signed?

Mr. ARMITAGE. Absolutely.

Mrs. FENWICK. Now we have a sounder ground and far more right to be absolutely determined about it.

Mr. ARMITAGE. Yes.

Mrs. FENWICK. Another point: there is the Logan Act, which prohibits individuals from dealing with foreign officials in matters of state or something that I am not quite clear about. But I would like to be reassured that it is perfectly proper for us, as Members of Congress, to write to an ambassador urging that these messages on behalf of an individual or several individuals, are to be forwarded to the Chief of State or the General Secretary, and that we are not thereby breaking the law or trespassing on anything that our Government would consider improper.

Mr. ARMITAGE. I would certainly agree fully and perhaps even more importantly, I would think that the other side in this case agrees. Particularly as regards relatives of our citizens, I think you will not find now any inclination on the part of the recipient embassies to say "This is illegitimate."

On the contrary, I believe that your expressions of interest are one of the things that are most influential with them.

Mrs. FENWICK. I am concerned about the reaction of the ambassadors, because I want them to accede to our requests, but I want to be sure that we are not doing anything contrary to our country's laws.

Mr. ARMITAGE. On the contrary. It is our view that both the U.N. Charter and the Human Rights Commission which was created as part of the U.N. establishment and the Declaration on Human Rights and the covenant that ensued therefrom have made it pretty clear that the question of human rights has its place in international law and that the expression of concern is not purely an internal affair.

Mrs. FENWICK. One final question. Would it be possible to bring into being some kind of rational system as to who can be let out and who cannot? Could we encourage the signatory countries to have some clear law so they could inform us what the conditions are? In other words, tell us the time for an exit visa to be granted—which categories of people who might have to wait 6 months or some other period of time. There is such a terrible randomness.

Mr. ARMITAGE. Yes, there is.

Mrs. FENWICK. That is one of the nightmares of people caught behind those barriers. One person may be let out, such as a brother, and both brothers are working in a gas station or repair shop, and the other is not let out because he is said to be privy to a state secret. There is something so random and capricious about it.

Mr. ARMITAGE. Yes, there certainly is. I would have to say that in many cases, we do not even have that much of an explanation of why there is no action.

I think that it is a worthwhile objective for us to try to seek a greater codification of the standards by which they operate.

I am not overly optimistic as to how fast we can move. One of the things that we might do at Belgrade——

Mrs. FENWICK. That is what I was thinking of.

Mr. ARMITAGE. We might use some individual cases to sketch the outlines of a problem, and press for an explanation of how this is handled.

I would express the view, however, that if we did this, with that much attention focused on it, it probably would be better not to use the names, but use actual cases without the names.

Mrs. FENWICK. Exactly, exactly.

Mr. ARMITAGE. This would point out that we were trying to establish some practice.

Mr. FENWICK. Because at Belgrade, I hope also that we can somehow establish certain standards. In the hostel, in Vienna, we spoke to some people, who had come through with no action against them but cold hostility, while others had been stripped to the bone, with all of their high school diplomas and all their papers torn up. Surely these injustices could be a matter that we could bring up in some way. People should be allowed to take out their degrees and high school diplomas and marriage certificates and whatever papers that are important in the family.

Perhaps we could put that down on the agenda.

Mr. ARMITAGE. I agree fully. And the gamut of harassment is horrendous to review.

Mrs. FENWICK. Thank you, Mr. Armitage and thank you, Mr. Chairman.

Mr. PELL. Thank you, Mrs. Fenwick. Senator Case.

Mr. CASE. Thank you, Mr. Chairman.

I join my colleagues in welcoming you and also in the expression of satisfaction at the letter that we got from the Secretary of State on March 10. This was transmitted to us through our chairman, Mr. Fascell.

I would like to ask you this, Mr. Armitage. Do you feel that the Soviet Union and the countries under its domination in Eastern Europe have, in any degree, accepted the proopsition that the Helsinki accord has widened the scope of matters that other countries are entitled to inquire about, in respect to matters covered by the accords within their country?

Mr. ARMITAGE. Yes, sir, I do.

Mr. CASE. What is their official position and what is their actual position?

Mr. ARMITAGE. I guess for their actual position, Senator, we would probably look to how they perform.

Mr. CASE. That is what I mean, but what is their official state position?

Mr. ARMITAGE. Their official position is that they are prepared to fulfill all of their obligations that they have signed in the act. When we get down to interpreting that performance, we usually come out pretty far apart.

Mr. CASE. They are prepared to, but they are not prepared to have anybody question it.

Mr. ARMITAGE. Question what, sir?

Mr. CASE. Whether they are, in fact, performing. They reject any representation by us, either direct——

Mr. ARMITAGE. No, sir. We have been to them in terms of review of representation lists and the problem of Jewish emigration a number of times since the Helsinki Act. We have referred to the obligations under the Helsinki Act and they have never taken a position that that is not your business. They never say that it is—that we signed it, but it is not your business to say anything about it. Publicly they do not like the fact that they are being called to account, quite obviously, but they do not regard this as an illegitimate action of ours.

Mr. CASE. In itself, I think this is an advance.

Mr. ARMITAGE. Yes, sir, and while we are still very much disappointed, the figures for people coming from the Soviet Union to this country have increased fairly substantially this last year. Whether the Armenian surge represents a special case or whether the new level will be maintained, we will have to keep on the job to see.

Mr. CASE. What is our own position about people making inquiries about whether our Government is living up to its obligations?

Mr. ARMITAGE. I do not think that we could very well suggest——

Mr. CASE. What do we do?

Mr. ARMITAGE. What do we do?

Mr. CASE. Yes.

Mr. ARMITAGE. The representations have so far been essentially propagandistic ones. We have not received many official approaches from these countries.

Mr. CASE. Is that not our interpretation that they are propagandistic?

Mr. ARMITAGE. I did not mean that.

Mr. CASE. They are not directed specifically.

Mr. ARMITAGE. I did not mean that in a pejorative sense. I mean that what they have done, they have said publicly in their media. They have not often approached us officially to upbraid us about some of our shortcomings, but I think they will soon do that on a more regular basis.

Mr. CASE. They are generally complaining about President Carter's general statements. We find those very acceptable.

Mr. ARMITAGE. Yes.

Mr. CASE. I am very encouraged by this and I thank the chairman.

Mr. PELL. Thank you, Senator Case. Senator Dole, I believe you have a statement you wish to make.

Mr. DOLE. Thank you, Mr. Chairman. We are in the process of another hearing upstairs. I apologize for not having had the opportunity to hear your statement, Mr. Armitage, but I have read it very quickly and I share the views that I have heard here this morning.

Following that, I have a question. Do you think it is appropriate at the Belgrade review conference to raise individual cases or are you suggesting something else in your response to Mrs. Fenwick?

Mr. ARMITAGE. I think that I was suggesting something else. If by individual cases we mean named cases, then I would be suggesting something else.

I do not think that that would be an extremely effective tactic. It is not excluded, but I am not sure it would be effective.

Mr. DOLE. Do you think that we could clarify the standard?

Mr. ARMITAGE. I think we should try. Some of these cases that we have on record, you know, pretty clearly illustrate the shortcomings in rather specific terms and particularly the difficulty of getting the feeling of what the standards are by which these people can hope to get out, the time periods they must wait, the time periods for state secrets, the specifics about the grounds for refusal. This has brought us marginal success so far.

Mr. DOLE. Do each of the Warsaw Pact nations have a set policy regarding reunion of families when the family member now in the West left the Eastern European country illegally?

Mr. ARMITAGE. These are quite frequently the problem cases. Some of them are more relaxed than others. Poland and Hungary do not seem to get quite so up tight about it. The other Eastern European countries, I think, are inclined to be more restrictive when there is an illegal departure or defection involved. And the Soviet Union is certainly uptight about it.

Mr. DOLE. Thank you. I have no other questions, Mr. Chairman, but I do have a brief statement that I would like to have made part of the record, and I am just ready now to compliment this Commission—as the newest member of this Commission, I am proud to be a member.

I certainly think that family ties are one of the most significant areas that we should be addressing ourselves to and I hope to have continuing input in that area.

In looking at the document itself, when it talked about the application of persons who wished to be reunited with members of their family, I think that is a recognition we should pursue and I think it has been pursued. We are all dismayed when we learn that someone's dreams have been shattered, but we have been making progress.

In your statement that I looked at very quickly, you point out some of the areas of progress. It appears to me that unless we can define some of the standards, that perhaps the final document might not be very meaningful. But I will reserve judgment on that until a time when we have had an opportunity to explore all of the possibilities.

So I just ask that my statement be made a part of the record.

Mr. PELL. Without objection, it will be made part of the record.

STATEMENT OF BOB DOLE

Mr. DOLE. One of the more encouraging aspects of the Helsinki accords was the agreement on the part of the Eastern European signatories of the Final Act to deal "in a positive and humanitarian spirit"—and I am quoting the text of the act—"with the applications of persons who wish to be reunited with members of their family. . . ."

Family ties are related to the universal human need for roots, for tradition, for linkage with the past.

Family ties constitute hope for the future.

Family ties are basic to the American way of life and they transcend ties to state and to nation.

Along with millions of other Americans, I was heartened by the fact that the signatories of the Final Act had given such prominent attention to family reunification and had agreed, to quote directly from the accord, "to deal with applications in this field as expeditiously as possible" and to assure that all such applications "will not modify the rights and obligations of the applicant or of members of his family."

This language was especially welcomed by many Americans of Czech, Romanian, Ukrainian, Lithuanian, Latvian, Estonian, and other Eastern European ancestry who began to have hope that perhaps, after years of separation, they would once again be reunited with their mothers, their fathers, their sisters and brothers.

Today, I am dismayed to learn that for the most part, these dreams have been shattered. Yes, some small progress has been made, but in most instances, the Helsinki accords have not lived up to expectations.

I find this difficult to understand. It is incomprehensible to me that in this modern age there can exist a society on this Earth that is so

insensitive, so oblivious to so basic a human right. What possible political gain can there be for such a society to keep father from daughter, mother from son, husband from wife.

In view of what I have learned from the testimony being presented today, I have reservations about the Final Act as a meaningful document. As the newest member of this Commission, I am still willing to reserve final judgment until all of the evidence is in. I must say, however, that I am not pleased with what I have learned thus far.

Mr. CASE. On behalf of my colleagues in the Senate, I wish to express our gratitude on the accession of this new member.

Mr. PELL. It is shared by the majority.

Congresswoman Fenwick.

Mrs. FENWICK. Thank you, Mr. Chairman. I do have one more observation concerning the emigration problem from Romania. Certainly the figures you give are most encouraging in that they have gone up from 312 to 1,339 through 1975 and 1976.

I have information suggesting that in the first 2½ months of 1977, that some 6,000 exist visas have been issued to go to West Germany and Israel from Romania and to the United States, 434 in January and February. And so far in March, 137. Of these Romanians coming to the United States, that would be a total of 571 in 1977 and 174 are already in the United States.

Does that accord with your information concerning the first 2 months of this year?

Mr. ARMITAGE. The first 2 months, yes. And I am glad to have the third month. That is a little new for me.

Mrs. FENWICK. In other words, that accords with your information?

Mr. ARMITAGE. Yes.

Mrs. FENWICK. You would not have any information about the 6,000 then that have gone to West Germany and Israel?

Mr. ARMITAGE. I do not.

Mrs. FENWICK. Thank you. Thank you, Mr. Chairman.

Mr. PELL. Mr. Armitage, would it be possible for you to let this Commission have, on a regular basis, the monthly figures that you have of the emigration from various sources?

Mr. ARMITAGE. It certainly would and we would be glad to.

Mr. PELL. That would be a great help.

Mr. ARMITAGE. Yes, sir.

Mr. PELL. One further question. Do the listings of interest that we have represent only the families of American citizens or do they include the families of recent immigrants? In other words, if somebody defects on a trip over here with an athletic team and they want to bring their wife and children over to join them, are they included in our lists or do we wait until they become an American citizen to include them?

Mr. ARMITAGE. Our listings have generally been relatives of American citizens, but I will not suggest that this does not mean in any way that we do not make representations to the government for people who are here under alien registration and waiting lists and awaiting their citizenship. We do.

Mr. PELL. We have other questions that we would like to submit to you and have you submit answers for the record.

Mr. ARMITAGE. I would be happy to.

[Questions submitted to Mr. Armitage in writing and his answers follow:]

Q. Mr. PELL. One particularly troubling Soviet practice of the past few months has been in citing the Final Act as a justification for refusing exit visas, either by narrowly defining what constitutes a "family" or by refusing to accept family reunification applications unless the whole family applies to emigrate. Thus, when elderly parents give their consent to their adult children to emigrate but do not apply for exit visas themselves, OVIR refuses to consider the children's applications on the grounds that it would constitute a "division of family" and be contrary to the Helsinki Final Act. Can the question of interpretation be raised at Belgrade and, if so, how can the United States best combat this policy?

A. Mr. ARMITAGE. Although Soviet officials have occasionally cited the Final Act definition of family as a justification for refusing exit visas, this practice has in our experience been a limited one and has varied considerably from OVIR to OVIR. We have the impression that local officials in some jurisdictions may cite the Final Act in justifying exit visas refusals without being aware of the implication of their act in terms of CSCE or other broader policy considerations. Nonetheless, interpretation of the Final Act in this way undercuts the positive family reunification provisions of the Final Act and will be raised at Belgrade. We and our Allies are currently considering initiatives for Belgrade which will deal with the problems of prospective emigrants.

Of course, we will continue to pursue our family reunification efforts with the Soviets bilaterally, in addition to the discussions to take place at Belgrade. During his recent visit to Moscow, Secretary Vance presented a new exit visa Representation List to the Soviets containing 366 names and 128 family units. In addition, the Secretary expressed U.S. interest in the resolution of a large number of cases of Soviet Jews refused exit visas for Israel. A list of several hundred names of such persons was provided to the Soviet Government.

Q. Mr. PELL. On emigration from Romania, are you aware of any procedural difficulties the Romanians have placed on the emigration process since the Final Act was signed? Specifically, the Commission has received many complaints that so-called "Peoples Committees" have obstructed the issuance of exit visas. How recent and widespread is this practice?

A. Mr. ARMITAGE. During the period between the filing of the final passport application and its disposition, the prospective Romanian emigrant is normally summoned at least once to appear before the local Peoples' Council, at a meeting chaired by the Party Secretary and usually attended by the head of the applicant's factory, farm, or enterprise, several Party activists, and neighbors. The applicant is then confronted with arguments designed to appeal to his sense of nationalism. This practice, while widespread, is not recent, and pre-dates the CSCE Final Act.

The only change of which we are aware in Romanian emigration procedure instituted since the Final Act is the requirement that an application preliminary to the final passport application be filed and approved. This "application for an application" contains the applicant's vital statistics and family data and requests permission to apply formally for departure. The disposition of the preliminary application normally takes several weeks and an individual may have several such applications rejected. While the institution of this step generally coincides with the CSCE Final Act, a causal relationship is doubtful. The preliminary application does place an additional obstacle in the path of the prospective emigrant, but not one that is particularly difficult to surmount. The overall delay associated with the Romanian emigration process has not increased since the Final Act and the level of emigration has generally improved.

Q. Mr. PELL. You mentioned during the hearings that 6,000 exit visas have been issued to West Germany and Israel from Romania in January and February of this year. Apart from the immigration regulations of the receiving country, does the issuance of an exit visa always mean the emigrant can leave Romania?

A. Mr. ARMITAGE. After the prospective emigrant has received approval for his departure, he is required to settle his financial affairs and dispose of his personal property. After he obtains certain clearance stamps certifying that this has been done, he can collect his passport. Apart from the immigration regulations of the receiving country, our Embassy in Bucharest is not aware of any emigrant who, having received approval for departure and having obtained the necessary clearance stamps, has been refused permission to collect his passport and leave the country.

I hope that these responses are of use to you and clarify the questions you have raised. If I or anyone on my staff can be of further assistance, please let us know.

Mr. PELL. We would like to move on to other witnesses now at this time.

Mr. ARMITAGE. Thank you.

Mr. PELL. We want to congratulate you very much for the work you are doing and the work we are doing together in this field. It reminds me of the words "My country is the world and my religion is to do good".

Mr. ARMITAGE. Thank you.

Mr. PELL. That is what we are striving to do in this Commission.

Mr. ARMITAGE. We will keep at it, sir.

Mrs. FENWICK. Thank you.

Mr. PELL. Thank you.

Our next witness is Mr. Anatol Michelson.

Mr. MICHELSON. Thank you, Mr. Chairman.

STATEMENT OF ANATOL MICHELSON

Mr. PELL. Mr. Michelson, welcome to this commission and thank you for being with us. I believe you have a short statement and you may proceed.

Mr. MICHELSON. First of all, Mr. Chairman, I want to thank you and the members of your Comission for giving me the opportunity to testify today.

I have been proud to be a citizen of this country since January of 1969. I was born in August of 1918 in Zaporozhe, Soviet Union and I am now residing in Columbus, Ohio.

I graduated from Moscow Engineering Institute in 1940 with a master's degree in mechanical engineering. The same year, in 1940, 37 years ago, I married Galina Golsman, who was a student in the same university, the same institute. She was born in Irkutsk, Siberia in 1920. Our daughter was born in Moscow in June 1948. They are both exceptionally good personalities. They are devoted Christians and hard-working and very talented artists and designers and they are honest and good hearted, freedom loving, conscientious, and very beautiful, both physically and spiritually.

They are residing now in Moscow, Prosper Vernatko, 59 Apartment 156.

All of my life, I have worked in heavy industry, in the development of new production machinery. When I left the Soviet Union on a tourist visa in 1956, I was director of Central Engineering Bureau for Foundry Equipment in Moscow. Now I am the manager of process and equipment development in the Foundry Division of Ashland Chemical Co., in Columbus Ohio.

I have 44 patents issued in my name—25 of them in the United States alone. I have many publications on technical subjects. I enclosed references of all four employers in my life—the Soviet Government, a German company, and two American companies. They characterize me in those documents as a creative, productive, and competent engineer, and a person of the highest integrity.

In the winter of 1955–56, for the first time in Soviet history, citizens were allowed to apply for tourist trips on their own vacation to West-

ern countries. I and my wife immediately applied for us and our daughter to go on vacation to Austria.

We waited several months until our papers were checked and a Government decision was made. A few months later, we were notified that only I alone would be allowed to go to Austria for a vacation.

So I took a vacation and paid for my tourist document and I left to go to Vienna on June 7, 1956, by train. The next day after I arrived in Vienna, I asked the Austrian Government for political asylum. It was granted and until 1963, I worked in Dusseldorf, Germany, and since 1963, I emigrated to the United States on the invitation of an American company in Ohio, E. W. Bliss, now owned by Gulf & Western Co.

Since the day of my departure and until today, 20½ years, I and my wife—and after her adulthood, our daughter—are constantly striving for our reunification in the West.

From the very next day after my asking for political asylum, I requested the Soviet Consul in Vienna to allow my wife and daughter to join me. This was published in many Austrian and German newspapers and magazines.

A few days ago, our Ohio Senator, John Glenn, wrote a second letter to the Soviets, his first letter was in October of last year to Podgorny and a few days ago, it was to Soviet Ambassador Dobrynin with the same request— to let my family come here.

Between the above-mentioned requests—since 1956 until this month—there were more than 300 appeals to Soviet leaders from me, my family, a number of Congressmen and Senators, the State Department, the U.S. Embassy in Moscow, the United Nations, the International Red Cross, the American Red Cross, and the German Red Cross, as well as many petitions from various civil groups.

Of all of these 300 and some appeals, there came only four answers. One of them was given to Senator Hugh Scott from Pennsylvania where I lived before.

This reply was sent to him on his third letter to Chairman Kosygin and that was in 1967 and this reply of the Soviets was typical and therefore I would like to quote it in the full:

DEAR SIR: In reply to your letter to Mr. Alexei N. Kosygin, Chairman of Council of Ministers of the U.S.S.R. concerning Mr. Anatol Michelson's family, please be informed that their application was thoroughly considered by proper Soviet authorities. At the present time, the answer was unfavorable for Mr. A. Michelson.

Sincerely yours,

A. KOSIKOV,
Chief, Consular Division.

As you can see, no reason was given.

A total of 16 U.S. Senators and Congressmen had written and many of them repeatedly to Soviet leaders. Among these members of Congress there are Senator Scott who wrote four times, Senator Edmund Muskie and Senator Charles Percy, Edward and Robert Kennedy, George McGovern, Hubert Humphrey, Lloyd Bentsen, John Glenn, Howard Metzenbaum, Harrison Williams, Richard Schweiker, former Senator Fulbright, Congressman Frank Horton, Congressman Samuel Devine and Chalmers Wylie and former Congressman Frank Bow. Only one Senator received a reply from the Soviets.

As I said, many of them had written repeatedly. I myself wrote many, many letters, starting from Voroshilov and Khrushchev, and ending with Kosygin.

Many newspapers have published my open letters to Kosygin and Brezhnev. All of the newspapers in Philadelphia including the *Bulletin* and the *Inquirer* published my letters particularly on the occasion of their visits to the United States and England.

The *Daily Telegraph* in London published my open letter to Kosygin a few days before he came to London. The *Washington Post* and the *New York Times* and the *Wall Street Journal* published articles about my family.

I also had a number of contacts with high Soviet officials. First, a few days after my arrival in the West, I met the Soviet Consul in Vienna and asked him. Then in 1960, I learned that Khrushchev and his wife were coming to Vienna, Austria. I went to Vienna from Dusseldorf and was able to meet Nina Khrushchev. I spoke to her and gave her a letter with the picture of my daughter when she was 4 years old and asked for her help.

Then in 1971, I learned that Alexi Kosygin was coming to Toronoto, Canada, on the invitation of the Canadian Manufacturing Association. I went there and since I did some business for Canadian firms, the Canadian Manufacturing Association gave me an invitation to attend that dinner.

During that dinner, I came to Kosygin and spoke to him and gave him my letter and he put it in his pocket and I never heard anything since.

In 1973, I and a Washington attorney went to the Soviet Embassy according to a previous arrangement and there had a long conversation. Again, there were no results.

Since 1956 until the present time, my family has done everything according to Soviet exit-visa requirements. I always send my formal invitation every year—every year a new one. My wife and daughter go through all the torturous procedures of gathering a dozen other documents, from their places of work, places where they live, from relatives, and so on, everything that is required, and every year they submit the application for the visa and every year they get denied.

These denials are never given in writing and never explained. Every time they received only a postcard with a telephone number to call and they call and are told on the telephone that your visa is denied, period.

While they gather the documents they are constantly subjected to all kinds of harassments and all kinds of discouraging abuses.

Now, all I did wrong from the standpoint of the Soviet Government is that I had a 2-week visa and I am staying here longer than that.

In all civilized countries, the government does not require its citizens to get an exit visa at all. In all civilized countries, it is considered the right of a citizen to go abroad. My violation was virtually a small procedural violation. It was not a longer visa.

The question is whether a government has the right to punish for life, two women, one of whom was a child of 7 years, because I committed a bureaucratic violation. My daughter and my wife did not commit any violations. Why are they so brutally punished? Why are they tortured?

They are spiritually and morally tortured. When I speak to them on the phone, they start to cry. They beg me in their letters to help

them. All I can do is to ask you, my government, to help us! I think it is a most brutal violation of human rights.

To keep people against their will where they do not want to be kept is virtually what here is called a kidnapping. A person does not want to be there, but he is forced by force to be somewhere. This kidnapping is now continuing for over 20 years.

The usual kidnappings last a few days. You can imagine what the suffering of a family is when the father cannot see his only child for more than 20 years and there is not any certainty in the foreseeable future.

What kind of torture can be worse than this?

I think that this policy of the Soviet Union is also harmful to the Soviet Union itself. Why?

First of all, it is natural that separated families will use all means to appeal for help, and in the process of these appeals, very many people learn by the media and by personal contacts about the brutality committed against members of families.

It does not do any good for the image of that government.

Second, it really negatively affects the morale and the minds of many Soviet citizens because they go to school and they are told in school that, "You are living in a Socialist and a just and happy country". At the same time, these same people are told—"You may not see your father or you may not go where you want". They see their government lie, but they know that they cannot say it.

That forces them to think one thing, but to say something else, which makes them hypocrites.

Of course, people do not like it. And they do not have any good feelings toward their own government.

I should also make some mention about mail in the U.S.S.R. The letters and parcels are coming through only occasionally and periodically. Very often letters and parcels are not delivered at all.

Last year, I sent my daughter, at her request, a small pocket-sized Russian Language Bible. The Soviet post office took this Bible out of the parcel and put on it a note that the Bible had been confiscated.

I wonder, how can the government of a very large country be afraid of a small Bible?

In Moscow in 1972, my daughter met a Swiss citizen, Mr. Carl Heinz Haab who worked for a Swiss company making a trade exhibition there. They applied to marry after falling in love, announcing in accordance with Swiss law, their engagement, which was documented with a Swiss seal in the Swiss Embassy.

After that, they were told that they had to wait until August to get a marriage license. In the meantime, he went home, and a few days before the wedding date, he flew back to Moscow and was arrested at the airport and put on the first airplane back to the West and never was permitted a visa again. My daughter wrote me a letter that it was like an ax on her head and she was really traumatized for years after that.

After the Helsinki agreement was signed, my family was again refused an exit visa in 1976.

My family is recognized as a very deserving and worthy case. I want to briefly quote from a letter Senator Muskie wrote to Soviet

Ambassador Dobrynin in June of 1971: "From my understanding of the facts, Galina and Olga Michelson represent a most deserving case."

The vice president of Ashland Oil Co., in February of this year, wrote to Vice President Mondale: "Mr. Michelson is a very productive member of our society and valuable member of our team. He and his family deserve every assistance that our Government can render toward their union."

Senator Schweiker, in his letter to Kissinger in June of 1975, wrote: "The extraordinary circumstances of Michelson's family mandate an extraordinary action".

I should add to your understanding and to that of Congress that I, and, therefore, my family, are financially completely secure. Therefore, despite the fact that I have recently had a heart attack and regardless whether I survive or not, my family will be financially completely secure and never would need any help from anyone. Therefore, from the U.S. Government's point of view, there should not be any doubt that my family could fall as a burden.

In conclusion, let me say that in my opinion the recent U.S. emphasis on human rights in the world is long due, exceptionally far-sighted, very wise, and an extremely beneficial policy for the whole of mankind.

The main asset of the United States and the free world is freedom, the idea of liberty, of human rights. This idea is stronger than any weapon, more attractive than any material goods. Neither narrow national interests, nor refrigerators and washing machines will rally nations around the United States as will the eternally supreme values of freedom. America's strength lies not only in armaments, but also in the ideals it stands for. The idea which seizes the minds of the masses of people becomes an invincible force, a force which can be stronger than armies. The honest, persistently clear and loud call for human rights will strengthen the forces of democracy, winning the hearts of those millions of people who are deprived of their basic rights.

I want to ask Congress not to abandon my family reunion case. I would very much hope that Congress would continue its efforts.

[Mr. Michelson's written statement follows:]

STATEMENT OF MR. ANATOL MICHELSON, MARCH 15, 1977

Mr. Chairman, thank you for the opportunity to appear before your Commission. My name is Anatol Michelson. I have been a United States citizen since January, 1969, residing in Columbus, Ohio. I was born on June 8, 1918 in Saporozhje, U.S.S.R. and graduated from Moscow's Institute in 1940 with a Master of Science degree in mechanical engineering. The same year on March 31, I married Galina Golsman, born on March 5, 1920, in Irkutsk, Siberia, who was a student in the same institute. Our daughter, Olga, was born in Moscow on September 6, 1948. They are both devoted Christians, very talented artists-painters and designers, are very intelligent, hard-working, good-hearted, conscientious, freedom-loving honest, and very beautiful, both physically and spiritually.

Since my graduation and until now, I have worked in heavy industry on the development and engineering of new production machinery. When I left the USSR in 1956, I was a Director of Central Engineering Bureau for Foundry Equipment in Moscow. Now I am a Manager of Process and Equipment Development in the Foundry Division of Ashland Chemical Company. I have 44 patents, 25 of them issued in the United States. I am enclosing references from all four employers in my life (Soviet government, Schloeman Actich-Geselschaft in Germany, E.W. Bliss Company, and Ashland Chemical Company) who characterize

me as a creative, productive, and competent engineer, and a person of highest integrity.

In the winter of 1955–1956, for the first time in Soviet history, it was announced that those who wanted to visit other countries during their vacation might apply for a prepaid tourist trip to some foreign countries. My wife and I immediately applied for a trip for ourselves and our daughter. After waiting several months for a government decision on the trip, we were notified that only I would be permitted to go. On June 7, 1956, I took my vacation, paid for the trip, and with a valid tourist exit visa, went by train to Vienna, Austria. On June 10, I asked the Austrian authorities for political asylum. Since that day, and continuing until today, my wife, since her adulthood, my daughter, and I have continually strived for our reunion in the West—first in West Germany and, since March 1963, in the United States.

An article which appeared in Presse on June 12, 1956—the day after my asylum began—reported on my request to the Soviet consul to permit my wife and child to join me in the West. Enclosed is a letter from Senator John Glenn of Ohio, dated Feb. 23, 1977, to Soviet Ambassador Dobrynin—with the same request. Between these two documents, in the span of twenty and one-half years, there have been over three hundred appeals to the Soviet authorities from me, my family, German officials, U.S. Senators and Congressmen, the Department of State, the US Embassy in Moscow, the UN Commission on Refugees, the UN Commission on Human Rights, the International, German and American Red Crosses, and various citizens groups. In addition there have been countless letters and petitions from individuals who learned about my family anguish from newspapers and personal contacts.

A number of Senators and Congressmen have written to the Soviets repeatedly. For instance, former Congressman Lawrence Williams wrote eight letters; former Senator Hugh Scott wrote four times; Senator Edmund Muskie, three times; Senator Charles Percy, twice. Other members include: Senators Edward Kennedy, George McGovern, Hubert Humphrey, Lloyd Bentsen, John Glenn, Howard Metzenbaum, Harrison Williams, Richard Schweiker, the late Robert Kennedy, former Senator J. W. Fulbright, Congressman Frank Horton, Samuel Devine, Chalmers Wylie and former Congressman Frank Bow. I understand that you Mr. Chairman, wrote to President Carter just last month and asked him to personally intercede in my behalf. For this, I am extremely grateful. However, in 20 years, in response to over 300 appeals, there were only four replies from the Soviets. Typical of the response is a letter of Dec. 12, 1967 from Alexei Kosikov of the Soviet Embassy to former Senator Hugh Scott, the full text of which I quote:

"Dear Sir: In reply to your letter to Mr. Alexei N. Kosygin, Chairman of Council of Ministers of the USSR, concerning Mr. Anatol Michelson's family, please be informed that their application was thoroughly considered by proper Soviet authorities. At the present time, the answer was unfavorable for Mr. A. Michelson. Sincerely yours, A. Kosikov, Chief, Consular Division."

I myself have written, per registered mail, a dozen letters to top Soviet bosses. A number of major newspapers, such as Philadelphia's *Inquirer* and the *Bulletin*, London's *Sunday Telegraph*, and others, in 1967 and 1973, printed full text of my open letter to Kosygin and Brezhnev. Other papers, such as the *Washington Post*, and the *Wall Street Journal* published articles and editorials about my family. There was no response to them from the Soviet Union.

I have also had personal contacts with top Soviet officials. In July 1960, when Premier Krushchev was on a state visit in Vienna, Austria, I managed to meet his wife, Nina, speak with her and give her my letter addressed to her husband. This event was covered in the European press. There was the following result: two weeks later the letters and parcels from me to my family and their letter to me began to get through. In October 1971, I attended a dinner party given in honor of visiting Premier Kosygin by a Canadian manufacturing association. During that dinner I met Kosygin, gave him my letter and told him briefly about my problem. There was no result. In the spring of 1973, I had an hour long meeting with the Vice Consul of the Soviet Embassy in Washington, Mr. A. Burmistrov. Once again, there were no results.

Every year, since 1956, in our attempts to secure a Soviet exit visa for my wife and daughter, we performed the following formal procedures required by the Soviet regulations: I prepare formal letter of invitation, one for each of my family members, notarized by a Notary-Public, the County Court, the state Secretary of State, and the United States Secretary of State and mail them to my family. My wife and daughter gather dozens of other required documents and, together with my invitations and the application fee, submit them to the so-

called OVIR of the local militia. Getting the necessary documents for a visa application is accompanied by intimidations and insults and often by firing the applicants from their job. A few months later, my family receives a call from the OVIR notifying them that the visa has been denied—this is never in writing, only by phone.

Every year the applications of my wife and daughter have been denied. They have never been told why they have been denied. I have to presume that they are being punished for my "crime" of leaving the USSR in 1956 with only a temporary visa instead of a permanent one. However, this is only a procedural, bureaucratic violation of law. In all civilized countries, exit visas are not required at all—no where in Western countries do citizens need exit visas from their own governments. The Universal Declaration of Rights, adopted by the UN in 1948, explicitly provides the right of every person to leave his country, free to return.

Now, for the above "violation", an entire family is subjected to the horror of indefinite total separation. This separation for over 20 years is virtually a psychological, moral and physical torture every day of our lives. My wife and daughter write to me desperate letters. My daughter often cries when we speak on the phone. In many letters she begs me to help her to come here. My wife feels very lonely and says that she has no tears left. They, my wife and daughter, did not violate any law, but they are most severely and brutally punished.

The Helsinki Agreement of August 1, 1975, signed by Secretary General Brezhnev and former President Ford, states: "The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old." My wife and I are both ill and old. I suffer from severe arteriosclerosis, aggravated by long diabetes, have had a heart attack and should undergo open heart surgery; my wife is nearly blind.

Despite this, after the Helsinki Agreement was signed, my family was twice refused an exit visa. Just over two weeks ago, on February 25, my wife and daughter again submitted to Moscow OVIR another application for an exit visa.

After twenty and one-half years, it becomes obvious that there is absolutely nothing that my wife, daughter or I can do ourselves to end this tragedy, and that action stronger than the appeals of individual Senators and Congressmen is necessary. The collective action of the Congress and the government are desperately needed to end the gross violation by the Soviet government of valid international agreements and commonly recognized basic human rights and values.

I appeal to you to urge the Administration and your colleagues in the Congress to use their prestige and authority to pressure the Soviets in order to save this American's family from the unbearable agony of 20 years of family separation.

Thank you very much.

[Material submitted for the record by Mr. Michelson follows:]

FEBRUARY 23, 1977.

His Excellency Ambassador ANATOLY F. DOBRYNIN,
Embassy of the Union of Soviet Socialist Republics,
Washington, D.C.

Mr. AMBASSADOR: Twenty one years ago Mr. Anatol Michelson, then an Engineer in Moscow, left the Soviet Union never to return. He has been living in the United States since 1963. Your embassy files should document the numerous personal and official requests that have been made to your government over the years to secure exit visas for Mr. Michelson's wife Galina and daughter Olga. Galina is now almost blind. All three family members have clearly suffered enough from this enforced separation.

Mr. Ambassador, I do not know whatever penalties Mr. Michelson incurred under Soviet law by his failure to return on a two week exit visa granted twenty one years ago. Whatever they are, surely two decades of frustration and pain for the Michaelson's have paid the price. Mr. Ambassador, with all due respect to your country's right to govern its own internal affairs, is it now time to set aside the legal and political aspects of this case and acknowledge its basic humanitarian nature.

I add my own request to that of many others that your government grant exit visas to the wife and daughter of Anatol Michelson.

Sincerely,

JOHN GLENN,
U.S. Senator.

Mr. PELL. Thank you very much, Mr. Michelson. That has been a very moving and agonizing statement. Have you made any efforts to meet your family in any third nation?

Mr. MICHELSON. Mr. Chairman, my family is not allowed to go anywhere abroad. They are not allowed anywhere outside the Soviet Union. Of course, I would not like to commit suicide by going back to visit my family.

Mr. PELL. That I can understand. I recognize Congresswoman Fenwick.

Mrs. FENWICK. I think all of us have been very much moved, Mr. Michelson. I wish there were more that we could do to bring your wife and daughter here but I think, speaking for myself and I am sure for all of us, we are not going to give up. We are not going to stop. We are not going to be deterred. This is not something that we will be discouraged in doing. Thank you, Mr. Michelson.

Mr. MICHELSON. Thank you.

Mr. PELL. Thank you very much, indeed.

Our next witness is Professor Woodruff McClellan.

Mrs. FENWICK. Oh, Dr. McClellan, welcome.

Dr. MCCLELLAN. Thank you, Mr. Chairman.

STATEMENT OF PROFESSOR WOODFORD McCLELLAN

Mr. PELL. We have quite a few witnesses, so your statement will be included in this record, if you wish.

Dr. MCCLELLAN. Mr. Chairman, in the interest of expediting your hearings, I prefer not to read my statement.

Mr. PELL. It will be inserted in full in the record.

Dr. MCCLELLAN. Mr. Chairman, I would like to thank you personally and Congresswoman Fenwick who has been terribly kind to me and has corresponded with me over the past 18 or more months. She has done yeowoman service in attempting to help me. I would be very grateful if you would convey my thanks to Congressman Fascell who has also likewise done a great deal in his attempts to help me.

After having thanked you and having made those statements, there are many others in the Congress whom I should thank, but I think it is a matter of public record already. I would like to say only that in my own case, a separation now going on 31 months obviously pales in comparison with that of the previous witness, Mr. Michelson, to whom I extend my deepest sympathy.

I do not know where he has found the courage to go on, but his example certainly inspires me.

Since this testimony is public, I would like to say that I am prepared to fight this battle as long as it takes—if I have to wait as long as Mr. Michelson, I shall do so.

I say this because I love my wife and my stepdaughter. That is the overriding issue involved, and there is also an issue of principle.

This simply must not be allowed to happen.

I would note that we were legally married in May 1974. I would call to the Commission's attention the fact that prior to this case, each Soviet citizen since the death of Stalin who has been permitted to marry an American, has been permitted to leave the Soviet Union within 2 years.

On August 15, 1976, my wife set an unhappy record and, as is obvious, each day she sets a new record.

I would also point out that my case is one in which neither party has ever been accused of any crime or any violation of a Soviet law or regulation. There is no criminal action that has ever been brought against me or against my wife and certainly not against her daughter. So again, we are left not knowing where we are.

Since this statement is a matter of record, I will merely go on to page 2, noting the second full paragraph where Mr. Kempton Jenkins sent a letter to my Congressman, J. Kenneth Robinson, stating, "This is the lengthiest case since the death of Stalin." I am not about to give you a history lecture, but under Stalin, no one got out and some of you know that during World War II, some allied officers stationed in the Soviet Union married Soviet women.

In 1945, when the allied missions came to an end, Stalin categorically refuse to allow the spouses of these American and British and French citizens and others to leave the country.

It was only after his death that those people were allowed to leave.

I note, Mr. Chairman—I have given the three reasons or potential reasons that boil down in my case. The first one with regard to my wife—all I can say about state secrets is that it is utter nonsense. They use it in every case.

Mrs. Fenwick used the example a few moments ago about someone pumping gas. In the U.S.S.R., the state is the only employer and not presumably, but actually the state does decide what a state secret is.

Here is the only place that my wife might know a state secret. It is the Institute. No one has ever pulled out a document and said, "Here is an agreement to keep state secrets." They have never said that she had security clearance.

I would also note that several people who did have security clearances at the Institute of World Economy and International Relations, which is a rather high-powered institute and advises the Soviet Government on matters of foreign policy—several people who worked there have been allowed to leave, some of them with astonishing ease.

I know a couple of cases, one in Paris and one here in Washington—and I really do not know what goes on. If that is the reason, no one has yet determined how the people there have managed to pull strings at a sufficiently high level. Some people who might have worked at the Institute and had a grudge against my wife could not have gotten those personal grudges that high.

Furthermore, my mother-in-law worked for the KGB. I call your attention to my sadness and frustration that certain American officials are apparently sympathetic with this explanation. I do not want to single anyone out. I have the highest praise for the State Department. Had there been time and were I better informed, I would take issue with some of Mr. Armitage's statements. I do know for a certain fact that a few people in the State Department have said, "Well, the woman's mother worked for the KGB and that is good enough."

Sir, I merely point out to them the obvious fact that it was no secret to the KGB that my mother-in-law worked for them when I got married.

This is not something they suddenly discovered, that somebody had previously overlooked. Indeed, 3 or 4 days before we were to get

married in April 1974, the mother-in-law suddenly went to the Registry Office and withdrew her permission. That is another matter. The fact that a 35-year-old woman needed her mother's permission to get married—but she withdrew it. She never told us why, but our obvious supposition is that the KGB put pressure upon her.

Why did the KGB then withdraw that pressure? The woman went back literally the next day and said, "It is all right. She may marry this man." I have studied the Soviets for all my adult life, over 20 years, I have been a student of Russian and Soviet history, and there is much that remains very mysterious.

Third, on page 3, about my own military service, I certainly did serve in the Army and I am very proud of that fact and of the fact that I was an instructor and then an assistant professor at West Point in what we facetiously called the Lincoln Brigade. Some people here may remember Gen. George Lincoln, who was Director of the Office of Emergency Preparedness under President Nixon.

I am very grateful to the late General Lincoln, to the U.S. Army, to my colleagues and to my Government for giving me this opportunity.

I only note, however, that my work did not involve intelligence or security. At no time, in my Army service or before my Army service, or afterward, did I do any intelligence work.

The Soviets, however, consider me a well-connected individual because they cannot believe that anyone who could serve at West Point is not somehow—well, how shall I say it—an influential member of the American establishment.

This was just not the case. For me, it was a lucky case of the Army assigning me to a job for which my education qualified me.

So far as this business of the attempt of the KGB people in the Soviet Union, which occurred not only in 1974, but every time I have been there, to get some information out of me—this was so ridiculous. I am much too nearsighted to be a spy for one thing and this was preposterous.

I told Ambassador Toon in a letter recently that perhaps I should have told them to go to hell when they asked me about people at the Embassy. But you do not lightly brush off KGB people in the Soviet Union. You are liable to pay for it in ways untold. I paid for being polite also, but I could not foresee that.

In any event, so far as the general situation is concerned, I have nothing to add. I believe that my statement can stand. Your information is better than mine.

As to recommendations, here with some trepidation I make them because I believe that the Commission and the Congress are in a far better position to know what to do.

I do believe that it is probably time to repeal the McCarran-Walter Act. An Australian Communist labor leader coming to speak to the AFL–CIO groups does not threaten our liberty as far as I can see. A Belgian economist coming to lecture at Harvard—if our country cannot take it—then—the fact is we can take it.

I would add a point. I believe it is a little out of synchronization, but I would respectfully urge the repeal of the Jackson-Vanik amendment. A great man who is one of my heroes, Dr. Sakharov, supports the Jackson-Vanik amendment, but I believe that the figures on Soviet emigration speak for themselves.

I believe that that legislation, no matter how well intentioned, was wrong.

On the last page of my testimony, I note that I read in the Washington Post a couple of years ago that someone told a journalist that the Soviets see in emigration—and I think I am quoting directly—"A threat to the spiritual unity of our country."

I have no answer for that. If they cannot stand to lose a few citizens who happen to marry foreigners then that is their problem and not ours.

So far as "interfering in internal affairs" is concerned, I am not interfering in the internal affairs of the Soviet Union, they are interfering in my internal affairs by not letting my wife and stepdaughter out. I note again that there has never been any reason and as in the case of Mr. Michelson, the same thing—there is never a written denial. Never.

Also, I would note that since 1917 the Soviet Government has interfered in the affairs of the West with great vigor. We all know about the Soviet Union's view of the Angela Davis case, which they called a political trial.

We could go back to the red scare in Seattle in the early twenties, we could go to the Scottsboro boys, or the so-called era of Senator Joe McCarthy when they did not hesitate to interfere in our internal affairs.

Finally, I think that the Soviets have to bear responsibility for their own actions. I think that there ought to be a kind of international sunshine law here. Let the world see what they are doing. We may not change them, and I certainly agree with those in positions of authority that we cannot go in with troops. That is preposterous and out of the question, but at least I think the Congress can help those of us scattered individuals around the country, a few of whom you have kindly given the opportunity to speak here today, to publicize these cases and at least let the world judge.

The Soviet response so far obviously proves that we have hit them not only where they are vulnerable, but where they know they are vulnerable.

So I think we should keep it up within the limits, of course, of reason and good judgment and I certainly believe that we should continue to pressure the Soviets on human rights.

Thank you, Mr. Chairman.

[Dr. McClellan's written statement follows:]

STATEMENT OF PROF. WOODFORD MCCLELLAN OF THE UNIVERSITY OF VIRGINIA TO THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE OF THE CONGRESS OF THE UNITED STATES, MARCH 15, 1977

PART I: THE CASE OF IRINA I. MCCLELLAN

My wife and I were married in a Moscow registry office on May 4, 1974. The marriage was thus performed by an agency of the Soviet Government and no one has ever questioned its legality.

Later in May of 1974 my wife applied for a passport and exit visa. It was her intention to accompany me to the United States when my Soviet visa expired at the end of August. (I was then in the Soviet Union as a visiting professor attached to the Institute of History of the Academy of Sciences, a participant in the 1973–1974 American-Soviet exchange of scholars.)

In August of 1974 OVIR, the Soviet passport and visa office, informed my wife that her requests had been denied and that she could not leave. At first she was given no reason, but after a week two KGB (secret police) agents informed her that she knew "state secrets" and that they were going to give her a year to "clear her mind." The implication was that she would be allowed to leave after a year, and the KGB men told her that I would be allowed to visit her.

My wife had worked, from 1956 to 1974, for the Afro-Asian Solidarity Committe as a secretary, for Intourist as a secretary, for the Institute of World Economy and International Relations as a translator and secretary, and as a schoolteacher. In none of these jobs did she ever have a security clearance, nor did she do secret work. Had my wife in fact known "state secrets," she would never have ben permitted to associate with, let alone marry, a foreigner. The very fact of our marriage conclusively refutes the contention—which anyway the Soviets no longer cite—that my wife ever knew "state secrets."

Contrary to the KGB promises, I have not been permitted to visit my wife. Although I visited the Soviet Union approximately a dozen times between 1960 and 1974 on scholarly research trips and as the leader of groups of Western tourists, I was apparently classified *persona nongrata* upon my marriage to a Soviet citizen. My repeated attempts to obtain a visa have been rejected.

In March of 1975 Ms. Akulova of OVIR informed my wife that she would be permitted to leave, along with her daughter by a previous marriage, within three weeks. Complying with Soviet law, my wife immediately gave notice of intent to resign at the school where she was teaching English. She made preparations to leave. At the end of March, Colonel Zolotukhin of OVIR informed my wife that Ms. Akulova had not been authorized to promise that she could leave. Irina McClellan and her daughter could not leave; and Irina had lost her job. She has not been able to find regular work for over two years.

My wife, with the full though so far ineffectual backing of the American State Department, has made repeated requests for a review of her case. Six times she has been denied permission to leave. After the first refusal on spurious "state secrets" grounds, she has merely been told that her case is "complicated." No reason is ever given, no refusal is ever put in writing. Most recently, in December of 1976, General Vladimir Obidin, director of OVIR, told my wife that she was again refused, and he also ordered her not to reapply at all in 1977. This directly conflicts with published Soviet regulations. After the Helsinki meeting of 1975, the Soviet Union promised to review emigration cases every six months. Our embassy in Moscow has asked for an explanation of the refusal to consider my wife's case in mid-1977, but to date no answer has been received.

My wife and I have been subjected to various pressures and harassments. We have both received threatening and obscene letters, and my wife constantly receives threatening and obscene telephone calls. In September of 1975 a crude attempt was made to blackmail my wife. Strangers approach my wife on the streets of Moscow with all manner of fantastic offers of "assistance" in getting out of the country; these are clearly KGB provocations, and not very sophisticated ones at that.

In a letter dated February 14, 1977, Mr. Kempton B. Jenkins, Acting Assistant Secretary of State for Congressional Relations, informed my Congressman, The Honorable J. Kenneth Robinson, that "Mrs. Irina McClellan has been refused an exit visa longer than any Soviet spouse of an American citizen who was an American at the time of the marriage." I have not seen my wife since I left the U.S.S.R. on August 28, 1974.

To the obvious question, Why? I can only respond: *I do not know.* There are of course many theories as to why the Soviet Government has singled my wife and me out for special persecution. I note the three chief ones below:

(1) When my wife left the Institute of World Economy and International Relations in January of 1973, certain officials, who had earlier threatened to demote her if she maintained her friendship with me, threatened to retaliate against her for dealing with an "ideological enemy"—i.e., Professor McClellan of the United States. It is possible that these individuals have connections in the Soviet establishment sufficiently strong to prevent my wife from leaving, but this seems less likely the higher the level at which the case is discussed.

(2) My wife's mother worked for the KGB until she was asked to resign (she had in any event worked two years beyond normal retirement age) when her daughter's relationship with me became known (1973). On several occasions Soviet officials have cited the mother's former work as a "complicating factor" in

this case, and I note with some sadness and frustration that certain American officials are apparently sympathetic with this "explanation." I would point out that the Soviet authorities knew at the time of the marriage that my wife's mother had worked for the KGB. Soviet officials could have prevented the marriage at any time and indeed my wife's mother, whose permission was necessary despite the fact that my wife was then 35 years old, withdrew her permission for our marriage in March of 1974, only to grant it again a few days later. The mother attended the marriage ceremony and later accompanied my wife and me and my stepdaughter on a work-vacation trip to Leningrad in July of 1974.

I have no idea whatsoever what kind of work my mother-in-law did for the KGB and neither does my wife. Under Soviet law, had my mother-in-law spoken to her daughter or anyone about that work, she would have risked the most severe punishment.

My own opinion is that my mother-in-law probably did not occupy a high post in the KGB because (a) I was allowed to marry her daughter, and (b) the woman has only a secondary education. And again, the very fact of the marriage conclusively refutes any attempt to invoke my mother-in-law's former work as grounds for denying her daughter the right to leave the Soviet Union.

(3) The Soviets may have misinterpreted either my own military service or my personal relationships with those with whom I served. I was an officer in the United States Army in the years 1961–1965. During almost all that time, I taught European and Russian History at the United States Military Academy at West Point. This was honorable military service of which I am very proud. It did not, however, involve intelligence work, and I have never performed intelligence work for any agency of the United States Government. I did and do know people who were in some way connected with intelligence, but I have never known, nor do I know now, anything whatsoever about their work.

The Soviets obviously know that I was at West Point (the fact is stated in the preface to a book I published while on active duty in 1964) and no doubt they consider the prima facie evidence of my own importance and good connections. But I was in the Soviet Union many times after I left the Army, and my service was apparently not, at least until 1974, grounds for denying me entry.

When I was in the Soviet Union for eight months in 1974 there were attempts on the part of people posing as historians to learn from me the details of the work of one or two personal friends, whom I had known in my Army days, who were then serving in the United States Embassy. I rebuffed these attempts and of course told my friends in the embassy about them. The Soviet actions occasioned no surprise; this sort of thing goes on constantly in the Soviet Union and elsewhere.

It is possible that the Soviets hold some sort of grudge against me for failing to provide information, but the very attempt to get it was so ludicrous and preposterous that it hardly provides an adequate explanation for the ordeal to which my wife and I have been subjected. I repeat: we simply do not know why we have been singled out for this protracted torment.

PART II: THE GENERAL SITUATION SINCE HELSINKI WITH REGARD TO "BASKET THREE"

My information here is certainly no greater than that available to the Commission. In some areas the work of journalists has been simplified (multiple exit-entry visas), but one journalist has recently been expelled, several others cited as "CIA agents," and a campaign has begun to discourage Soviet citizens from having any contact with Western newsmen.

On the crucial issue of the reunification of families, the post-Helsinki performance of the U.S.S.R. has been miserable. The Soviet Government clearly regards this issue with supreme contempt; its signature at Helsinki was utterly meaningless.

From my wife, the press and other sources I have learned that, while "Helsinki" brought hope to those who wished to leave the Soviet Union and to those who wished to modify some of the more repressive features of Soviet society, the actual performance of the Soviet Government has been in percisely the opposite direction.

PART III: RECOMMENDATIONS TO THE COMMISSION

I would not presume to lecture to Members of the Congress. Because the Commission's staff has asked for my recommendations, however, I shall state some.

(1) Our own house must be in order. Any infringement upon freedom and liberty at home mutes and distorts our voice abroad. We are the freest society the

world has ever known, and we must remove past and present blemishes on our record. As a first step, the Congress should consider the repeal of the anachronism that is the McCarran Act.

(2) Our defense of human rights must be not only vigorous but also consistent and even-handed. The Soviet Union is not the only authoritarian state in the world. As we resolutely condemn violations of human rights in the Communist countries, we must speak out with equal firmness against such violations elsewhere, even when they occur in nations with which we are allied. Our criticism of the Soviet Union will lose all its moral force if we continue to support with lavish aid the no less repressive Government of, to take but one example, South Korea. If we do not seek to improve human liberties in nations that purport to be our friends we cannot make pious representations to our adversaries.

(3) We must be prepared to take risks, and we must have carefully-drawn contingency plans. We must not make one of the crucial mistakes of the appeasers of the 1930s, who staked everything on one policy and who had no fall-back position. What this means in concrete terms is that we must be prepared to back our words with deeds. A journalist expelled from Moscow must mean the swift—as was recently the case—expulsion of a Soviet journalist from the United States; there must be no exceptions. An American scholar denied access to unclassified, non-sensitive archives necessary to his work must lead to prompt and equal action, distasteful though this be, on the American side against Soviet scholars. On greater, more significant issues, our guiding rule must be measure for measure. I cannot place too much stress upon the fact that Soviet Communists hold weakness in contempt, strength in respect. The "cold war" has never ended; only the vocabulary and some of the trappings have changed. The Soviets openly preach ideological struggle against the West. They have proclaimed a state of ideological war; if we have the national will and the proper leadership, we can hold our own and ultimately prevail.

(4) The Soviet Union signed the Universal Declaration of Human Rights, Article 13 of which states that "everyone has the right to leave any country, including his own, and to return to his country." The United States, through diplomatic channels, should seek to persuade the Soviets to issue, in cases where the right to emigrate is denied, written explanations of the denial and written statements indicating the duration of that denial.

(5) The Soviet Union signed the Final Act of the Conference on Security and Cooperation in Europe. In the so-called "Basket III" of that Act there is a provision for the reunification of families; indeed there is strong emphasis upon this issue. The United States Government should use its good offices, through diplomatic channels, to secure Soviet cooperation in reuniting divided families.

Recent attention on the human rights movement in the Soviet Union has largely focussed upon those who are sometimes called "dissidents." Those brave, indeed heroic citizens of the Soviet Union who seek peacefully and through legal process to do away with the remaining Stalinist features of Soviet society deserve our deepest sympathy and, within the strict confines of normal, friendly relations between sovereign states, our support. And it is patently obvious that that support can only be moral. As we all know, and as the President has recently said, we cannot march in with troops to change Soviet laws or administrative procedures we find morally repugnant.

This brings me to my final point. It seems to me that too much attention has been directed toward the "dissidents," for whom we can only provide moral support (and that at some risk of worsening their situation), and too little toward the reunification of families. The reunification of families involves a principle striking in its simplicity. It infringes upon the sovereign rights of no nation. Every civilized society recognizes the family as its basic, essential unit: it is a norm so common, so universal as to require no elaboration. And yet the Soviet Union holds several hundred human beings hostage, and for reasons it categorically refuses to divulge it perpetuates these human tragedies.

The United States Government should make a vigorous, unceasing and uncompromising effort to obtain the reunification of families. Members of the Congress should register their concern over this issue with the Executive Branch and directly, regularly, with the Soviet authorities in Washington and in the Kremlin. I know from bitter experience that any slackening of interest, any official American condonation of this barbaric Soviet practice encourages the Soviet Government to perpetuate these intolerable situations. The Congress should see to it that the Soviet Union has no doubt that this issue is one that deeply agitates the American people and outrages their sense of decency.

87-587—77——8

As a kind of postscript, I should like to thank the Commission for inviting me to testify here today. And I would point out that Irina McClellan will never have a similar opportunity in the Soviet Union.

WOODFORD MCCLELLAN,
Professor of History, University of Virginia.

Mr. PELL. Thank you very much, indeed, Dr. McClellan. Does Congresswoman Fenwick have any questions?

Mrs. FENWICK. No questions because I know Dr. McClellan's case very well and you may be sure that we will continue to work on it.

Dr. MCCLELLAN. Thank you.

Mr. PELL. I share those sentiments and thank you for being here.

Dr. MCCLELLAN. Thank you.

Mr. PELL. Our next witness is Mr. Vyacheslav Nepomnyashchy and his finance, Catharine Theimer.

STATEMENT OF V. NEPOMNYASHCHY AND MRS. CATHARINE THEIMER

Ms. THEIMER. I would like to start with a brief summary of my visas denials and then my fiance is going to read a brief summary of his.

I met Slava in August 1970, when I was a student in the Soviet Union studying Russian.

Mr. PELL. Can the people hear in the back of the room?

A VOICE FROM AUDIENCE. A little louder please.

Ms. THEIMER. I was studying Russian, and then I went back in the winter of 1971–72. At that point, we decided to be married and I was advised by both the State Department and the American Embassy in Moscow that we had nothing to fear from visa denials since a tourist visa had never been denied on these grounds up to that point.

We also knew that Slava's parents had interfered, trying to get my visa denied on that trip and so we were fairly at ease on that score.

When I, however, attempted to return to the Soviet Union to be married in March 1972, my visa was denied. It was originally granted by the consulate in Washington and was countermanded by Moscow about a day or two before I left.

At that point, I had an interview with Consul General Kavalerov and I made another visa application specifically for the purpose of marriage which was denied. I made a third special application in the summer which was never answered.

At that time, Slava went into the Army for 2 years and I did not attempt to go back to the Soviet Union. In the summer of 1975, I felt I had nothing to lose by going back with a tourist group. At the last minute, 2 weeks before the trip, I did apply for a visa and somewhat to my surprise, when I arrived at the airport, my visa was there.

I went to the Soviet Union and we did manage to preregister for marriage. As you know, you have to preregister in advance, about 2½ months or more.

We assumed that the Soviets knew I was in the country, therefore, when I was to go back for a marriage date on October 18, I wrote specifically on my application that I was going back to be married and included the document from Zags, which is the agency which handles these things, saying that we had a marriage date.

That was a big mistake, as I found out. I was not informed of anything official, but someone in the travel agency that I knew said that the consul general, who at that time, was Kurlov, called up in anger and asked how I was able to get into the Soviet Union in the summer in the first place.

At this time, the American Embassy in Moscow made continual efforts to get my visa granted and there was no result. There was no denial and no granting and the Soviets simply said they were considering it. This is not my statement, but I did attempt to go to Austria in January 1976 because our marriage date had to be extended to February. I attempted to go to the Sovet Union on a 4-day trip to Moscow assuming that my visa denial was lodged in Washington, which was not true, as I found out.

Nothing really concrete concerning my visa was stated by the Soviets as far as I know, except to hedge up through the spring of 1976 when they flatly said to the Americans who had been pleading the case every week, that they had no intention of granting it.

Fortunately, at that point or about 8 months later, Slava got his exit visa, as you can see. So now I turn it over to him.

Mr. PELL. Welcome.

Mr. NEPOMNYASHCHY. May I start?

Mr. PELL. Please do.

Mr. NEPOM. First of all, considering the background of the statements of the two previous witnesses, our story seems to be a happy one. I think you know what I mean.

Mrs. FENWICK. Yes; we do.

Mr. NEPOMNYASHCHY. I was born in April 1947 and I received a degree in electrical engineering in 1970 from the Moscow Institute and I first met Cathy in August 1970. That has been said.

I think I should start at the point where my personal troubles began. On the day that Cathy left Moscow in January 1972, I was detained at the airport by the KGB and was searched. At the interrogation session that followed, I was asked to provide a list of the friends and the apartments I had visited with Catharine during the time she was there.

I did not do so, and I believe in some 5 hours or so, I was released. I did have to sign a paper, however, saying that I was aware of things that might follow if I released any information about the fact that I was detained.

Luckily, I believe this was something that actually saved me, because by the time Cathy got as far as Paris, she called me on the phone and I told her about the story.

In the first place, that is one thing that may have actually saved us.

Then, as Cathy told you, she did make several applications to come to Russia during the spring of 1972. At the time that Cathy's visa to return to Russia was expressly refused in 1972, I attempted to enter the American Embassy in Moscow. This was on the eve of President Nixon's visit, and I had conceived the notion that our case could be brought to his attention or to the attention of the American press, and if so, our troubles would be over.

I was not successful because the police stopped me and I was held in jail for 15 days. Then I returned to my job at the Moscow Airport, but in 2 months the personnel manager of the airport received a

letter from the police station. I was tried in a so-called Comrade's Trial and they transferred me to a low paying job. I believe the so-called verdict sounded something like "my moral and political profile was unbecoming to the high calling of a Soviet engineer."

I found the pay too low to support me and took a job with the Moscow Postal Service. Once again, I was dismissed within a week or so and I finally found a spot as a loader in a food market.

On the advice of Catharine's lawyer, I put in an application to emigrate to the United States in the autumn of 1972 with OVIR. I did not hear any decision from OVIR, but I did hear from the Soviet Armed Forces. Within 2 weeks after I filed my actual original emigration application, I was drafted into the Soviet Army; not into a regular army unit, but rather into a work battalion of the kind that they had in Germany under Hilter. I had to work as a construction worker in a nonmilitary construction project. This whole thing took me 2 years in Siberia.

As soon as I was released from the Army in January 1975, I applied for a visa to the United States once again and in April, I was informed that my request had been turned down.

The actual reason that they told me word for word was "the interests of the Soviet state override all personal interests." After that, I could only apply after 1 year had passed since the date I had received the refusal.

Catharine told you how it happened that she managed to return to the Soviet Union the next summer. I would like to mention that, coincidentally, just that week the security and cooperation conference was meeting in Helsinki. Anyway, the provisions of the agreement appeared in the Soviet press the very week that Cathy and I registered our intention to get married with the appropriate Soviet authorities.

We even received a "spravka" which you have here

Mr. FRIENDLY. It is an inquiry?

Mr. NEPOMNYASHCHY. No.

Mrs. FENWICK. Testimony.

Mrs. THEIMER. That is close enough.

Mr. NEPOMNYASHCHY. It is a statement from a Soviet organization that we did file our marriage application with (Zags), saying that we were allowed to get married by the Soviet authorities.

What happened next was that Cathy's mother and aunt came to Russia for the wedding and the Soviets appointed a date for our wedding. The only missing person was my fiancee.

As she told you, she was forced to miss the date, though it was not her fault. After this attempt at marriage fell through, I visited OVIR once again to try to get an American visa, and I was told to apply even before the full year since my last application had elapsed. I did so and received the same answer. Again, my application was turned down because state interests override personal concerns, but I was told that I should apply to emigrate to Israel although according to my Soviet internal passport, I am a Russian by nationality and not a Jew. I asked about the Helsinki accord and expressed my intention of marrying an American and then I was told by a deputy minister in OVIR, whose name is Viktor Ivanovich Ovchinnikov—it is in the statement.

Mr. PELL. We have had the opportunity to read your statement.

Mr. NEPOMNYASHCHY. I am sorry. I am nervous and cannot remember his name.

Mr. PELL. Your statement will appear in the record as if read, and now we have some questions.

Mr. NEPOMNYASHCHY. They told me word for word, "Helsinki is for us and not for you." They mean that it is our concern to decide whether we are right or not. They said that I did not sign the Helsinki paper, but that they signed it and from now on, it is their responsibility.

In any event, I did follow that advice and in June of 1976, I did apply to emigrate to Israel. That application was also rejected in August of the same year because of the absence of any indication that there are grounds for considering this case a case of family reunion. Namely, because I could not claim to have any close relatives in Israel. After this refusal, I contacted an inspector of the administrative organs of the Communist Party. He expressed surprise that my application for Israel had been turned down after I had been advised by OVIR to submit it.

Within several days OVIR called to notify me that I should apply for emigration to leave the country again for Israel and that I could leave if I could provide them with a statement from my parents disclaiming any financial ties. This was a document which I had filed with all of my previous applications, by the way.

From this point on, the Government appeared to want to absolve itself of all responsibilities for my case claiming that the success of my application depended on my parents.

When I finally received the required documents, my papers were processed within 2 months and I was permitted to leave the country.

Now, Mr. Chairman, I would like to stress that from our experience, the Helsinki agreements appeared to have very little to do with the actual resolution of our case. It was a result of continued pressure from both of us, but it was not resolved under the Helsinki accords.

The officials in the Russian emigration section had no intentions of honoring the accords. I believe that thanks to the persistent pressure from Cathy and myself, the Soviet authorities did yield, but in a way that circumvented the Helsinki accords.

I left the country as a Jewish emigrant, although I am not a Jew and the authorities avoided the issue of whether a Russian was entitled to leave the Soviet Union for the purpose of marrying a foreigner, an American girl.

Mrs. THEIMER. If I may add one thing also. When I first met Slava and talked to the American Embassy, the people told us that we were crazy and never to get involved because he would never get out of the country. On the other hand, they said that as far as my entering the country was concerned, it would never be a problem.

Recently, the situation seems to have reversed in our case and I think that this is something that Helsinki does not take into account sufficiently.

Where the Soviets are stopping Soviet-American relationships is not after the marriage. What they are doing is stopping the marriage and since they do not recognize engagement as a legal relationship, this considerably weakens your case for family reunification.

Based on my knowledge of the Helsinki agreements, the case it makes for allowing marriages is simply not strong enough. You only have legal grounds if you are already married and since the Soviets have ample opportunity to stop marriages, there is nothing that you can do about it.

[The written statement of Mr. Nepomnyashchy and Ms. Theimer follows:]

Vyacheslav Lvovich Nepomnyashchy—born April 8, 1947 in Talmensky settlement in the Altai Region, RSFSR. Received degree in electrical engineering in 1970 from the Moscow Institute of Civil Aviation. During the last five years has spent two years in the army in Siberia and worked as a butcher, loader, press operator, and other jobs not up to the level of his education. Emigrated from the Soviet Union on February 2, 1977.

Catharine Stephanie Theimer—born January 5, 1951 in East Orange, N.J. Completed a B.A. in French and Russian and an M.A. in French literature from Brown University in June 1973. Currently working for a Ph.D. in Russian literature at Columbia University in New York City.

August 1970—Met in Sochi, while Vyacheslav was on vacation and Catharine was studying with a student group. Catharine returned to the Soviet Union in the summer of 1971, again with a student group, and in the winter of 1971–1972 on Catharine's third trip to the USSR—decided to be married. The day Catharine left Moscow in 1972, Vyacheslav was detained at the airport by police and searched. At the interrogation session that followed, he was asked to provide a list of friends and the apartments he had visited with Catherine during her stay. He did not and was then released.

Vyacheslav had four other "meetings" with the KGB, after which he was left alone until the spring. Catharine applied for a tourist visa to return to the USSR in March 1972. Several days before her departure date the visa was denied. She then made a special visa request through the Soviet Consulate to return to the Soviet Union with the express purpose of getting married, which was also denied. A third special visa request was made in the summer of 1972. It was never answered. When Catharine's second visa request was denied, Vyacheslav attempted to enter the American Embassy in Moscow. This was on the eve of President Nixon's visit, and Vyacheslav conceived the idea that if the case could be brought to his attention or to the attention of the American press the situation could be remedied. The attempt was unsuccessful. The police stopped Vyacheslav, and he was held in jail for fifteen days. Vyacheslav returned to his job at Bykovo Airport, but after two months he was tried in a "comrade's court" and demoted to a low paying job for having a "moral and political profile unbecoming the high calling of a Soviet engineer." He found the pay too low to support himself and took a job with the Moscow postal service. He was dismissed from work after three days, once again for political reasons, and eventually found a spot as a loader in a food market.

On the advice of Catharine's lawyer, Vyacheslav put in an application to emigrate to the United States during the autumn of 1972 with OVIR, the Moscow branch of the Department of the Ministry of the Interior dealing with visas. He did not hear about the status of his application, but he did hear from the Soviet Armed Forces. Within two weeks, he was drafted into the army. From December 1972 until his discharge in December 1974 he served in a labor battalion, working on non-military construction projects in Siberia.

In January 1975, Vyacheslav once again applied for a visa to the United States. In April he was informed that his request had been turned down, because "the interests of the Soviet state override all personal concerns." He could apply again only after a year had passed. That summer Catharine managed to return to the USSR with a tourist group. As it turned out later, her visa was apparently granted through an oversight. Coincidentally, the Conference on Security and Cooperation was then meeting in Helsinki. The provisions of the agreement appeared in the Soviet press the very week that Catharine and Vyacheslav registered their intention to marry with ZAGS, the bureau for marriage registration in the Ministry of the Interior. Vyacheslav received notification that after the specified waiting period, a marriage date would be arranged for October, and, in fact, the date of October 18, 1975 was granted. Though members of Catherine's immediate family arrived in Moscow for the ceremony, no Soviet action was taken on her visa application, and she was forced to miss

the date. Repeated efforts on the part of officials of the American consulate in Moscow to get the Soviets to grant Catharine's visa met only the response that it was being "considered," until the spring of 1976, when Soviet officials made it clear that they had no intention of granting Catharine's entrance visa.

After this attempt at marriage fell through, Vyacheslav visited OVIR to see about the possibility of trying once more for an American visa. He was told to apply even before the full year since his last application had elapsed. He received the same answer, however. His application was turned down because "state interests override personal concerns." However, he was told that he should apply to emigrate to Israel, though according to his Soviet internal passport he is a Russian by nationality. When he asked about the Helsinki Accords and expressed his intention of marrying an American, he was told by a deputy minister in OVIR, Viktor Ivanovich Ovchinnikov, that "Helsinki is for us and not for you."

He applied to emigrate to Israel in June 1976, as he had been instructed, and this application was also rejected, in August 1976, because "of the absence of any indication that there are grounds for considering this a case of family reunion." In other words, because he could not claim to have any close relatives in Israel. After this refusal, in September 1976, Vyacheslav contacted an inspector of the administrative organs of the Communist Party. He expressed surprise that his application for Israel had been turned down after he had been advised to do precisely that. Within several days, OVIR called to notify him that he should apply to leave for Israel again, and that he could leave if he could provide them with a statement from his parents disclaiming any financial ties (a document, incidentally, that he had filed with all his previous applications.)

From this point on, the government appeared to want to absolve itself of all responsibility for Vyacheslav's case, claiming that the ultimate success of his application depended on his parents. When he finally received the required document, his papers were processed within two months, and he was permitted to leave the country.

In conclusion, judging from our experience, the Helsinki agreements appeared to have very little to do with the actual resolution of our case, and as the quote from the deputy minister of OVIR suggests, officials in the emigration section had no intention of honoring the accords. Through dint of persistent pressure from us, the Soviet authorities did yield but in a way that circumvented the Helsinki Accords. Vyacheslav left the country as a Jewish emigrant, although he is not Jewish. The authorities avoided the issue of whether a Russian was entitled to leave the Soviet Union for the purpose of marrying a foreigner.

Mr. PELL. Thank you very much. Mr. Nepomnyashchy have your family suffered in any way by your actions or your brothers and sisters?

Mr. NEPOMNYASHCHY. I cannot really answer you. May I have 1 minute to answer the question?

The thing is this. To go to Israel I had to file two papers from my parents affirming the fact that they had no financial claims toward me.

My original emigration application to go to Israel was turned down on the basis that it could not be considered a family reunion. Then I spoke to Zolotukhin who was the deputy minister of the Moscow OVIR and he affirmed the decision. This person was impossible to talk to. Nothing bothered him. He would just keep saying the same thing over and over without even bothering to change the words. He is a man who works like a clock. He just repeats the same thing.

I was given the same answer by him. Then I tried to contact the party headquarters and they seemed to be offended, since OVIR had told me to file the emigration application for Israel and, therefore, they had no moral grounds for denying it since they had proposed this to me themselves. What they did was to take another 30 rubles from me for the right to file a new emigration application.

What happened next was that I received a phone call within a few days from the all-union OVIR and they told me that they had another paper from my parents which was dated June 30, while I had filed my

original Israeli emigration application on June 15. So it occurred to me that it was not me who gave them this paper.

I believe that my father must have given it to the OVIR officials because of some pressure that the KGB or whoever could it be put on him. For later, I talked to him and I tried to ask him exactly why he was doing such nonsense and he would never answer me. He would never say anything like "I did it" or "I did not do it."

All he would say is that he could not really answer the questions for, "I am staying here and it is you who wants to leave the country." That is it.

Mr. PELL. I certainly thank you very much.

You say that the International Rescue Committee received the request—are you an IRC case?

Mr. NEPOMNYASHCHY. No.

Mr. PELL. I am sorry. I misunderstood. Congresswoman Fenwick.

Mrs. FENWICK. No questions.

Mr. PELL. Thank you very much for both of you being here.

Mrs. THEIMER. Thank you.

Mr. NEPOMNYASHCHY. Thank you.

Mr. PELL. We have reversed the order and the next person is Mr. Jan Benes and Mrs. Anna Faltus.

STATEMENT OF JAN BENES AND MRS. ANNA FALTUS

Mr. BENES. Thank you.

Mrs. FALTUS. Thank you.

Mr. PELL. I notice in Mr. Benes' statement that you represent two great names in Bohemia, Benes and also your children are called Jan and Alice. Are you related to the Masaryk family?

Mr. BENES. No.

Mrs. FALTUS. Mr. Chairman, the Czechoslovak National Council of America welcomes the opportunity to testify before the Commission on Security and Cooperation in Europe, and our testimony will concern the area of divided families.

Permit me to first say a few words about our organization. The council was founded in 1918. It is a national organization of Americans of Czech and Slovak descent. It also serves as an umbrella organization for other similar associations, representing several hundreds of thousands of Americans of Czech and Slovak origin.

Since the Soviet invasion and and occupation of Czechoslovakia in August 1968, tens of thousands of Czechoslovak citizens fled their homeland. The council has been assisting those who came to the United States. It helped them to get established and offered assistance and guidance in obtaining American citizenship and in other matters where language was a barrier.

Many of those who fled Czechoslovakia left their minor children in the care of grandparents or other relatives. In some cases, the wife stayed behind. The exiles and refugees hoped that they would be able to bring their families out of Czechoslovakia once they get established in a Western country. Unfortunately, the Czechoslovak authorities decided otherwise—claiming that the husbands, fathers, or parents—as the case may be—had left Czechoslovakia illegally, and that it was

not in the State's interest to allow its citizens to leave the country to join them.

In 1970, the Czechoslovak authorities had resorted to blackmailing the refugees, exhorting them to pay so-called legal fees to lawyers in Czechoslovakia who were assigned to them by the government as counsels for defense, as they faced criminal proceedings for their illegal presence abroad. The refugees were informed that should they decide to ignore this demand, their relatives in Czechoslovkia would be required to pay the fees. Others, in order to legalize their stay abroad, were ordered to pay up to several thousands of dollars for their education in Czechoslovakia. These actions of the Czechoslovak Government were aimed at instilling fear into the refugees for their own persons and for their relatives left behind, and to compel them to return to Czechoslovakia.

To our knowledge only very few refugees submitted to this pressure. The great majority of them stayed abroad, haunted by the uncertain prospect of ever seeing their families again, but with a resolve to try and try again, in the hope, that somehow, sometime in the future, the Czechoslovak Government would be persuaded to let their families go.

The Helsinki Accords, signed on August 1, 1975, were condemned by many of us, as we felt that the Soviet Union scored another point at the expense of the nations of Central and Eastern Europe. However, as it turned out, Basket III of the accords has given the millions of people behind the Iron Curtain something solid to hold onto in their quest for more individual freedom. It has also given them hope for a better world and, among other things, for the reunification of families, forced by government policies to live apart.

Unfortunately, the continuous flow of information which we receive testifies to the fact that the Czechoslovak Government is not living up to the promises it made at Helsinki. The instances where permission to emigrate is granted are few and far between. And even though at the close of 1976, the Czechoslovak authorities allowed some children to join their parents who made their home abroad, hundreds of families are still waiting for a more humane attitude on the part of the Czechoslovak Government.

The delaying tactics used by the Czechoslovak authorities concerning permission to emigrate and the issuance of an exit permit are too numerous to list here. The few examples below will illustrate the point we wish to make.

Every applicant for permission to emigrate for example, is required to attach to the application 10 documents, none of which may be more than 30 days old at the time the application is submitted for approval. These documents include: a written consent from the applicant's place of employment to the effect that his employer—local, regional, or State authority or a party functionary in a factory, as there is no private enterprise in Czechoslovakia—has no objection to his emigration; similar certification from the military administration; extract from the Penal Register; information as to paid taxes or any other obligations the applicant may have to socialist institutions; curriculum vitae and a statement giving his reasons for his desire to emigrate. This document has to contain information on the applicant's education, salary, other benefits, property status, and a declaration whether he will request release from Czechoslovak citizenship. With delays artifically

created by local, regional, and State authorities, the stipulation that none of these documents be more than 30 days old at time of application is almost impossible to meet.

When and if the applicant succeeds in obtaining permission to emigrate, then another application has to be executed, this time for the issuance of an exit permit, to which another set of documents has to be attached. This form contains 106 questions which the applicant is obligated to answer. These questions inquire also as to whom the applicant plans to visit—or join—abroad; that person's address, occupation, address of his employer, his last visit to Czechoslovakia; his reasons for staying abroad and whether he left the country without the permission of Czechoslovak authorities.

Older persons receiving social security pensions who are granted permission to emigrate have to sign a statement renouncing their right to this benefit and/or to any other benefit that may be due them. Under these adverse conditions, the emigration of older persons, who wish to join their relatives abroad, is generally not opposed, as their departure means fewer recipients of social security pensions and fewer unproductive persons making demands on the country's health services.

However, younger people, or young families, who apply for permission to emigrate to join their parents or other close relatives abroad, are not only encountering difficulties, they actually become victims of reprisals—such as dismissal from a job and/or denial of higher education to their children. This is happening despite the fact that many of the applicants cite in their applications the Helsinki accords and the promises made by all the signatories—the Czechoslovak Government included—to facilitate emigration and the reunification of families.

There are hundreds of cases of divided families, but because many of the applicants are afraid to talk, we know of only about 65 applications with relatives living in the United States. Only a few of them have been resolved satisfactorily. In some cases, permission to emigrate has been denied repeatedly. Appeals were allowed with a chance of submitting a new application. This, however, resulted in another refusal that lead to another appeal and another application. The resulting merry-go-round presents great hardships for the people concerned. In several cases, permission to emigrate was refused by the highest authority with no further appeal permitted.

I would like to, if I may, clarify a few points here. All of the obstacles that I have described here are applied also when Czechoslovak authorities want to prevent visits here to relatives who fled Czechoslovakia. There are many Americans of Czech and Slovak descent in this country who are willing to pay the cost of a visit here by a relative from Czechoslovakia. Many do come. But many others cannot. A few years ago, an official policy was adopted by Prague which explicitly stated government intention to force expatriates back to Czechoslovakia by refusing to let their relatives there come here for a visit. As far as we know, that policy is still in force.

What may not be realized is that, since 1928, a legal treaty between the United States and Czechoslovakia says that if a citizen from one country gains citizenship in the other, he loses the first citizenship automatically. Despite the treaty which both countries recognize as in

force, Czechoslovak officials maintain that the naturalized American is still a Czechoslovak citizen until he applies for a release from his Czechoslovak citizenship. Exit permits have, therefore, been refused with the excuse that the relative in the United States is still a Czechoslovak citizen and that he may want to come back. The authorities take forever to process an application for release from Czechoslovak citizenship, and they retain the option to turn it down. Thus, in these instances, not only is Czechoslovakia acting in contradiction of the Helsinki Final Act, but it is in violation of a treaty with the United States.

The Council has submitted to the Commission for evaluation four volumes—about 450 pages —of documentation on the violations of the Czechoslovak Government of Basket III of the Helsinki Accords. Today, we would like to make part of the hearings "Charter 77," the human rights manifesto, which was signed in Czechoslovakia—despite threats of violence and incarceration—by close to 500 individuals from all walks of life, requesting the Czechoslovak Government to abide by its Constitution and by the accords it signed in Helsinki.

Thank you.

[The text of Charter 77 follows:]

[From the New York Times, Jan. 27, 1977]

MANIFESTO CHARGING RIGHTS

Following is the text of Charter 77, a Czechoslovak human-rights manifesto cited by the State Department yesterday as evidence of rights violations. It was translated by and published in the current issue of The New Leader, dated Jan. 31.

Law No. 120 of the Czechoslovak Collection of Laws, published October 13, 1976, includes the text of the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights, both signed in behalf of our Republic in 1968 and confirmed at the 1975 Helsinki Conference. These pacts went into effect in our country on March 23, 1976; since that date our citizens have had the right, and the State has had the duty, to abide by them.

The freedoms guaranteed to individuals by the two documents are important assets of civilization. They have been the goals of campaigns by many progressive people in the past, and their enactment can significantly contribute to a humane development of our society. We welcome the fact that the Czechoslovak Socialist Republic has agreed to enter into these covenants.

Their publication, however, is at the same time an urgent reminder of the many fundamental human rights that, regrettably, exist in our country only on paper. The right of free expression guaranteed by Article 19 of the first pact, for example, is quite illusory. Tens of thousands of citizens have been prevented from working in their professions for the sole reason that their views differ from the official ones. They have been the frequent targets of various forms of discrimination and chicanery on the part of the authorities or social organization; they have been denied any opportunity to defend themselves and are practically denied the "freedom from fear" cited in the Preamble to the first pact; they live in constant peril of losing their jobs or other benefits if they express their opinions.

EDUCATIONAL CURBS ARE CITED

Contrary to Article 13 of the second pact, guaranteeing the right to education, many young people are prevented from pursuing higher education because of their views or even because of their parents' views. Countless citizens worry that if they declare their convictions, they themselves or their children will be deprived of an education.

Exercising the right to "seek, receive and impart information regardless of frontiers and of whether it is oral, written or printed," or "imparted through art,"—Point 2, Article 13 of the first pact—can result in persecution not only

outside the court but also inside. Frequently this occurs under the pretext of a criminal indictment (as evidenced, among other instances, by the recent trial of young musicians).

Freedom of speech is suppressed by the government's management of all mass media, including the publishing and cultural institutions. No political, philosophical, scientific, or artistic work that deviates in the slightest from the narrow framework of official ideology or esthetics is permitted to be produced. Public criticism of social conditions is prohibited. Public defense against false and defamatory charges by official propaganda organs is impossible, despite the legal protection against attacks on one's reputation and honor unequivocally afforded by Article 17 of the first pact. False accusations cannot be refused, and it is futile to attempt rectification or to seek legal redress. Open discussion of intellectual and cultural matters is out of the question. Many scientific and cultural workers, as well as other citizens, have been discriminated against simply because some years ago they legally published or openly articulated views condemned by the current political power.

Religious freedom, emphatically guaranteed by Article 18 of the first pact, is systematically curbed with a despotic arbitrariness: Limits are imposed on the activities of priests, who are constantly threatened with the revocation of government permission to perform their function; persons who manifest their religious faith either by word or action lose their jobs or are made to suffer other repressions; religious instruction in schools is suppressed, et cetera.

A whole range of civil rights is severely restricted or completely suppressed by the effective method of subordinating all institutions and organizations in the State to the political directives of the ruling Party's apparatuses and the pronouncements of highly influential individuals. Neither the Constitution of the CSSR nor any of the country's other legal procedures regulate the contents, form or application of such pronouncements, which are frequently issued orally, unbeknown to and beyond the control of the average citizen. Their authors are responsible only to themselves and their own hierarchy, yet they have a decisive influence on the activity of the legislative as well as executive bodies of the State administration, on the courts, trade unions, social organizations, other political parties, business, factories, schools and similar installations, and their orders take precedence over the laws.

POLICE ACCUSED OF SURVEILLANCE

If some organizations or citizens in the interpretation of their rights and duties, become involved in a conflict with the directives, they cannot turn to a neutral authority, for none exists. Consequently, the right of assembly and prohibition of its restraint, stemming from Articles 21 and 22 of the first pact; the right to participate in public affairs, in Article 25; and the right to equality before the law, in Article 26—all have been seriously curtailed.

These conditions prevent working people from freely establishing labor and other organizations for the protection of their economic and social interests, and from freely using their right to strike as provided in Point 1, Article 8 of the second pact.

Other civil rights, including the virtual banning of "willful interference with private life, the family, home, and correspondence" in Article 17 of the first pact, are gravely circumscribed by the fact that the Interior Ministry employs various practices to control the daily existence of citizens—such as telephone tapping and the surveillance of private homes, watching mail, shadowing individuals, searching apartments, and recruiting a network of informers from the ranks of the population (often by illegal intimidation or, sometimes, promises), etc.

VIOLATIONS IN CZECHOSLOVAKIA

RIGHT TO TRAVEL IS VIOLATED

The Ministry frequently interferes in the decisions of employers, inspires discrimination by authorities and organizations, influences the organs of justice, and even supervises the propaganda campaigns of the mass media. This activity is not regulated by laws, it is covert, so the citizen is unable to protect himself against it.

In the case of politically motivated persecution, the organs of interrogation and justice violate the rights of the defendants and their counsel, contrary to Article 14 of the first pact as well as Czechoslovakia's own laws. People thus

sentenced to jail are being treated in a manner that violates their human dignity, impairs their health, and attempts to break them morally.

Point 2, Article 12 of the first pact, guaranteeing the right to freely leave one's country, is generally violated. Under the pretext of "protecting the State security," contained in Point 3, departure is tied to various illegal conditions. Just as arbitrary are the procedures for issuing visas to foreign nationals, many of whom are prevented from visiting Czechoslovakia because they had some official or friendly contact with persons who had been discriminated against in our country.

Some citizens—privately at their places of work, or through the media abroad (the only public forum available to them)—have drawn attention to these systematic violations of human rights and democratic freedoms and have demanded a remedy in specific cases. But they have received no response, or have themselves become the objects of investigation.

The responsibility for the preservation of civil rights naturally rests with the State power. But not on it alone. Every individual bears a share of responsibility for the general conditions in the country, and therefore also for compliance with the enacted pacts, which are as binding for the people as for the government.

The feeling of this coresponsibility, the belief in the value of civic engagement and the readiness to be engaged, together with the need to seek a new and more effective expression, gave us the idea of creating Charter 77, whose existence we publicly announce.

Charter 77 is a free and informal and open association of people of various convictions, religions and professions, linked by the desire to work individually and collectively for respect for human and civil rights in Czechoslovakia and the world—the rights provided for in the enacted international pacts, in the Final Act of the Helsinki Conference, and in numerous other international documents against wars, violence and social and mental oppression. It represents a general declaration of human rights.

FOUNDED ON A COMMON CONCERN

Charter 77 is founded on the concepts of solidarity and friendship of people who share a concern for the fate of ideals to which they have linked their lives and work.

Charter 77 is not an organization; it has no statutes, permanent organs or registered membership. Everyone who agrees with its idea and participates in its work and supports it, belongs to it.

Charter 77 is not intended to be a basis for opposition political activity. Its desire is to serve the common interest, as have numerous similar organizations of civic initiative East and West. It has no intention of initiating its own programs for political or social reforms or changes, but it wants to lead in the sphere of its activity by means of a constructive dialogue with the political and State authorities—and particularly by drawing attention to various specific violations of civil and human rights, by preparing their documentation, by suggesting solutions, by submitting various more general proposals aimed at furthering these rights and their guarantees, by acting as a mediator in the event of conflict situations which might result in wrongdoings, etc.

CHARTER 77 LOOKS TO BELGRADE

By its symbolic name, Charter 77 stresses that it has been established on the threshold of what has been declared the year of political prisoners, in the course of which a meeting in Belgrade is to review the progress—or lack of it—achieved since the Helsinki Conference.

As signatories of this declaration, we designate Dr. Jan. Patocka, Dr. Vaclav Havel and Professor Jiri Hajek to act as spokesmen for Charter 77. These spokesmen are authorized to represent Charter 77 before the State and other organizations, as well as before the public at home and throughout the world, and they guarantee the authenticity of its documents by their signatures. In us and other citizens who will join Charter 77, they will find their collaborators who will participate in the necessary negotiations, who will accept partial tasks, and will share the entire responsibility.

We trust that Charter 77 will contribute to making it possible for all citizens of Czechoslovakia to live and work as free people.

Permit me now to introduce Mr. Jan Benes, writer and author, whose two children are still in Czechoslovakia. He will give his account of the problems his family is encountering in its effort to bring the children to the United States.

Mr. PELL. Mr. Benes, you may proceed.

Mr. BENES. My name is Jan Benes. I am 41 years old, and have been living in the United States for 8 years. I was born in Czechoslovakia, studied at the Prague Academy of Arts, and became a writer. I am the author of 10 books and a number of professional publications. I am enclosing here an essay by Professor Fryscak at Columbia University, which has been dedicated to me.

In the United States, I make my living as a teacher in spite of the fact that I am still a writer.

I lived in Czechoslovakia for 32 years, 44 months of which I spent in various prisons and labor camps. I was released in the year of the Czech liberalization, 1968.

I was sentenced in 1967 for political reasons. The acting Minister of Justice admitted in the Czechoslovak Parliament—April 2—that my case had been an example of cabinet justice. This statement has never been denied, even after the Warsaw Pact invasion of Czechoslovakia.

The main reason was that at that time I made some petitions in Czechoslovakia supporting two Soviet authors—Sinyavsky and Daniel—and as a result was put in jail.

The Czech intelligence officer, Major Lieutenant Colonel Bittman, defected to the United States and I believe that he testified in front of the Senate or the Congress, and in his book, "The Deception", noted my name because he had helped frame me just for the case.

I left my country in 1969, together with my wife. Due to technical difficulties, we had to choose a separate way of escape. At that time, we did not believe that we were leaving forever. For this reason, as well as because of the aforementioned technical obstacles, we could not take our children with us: our son, Jan, who was at that time, 11-years old, and our daughter, Alice, who was 1-year old. It was technically impossible to take them with us. And second, we really did not believe we had left the country forever. This was in October of 1969.

At that time, a friendly policeman advised me to leave the country and live abroad for a couple of months for security reasons.

We equally did not believe that in this century the government of a European state which is a member of the United Nations could detain our children. In 1967, I was in jail and at that time, there was in the same jail an American citizen, Kazan Komarek. He was sentenced for numerous years, but released 2 or 4 days after his sentence.

We never met, but we had contact through the walls by Morse code. At that time, there was also the case of the Starek family who crossed the border at Austria. One of their kids—they have seven or eight—was caught by the border police and held by the Czechoslovakian authoritics for two weeks. The rest of the family had previously escaped.

Since April 1970, we have been trying to reunite our family, first, upon advice from Prague, in an inconspicuous way. We even consented to bribery. Since 1972, we have been requesting assistance from

various American politicians. We addressed different people, among them former Presidents Richard Nixon and Gerald Ford. Gerald Ford never answered our letter. All evidence is enclosed.

On Christmas, 1975, we sent a letter to all the Members of the Senate and Congress of the United States and to various famous people in the United States and elsewhere. Altogether, we mailed 550 letters. A copy of this letter is also enclosed. Some of these letters were sent and people said they never received them. We even sent letters to Angela Davis.

I welcome the opportunity to offer my testimony to the Commission on Security and Cooperation in Europe, not only because this case concerns our children, but because a number of families in the United States and in the world must suffer the same fate, but do not have a chance to present their testimony, or are afraid to appear at these hearings, as it could have unfavorable repercussions for their relatives in Czechoslovakia or another Eastern country.

I am aware that my dear ones at home trust in me as their representative in the free world and that they would approve my action if they could do so. I am also aware of the fact that, historically, totalitarian regimes anywhere in the world, which worship force and violence, will be willing to respect only a powerful partner. I believe that the Congress of the United States is a power which must be respected.

What has been and what is the fate of our children in Czechoslovakia since October, 1969 up to this day?

Our daughter is in the care of my parents. Although my father died in 1973, my 70-year-old mother still takes care of our daughter. What kind of a childhood can a 10-year-old girl have in the company of an old lady—although the lady is entirely courageous and devoted to her? But she is still 70-years old. Our daughter hardly knows her own brother who has remained in the care of my sister-in-law since the age of 11. Each of the children lives in a different part of the city. Our son has practically lived alone since his aunt's marriage in 1972. At that time, he was 15. We send them money and presents, and of course, this money is not taxable here because they are living in a different country. Of course, we send them some kinds of packages, but the packages often do not reach the address, or come broken with things taken out.

For example, in 1975, at Christmas, I sent personally to my little Alice, a little bear. We mailed the package on October 12, 1975. This was received in Prague at the end of January and the bear was ripped open.

The brother sees his sister but about once a month. Very often, our packages arrive half empty or not at all.

Periodically, we have asked the Czechoslovak authorities for an exit permit for our children. They either do not reply, or turn down our petition. Our relatives in Czechoslovakia also keep trying to obtain exit permits for our children. Sometimes their petition is not accepted at all; at other times, it is refused on the grounds that it is not in the interest of the state to allow the children to leave. Here, of course, we have some documentation about that, but many times, my mother was physically forced out of the police station just because

she was asking for an application. She never received it, so she could never apply.

Life possesses sometimes cruel ironies. When former Secretary of State Rogers visited Prague, the school attended by our daughter was chosen as a prop for an official welcome. At the airport, she waved her white scarf at Mr. Rogers. Mr. Rogers, unlike Mr. Kissinger, at least answered our letter. A number of American Senators have kindly intervened with the Czechoslovak Embassy in Washington. I hope that the documentations are in the hands of this Commission.

The Embassy's response was, however, that we had left our children behind. I do not think that this is a justified explanation. Everything is represented by a system of questions and answers. It is necessary to ask: does a 10-year-old child have the right to childhood? Does a 19-year-old young man have the right to see his mother?

We may be guilty in the eyes of the Czechoslovak Government, but what are the children guilty of?

Mr. Meany has recently suggested that in regard to the state of human rights in Czechoslovakia, the Czechoslovak Socialist Republic ought to be expelled from the United Nations organization. Should I voice my opinion, I would certainly support Mr. Meany's request. The problem of divided families is only part of a larger body of problems which represent those regimes that have chosen the spiritual underground.

I would be glad to answer any specific questions. However, I have nothing to add to this testimony. The power of the Czechoslovakian State is being misused against innocent children. Does this need any further commentary?

[The written statement of Mr. Benes follows:]

My name is Jan Benes, I am 41 years old, and have been living in the United States for eight years. I was born in Czechoslovakia, studied at the Prague Academy of Arts, and became a writer. I am an author of ten books and of a number of professional publications. I enclose here the introduction of an essay by Professor Fryscak, which has been dedicated to me.

In the United States I make living as a teacher in spite of being still an author, a writer.

In Czechoslovakia I spent 32 years, out of which I experienced 44 months in various prisons and labor camps. I was released in the year of the Czech liberalization, 1968.

I was sentenced because of political reasons; in 1968, the acting Minister of Justice admitted in the Czechoslovak Parliament, April 2, that my case had been an example of the cabinet justice. This statement has never been denied even after the Warsaw Pact invasion of Czechoslovakia.

I left my country in 1969 together with my wife. Due to technical difficulties, we had to choose different and separate ways of escape. At that time we did not believe that it would be forever. For this reason as well as because of the aforementioned technical obstacles, we could not take our children with us; our son Jan who was at that time eleven years old, and our daughter Alice being only one year old.

We equally did not believe that in this century the Government of a European state which is a member of the United Nations could detain our children.

Since April 1970, we have been trying to reunite our family. First, according to an advice from Prague, in a rather inconspicuous way. We even consented to bribe. Since 1972 we asked for assistance from various American politicians. We addressed different people, among them the former Presidents Richard Nixon and Gerald Ford. All evidence is enclosed.

On Christmas 1975 we sent a letter to all the members of the Senate and Congress of the United States and to various famous persons of the U.S. and the entire world community. Altogether, we mailed 550 letters.

I welcome an opportunity to offer my testimony to the Commission on Security and Cooperation in Europe. Because this case also concerns our children. And because of the fact that a number of families in the United States and in the world which must suffer the same fate do not have a chance to present their testimony, or are afraid to appear at these hearings, as it could have unfavorable reprisals on their relatives in Czechoslovakia.

I am aware that my dear ones at home have trust in me as to their representative in the free world and that they would approve of my action if they could do so. I am also aware of the fact that historically totalitarian regimes anywhere in the world which worship force and violence will be also willing to respect only a powerful partner. I believe that the Congress of the United States is an executive of power which is necessary to respect.

What has been and is the fate of our children in Czechoslovakia since October 1969 up to this day?

Our daughter is in care of my parents. My father died in 1973. My seventy-year-old mother still takes care of our daughter. What kind of childhood can a ten-year-old girl have in the company of an old lady? The lady who is utterly courageous and devoted. Our daughter hardly knows her own brother who at the age of eleven remained in the care of my sister-in-law. Each of them lives in a different part of the city. Our son lives since his aunt's marriage practically alone since 1972. We send them money, presents; they live in a different country and, therefore, cannot be exempted from taxes. The money must be exchanged at a rather unrealistic rate. Very often our packages arrive half-empty or not at all. The brother hardly sees his sister once a month.

Periodically, we ask the Czechoslovak authorities for the necessary exit permit for our children. They either do not reply or turn down our petition. Our relatives in Czechoslovakia, too, keep trying to obtain the exit permit for our children. Sometimes their petition is not accepted at all; other times it is refused with the reason that it is not in the interest of the state to let the children leave.

After signing the Helsinki Accords this question seems to have been almost settled. And just one year after this celebrated agreement, the Czechoslovak authorities renewedly turned down one of my other petitions. Its copy is enclosed.

Life possesses sometimes even cruel ironies. When the former Secretary of State Rogers visited Prague, the school, attended by our daughter, was selected as a prop for an official welcome. At the airport, she waved at Mr. Rogers with her white scarf. Mr. Rogers, unlike Mr. Kissinger, at least answered our letter. A number of American senators have kindly intervened at the Czechoslovak Embassy in Washington. The Embassy's response was, however, we had left our children behind. I do not think that this is a justified explanation. Everything is represented by a system of questions and answers. It is necessary to ask:

Does a ten-year-old child have right for childhood?

Does a nineteen-year-old young man have right to see his mother?

We may be in the eyes of the Czechoslovak authorities guilty. However, what are the children guilty of?

Mr. Meany has recently suggested that in regard to the state of human rights in Czechoslovakia the Czechoslovak Socialist Republic ought to be expelled from the United Nations Organization. Should I voice my opinion, I would certainly support Mr. Meany's request. The problem of divided families is only a segment of a larger body of problems which represent those regimes that have chosen the spiritual underground.

I would be glad to answer any specific question. Nevertheless, I have nothing else to add to this testimony. The power of the Czechoslovak State is being misused against the innocent children. Does this need any further commentary?

[Material submitted for the record by Mr. Benes follows:]

INTRODUCTION TO THE ART OF JAN BENES, A CRITICAL STUDY WRITTEN BY: MILAN FRYSCAK, ASSISTANT PROFESSOR OF SLAVIC LANGUAGES AND LITERATURES, NEW YORK UNIVERSITY, DATED APRIL 8, 1972.

In surveying the past decade of cultural and literary life in Czechoslovakia, a group of young writers stands out who deserve credit for revitalization of Czech literature, particularly prose, and for gradual erosion and eventual dismantling (albeit temporary) of the various forms of censorship imposed on literature and the arts after the Communist takeover of 1948. In this group, the name of Jan

Beneš is prominent: he has distinguished himself both as a gifted artist and as a deeply committed individual to whom problems of artistic freedom are inseparable from those of civil freedom.

Jan Beneš was born in 1936, into a family of a well-established Prague architect. After graduating from Vysoká škola umělecko-průmyslová (College of Applied Arts) in Prague in 1955 and service in the army (discharged in 1958), he made his living at various jobs—as a coal miner in Northern Bohemia, a stage hand in a puppet theater, and a taxi driver in Prague—all the time devoting his free hours to sculpture and design. In 1958, he received his free distinction—a gold medal for toy design at the Brussels Expo 58.

His literary debut took place in 1962, when his short story "Příhoda" ("An Event") appeared in the monthly *Plamen* (*Flame*). In 1963, two collections of his short stories (*Do vrabců jako když střelí/Sparrows Scatter to the Winds/* and *Situace/Situation/*) were published, and a play *Čas plyas i v aceděli/Time Passes Even on Sunday/*was telecast, but already in the following year, 1964, a sudden deterioration of Beneš's publication possibilities in Czechoslovakia occurred: the publication of his first novel *Druhý dech/Second Breath/*and of the first version of his novella *Trojúhelník s madonou/A Triangle With the Madonna/* was cancelled and the shooting of a dramatized version of his short story "Problém" was abruptly stopped. His personal fortunes took a turn for the worse not long thereafter. After being refused a passport, Beneš filed a suit against the Minister of Interior for infringing his constitutional rights. His act must have been regarded as a provocation and apparently accelerated the course of events that culminated in a major confrontation. This came in 1966, shortly after Beneš had attracted further attention of the regime by collecting signatures among the members of the Union of Czechoslovak Writers for the release of imprisoned Soviet authors Siniavsky and Daniel, and when some evidence of his participation in the publication of a Paris emigré quarterly *Svědectví/Testimony/* was brought to light. Beneš was arrested and imprisoned for almost a year, while further evidence against him was being collected. During his confinement, a book of short stories *Disproporce/Disproportion/*, scheduled for publication and already set for printing, was stopped and the plates destroyed, and the shooting of a TV play *Rito na celou noc/Rito for the Whole Night/*was halted. Another casualty was the cancellation of the contract for the motion picture *Farfalo jsko motýl/Farfalo as a Butterfly/*, based on Beněs's screenplay.

Beneš's trial did not open until late summer of 1967, well after the closing of the Fourth Congress of the Union of Czechosolvak Writers, so that undesirable aftereffects could be brought to a minimum. The sentence handed Beneš was stiff—five years' imprisonment. However, only a part of it was served, as Beneš's release was secured in early 1968, just as the period of liberalization was beginning. In the fall of 1969, Beneš arrived in the United States, on the occasion of the publication of his novel *Druhý dech /Second Breath/* by Grossman Publishers, and made the decision to settle in this country as a permanent resident.

During the brief interlude of liberalization (which, it should be pointed out, somewhat extended, at least in the sphere of culture, beyond the date of the brotherly invasion), preparations were made for the publication of Beneš's short story collections *Až se se mnou vyspíš, budeš plakat /After Sleeping With Me You are Going to Cry/ and N amistě /On the Spot/* and of his novel *Druný decn /Second Breath/*, and the shooting of a TV play based on his short story *Třídnů nepřítel* /Class Enemy/ took place. However, a sudden deterioration of the political situation in Czechoslovakia after the replacement of Dubček by Husák caused that neither the short story collections nor the novel were published, and that his completed play was not televised. The only new volume of Beneš's work to be published in Czechoslovakia after 1963 was the collection of of short stories *Disproporce /Disproportion/* (1969), which, however, appeared as an abridgement of the original version of 1966 that was destroyed just before its release.

Since 1969, when the American edition of his novel *Druhý dech /Second Breath/* appeared, Beneš has published here another book, a collection of short stories entitled *The Blind Mirror* (1971). A recently established publishing enterprise 68 Publishers Toronto, founded by a leading Czech novelist Josef Skvorecký, devoted to publication of works that under present conditions cannot appear in Czechoslovakia, has announced that its publication plan for 1972 includes Beneš's *Na místě/On the Spot/*, a collection of twenty-one short stories that are arranged cyclically and have identical protagonists. This is welcome news for the reading

public who in getting acquainted with Beneš's work has had to depend too much on the English translations which, it should be added, do not quite measure up to the originals.

Mr. PELL. Thank you very much, indeed, Mr. Benes. It is actually true that the Czechoslovak National Chairman—who is the present chairman?

Mrs. FALTUS. Dr. Mikulas Ferjencik in Chicago.

Mr. PELL. I remember when Dr. Ferjencik was the Minister of Interior in Slovakia when some very beastly things were being done in prison at the time under the Communist Federal Ministry of Interior in Praha.

In the work that you are doing in the Council, you refer very often to both Czechs and Slovaks, do you not?

Mrs. FALTUS. That is right. Americans of Czech and Slovak origin.

Mr. PELL. Because the people are Czechs and Slovaks and I hope that there will be a time when both groups will work together very closely, indeed.

Mrs. FALTUS. Thank you.

Mr. PELL. Mr. Benes, I sympathize very much with you, and I relate to you a story of a gentleman who was accused of espionage. It was I. I had my name in the paper very often in Czechoslovakia and was very criticized by the Government. Most recently, all of us had a problem, and I in particular because of my background, when we tried to get visas to go to Czechoslovakia, as members of the Commission.

The people with whom I was accused of setting up an espionage ring were absolved by the Government and they got some money back from the Government.

In 1968, did you get back any compensation?

Mr. BENES. No.

Mr. PELL. Were you pardoned at that time?

Mr. BENES. No. I am not sure what is the meaning of the expression "pardoned", and even Webster's Dictionary didn't tell me much more. Those originally Latin words have a quite different meaning in all Indo-European languages—as for example "alimony".

In 1968, I was released from the prison by a personal amnesty of the former President Novotny—his last official act before being removed from office. The case was considered unjust by the Czech Parliament's Minister of Justice, but it was never reopened by the court, so I am still sentenced as a criminal. The case was to be reopened on September 7, 1968, but because of the invasion, August 21, 1968, this possibility was lost.

Mr. PELL. Did you ever apply?

Mr. BENES. No.

Mr. PELL. Were you ever absolved?

Mr. BENES. No.

Mr. PELL. Some were absolved and got recompense.

Mr. BENES. I was working for a newspaper doing my social obligation and for this reason, I stayed in the country for so long.

Mr. PELL. Where did you serve your time?

Mr. BENES It was in Pilsen-Bory. Recently, I do not know why, but the Czechoslovakian newspaper used my initials, which are J. B., and in several TV and radio serials about Western spies in Czechoslovakia, they called me "our little James Bond", and accused me of being a spy operating in Czechoslovakia and the U.S.S.R. who had finally been

nailed down by the good work of "our security boys", so—my son sent me a letter Dear 007. They wrote that I was ready to sell Czechoslovakian secrets. I was ready to sell, but nobody wanted to buy. The only secret which I knew was the name of a tailor of the First Secretary of the Party.

Mr. PELL. Is Dr. Hasek an officer of the Council Mrs. Faltus?

Mrs. FALTUS. Yes; Dr. Hasek is an officer of the Council.

Mr. PELL. I hope that you will give him my very warm regards.

Mrs. FALTUS. Yes; I shall.

Mr. PELL. Congresswoman Fenwick.

Mrs. FENWICK. I wonder if you have any information that you can give us—we know about Charter 77 and the 500 people who have signed it. It certainly indicates a most extraordinary courage and spirit.

Is this true of an elite intelligentsia or do you have any feeling among the people on the whole?

Mr. BENES. I have wide contacts with many, many friends. Two of the authors of Charter 77, Mr. Havel and George Lederer, are now in jail. They are my close friends, and in Prague, they have exhibited a great deal of courage and I am happy to notice that their names are here. I believe they have great support throughout the nation because other people have sent me letters, some of them directly in open mail, sympathizing with them openly.

Mrs. FENWICK. It is not just the intelligentsia.

Mr. BENES. No; it is not exclusively intellectuals. In Czechoslovakian history, usually intelligentsia were the conscience of the nation. We inherit this.

Mrs. FENWICK. Is there any news of any new strikes or troubles in Poland, where they had the food riots and so on?

Mr. BENES. I can testify according to my information that these are simple people, including janitors from the schools. In the house where my mother was living, the janitor sympathizes with them and they refuse to sign a Government petition which is anti-Charter 77 and I know the Government anti-Charter 77 was signed at a meeting of the artistic union where they invited many people who are on the blacklist for many years in this occupation. They said, OK, everybody sign. They used their presence on that list as indication of their support of the anti-Charter 77.

Mrs. FENWICK. I believe there is a rollcall in the House and I would like to excuse myself because the House is in session.

Mr. PELL. Thank you very much, Mr. Benes and Mrs. Faltus. And thank you for your kind remarks and questions, Congresswoman Fenwick.

Our final witnesses are Ms. Valerie Secu and Ms. Mariana Blum.

STATEMENT OF MS. VALERIE SECU AND MS. MARIANA BLUM

Mr. PELL. I regret to say that I will have to leave very shortly also because the Senate is now in session.

Which one of you would like to start?

Ms. SECU. My name is Valerie Secu and I would like to thank you for the privilege of testifying here today.

Mr. PELL. Could you speak a little bit louder?

Ms. SECU. Yes.

I represent the American Romania Committee for Family Reunion formed in 1972 for the purpose of helping American citizens and residents to bring their families out of Romania.

From the very beginning, I would like you to note that despite the Helsinki Final Act, signed by the Romanian Government in 1975, it is impossible for any Romanian citizen to apply for an exit visa whenever he chooses.

I have here a power of attorney to represent a few cases from Illinois, New York, New Jersey, and Massachusetts. Here in this room, there are also people from the Romanian community in New Jersey and New York who would like to have their cases known by your Commission.

I have said that it is impossible for a citizen to get an exit visa any time he chooses for two main reasons: they are mentioned in my statement and they are illustrated by my sister's case, but I would like to discuss them briefly.

Reason No. 1 is that the exit visa forms are not available to the Romanian citizens in Romania. I will come back to this reason after mentioning the second one.

Reason No. 2 is that an applicant asking for exit visa forms in Romania is told first of all that his relative in the Untied States must present himself personally at the Romanian Embassy in Washington, D.C. to legalize his status.

I want to mention that we are here either as American citizens born or naturalized or as permanent residents lawfully admitted to the United States with the status of "stateless." Stateless status has been granted by the High Commission for Refugees based in Geneva, Switzerland. This Commission is part of the United Nations Organization.

Unfortunately for us, the U.S. State Department advises us here to comply with this requirement to legalize our "status" with the Romanian Embassy in Washington, D.C.

As the Romanian Embassy refuses to deal with us by mail, we have to go personally to the Romanian Embassy which is a painful and humiliating experience for us. I have been through it and I know what it means.

At the interview at the Romanian Embassy, you have to give a full account of the way you left Romania and most of the people left Romania illegally crossing the Romanian borders. For instance, Mr. Adamalb, who is present today here in this room, left Romania by swimming across the Danube River. Then hiding himself in trains and climbing mountains he crossed Yugoslavia to get to the free world.

At the Romanian Embassy you also have to give account of your status in the United States, of your job and place of work, position, salary, income, social security benefits, rents, property—all assets one may have here in the United States.

Of course, we cannot agree with this. I will attach to my written statement the "questionnaire" one has to fill out with the Romanian Embassy. I will attach the sworn statement that one has to give to the Embassy in which one has to swear that he has never done any harm to the Romanian Government or Romanian people and will never do so.

Once you are at the Embassy, you face two alternatives. No. 1: You may apply to renounce Romanian citizenship and pay a tax of $200 per person and then wait for at least 2 years for the Government's appeal.

In my case, I have waited for more than 2 years for the privilege of renouncing my citizenship of Romania.

The second is to apply to stay in the United States as a "Romanian citizen living abroad." The embassy insists on the second alternative because in this way, they can be in touch with you and they can use you for their own purposes.

However, Members of the U.S. Congress are informed differently about these two alternatives that we are faced with at the Romanian Embassy.

I will attach a letter my committee received from Congressman Edward Koch when he tried to reunite Mrs. Vircol with her husband. I quote:

> He (the Romanian Ambassador) stated that until her status is adjusted, there is no basis under Romanian law for her husband to be permitted to leave since the permit for exit permissions is predicated on family reunion and this requires that a person outside of Romania no longer be a Romanian citizen. The processing of these papers generally takes about six to eight months.

As I said before, the processing of these papers takes over 2 years. And the truth is that we are actually asked, first, not to renounce the Romanian citizenship, but accept the status of "living abroad as a Romanian citizen," in order for our relatives to be able to apply in Romania for an exit visa.

Let me come back to the first reason. I mentioned that exit visa forms are not available to the people when they want to travel aboard.

Exit visa forms are released only by local police or places called militzia and cannot be released without written permission from the applicant's job, party organization, and syndicate organization.

Just to get the exit visa form itself, the applicant has to fill out a written request with his company, school, college, or wherever he works. The applicant is judged by the so-called Committee for Working People—C.O.M., as it is abbreviated in the Romanian language. His request is judged and usually the applicant is refused.

If he is motivated, and has a strong nature, he will eventually apply again and again until he gets his permission from his job. During the last year, therefore, after the Helsinki Final Act has been signed on August 1, 1975, newly appointed so-called neighborhood committees or party committees have been employed to interview and judge the applicant.

These new committees have been appointed under the auspices of the party organization and the popular counsels of each district or sector.

Each applicant must face these committees, usually in the area where they work. Over and over the same questions are asked—more information about the applicant and about his relatives in Romania and relatives abroad are requested.

During these interviews the capitalistic world is denounced and if the applicant is seeking to emigrate, such an attempt is condemned as treason. In a speech given on February 17, by the Romanian President Ceausescu, every would-be emigrant is condemned as a traitor even though he is only seeking to reunite with his family.

Those who have the courage to persist are usually persecuted by losing their jobs or being offered menial work for very low pay. College students are usually expelled from school when they apply for emigration.

At this point, I would like to mention the case of Mr. George Muscanu from Chicago, Ill. He is a born American citizen, but between the wars, he went back to Romania and now he has a daughter living in Brasov. Even though his daughter has been lawfully admitted to the United States in 1976, so far, she has not been able to get the application form.

I would like further to mention a list of requirements for the prospective emigre who has been promised a passport to leave the country.

Mr. PELL. I wonder how much longer this is going to be because I have to leave at 12:30. Your testimony will appear in the record as read and I am having difficulty hearing you.

Ms. SECU. I would like, though, to mention these unusual requirements, because these should be known by the Commission.

If a person lives in a state-owned apartment, he must clean and paint and repair and renovate the apartment at his own expense. If he owns an apartment, he must immediately pay to the state the remaining installments in a lump sum and proceed to donate his apartment to the Romanian Government.

I would like to mention the case of Mr. George Ardeleanu whose wife and two children in Romania cannot leave because they bought a house in 1973 for which they have been paying monthly installments. Now the Romanian Government asks his wife to pay in full for the house in order to turn the house back to the government. Then, and only then, she may get the forms for the exit visa application.

If someone has the emotional strength to go through this, he has to leave the country, leaving behind everything that the government considers valuable and I would like to mention that these "valuable items" may include children's earrings and family pictures.

Congresswoman Fenwick said that it seems like a lot more people are getting out of Romania. I would like to mention that during the past year, not a single person was allowed to apply and to leave Romania unless great pressure was brought to bear on the Romanian Government by the State Department and the U.S. Congress.

In certain cases the relative abroad may have to resort to desperate actions, such as peaceful demonstrations or hunger strikes or permanent vigils—which have happened frequently in the United States, Italy, West Germany over the past years.

Nonetheless, pressure from U.S. officials is effective only at times when Romania is seeking economic concessions from the United States, such as granting Romania most-favored-nation treatment which happened in 1975 and again in 1976.

I would like, in closing, to mention the very impressive case of Mr. Constantin Rauta. Though his wife and four-year-old child have been legally admitted into the United States, they remain in Romania, unable to obtain exit visa forms.

I would like to point out that exactly 2 weeks after the Final Act was signed by the Romanian Government, his wife was arrested while she was approaching the American Embassy in Bucharest. She was kept for 2 days in a prison cell with divorce application forms in front of her and was asked to divorce her husband. She has been strong enough to refuse, but she is still there after 3½ years of repeated efforts to gain her release.

In this room also are Mr. Adamalb and Mr. Mihai Vanatoru, from New Jersey, both of whose mothers are in Romania. They have not even been given the application forms. Mr. Vanatoru is an American citizen, and his mother has already been legally admitted into the United States.

Mr. PELL. Thank you very much.

Ms. SECU. I would like to make two more recommendations to the Commission.

First: considering that there is no way for us to have a record of the people trying to leave Romania, perhaps the Commission can specify for us a particular office—care of the Helsinki Commission or State Department where people in the United States with relatives in Romania may register.

The second recommendation refers to the procedure of renouncing Romanian citizenship. Instead of going to the Romanian Embassy, we should be able to contact the Romanian section of the Eastern European Affairs Division at the U.S. State Department to handle the formality of renouncing the Romanian citizenship.

Third: We would like to appeal to the Helsinki Commission to help stop, here in the United States, the propaganda of the Romanian Embassy, the Romanian library and other offices and churches of the Socialist Republic of Romania which is often disguised as cultural or religious activities. Our committee can give further information on this subject.

[Ms. Secu's written statement follows:]

SUMMARY OF THE TESTIMONY OF VALERIE SECU

The testimony is based on Miss Valerie Secu's personal experience and on testimonies presented to the Committee by recent emigrants from Romania. The testimony is divided in the following chapters:

I. The procedures involved in obtaining exit visas from Romania.

The application forms needed for an exit visa cannot be obtained whenever an applicant chooses. The applicant must obtain written permission which is almost impossible to obtain from the management, syndicate and party organization of his company or school. Recently, new committees have been appointed to increase the harassment of a prospective emigre: Committee for Working People (C.O.M.) to review the applicant within his company; Neighborhood Committee under the auspices of the district Popular Council and local party organization, which then discusses the applicant again.

No application for an exit visa has been considered and approved unless pressure from the U.S. government and international media has been brought to bear on Romania.

II. Steps to be taken by American citizens or residents with relatives in Romania.

III. President Ceausescus's speeches on June 3, 1976 and on February 17, 1977 regarding family reunion and emigration policy.

President Ceausescu does not see family reunion as a humanitarian problem, as he is quoted on page 4. He uses the term of "traitor" for a prospective applicant for emigration.

IV. Provisions of the Romanian law.

Provisions from Romanian law regarding the crossing of Romanian borders and the resulting heavy punishment are quoted from the American Romanian newspaper SOLIA, Detroit, Michigan.

V. Specific cases of Americans with relatives in Romania.

VI. Conclusions.

After July 1975, Romania has changed nothing in her policy regarding people wishing to visit or to emigrate to join a relative abroad.

Mr. CHAIRMAN. The present statement is based on experience I have had with my family presently in Romania, and on testimonies presented to our Committee by recent emigrants from Romania.

I. THE PROCEDURE INVOLVED IN OBTAINING EXIT VISAS FROM ROMANIA

A. Written permission is necessary to obtain the application forms for an exit visa from several organizations. It is impossible for Romanian citizens to apply for an exit visa whenever they choose. Exit visa forms are released only by local militia precincts, and cannot be obtained without written permission from:

1. the management of the company the person is employed with, or from the counselor and department chairman (or principal) for college students or high school students;
2. the syndicate from the person's job or school;
3. the party organization from the person's job, school or college.

To obtain such written permission, the applicant has to forward his written request to the company or school directorship. Many requests are not even considered. If the request is considered, the applicant is often called for interviews with the people involved in the above-mentioned organizations. These interviews are often followed by public meetings involving the applicant, his co-workers, management, and party officials. These people "judge" the applicant and his reasons for travelling abroad to visit relatives or friends, or to emigrate. The applicant is repeatedly questioned about why he wants to travel, especially to a capitalistic country, why he wants to visit a relative in the Western World. If the applicant actually wants to emigrate, matters are even worse. Usually the applicant receives a blunt refusal followed by a severe criticism of his "bourgeois" and "dangerous" attitude. A prospective emigrant is regarded as a traitor.

Every applicant undergoes such harassment and humiliation. The result is almost always a total refusal to grant the applicant written permission which the applicant needs to get the exit visa forms. If the applicant has a strong nature he will apply again. Again, he will be forced to go through a humiliating obstacle course. Conclusion: Nothing has been changed in the above procedures since the Helsinki Conference of July 1975. In fact, things are even worse since an application for emigration is considered an act of treason.

B. During the last year, newly appointed "Neighborhood Committees" have been employed to interview and judge the applicants.

New committees have been appointed under the auspices of the Party organization and Popular Councils of each district or sector for the purpose of discouraging the applicant in his attempt to visit or emigrate abroad. Each applicant must face this "Neighborhood Committee", usually in the area where he works. This ad hoc committee includes a person from the State Security, the communist party secretary of the applicant's company, and a higher communist party secretary from the district-level party organization.

Over and over the same questions are asked: more information about the applicant, his relatives, spouse's relatives, friends, the relative he wants to visit, and the reasons for his trip. The capitalistic world is denounced and if the applicant is seeking to emigrate, such an attempt is condemned as treason. Continuous pressure of this type forces many applicants to renounce their intention to apply for an exit visa.

Those who have the courage to continue are persecuted by losing their jobs or by being offered menial work for very low pay. College students are expelled from their schools when they apply for emigration.

C. Requirements for the prospective emigre who has been promised a passport to leave the country.

While the authorities are processing the application, a prospective emigre must do the following:

1. If he lives a State-owned apartment, he must clean, paint, repair, and thoroughly renovate the apartment, at his own expense.
2. If he owns an apartment, he must immediately pay to the State the remaining installments in a lump sum, then must proceed to donate his apartment to the Romanian Government.
3. In addition, several taxes are to be paid for every member of the family: needed are five copies of certificates for terminating the electricity contract, gas contract, telephone contract, radio/TV contract, water contract. These taxes amount to over a good month's salary.
4. When the emigrant has liquidated his assets and has his passport, a State inspector comes to check and seal the apartment, so that he has to live in a hotel until the day of departure.

If the cliche "adding insult to injury" accurately describes anything, it certainly describes the outrageous and humiliating procedure whereby a Romanian citizen who applies for emigration not only must pay for his house and donate

it to the State, but also must pay high taxes to the State for being so kind and accommodating as to take his assets away from him.

If this Romanian citizen has had the emotional strength and financial resources to overcome all the obstacles mentioned above and is actually leaving the country, he must leave behind all possessions the Government considers 'valuable'. Such 'valuable' items may include children's earrings and family pictures. When he leaves the country, the emigre loses everything he has accumulated by hard work during his lifetime, however small.

D. New criteria employed by the Romanian government for granting exit visas.

No application is processed unless and until the prospective emigrant is legally accepted by the country where his relative lives. For example, the daughter of Mrs. Lucy May of New York has been legally admitted to the United States, but the exit visa from Romania has not yet been granted. The brother of Mr. Nicholas Dima has also been legally admitted, but his exit visa application has not been processed.

During the past year no one was allowed to apply for an exit visa to travel abroad either to visit or emigrate, unless:

1. great pressure was brought to bear on the Romanian Government by U.S. Senators, U.S. Representatives, U.S. State Department Officers.

2. their cases have been publicized in the press, or received radio and television coverage.

3. their relatives abroad resorted to desperate actions such as hunger strikes, permanent vigils, peaceful demonstrations.

Pressure from U.S. officials is effective only at times when Romania is seeking economic concessions from the U.S., such as granting Romania Most-Favored-Nation treatment in 1975, and again in 1976.

Hunger strikes have been organized in various countries to call to the attention of the public the plight of people kept hostage in Romania. People with relatives in Romania went on hunger strikes in Italy, West Germany, Australia, and the U.S. to ask for the release of their spouses and children. In United States alone our committee has sponsored hunger strikes of about 100 people since 1972. The last hunger strike in the United States, which started on May 24, 1976, was organized in New York City in front of the United Nations. Thirty-five people participated by going on a hunger strike lasting from 6 to 24 days, recovering, and starting again. The last week of the strike took place in Washington, D.C. from September 4 to September 9, 1976. Even though the strikers received strong support from U.S. Senators and Representatives and the media, not all of them got their relatives out of Romania. For example, Mr. Walter Graur of New York has his wife and 5-year old daughter in Romania, unable to obtain exit visas, or Mrs. Irina Bebelea, who has two children in Romania, also unable to obtain exit visas.

II. STEPS TO BE TAKEN BY THE AMERICAN CITIZEN OR RESIDENT WITH RELATIVES IN ROMANIA

To be accurate in describing the numerous and increasingly imaginative obstacles built up by the Romanian Government, we have to mention the action which people in the United States with relatives in Romania, must take with the Embassy of the R.S. Romania in Washington, D.C.

The would-be-emigrant or visitor in Romania is told that his exit visa application can not be processed unless the relative in the United States shows up at the Embassy of R.S. Romania to "legalize" his status with the Romanian Government.

Unfortunately, the U.S. State Department advises people in the U.S.A. with relatives in Romania, to comply with this requirement and visit the Romanian Embassy in Washington, D.C. Most of the people refuse, but with no other alternative left, they have to accept being interviewed by the Romanian Embassy in Washington. They have to give a full account of the way they left Romania, what countries they passed through before entering the United States, their status in the United States, their income, assets, etc. Then, they are offered two alternatives by the Embassy representative:

To apply to give up Romanian citizenship, pay the tax of $201 per person, and wait for about two years for the Government approval; then and only then the relative in Romania may apply for exit-visa; or

Apply to stay in the United States with a Romanian passport, as a "Romanian citizen living abroad", and wait from 6 months to one year to get the Government

approval. The Romanian Embassy insists on the second alternative, persuading us that this is the fastest way to get a relative out of Romania.

However members of the U.S. Congress are informed differently when they try to contact the Romanian Embassy in behalf of their constituents. I will quote from a letter Representative E. Koch sent to my Committee when trying to reunite Mrs. D. Vircol with her husband: "He (the Romanian Ambassador) further stated that until her status is adjusted, there is no basis under Romanian law for her husband to be permitted to leave, since the premise for exit permissions is predicated on family reunion. And this requires that the person outside of Romania no longer be a Romanian citizen."

The processing of these papers generally takes about six to eight months.

Incidentally the processing of my application to give up my Romanian citizenship by the Romanian Government lasted two and a half years.

Not until April 19, 1974 did the Romanian Embassy in Washington send me a letter to inform me that my application to renounce Romanian citizenship had been approved on September 16, 1973. But my sister and her family are still in Romania. Before September 1976 she had not been allowed to apply for her exit visa.

In support of the above statements I submit the following:

Annex 1: a copy of official reply of the Ministry of Internal Affairs Bucharest, Romania, to Gabriela and Liviu Teodorescu's request for exit visas, in Romanian and English.

Annex 2: a copy of the questionnaire (Romanian text with English translation in small print) a person in the U.S.A. must fill out to "legalize" his status by renouncing his Romanian citizenship or living as a Romanian citizen abroad. Note that the petitioner must list all his relatives in Romania with a complete history of their employment and residence. They must also fill out information about their income, (salary, social security benefits, rents, etc.), their properties, and other assets.

Annex 3: a copy of the Romanian original form and its English translation a person in the U.S.A. must fill out with Romanian Embassy, vowing not "to engage, after losing his or her Romanian citizenship, in any action likely to cause harm to the interests of the Romanian state or people.

Annex 4: a copy of the letter I mentioned above I received from the Representative Edward Koch regarding his meeting with the Romanian Ambassador at that time, while trying to help a family in the United States to be reunited.

III. PRESIDENT CEAUSESCU'S STATEMENT REGARDING FAMILY REUNION AND EMIGRATION POLICY MADE ON JUNE 3, 1976 AND FEBRUARY 17, 1977

President Ceausescu demonstrates the scorn he has for the Western World in his speech published by the Romanian newspaper *Scinteia* on June 3, 1976, exactly one day after President Ford waived Section 402 of the 1974 Trade Act for Romania only:

Regarding the *family reunion* and *emigration problems*, we consider that propaganda created abroad with the purpose of attracting citizens from Romania, has nothing to do with humanitarian principles, but it represents a means to exploit national sentiments for the purpose of satisfying the narrow and egoistic interests of capitalistic monopolies, which only want cheap qualified labor.

On February 17, 1977, Ceausescu delivered a speech at a meeting of communist party secretaries nationally broadcasted denouncing dissidents and would-be emigrants as traitors to Romania. He charged that, "some circles are attempting to use the Helsinki Final Act to interfere in the internal affairs of other nations." He applied the term "traitor" to Romanian citizens seeking to emigrate and to "those carrying on propaganda against this country."

IV. PROVISIONS OF THE ROMANIAN LAW REGARDING THE CROSSING OF ROMANIAN BORDERS

At this point we would like to quote from the Penal Code of the Socialist Republic of Romania, concerning people desiring to travel abroad (from the American-Romanian newspaper SOLIA, Detroit, Michigan).

Art. 194.5: "The fact that a Romanian citizen on a government or a general interest assignment abroad, refuses to return to the country, constitutes a crime of treason and is punishable with heavy imprisonment from five to fifteen years, loss of civil rights from four to eight years, and the confiscation of all his assets.

"Anyone who omits to denounce any preparatory acts regarding the above crime, before the infractor crosses the border, and before he is discovered by the

State officials, is punishable with correctional imprisonment from one to five years and correctional interdictions from one to five years."

Art. 267: "Anyone who enters or leaves the country in other places than those designated, or passes secretly through those designated places, commits the crime of fraudulent passage of borders and is subject to correctional imprisonment from three to ten years. The same punishment is applicable to anyone who has helped the above act."

V. SPECIFIC CASES DESCRIBING UNSUCCESSFUL ATTEMPTS BY U.S. CITIZENS AND RESIDENTS TO BRING THEIR RELATIVES FROM ROMANIA

1. For the past three years my sister, Gabriela, and her husband, Liviu Teodorescu, of Bucharest, Str. Virgiliu 15, have tried to apply for exit visas. They were not able to get the application forms because their employers refused to release the necessary written permission (see Chapter I, Paragraph A).

My sister has requested written permission from her office several times in the past three years. She went through a series of interviews with management, party and syndicate organizations, privately and publicly. Among other subjects, the relationship with her husband underwent microscopic scrutiny in public meetings to make certain that she was not trying to escape from family problems. When she went to the party organization at the Popular Council of her district, she was told bluntly that no permission would be granted.

All this time I have been in contact with my Congressman Edward Koch who called the Romanian Embassy in Washington repeatedly, and also with former Senator James Buckley, Senator Henry Jackson, and other U.S. officials. I have had great support from them, but the only tangible result was that finally, in December 1976, my sister got application forms to apply for an exit visa, only to be then officially refused by the Internal Affair Ministry of R.R. Romania.

Her husband went through the same procedure. He has been asked incredible questions regarding my father who died 25 years ago, regarding other family members, and especially about me. His visa application is still being processed.

In my sister's case, I have recorded further her attempts made only after the Helsinki Conference in July 1975, to get the exit visa.

Please also note that after July 1975 as well, their house has been confiscated as punishment for my leaving the country in 1970. The house belonged to our parents, and after my father's death in 1953, I and my sister became co-owners together with my mother.

August 2, 1975: Written request forwarded at her job to get the necessary written permission from management and other organizations to be able to obtain the application forms for an exit-visa;

August 30, 1975: Her request is discussed in a public meeting and she is refused;

June 25, 1976: Her request is discussed in her company by the Committee of Working People. Uncertain results, followed by another request;

August 21, 1976: She finally receives the written permission from her job, valid until March 1977;

She waits for her husband, Liviu Teodorescu, to obtain the same type of written permission from his job, so that both would be ready to get the forms to apply for an exit visa.

December 1, 1976: They get the forms and handle the application at the local militia office (including their six year old son).

January 23, 1977: They have been refused in an answer-note, with no reason mentioned whatsoever. (see the copy of this note translated on the next page)

February 2, 1977: An interview with the Commandant has been granted. She forwards a memorandum asking for exit visas only for her husband and herself, accepting that their son be left alone in the country. An answer has been promised in 15 days;

February 23, 1977: Twenty-one days have passed with no answer. She asks for a new interview, paying again the interview tax. (There are high taxes to be paid per person for these interviews). Even though she paid the taxes, she is not accepted for the interview, but sent home to wait a mailed letter.

2. Mr. George Muscanu, born American citizen, of 2710 W. Summerdale, Chicago, Ill. 60625, has a daughter in the city of Brasov, Romania, a biologist, who has tried continuously for the past two years to get the exit-visa for emigration to join her father in the U.S.A. She has been lawfully accepted in the United

States since April 1976. But so far *she did not even get the application forms* to apply for an exit visa.

3. Mrs. Elena Kokkino, naturalized American citizen, of 2636 W. Winnemac, Chicago, Illinois 60625, has a brother, George Basceanu, in the city of Constanta, Romania, who has been legally accepted to the U.S.A.; the Romanian authorities rejected his exit visa though.

4. Mr. George Ardeleanu, of 1350 W. Argyle Ave., Chicago, Ill., 60640, has a wife and two daughters in Romania. They forwarded their application in Romania for an exit visa, but the authorities refused to process their application for the following reason: in 1973 Ardeleanu family paid in cash 40 percent of the price of a State owned house, to become their property when the house is paid in full. Since 1973 they have paid monthly installments up-to-date. The Romanian authorities are asking Mrs. Ardeleanu to pay the house in full, even though the house must be returned to the State, renovated and modernized in the case of Mrs. Ardeleanu's emigration to join her husband.

5. Mr. Ilie Irimus of 3244 N. Clifton, Chicago, Ill., 60657, left Romania at the first opportunity he had, in order to be able to provide a better life for his family whom he painfully left behind. His family in Romania has been refused the application forms for an exit visa, even though they have no means of support in Romania.

6. Mr. Mihai Covalski of 3244 N. Clifton, Chicago, Illinois 60657, has a wife, two children and a mother in Romania, unable to get the exit visa. The mother's retirement pension has been suspended, the entire family is threatened with house-confiscation, the correspondence was cut between Mr. Covalski and his family.

7. Mr. and Mrs. I. Tomos, of 617 Grove Street, Chicago, Illinois, have a nine year old son in Romania. The child has been separated from his parents for 13 months. How long does it take for the Romanian authorities to grant a visa to a nine year old child?

8. Mr. Vasile Danciu, of 5817 N. Kenmore Ave., Chicago, Ill., 60640, has tried for several years to bring his fiancee out of Romania. Countless times he contacted the Romanian Embassy in Washington, D.C., U.S. Senators, the Romanian Government, but everything has been in vain. He has an application for marriage registered with the Romanian Council of State nr. 1483/75 to marry Miss Maria Rodac, but the Romanian government has no intention to process it as the years go by.

9. Mr. George Mereuta of 2050 46th Street, Astoria LIC, New York 11105, has a sister Adela Basceanu in Romania, whose application for an exit visa has been rejected with no explanation even though she has been legally admitted to the United States.

10. Mr. and Mrs. Ludovic Miskolczi, 1355 Liberty Street S., Trenton, N.J. 08629, have two children in Romania, Alexandru, 6, and Liviu, 2, who have been kept as hostages over there when they left the country. Not even the forms to apply for an exit-visa have been released to these children, who are currently living with their grandmother, an old and very poor woman, unable to support them.

11. Mr. Florin Carmocan, 45–26 44th Street, Sunnyside, New York 11104, has a brother who has no chance to get an exit visa from Romania. (His youngest brother, Paul, had been shot to death at the age of 23 for the unproved crime of attempting to cross the border, while sleeping under trees 9 kilometers from the Turkish border, on October 1, 1975. At 6 kilometers another young man was shot to death in his sleep, and two others lost their legs; they have been sent to political prisons for the same unproven "crime" of attempting to cross the border).

12. Mr. Constanttin Rauta, P.O. Box 634, Washington D.C. 20004, has his wife, Ecaterina Gabriela, 29, and his son, Mihai Catalin, 4, in Romania. They have been both legally addmitted in the United States, but unable to get the exit visa from Romania. They have kept trying since 1973. Two weeks after the Helsinki Final Act was signed. Mrs. Rauta tried to visit the USA Embassy in Bucharest. While approaching the Embassy, she was arrested. For two days she was kept in a prison cell with the divorce application forms in front of her, being asked to divorce her husband. She has been strong enough to refuse to sign the papers. The harassment this family has endured during years of separation is difficult to describe. Money and letters sent by Mr. Rauta are not given to his wife. The above facts are in flagrant contradition with Basket 3 of the Helsinki Final Act.

13. Mr. Mihai Vanatoru, naturalized American citizen, of 1413 Durham Avenue, South Plainfield, New Jersey 07080, has his mother Maria Munteanu in Romania, Str. Teodor Aman 27, Bucharest. Even though she has been lawfully admitted in the USA, she could not get the exit visa so far.

14. Mrs. and Mr. Chiras, of 800 W. Wyoming Avenue, Philadelphia, Pa. 19140, have their daughter Florica Angela Gedroye, with her husband and three children of 2, 4, and 8, in Bucharest, Romania, Bul. Muncii 208 C, Bloc G7. They are all willing to join the parents and other sisters in the USA, but they are unable to get the forms to apply for the exit visa.

15. P.F.C. Vlad Dan, Co. Meddac, Fort Dix, N.J. 08640, naturalized American citizen, has a mother in Romania unable to get the exit visa to join her son here.

16. Mr. Walter Graur, 140 W. 69th Street, New York, has a wife and a little girl in Romania. This young man went on a hunger strike twice last year in his unsuccessful attempt to bring his wife and daughter over here.

17. Mr. Nicolae Ille and Mr. Ioan Bodea, recent immigrants as political refugees, living at 312 E. 75th St., N.Y. 10021, after trying for years to emigrate from Romania legally on the grounds of religious persecution for their Baptist faith, succeeded in crossing underground the borders last year, risking their lives. Mr. Nicolae Ille left behind his wife Florica, 23, and two children, Laurentiu, 2, and Florin, 4, Mr. Ioan Bodea, 28, left behind his wife Ana, 22. These men of courage are trying every possible means to get their families out of Romania, but the exit visa application forms have been refused in Romania to all of them.

18. There are several other people with relatives in Romania who have thus far been unable to obtain the application forms for an exit-visa. To mention some of them and their addresses in U.S.A.:

Cornelia Ionescu's sister, 74 Amity St., Brooklyn, N.Y. 11201.
Anca Tanasoiu's parents, 69–76 57th St., Woodside, N.Y. 11377.
Emil Cocioba's son, 1 Laurel Drive. Huntington. N.Y. 11753.
Narcisa Vladescu's brother, 111 Van Nostrand, Englewood, N.J. 07631.
Sergiu Serdici's mother, 41–25 77th St., Elmhurst, N.Y. 11373.
Alexandra Meleasa, 3 Lawson Lane, Great Neck, N.Y. 11023; (son).
Avram Botan, 484 Onderdonk Ave., Brooklyn, N.Y. 11237 (brother, mother).
George Fara, 1413 Durham Ave., So. Plainfield, N.J. 07080 (cousin).
Nicolae Moisidis, 964 E. Broadway, So. Boston, Mass. 02127 (mother, brother).

V. CONCLUSIONS

The facts in this statement have been gathered from personal experience, and from the cases of other American citizens and residents with relatives in Romania, as well as people in Italy, West Germany, and Australia with relatives in Romania. Details have been supplied by recent immigrants to the U.S. such as Mr. and Mrs. F. Georgescu, of 65—45 Yellowstone Blvd., Forest Hills, N.Y. 11375, Mrs. Maria Manta, of 20–49 Palmetto St., Ridgewood, N.Y. 11227, and her recently emigrated sons in Rome, Italy, Miss Dorothy Zaharescu, of 93 Viale America, Rome, Italy, and many others.

From the testimony of hundreds of people like the above-mentioned, it is apparent that the provisions of the Final Act of August 1, 1975, regarding the right to travel and emigrate to join a relative are not observed by the government of R.S. Romania. In other words, there has been no improvement at all in the right of Romanians to travel abroad. If anything, such rights have been weakened.

As a group of Romanian dissidents including the writer Paul Goma mentioned in their appeal on February 8, 1977 to the 35 participants at the 1975 Conference on Security and Cooperation in Europe, other long-ignored constitutional rights such as Freedom of Assembly, Freedom of the Press, Freedom of Conscience, Inviolability of the Home, Secrecy of Correspondence and Telephone Communications are also flagrantly violated in Romania.

During the last telephone communication the Truth About Romania Committee of N.Y. had with Paul Goma in Bucharest on Friday, March 4, just two hours before the catastrophic earthquake in Bucharest, Mr. Goma informed us that 75 people joined the signatories of this appeal. Even though Paul Goma's apartment building is surrounded by plainclothes policemen, and his telephone conversations are under surveillance, more and more people are joining the group.

The American-Romanian Committee for Family Reunion asks that the Helsinki Commission of the U.S. House of Representatives make these facts known in Belgrade, Yugoslavia, where the East-West Conference on Helsinki Final Act will convene in June 1977.

[Materials submitted for the record by Ms. Secu folows:]

Annex No. 1: Copy of the original official answer-note Nr. 138036 of the Ministry of the Internal Affairs, Bucharest, Romania, to my sister's request for an exit visa. (The answer is negative).

[English Translation]

Ministry of Internal Affairs,
Passport Office of the City of Bucharest,
Nr. 138036 *of January 19, 1977.*

To: Com. Teodorescu P. Liviu, Gabriela, and son.

This is to acknowledge that your requests for traveling to the U.S.A. have not been approved.

Z.N.,
Chief of the Office.

Annex 2: Copy of questionnaire issued by Romanian Embassy for U.S. citizens seeking reunification with relatives in Romania.

AMBASADA . . . . . .

CONSULATUL . . . . . .

PHOTO

CHESTIONAR*)
FORM

privind rezolvarea cererii de dobîndire, redobîndire, renunțare sau clarificare a cetățeniei române.
egarding acquisition, reacquisition, giving up the Romanian citizenship or clarifying the citizenship

1. *Numele și prenumele* _____
   Name and surname
2. *Numele anterior* _____
   Previous name
3. *Data nașterii: ziua* _____ *luna* _____ *anul* _____
   Date of birth: day *month* *year*
4. *Locul nașterii: localitatea* _____ *județul* _____ *țara* _____
   Place of birth: town *county* *country*
5. *Numele la naștere* _____
   Name at birth
6. *Domiciliul actual: țara* _____ *localitatea* _____
   Present residence: country *town*
   strada _____ *nr.* _____ *județul* _____
   street *no* *county*
7. *Cetățenia în prezent* _____ *indicați ziua, luna și anul obținerii ei.*
   Present citizenship *indicate day, month, year of its acquisition*
   _____ *actul prin care dovediți cetățenia* _____
   the document prooving it
8. *Naționalitatea* _____
   Nationality

---

*) — Răspundeți complet și exact la toate rubricile; în caz contrar, vor fi necesare date suplimentare, care pot întîrzia soluționarea cererii dv.

Furnish complete and exact all the data reguired; otherwise additional details should be necessary for, which may delay the solution of your request.

— Dacă nașterea sau căsătoria a avut loc în România, indicați localitățile după organizarea administrativ-teritorială actuală a României;

If the birth or marriage took place in Romania, indicate the places according to the present administrative territorial organisation of the country.

— Dacă pe lîngă redobîndirea, renunțarea sau clarificarea cetățeniei române solicitați și viză de intrare, repatriere, stabilire în străinătate sau eliberarea unui pașaport pentru cetățeni români domiciliați în străinătate, nu este necesar să completați un alt formular.

Whether beside the reacquisition, giving up the Romanian citizenship or clarifying the citizenship you request also entry or repatriation visas, establishing of permanent residence abroad or issue of a passport for Romanian citizens living abroad it is not necessary to fill in another form.

În cazul cînd spațiile de mai jos nu sînt suficiente, completați o filă separată.
In case that the below spaces are not enough, fill in the rest on a separate paper.

Arătați următoarele date despre soția (soțul) și copiii dv.:
Indicate the following data about your wife, (husband) and children;

Nr. crt.	Numele și prenumele Name and surname	Data și locul nașterii Date and place of birth	Gradul de rudenie sau calitatea față de solicitant Degree of relationship or position to the applicant	Cetățenia Citizenship	Ocupația și locul de muncă Occupation and place of work	Țara și domiciliul Country and residence

Arătați următoarele date despre părinții (socrii) și celelalte rude ale dv. din România:
Indicate the following data about your parents (parents-in-law) and the other relatives of Romania

Nr. crt.	Numele și prenumele Name and surname	Data și locul nașterii Date and place of birth	Gradul de rudenie sau calitatea față de solicitant Degree of relationship or position to the applicant	Cetățenia Citizenship	Ocupația și locul de muncă Occupation and place of work	Domiciliul Residense

Arătați următoarele date despre părinții (socrii) și celelalte rude ale dv. din țara unde domiciliați și din alte țări:
Indicate the following data about your parents (parents-in-law) and the other relatives of your country of residence and other countries.

Nr. crt.	Numele și prenumele Name and surname	Data și locul nașterii Date and place of birth	Gradul de rudenie sau calitatea față de solicitant Degree of relationship or position to the applicant	Cetățenia Citizenship	Ocupația și locul de muncă Occupation and place of work	Țara și domiciliul Country and residence

87-587 O - 77 - 10

9. *Previous citizenships: indicate the periods and circumstances in and under which you obtained and lost them*

10. *Studii: indicați instituția, localitatea și anul absolvirii*
Studies: indicate the institute, town and year of graduation

11. *Profesia* — *indicați ocupația în prezent și locul de muncă*
Profession — *indicate present occupation and place of work*

12. *Locurile de muncă unde ați lucrat anterior în România, în ce perioade și funcțiile*
Places where you worked at previously in Romania, which periods and functions

13. *Starea civilă: indicați dacă sînteți căsătorit, văduv, divorțat, celibatar*
Civil status: indicate if you are married, widow(er), divorced, bachelor

locul înregistrării căsătoriei — *ziua* — *luna* — *anul*
place of marriage's record — *day* — *month* — *year*

numele soției (soțului) dv. la naștere
name of your wife (husband) at birth

numele soției (soțului) dv. înainte de căsătorie
Name of your wife (husband) before marriage

14. *Indicați dacă ați fost condamnat(ă) de alte instanțe decît cele române și pentru ce fapte*
Indicate whether you were convicted by other courts than the Romanian ones and why

15. *Arătați dacă în prezent sînteți învinuit sau inculpat într-o cauză penală sau dacă aveți de executat o pedeapsă penală.*
State if you are at present accused or defendant in a penal case or if you have to execute a penal punishment.

16. *Dacă ați locuit în România, arătați perioadele și domiciliile avute consecutiv:*
Whether you lived in Romania, state the periods and residences you had consecutively

16. *State the travelling document with which you left the country, who issued it, the date, reason and circumstances of the departure.*

17. *Dacă nu sînteţi originar din ţara în care vă găsiţi în prezent, indicaţi data intrării dv. în această ţară.*
If you are not born in the country where you are living, indicate the date of your entry in that country.

18. *Indicaţi ce solicitaţi: redobîndirea, renunţarea sau clarificarea cetăţeniei române*
Indicate the object of your request: reacquisition, giving up the Romanian citizenship or clarifying the citizenship

19. *Arătaţi detailat motivele cererii dv.*
State in detail the reasons of your request

20. *Indicaţi veniturile din care vă întreţineţi în străinătate (salariul, pensie, rente etc.)*
Indicate your income abroad (salary, social security rents etc.)

21. *Arătaţi în ce constau bunurile dv. mobile şi imobile, valoarea lor, ţările în care se află şi ce intenţionaţi să faceţi cu ele după dobîndirea sau redobîndirea cetăţeniei române în cazul stabilirii dv. în România.*
State in what consist your movables and the real estate you possess, their value in what countries, and what you intend to do with them after the acquisition or the reacquisition of the Romanian citizenship in case of establishing your permanent residence in Romania.

22. *Indicaţi dacă aveţi obligaţii patrimoniale faţă de statul român, faţă de persoane juridice sau fizice din România; în ce constau acestea şi cum înţelegeţi să le îndeplniţi;*
Indicate if you have pecuniar obligations to the Romanian state, to individuals or juristic persons of Romania; in what consist these and how you think to solve them.

23. *Anexez următoarele acte:*
I enclose the following documents:

— *copie (fotocopie) de pe actul de naştere;*
copy (photocopy) of the birth certificate

— *copie (fotocopie) de pe actul de căsătorie sau divorț; în caz de deces al soției (soțului), copie (fotocopie) de pe certificatul de deces.*
copy (photocopy) of the certificate of marriage or divorce; in case of death of your wife (husband), copy (photocopy) of the death certificate.

Localitatea completării _____ *ziua* ____ *luna* _____ *anul* _____
The place (town) *day* *month* *year*

SEMNĂTURA,
Signature

_____

OBSERVAȚIILE ȘI AVIZUL MISIUNII DIPLOMATICE (OFICIULUI CONSULAR):

_____
_____
_____
_____
_____
_____

Sigiliul și semnătura

Annex 3: English translation and Romanian original of form issued by the Romanian Embassy to applicants renouncing their Romanian citizenship.

COMRADE PRESIDENT,

The undersigned.....(original surname) ....., born on..... at..... District of..... son (daughter) of..... and of ..... residing at..... Street and Number..... Country of....., hereby request approval of my renunciation to Romanian citizenship for the following reasons :

_____

_____

_____

I meet the conditions set forth in Section 22, subsections a-c of Law # 24 of December 17, 1971, with regard to Romanian citizenship. To this end I am enclosing the following documents :

1. Sworn statement by which I undertake not to engage, after loosing my Romanian citizenship, in any action likely to cause harm to the interest of the Romanian State and people; by which I declare that I am not charged or indicted for any criminal activity not am I under any unserved penal conviction ; by which I furthermore declare that I have no financial obligations toward the Romanian state or toward corporations or individuals in Romania , furnishing guarantees to this end through.....(or alternatively) that I have such obligations toward ..... and intend to discharge them through..... and for which purpose I am furnishing the following guarantees (personal salary, saving accounts at CEC *), personal properties in or outside Romania .

2. Receipt for the amount of $ 201 representing the fee for renunciation to Romanian citizenship.

3. Certificate of birth Nr..... (original, copy or photocopy translated into Romanian and sworn, legalized or certified depending on circumstances.

Place..... Date..... Signature.....

*) CASA DE ECONOMII ŞI CECURI (Saving and Checking Bank)

To Comrade President
of the Romanian Socialist Republic

TOVARASE PRESEDINTE,

Subsemnat _____(numele de familie avut anterior)_____ născut la data de _____ _____ în localitatea _____Judeţul _____ fiul(fiica) lui_ _____şi al_____,domiciliat(ă) în localitatea_____ _____Str._____Nr._____ ţara_____, solicit aprobarea renunţării la cetăţenia română pentru următoarele motive: _____ _____ _____ _____

Intrunesc condiţiile prevăzute de Art.22 literele a-c din Legea Nr.24 din 17 dec.1971 privind cetăţenia română.

In acest scop.anexez următoarele acte:

1. Declaraţia autentică prin care mă oblig să nu săvîrşesc după pierderea cetăţeniei române fapte de natură să aducă atingere intereselor statului şi poporului român; prin care declar că nu sînt învinuit sau inculpat în vreo cauză penală şi nici nu am de executat vreo pedeapsă penală; prin care declar, de asemenea, că nu am obligaţii patrimoniale faţă de statul român sau faţă de persoane juridice ori fizice din România, prezentînd garanţii în acest sens prin _____ _____(sau după caz) că am astfel de obligaţii faţă de____ _____ şi înţeleg să le îndeplinesc prin _____ pentru care prezint următoarele garanţii (salariul personal, depuneri la CEC, proprietăţi personale în ţară sau străinătate etc);

2. Chitanţa în valoare de S 201 reprezentînd taxa de renunţare la cetăţenia română;

3. Actul de naştere nr._____(în original,copie sau fotocopie tradusă în limba română şi autentificată,legalizată sau certificată, după caz).

Locul_____.

Data_____

Semnătura,

TOVARASULUI PRESEDINTE

[redacted] AL REPUBLICII SOCIALISTE ROMANIA

Annex 4 : Copy of a letter from Hon. Edwarch Koch to Ms. Valerie Secu regarding Mr. Vircol's application to the Romanian government for an exit visa.

EDWARD I. KOCH
18TH DISTRICT, NEW YORK

COMMITTEES:
BANKING AND CURRENCY
HOUSE ADMINISTRATION

Congress of the United States
House of Representatives
Washington, D.C. 20515

NEW YORK OFFICE:
ROOM 3139
26 FEDERAL PLAZA
PHONE: 212-264-1066

WASHINGTON OFFICE:
1134 LONGWORTH OFFICE BUILDING
PHONE: 202-225-3436

October 11,1974

Valery Secu
309 Avenue C
New York, New York. 10009

Dear Ms. Secu:

My office has tried unsuccessfully on several occasions to reach you by phone during the past week.

I met with Ambassador Corneliu Bogdan of the Romanian Embassy in Washington on the case of Mr. Vircol. He advised me that Mrs. Doina Vircol's papers to adjust her Romanian citizenship were filed by her in May. The processing of these papers generally takes about six to eight months. He further stated that until her status is adjusted, there is no basis under Romanian law for her husband to be permitted to leave since the premise for exit permissions is predicated on family reunion. And this requires that the person outside of Romania no longer be a Romanian citizen. I urged the Ambassador to expedite Mrs.Vircol's papers and then to expedite Mr. Vircol's application for an exit visa. And, I asked that their case be treated with compassion in view of the long separation they have already suffered.

I am sorry that I cannot indicate an immediate time of departure. But, the Ambassador did know of Mr. Vircol's petition and he promised to convey my message to his government.

Please do check with Mrs. Vircol to be sure that the Ambassador's information on her having applied for an adjustment of her citizenship was as recent as May. If you have any conflicting information, please advise me of it.

Sincerely,

Edward I. Koch

Edward I. Koch

EIK:ndr

Mr. PELL. Thank you very much. I now recognize Ms. Blum. Do you have anything that you would like to say?

Ms. BLUM. Yes. I have a statement that I would like to read.

Mr. PELL. Very well. I wonder if you could abbreviate it as much as you can and then have it appear in full on the record.

Ms. BLUM. OK. I would like to make a few points.

First of all, I left Romania legally and married a U.S. citizen and I must say that I did not encounter any problems leaving Romania.

I received approval to marry my husband in 9 months. There was nothing special that happened to me during this period.

In 1975, in June, my parents decided to come to the United States and they applied to the Romanian authorities for permission to emigrate to the United States.

The documents submitted with the application were two statements with respect to the fact that my parents did not work with secret documents, and also, two other statements in which the institute my parents worked for approved their intention to emigrate.

I would like to mention that these documents are not easy to obtain and I must say that my parents were lucky to obtain them. In case one does not have these documents, he cannot apply for permission to emigrate.

Months of silence followed after the application was submitted. My parents wrote a lot of letters to Romanian authorities to expedite their case. These letters were not answered.

Another thing that I would like to mention is that soon after the Helsinki Agreement was signed some organizations called Party Commissions were formed. My parents were called to the Party Commission of Sector 3. They were interviewed several times about the reasons that they wanted to leave and were asked if their decision was final and firm. These interviews had the purpose of making my parents change their minds. But the Commission, in failing to make my parents give up their intentions, finally decided that they would give its approval and forward the applications to a higher authority. Actually, this Commission has the authority to stop the application. If they do not agree with someone's desire to emigrate, they can simply say no at this level.

Another thing that I would like to mention is something of recent invention, and that is if someone desires to make an application for emigration, he has first to apply for an application so that he will be eligible to apply for application for emigration.

In 1977, my parents tried to get these new applications and they were told after they eventually filed the initial application that they would not be given the application form because they are now resolving the cases which have been pending since 1974—of those people who applied in 1974.

I would like to mention a little change that happened in my parents' situation. My grandmother, after her husband died, decided also to come to the United States and join her son, Valeriu Serban, who lives in the United States. She was refused the applications after she applied to be given them.

She was told that she would not be given the application until my parents' case is resolved.

That is all I would like to add at this time and I thank you.

[The written statement submitted by Ms. Blum follows:]

Gentlemen, My name is Mariana Blum and I came from Romania into the United States on January 5, 1975 as a permanent resident after marrying on November 21, 1974 an American citizen. I am the only daughter of my parents, Serban Adrian and Tamara, who live in Bucharest, 63 C. Nottara Street, Romania. My father's only brother Valeriu Serban, also lives in the United States as a permanent resident since May 1974. He is presently applying for United States citizenship.

On June 10, 1975 my parents applied to the Romanian Authorities for permission to emigrate to the United States. Among the documents submitted with the application were two statements stating that my parents did not work with secret documents and also, two other statements in which the institute my parents worked for approved their intention to emigrate. Both my parents work at the Design Institute for Rolling Mill Plants in Bucharest and the above-mentioned statements were issued by this Institute. I would like to mention that in case one does not obtain such documents the application for emigration is not accepted.

Months of silence followed after the application was submitted. In February 1976, my parents were asked to come to the so-called "Party Commission of the Sector 3". This commission interviewed my parents several times, asked them over and over again the reason they want to leave and if their decision is firm and final. The interviews had the obvious purpose of making my parents change their mind. Failing in their attempt to make my parents give up their intention to emigrate, the commission finally decided that they would give their approval and forward the applications to higher authorities.

In March 1976, my parents were called to the Commission for Visas and Passports where they were told that their permission to emigrate was denied. Because my parents did not get any official document stating the refusal, they hoped that the verbal rejection was a mistake. They wrote several letters to the Romanian Authorities with the hope of clarifying this uncertain situation. The result was that in May 1976 my parents received a letter stating that permission to emigrate was definitely denied.

In this situation my parents did everything possible to obtain a change in the Authorities' decision. On May 31, 1976 my parents handed in at the State Council a memorandum registered under the number 4483. Up to this date no answer was received to this memorandum. In the same period, after weeks of efforts, my parents obtained an appointment at the Commission for Visas and Passports. At the interview with the Commissioner my parents were told once again that permission to emigrate was denied; no reason was given for this decision and no authority assumed on the part of the Commissioner to give any explanation. Since my parents were not granted any other appointments they continued to send letters to different agencies. On December 17, 1976 my parents sent a new letter to the Governmental Commission asking again for a reexamination of their case. This letter was answer on February 17, 1977 by letter number 7833 which said: "your appeal from December 17, 1976 is not approved, your case is filed".

Given this desperate situation my parents applied on January 5, 1977 for a new set of applications for emigration. Receiving no answer on January 18, 1977 my parents went to the Passport Office to inquire about their application. The answer they were given was that applications for emigration are given only to those who were refused the applications for emigration made in 1974. Since my parents filed the applications for emigration in 1975, the Passport Office refused to give them new applications. Now my parents' situation is "clear": the 1975 applications are filed and new applications are not "available". My parents handed in at the Governmental Commission on February 24, 1977 a new memorandum registered under the number 1317, but no answer has been yet received.

When my parents applied in June, 1975 for permission to emigrate my father's parents did not want to leave Romania. Meanwhile, my grandfather passed away and my grandmother, Debora Serban, decided to come and live with her other son, Valeriu Serban, here in the United States. My grandmother is eighty one years old, lives with my parents and is the only other member in our family, besides my parents, who is in Romania. My mother has no relatives in Romania. On November 30, 1976 she was called at the Party Commission of the Sector 4 where she was told that the commission will give its approval. Because she did

not get any invitation to come and pick up the application, my father went in February, 1977 to the Passport Office to ask for this application. The clerk there confirmed the Party Commission's approval but refused to give the application for my grandmother. He said that the application for her would be given only when my parents' situation will be resolved.

Coming back to the case of parents I would like to mention that my father got an "unsatisfactory" qualification from the institute where he works. A qualification is given every year to employees and it is in reference to one's professional and social behavior. Revolted by this qualification my father sent a letter in which he rejected the qualification and in which he mentioned that the "unsatisfactory" is probably due to the fact that he applied for permission to emigrate. He did not receive any letter denying this.

Gentlemen, I thank you very much for your attention and I hope that you can help my family leave Romania.

Mr. PELL. Thank you very much, Ms. Blum. We appreciate your letting us know of the very sad plight of your family and the plight that you yourself face here.

Thank you very much.

The next hearing of the Commission will be Thursday, March 17, 1977, when we will take testimony on the problem of Jewish emigration from the Soviet Union. That hearing will be held in room 2359 of the Rayburn House Office Building, where we will begin at 10 o'clock in the morning, on Thursday, March 17.

At this time, the hearing is adjourned until that time.

[Whereupon, at 12:40 p.m., the hearing was adjourned.]

IMPLEMENTATION OF THE HELSINKI ACCORDS: HUMAN CONTACTS: FAMILY REUNIFICATION AND BINATIONAL MARRIAGES

THURSDAY, MARCH 17, 1977

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, D.C.

The Commission met, pursuant to notice, in room 2359, Rayburn House Office Building, Washington, D.C., at 10 a.m.; Hon. Dante B. Fascell, chairman, presiding.

In attendance: Commissioners Fascell, Bingham, Fenwick, and Yates.

Also present: R. Spencer Oliver, staff director and counsel; and Alfred Friendly, Jr., deputy staff director.

OPENING STATEMENT OF COMMISSIONER BINGHAM

Mr. BINGHAM. The Commission on Security and Cooperation in Europe will be in order. In the temporary absence of Chairman Fascell I will open the meeting.

The hearing today deals with the most publicized and perhaps the most sensitive topic the Helsinki Final Act put on the international diplomatic agenda: the emigration of Jews from the Soviet Union. Two days ago the Commission heard testimony on the implementation of the family reunification provisions by the Warsaw Pact countries in cases involving American nationals.

Today, we turn to an issue that has special importance to Americans even though, in most cases, the people concerned have no immediate family ties here.

What they do have—the 130,000 Jews who have been able to leave the Soviet Union since 1971, the thousands who are thought to be seeking to leave—are direct ties to American sympathies.

As a nation molded by immigrants, we have a special tie to the concept, indeed to the right, of free movement of people. And as a haven for those seeking refuge from misery or oppression, we have a special tie to Jews who have suffered so much of both in this century.

So it is understandable, and here I am speaking for Chairman Fascell, that an American of Italian descent should conduct a hearing on St. Patrick's Day about the ways in which the family reunification pledges given in Helsinki are being applied to Soviet Jews.

The record of which we already know is full of contradictory indications. Two days ago, for instance, it was reported that Dr. Mikhail Shtern, a victim of Soviet attempts to intimidate would-be Jewish emigrants, was released from prison.

But the same day that heartening gesture was announced, we also learned that Anatoly Shcharansky, a dauntless fighter for the right to emigrate, had been taken to prison in Moscow. He has been waiting nearly 4 years for permission to emigrate to Israel, where his wife has been living since June, 1974.

Under constant police surveillance and harassment, he has nevertheless continued to press his case and that of others, both as an individual and as a member of the Public Group to Promote Observance of the Helsinki Agreements in the USSR since it was founded last May.

His arrest, if that is what this latest episode of repression is, is a contemptuous Soviet gesture of defiance of the values that the Helsinki signatories pledged to respect. It is not just another stain on the Soviet record of Helsinki compliance; it is a confirmation of a continuing pattern of conduct that calls for resolute public condemnation.

Anatoly Shcharansky appears to be a victim of the Soviet capriciousness that is documented—in a partial and preliminary way—in a report I wish to include in today's hearing record.

It is an early and incomplete report on the results of a Commission staff survey—still underway—of the experiences of recent Soviet emigres in applying for and eventually receiving permission to leave.

On the one hand, it shows that three quarters of the successful emigres were able to get their exit visas within 6 months of requesting them. But on the other hand, it reveals a high incidence of harassment of applicants before and as they leave and a continuing campaign to block or discourage applicants.

Not all the questionnaires on which the Commission's final report will be based have been received or tabulated. And even when they are, the experience of successful emigres must always be weighed against our knowledge of the many, many Soviet Jews who have been waiting long years to have their refusals reversed.

Today's hearing gives us an opportunity to hear from some of them and from their close relatives. It is a welcome occasion to try to sort out the contradictory evidence we do have and to put the record in some kind of order.

Our first witness today, and we are very glad to welcome him before the Commission, is Clive Barnes of *The New York Times*. Mr. Barnes.

STATEMENT OF CLIVE BARNES

Mr. BARNES. Mr. Chairman and ladies and gentlemen, first I would like to explain why I am testifying and why I first became involved in the question of Soviet Jewry.

I became involved chiefly through one individual case, the case of a dancer of the Kirov Ballet from Leningrad, Valery Panov. His case eventually became a cause celebre, but at the time I never knew that.

He wished to join his family and friends in Israel and he applied for a visa from the Soviet Union to go to Israel with his wife, Galina, who was not Jewish.

At the time he was immediately dismissed from the Kirov Ballet and his wife was demoted from the rank of ballerina to corps de ballet and she was later dismissed herself.

And he was subject to enormous harassment. He appealed to me because he knew me and he knew my wife and he knew my sister-in-law, and asked me to try to help him and raise the issue in the West.

The harassment of Soviet Jews cannot be too highly stressed, particularly as soon as they apply for a visa to return to their homeland. This is a story of such incredible human injustice. Human injustice, let us face it, not on the scale of, say Hitler, but human injustice on a scale, on an intellectual scale, on a scale of moral deprivation that is extremely painful.

Through the case of Valery Panov I became interested and concerned with the fate of Jews all over the Soviet Union and their justifiable aspirations to emigrate to Israel and to leave a country that gave them neither religious nor ethnic freedom and, indeed, subjected them to a very pernicious form of anti-Semitism.

The more I found out about it, the more it disturbed me.

Now, one of the particular reasons why the Panov case is relevant is because at one time the Soviet authorities were prepared to grant Valery Panov a visa, himself, but refused a visa for his wife. In effect, they were seeking to break up a family.

I think that in most—I was going to say Soviet propaganda, but I will not say that—let us say Soviet policy, most of these instances, the insistence on the family unit is a significant one.

It is curious that family unit only seems to apply to good Russian-born Communists, and the sanctity of family life seems to be of far less importance in the question of Jews.

Now this was before the Helsinki Agreement of 1975. Had it been after that I think that this would have been extremely relevant.

It seems to me that the Helsinki Agreement, which offers freedom of movement, an agreement which the Soviet Government freely attached their signature to, I think really must be upheld. Freedom of movement must mean exactly what it says.

It is quite immoral to break up families. It is heart-rending. All of us would feel terrible to have our loved ones to be broken away from us and us from our loved ones.

I remember during the time of the Panov campaign—and it became an international campaign—and I remember one time in New York we had arranged a talk-in with Panov in Russia because they can take in telephone calls as you know. They are always monitored by the KGB. Their telephones are never cut off. How can you tap a cut-off telephone? [Laughter.] We arranged a talk-in with Panov and a number of well-known people and people who were his friends to enourage him.

At the end, a very tiny Latvian woman came up to me and said—she touched me and said:

> Please, please get my son out of Latvia. Please write in your paper about my son. He is a 24-year-old engineer. You write about Panov, why not write about my son?

I knew full well that I could not write about her son. Her son to her was as important as the Panovs. Just as important. But the Panovs had publicity and news value that some little engineer in Latvia does not have.

This is why it is very easy to campaign for the well-known and the celebrated and, if you like, for the glamorous. It is very easy to campaign for a dancer to be reunited with his homeland or for a wife to be reunited with that dancer.

These people, you can show photographs of them in newspapers and you can have them visited by television cameras and you can have campaigns outside Soviet Embassies and Consulates. All of these are very practicable.

But I am thinking about the little engineer in Riga. These are the people we must be very much concerned with.

There are so many cases of this that one could literally go on all morning just giving individual case histories.

I am sure that as a commission you have heard so many and you are probably almost—not bored with them, but how harrowed can one be?

These case histories are all regrettably and if I may use the word, despicably, similar.

Let me give you just one. This is the case of Stella Goldberg Yoran. She is a woman who was born in 1932 in Moscow. She is a pianist and she first applied for a visa on June 16, 1970.

The grounds for her refusal is that her huband is a traitor to the Soviet Union.

Stella Goldberg Yoran and her 7-year-old son, Alexander, have been denied the right to emigrate to Israel since that time and to be reunited with their husband and father, who is a renowned cellist, Victor Yoran, who left the Soviet Union so he could live among Jews.

Stella and Alexander and Victor's aged mother are being punished for his unauthorized departure. Internationally known artists such as Leonard Bernstein and Vladimir Ashkenazi and Pierre Fourne—they all urged the Soviet Union to allow the family to be reunited.

But so far the Soviet Union has been resolute in its refusal. This is the appeal that this pianist, Stella Yoran, made hoping to rejoin her husband. I will read it to you because I think it is very poignant.

In accordance with the Declaration of Human Rights, I renounce my Soviet citizenship. It is impossible for me to remain a citizen of a country capable of behavior so cruel and so inhumane towards me and my 7-year old son.

A country that treats us as though we were common criminals because I applied for a visa and was refused countless times to join Victor in Israel.

I implore you to help me in the catastrophe which has befallen my family. It is already 6 years that my husband is living in Israel.

He did not and does not commit any actions hostile to the Soviet Union and yet we, his family, have nevertheless been denied the right to emigrate.

I alone am responsible for the well-being of a young child and for my husband's mother who is old and in poor health.

All our endless appeals to the highest Soviet authorities are to no avail. Moreover the OVIR informed me that for the next three years my applications will not even be considered. Of what use or value are two people, desperate with grief, and a 7-year old child, to the Soviet Union?

We are being held as hostages which is nothing short of medieval barbarism.

I entreat you to raise your voices in protection of my family. Save our lives and help us to join our husband and father and son.

In my briefcase I have many other of those kinds of stories and I know that you hear many of these stories.

I know such actions go completely contrary to the Helsinki Agreement. I think that this is not even just a question of Soviet Jewry. I

could, for example, cite the example of the poet, Joseph Brodsky, who wishes his elderly parents to join him for a visit.

I could cite the example of Rudolph Nureyer, who has a mother, a sister, and a niece who would like to visit him but have several times been denied visas to do so.

These examples of inhumanity are quite incredible in our day and age, and I feel that we must, at this time, urge the new Administration not to be confused—not to be confounded by thoughts of detente. Detente is not an issue in moral human rights.

And I think that most of us who are interested in human rights, the human rights of Soviet Jews, the human rights of Soviet dissidents, the human rights of people like Bukovsky, I think that all of us, must use our own democratic voices to try to influence committees like your own, the Administration, and every way in which we can, to persuade Americans to stand very firm on this issue.

It would be very easy to give way. It would be very easy to use these few people, these comparatively few people, as some kind of pawn in a power game in exchange for economic or military advantages.

I suggest that this would be morally wrong and that governments that behave with moral blemish in the end do not come out very well in the sagas of history.

Thank you.

COMMENTS AND QUESTIONS OF CHAIRMAN FASCELL

Chairman FASCELL. Thank you very much, Mr. Barnes, for a very eloquent presentation and the discussions of additional sad cases which, unfortunately, are far too many.

You are right, as far as I am concerned, about the need to express concern for the nonfamous cases which are not so easy to identify and support. It is the unidentified individual who is struggling who really has a problem.

Frankly, after hearing a great many of these cases and listening to a tremendous amount of testimony, I find it very difficult to understand why any government or people acts in a manner which seems to be so fearful. The Soviet Union is a great country with great people, and yet the things that seem to distress them most are the thought of individual freedom or the right to self-expression or to move about freely. It seems to be a rather unique society in that respect.

I do not know what we can do because of their fear. But certainly, it seems to me, it is incumbent upon us to speak out wherever we are. All of us have been too silent for too long. Your eloquent voice has made a fine contribution to this effort.

The Commission here, as you know, is an expression of the same governmental concern that you speak for individually. We shall continue to do that and we welcome your support.

Mr. BARNES. Thank you, sir.

Chairman FASCELL. Mrs. Fenwick.

COMMENTS AND QUESTIONS OF REPRESENTATIVE FENWICK

Mrs. FENWICK. Mr. Barnes, I know exactly how you feel, having suddenly a human being before you who has been treated in this terri-

ble way. I think all of us have written letters on behalf of people, but when for the first time you see somebody it is different, and for me it was a woman called Lelia Roitburd, in Moscow.

It is the difference between reading of a terrible accident in the newspaper and coming upon that accident, with blood in the street.

Can you imagine my surprise, when, at an ecumenical meeting in my district, the name of Lelia's husband was read out as one for whom we must pray and plead.

Out of that meeting in Moscow came this Commission, out of her distress. And somehow in this savage century, which has seen so much injustice and so many horrors perpetrated by governments, which are supposed to be instituted for justice, we must learn that we cannot go on like this.

You are quite right. It is not possible to go on like this, watching things happen to people.

Mr. Scranton, at the U.N., said that if we do not say anything about injustice, we seem to condone it. I would go further. If we say nothing, we are accomplices. And that is what we are all going to turn into, unless we work hard to do what we know must be done.

Mr. Barnes, what you said about how people turn to the West—that is all they have. If we do not care, we cannot pretend that anybody else will raise their voice.

Mr. BARNES. That is absolutely true. They are only kept alive by our protests. So many people have said this. People as diverse as Sakharov and all of the dissidents and all of the Soviet Jews have maintained that unless the West shows that they care, then as Gogol said, they are lost souls.

Mrs. FENWICK. Yes; once I asked "How do you dare come to the hotel in such numbers, because the KGB is everywhere and you are watched." The answer was, "That is the only hope we have because then we know you are taking down all of our names and addresses, Mrs. Fenwick, and that is the only hope we have because they know you are doing that."

Mr. BARNES. Yes, exactly.

Mrs. FENWICK. Thank you, Mr. Barnes.

Chairman FASCELL. Mr. Bingham.

COMMENTS AND QUESTIONS OF REPRESENTATIVE BINGHAM

Mr. BINGHAM. Mr. Barnes, I found your statement very moving indeed. I have also witnessed the courage— and I was about to say despair, but it is not despair, it is rather a spirit of courage and determination combined—that you find in the dissidents in the Soviet Union.

I think that one of the extraordinary things about this is the degree of that courage, the willingness to submit to the capricious cruelty of the Soviet system in order to try to achieve an objective.

Do you have any explanation at all for what appears to be the extraordinary capriciousness of the action? Why is it that fairly large numbers of people who want to leave the Soviet Union are allowed to leave and others whose circumstances seems to be more painful, more appealing, are denied year after year.

Mr. BARNES. I think caprice is probably the best word for it. I think that certainly there comes a point where people become more nuisance inside the Soviet Union than outside the Soviet Union.

The supreme example of this was, of course, the poet, Solzhenitsyn who actually did not wish to leave the Soviet Union, but was forcibly ejected. And this has happened on more than one occasion.

In other instances caprice seems to be the main thing. Let me stress that I am very fond of Russians. I like the Russian people. I won't go quite so far as to say that I never met a Russian I didn't like, but I have met many Russians whom I have liked and loved a lot.

I think that one thing one has to remember, both in czarist Russia and in present day Russia, is the incredible power of the bureaucracy there.

The bureaucratic process is capricious by nature there. I think very often, why one person gets a visa or one person does not is not some deep-laid plan, but merely the capriciousness of a minor official, or which minor official happens to process the papers.

It seems to be as simple as that. Certainly some people are made examples of. I mean all the cases you will hear of at these hearings will be people, who for some reason or another, the Soviet Union wishes to make an example of to discourage the others.

But I think the caprice very often is just the caprice of any bureaucratic process. I dare say our own bureaucratic process in the United States is not entirely free from capriciousness, and I think that this is part of that system.

Mr. BINGHAM. Thank you. And I certainly want to thank you for your part in this.

Mr. BARNES. Thank you.

Chairman FASCELL. Thank you very much, Mr. Barnes.

Mr. BARNES. Thank you.

Chairman FASCELL. Our next witness this morning is Mr. Eugene Gold, who is the district attorney for Brooklyn of Kings County, N.Y. He is the chairman of the National Conference on Soviet Jewry and has been very active in Jewish communal life. He has done good work as an activist and spokesman, and today he is testifying on behalf of the 39 member organizations, among which are B'nai B'rith and Hadassah and several hundred local community organizations, and federations across the country.

Mr. Gold, it is a pleasure to have you with us today and to hear your testimony.

STATEMENT OF EUGENE GOLD

Mr. GOLD. Thank you very much, Mr. Chairman. It is always a pleasure to be in your company, personally, and to be able to express the appreciation of the National Conference on Soviet Jewry for the support and encouragement that you have given to us.

Mr. Chairman and members of the Commission on Security and Cooperation in Europe, as chairman of the National Conference on Soviet Jewry, I welcome this opportunity to testify today and present some data concerning the Jewish minority in the Soviet Union. With me is our executive director Jerry Goodman, our Washington representative Marina Wallach, and Esther Lazaris, and Jeanette Mager, two women whose cases are symbolic of hundreds of other men and women separated from their relatives and families.

Mr. Chairman, it was with great pleasure that we greeted you at our Board of Governors meeting in New York last October, and we express our appreciation for your role in helping to create this Commission. I

would also like to extend a special note of gratitude to Representative Millicent Fenwick, the "mother" of this Commission.

For those who may not be familiar with our organization, I should like to offer a brief synopsis. In June 1971, the National Conference on Soviet Jewry was created in response to an unprecedented massive crackdown against Soviet Jews seeking their freedom—especially the freedom to emigrate to Israel.

The crackdown led to a series of show trials and harsh prison terms for many young Jews. Today, 39 national organizations and hundreds of local affiliated councils, federations, and committees comprise our constituency, and I am submitting a list of these organizations for the record.

Chairman FASCELL. Without objection, it will be included in the record.

Mr. GOLD. Thank you, sir. The National Conference on Soviet Jewry through a sister agency, the National Jewish Community Relations Advisory Council, reaches every corner of organized Jewish life in the United States, and maintains international ties as well.

We have the same dual mission as when we were founded; to help all Soviet Jews who wish to emigate to leave the U.S.S.R. for Israel and elsewhere, and to help the Jewish minority in the U.S.S.R. live as Jews with all the rights, freedoms, and privileges, accorded all other religious and ethnic groups.

One of the most pressing situations that now exists is the cruel and often deliberate separation of Soviet Jewish families. Last year, with the South Florida Conference on Soviet Jewry, a committee of the Greater Miami Jewish Federation's Community Relations Committee, and I know that you, Mr. Chairman, worked closely with them, the NCSJ published a selection of 54 case histories of such families in the book *Orphans of the Exodus* which led to a special vigil in this House.

We have, since, compiled more case histories—poignant and tragic case histories of husbands and wives, parents and children who only know one another from photos, from memories, from letters; separated by thousands of miles by an inhumane policy.

Mr. Chairman, in addressing our board of governors last October, you said, and I quote:

> **If families in the Soviet Union are having just as hard a time since Helsinki as they had before it in seeking to reunite with one's relatives abroad, a significant standard is being violated.**

I advise this Commission that the Soviet Union is guilty of ruthless violations, bureaucratic in their procedure, devastating in their effect.

Four months ago you told us that the Helsinki Accord's promise that the application to join separated family members " 'will not modify the rights and obligations of the applicant or of members in his family' is still an empty one." I suggest the promise is not only empty, but has been twisted by the U.S.S.R.

As reported in the March 8 edition of our *News Bulletin*, No. 105, applicants from Moscow, Vilnius, Leningrad, Kishinev, and other cities have recently been refused visas, because local offices claimed the Helsinki Agreement, which provides for the reunification of families, would be violated by such actions!

This must be one of the most bizarre interpretations of a document designed to facilitate family reunions. Jewish refuseniks recently pe-

titioned for written refusals, but Soviet officials claim that the OVIR—the local immigration office—does not have to give any reason for one's refusal. Meanwhile, harassment against prominent Soviet Jewish activitists continues, a fact I will soon demonstrate.

In one of the most heavily endorsed appeals to emerge recently from the U.S.S.R., 163 refuseniks from 13 cities declared that the "situation in which would-be emigrants are brought to utter despair by being constantly refused—quite illegally—for many years, can no longer be tolerated." The text was addressed to all heads of nations which signed the Helsinki Agreement, to the U.S. Congress and to this Commission.

The signers stated that the Soviet practice of oral denials of emigration without a time limit to the refusal and without any legal basis are a direct violation of the spirit and letter of the Covenant on Civil and Political Rights, ratified and signed by the U.S.S.R. in 1973.

They went on to "emphatically insist that all those illegally prevented from leaving shall be quickly given permission; alternately, they should be given formal statements in writing with the official, legal reasons for refusal, and stating the period of time the refusal will stay in effect, in accordance with existing laws and regulations."

Signers included Vladimir Slepak, Professors Alexander Lerner and Mark Azbel, Dina Beilina and Ida Nudel—Moscow; Felix Aronovich and Alexander Yampolsky—Leningard; Dr. Eltan Finkelstein—Vilnius; Grigory Hess and Lev Ovsishcher—Minsk; Vladimir Kislik—Kiev; Yuri Berkovsky—Novosibirsk; Yaakov Gordin—Riga; the Goldstein family—Tbilisi; and Benor Gurfel—Tallin.

Mr. Chairman, this is the absurd situation we face. A situation which breeds despair for hundreds of separated Soviet Jews. A policy which denies hope or comfort.

I would hope that the cases we present to you today would be viewed as just the tip of an iceberg. The Helsinki Accords are not only being broken with the example of these families, but the freedom to worship freely, to congregate freely, to study one's culture and history, and to openly learn Hebrew, are being denied to Soviet Jews.

They are a people who face a bitter irony—in the Soviet Union they are not permitted to be Jews, nor are they permitted to stop being Jews, a situation which only encourages the desire of Jews to join family and friends in Israel and elsewhere.

The numerous provisions of the Final Act, as related to the fundamental aspects of human rights, created an atmosphere of great expectation. However, the reality of Soviet policies soon changed it. I believe that the treatment of the Jewish minority in the Soviet Union has become a litmus test of Moscow's real support of détente with a moral base, and its adherence to the Helsinki Accord.

The adoption of the Helsinki Final Act was greeted by many people as a significant step towards ensuring greater security and cooperation in Europe and a better understanding between the peoples concerned.

As members of a people who have suffered from war, especially during the last World War, Jews have a particular stake in the preservation of peace. Jews therefore welcomed the formulation of principles guiding peaceful interstate relations; we are greatly interested in the progress of confidence-building measures, and are anxious to see better cooperation between nations.

All this adds directly to our own security, as well as to the security of the world at large.

So often during our history, we have been subjected to discrimination and persecution. Naturally we devoted particular attention to the humanitarian issues to which the Final Act is directed.

The largest Jewish community in Europe, the 2 to 3 million Jews of the Soviet Union, especially hailed the provisions of Basket III. Their adoption seemingly indicated understanding on the part of the government of their country toward some of the problems which have gravely occupied Soviet Jews, as members of a religious and national minority.

Mr. Chairman, in any review of the implementation of the provisions of Basket III of the Final Act in regard to this community of Soviet Jews, the record is sadly disappointing. It is with genuine regret that we have to present an unfavorable balance sheet of performance by the Soviet authorities.

It is our conviction that further building of the structure of security, cooperation, and détente—which we applaud—can be accomplished only if the foundations are solid. The first task of any followup conference should be therefore to seek a remedy for the situation where the first year's performance is wanting.

Mr. Chairman, the balance of the statement which I have submitted to the Commission which relates to the reunion of families, the restrictive interpretations by the Soviet Union of the phrase "family reunification," their definition, or lack of it, of the term "national security," their extraordinary definition of the phrase "public order," their even more incredible definition of the phrase "the rights of others," their definitions of "reasons of state" and other impediments—they are all outlined in this statement and I shall not read it in its entirety at this time.

Chairman FASCELL. Without objection, Mr. Gold, your entire statement will be placed in the record and we particularly welcome your review and analysis from a legal standpoint in light of your distinguished legal background.

Mr. GOLD. Thank you, Mr. Chairman. I would like to just conclude by saying this, if I may.

The Final Act states, "that an application concerning family reunification will not modify the rights and obligations of the applicant or of members of his family."

It has been mentioned, in the statement that I did not read, that the Soviet authorities strictly adhere to the provision that the applicant's obligations are not diminished by the application.

The corresponding provision protecting the applicant's rights is, however, not observed. The most frequent forms of abridgement of their rights are the following: Dismissal from jobs, demotion in employment or in the Army, refusal of new employment and charges of parasitism, expulsion from university, military conscription, deprivation of apartments, arrest or threat of arrest.

And where in the world, anywhere, can anyone forget the Jewish Prisoners of Conscience?

I would advise this Commission, Mr. Chairman, to carefully examine these grave violations of human rights, the rights of the Jewish minority in the U.S.S.R.

I also firmly recommend that the U.S.S.R. remove all obstacles in the way of those Soviet Jews who wish to emigrate and be reunited with families, in accordance with the provisions cited in the Helsinki Final Act and other international agreements.

I would also ask the Members to demand the immediate release by Soviet authorities of all Soviet Jewish Prisoners of Conscience whose only "crime" was their wish to emigrate to Israel and to allow them to emigrate.

The anti-Semitic media campaign waged in the U.S.S.R., the prohibition to pass on to a new generation their religious and national Jewish traditions, the acts directed against these traditions, the violations of freedom of communication between Soviet Jews and their brothers and sisters overseas, the attempts to isolate them, the obstacles placed in their way to their historic homeland—all these contradict the spirit and the letter of the Helsinki Final Act, and we will document these violations at another occasion.

Mr. Chairman, I thank you for your attention. We believe that the Congress and the Administration are moving ahead to insure basic human rights, including the special rights of the Jewish minority in the Soviet Union.

This Commission is an important step forward in that direction, and I trust that all Americans will support your efforts.

Thank you.

[The written statement submitted by Mr. Gold follows:]

Mr. Chairman and members of the Commission on Security and Cooperation in Europe, as Chairman of the National Conference on Soviet Jewry (NCSJ), I welcome this opportunity to testify today and present some data concerning the Jewish minority in the Soviet Union. With me is our Executive Director Jerry Goodman, our Washington representative Marina Wallach, Esther Lazaris, and Jeanette Mager, two women whose cases are symbolic of hundreds of other men and women separated from their relatives and families.

Mr. Chairman, it was with great pleasure that we greeted you at our Board of Governors meeting in New York last October, and we express our appreciation for your role in helping to create this Commission. I would also like to extend a special note of gratitude to Rep. Millicent Fenwick, the "mother" of this Commission.

For those who may not be familiar with our organization, I should like to offer a brief synopsis. In June, 1971, the National Conference on Soviet Jewry We have the same dual mission as when we were founded—to help all Soviet Jews seeking their freedom—especially the freedom to emigrate to Israel. The crackdown led to a series of show trials and harsh prison terms for many young Jews. Today, thirty-nine national organizations and hundreds of local affiliated councils, federations and committees comprise our constituency, and I am submitting a list of these organizations for the record.

The National Conference on Soviet Jewry through a sister agency, the National Jewish Community Relations Advisory Council, reaches every corner of organized Jewish life in the United States, and maintains international ties as well. We have the same dual mission as when we were founded; to help all Soviet Jews who wish to emigrate to leave the USSR for Israel and elsewhere, and to help the Jewish minority in the USSR live as Jews with all the rights, freedoms, and privileges accorded all other religious and ethnic groups.

One of the most pressing situations that now exists is the cruel and often deliberate separation of Soviet Jewish families. Last year, with the South Florida Conference on Soviet Jewry, a committee of the Greater Miami Jewish Federation's Community Relations Committee, the NCSJ published a selection of fifty-four case histories of such families in the book *Orphans of the Exodus* which led to a special vigil in this House. We have since compiled more case histories—poignant and tragic case histories of husbands and wives, parents and children who only know one another from photos, from memories, from letters, separated by thousands of miles and an inhumane policy.

Mr. Chairman, in addressing our Board of Governor's last October, you said, and I quote, "If families in the Soviet Union are having just as hard a time since Helsinki as they had before it in seeking to reunite with one's relatives abroad, a significant standard is being violated". I advise this Commission that the Soviet Union is guilty of ruthless violations, bureaucratic in their procedure, devastating in their effect. Four months ago you told us that the Helsinki Accord's promise that the application to join separated family members " 'will not modify the rights and obligations of the applicant or of members in his family' is still an empty one." I suggest the promise is not only empty, but has been twisted by the USSR.

As reported in the March 8 edition of our *News Bulletin* (no. 105), applicants from Moscow, Vilnius, Leningrad, Kishinev and other cities have recently been refused visas, because local offices claimed the Helsinki Agreement, which provides for the reunification of families, would be violated by such actions. This must be one of the most bizarre interpretations of a document designed to facilitate family reunions. Jewish refuseniks recently petitioned for written refusals, but Soviet officials claim that the OVIR—the local immigration office—does not have to give any reason for one's refusal! Meanwhile, harassment against prominent Soviet-Jewish activists continues, a fact I will soon demonstrate.

In one of the most heavily endorsed appeals to emerge recently from the USSR, 163 refuseniks from 13 cities declared that the "situation in which would-be emigrants are brought to utter despair by being constantly refused—quite illegally—for many years, can no longer be tolerated." The text was addressed to all heads of nations which signed the Helsinki Agreement, to the U.S. Congress and to this Commission.

The signers stated that the Soviet practice of oral denials of emigration "without a time limit to the refusal and without any legal basis are a direct violation of the spirit and letter of the Covenant on Civil and Political Rights, ratified and signed by the USSR in 1973. They went on to "emphatically insist that all those illegally prevented from leaving shall be quickly given permission; alternately, they should be given formal statements in writing with the official, legal reasons for refusal, and stating the period of time the refusal will stay in effect, in accordance with existing laws and regulations."

Signers included Vladimir Slepak, Profs. Alexander Lerner and Mark Azbel, Dina Beilina and Ida Nudel (Moscow), Felix Aronovich and Alexander Yampolsky (Leningrad) Dr. Eitan Finkelstein (Vilnius), Grigory Hess and Lev Ovsishcher (Minsk), Vladimir Kislik (Kiev), Yuri Berkovsky (Novosibirsk), Yaakov Gordin (Riga), Goldstein family (Tbilisi) and Benor Gurfel (Tallin).

Mr. Chairman, this is the absurd situation we face. A situation which breeds despair for hundreds of separated Soviet Jews, a policy which denies hope or comfort. I would hope that the cases we present to you today would be viewed as just the tip of an iceberg. The Helsinki Accords are not only being broken with the example of these families, but the freedom to worship freely, to congregate freely, to study one's culture and history, and to openly learn Hebrew, are being denied to Soviet Jews. They are a people who face a bitter irony—in the Soviet Union they are not permitted to be Jews, nor are they permitted to stop being Jews, a situation which only encourages the desire of Jews to join family and friends in Israel and elsewhere.

The numerous provisions of the Final Act, as related to the fundamental aspects of human rights, created an atmosphere of great expectation. However, the reality of Soviet policies soon changed it. I believe that the treatment of the Jewish minority in the Soviet Union has become a litmus test of Moscow's real support for detente with a moral base, and its adherence to the Helsinki Accord.

The adoption of the Helsinki Final Act was greeted by many people as a significant step towards ensuring greater security and cooperation in Europe and a better understanding between the peoples concerned. As members of a people who have suffered from war, especially during the last World War, Jews have a particular stake in the preservation of peace. Jews therefore welcomed the formulation of principles guiding peaceful inter-State relation; we are greatly interested in the progress of confidence building measures, and are anxious to see better cooperation between nations. All this adds directly to our own security, as well as to the security of the world at large.

So often during our history, we have been subjected to discrimination and persecution. Naturally we devoted particular attention to the humanitarian issues to which the Final Act is directed. The largest Jewish community in Europe, the two to three million Jews of the Soviet Union, especially hailed

the provisions of Basket Three. Their adoption seemingly indicated understanding on the part of the government of their country towards some of the problems which have gravely occupied Soviet Jews, as members of a religious and national minority.

Mr. Chairman, in any review of the implementation of the provisions of Basket Three of the Final Act in regard to this community of Soviet Jews, the record is sadly disappointing. It is with genuine regret that we have to present an unfavorable balance sheet of performance by the Soviet authorities. It is our conviction that further building of the structure of security, cooperation and detente—which we applaud—can be accomplished only if the foundations are solid. The first task of any follow-up conference should be therefore to seek a remedy for the situation where the first years' performance is wanting.

REUNION OF FAMILIES

High among the humanitarian issues covered by the Helsinki Final Act appears that of the reunification of families. The language is clear:

The participating States *will deal in a positive and humanitarian spirit with the applications* of persons who wish *to be reunited with members of their family.*

Actually, the Final Act contains even more far-reaching provisions, and the preamble of the Human Contacts section of Basket Three speaks of efforts to ". . . facilitate freer movement . . .", and in Principal VII, it contains the commitment by the participating States to "act in conformity with the . . . Universal Declaration of Human Rights" which stipulates that:

"Everyone shall be free to leave any country, including his own." (Article 12/2)

Thus, the Final Act contains an undertaking to generally permit freedom of movement.

The problem of the reunification of families is particularly pressing for Jews because there are special circumstances in their recent history. In addition to the general havoc of the last World War in Europe, Jews suffered barbaric persecution at the hands of the Nazis and their allies. Large numbers sought to escape extermination by fleeing into other countries, mostly under circumstances in which they could not take their entire family with them. In the case of Soviet Jews, persecution, and the consequent splitting of families, goes back even further. It is well-known that between 1880 and 1914 hundreds of thousands of Jews fled from territories which now form part of the Soviet Union to escape persecution and pogroms by the Tsarist regime; close family members are often still in the old country. The more recent emigration of some 120,000 Jews from the Soviet Union to Israel has created new problems of separated families, because frequently only part of the family was able to leave. As a result of this history large numbers of Jews in the USSR have applied for, or are desirous of applying for, permission to be reunited with their families. However, while many have been allowed to leave, large numbers are refused exit permits, resulting in serious humanitarian problems and hardship.

The policy regarding the granting of exit permits has become particularly restrictive in the last year-and-a-half. While the number of permits granted in 1973 was 34,700 (monthly average 2,892), it fell in 1974 to 20,500 (monthly average 1,708) and in January to July 1975, to 7,149 (monthly average 1,021). Since the signing of the Final Act the record has hardly improved. In August to December 1975, the number granted was 6,060 (monthly average 1,212), in 1976, 14,310 (monthly average 1,192), and in January to February 1977, 2,300 (monthly average 1,150). There was a slight increase in November and December 1976 (1,610 and 1,760 respectively), but in January and February the numbers again dropped back to their previous rate.

Soviet authorities argue that the reduction in the number of visas granted reflects the corresponding reduction in the applications for emigration due to the "disappointment of Soviet Jews with Israel", and their difficulties with adaptation. Even if we admit the possibility of a certain decline in applications, the fact remains that the requests for invitations have far oustripped the number of visas granted. Furthermore, there is an undiminished number of refusals, accompanied by an increasing campaign of harassment and intimidation, against the applicants or would-be applicants. If the number of applications has dropped, this may be due to the psychological climate created among Jews in the USSR and the uncertainty and hazards of an unforeseeably long waiting period during which the applicant is deprived of his or her means of livelihood.

RESTRICTIVE INTERPRETATION OF "FAMILY REUNIFICATION"

The Soviet authorities try to justify their restrictive practices by using the Final Act which, in fact, they violate. They now argue for example, that if some members of a family stay behind, the departure of others would actually lead to the separation of the family—even when the departure is to join other family members abroad—and that, they say, would be contrary to the Helsinki Accords.

This interpretation of the Final Act distorts its meaning and purpose. The Act was not adopted to force family members to remain together, but to enable people to unite and live with those members of the family whom they freely choose, and to move for that purpose from one country to another if that is required.

A restrictive application of the Final Act in reverse is practiced by the Soviet authorities when they claim that the relatives abroad who sent a certified invitation to a Soviet Jew to join them are not sufficiently near kinsmen. But what constitutes sufficient 'nearness" for this purpose is not defined. Col. Vladimir Obidin, as Head of the All-Union OVIR (the Department of Visas and Registration) stated in an interview with Jewish activists that the authorities apply the USSR Code of Marriage and Family which includes as a family, spouses and unmarried children. But this is not borne out by the Fundamental Principles of Legislation in the USSR and Union Republics on Marriage and the Family as adopted by the Supreme Soviet of the USSR on 27 June 1968, which states in Article 2: "Legislation on marriage and the family regulates . . . relation . . . between man and wife, parents and children *and between other members of a family*", thus indicating a wide interpretation.

APPLICATION OF RESTRICTIONS

The Final Act refers to the obligations under the Human Rights Covenants, including the International Covenant on Civil and Political Rights. Its provision regarding freedom of movement is subject to certain limitations:

The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others. (Article 12/3)

Soviet authorities invoke the various international documents selectively, as suits their policy. They do *not* implement the freedom of emigration clause of the Covenant, but invoke its restrictions which they apply to the narrower "family reunification" provisions of the Final Act. They do *not* recognize that the Final Act knowns no exemption from the principle of freer movement, but quote the restrictions inherent in the term "family reunification".

National Security.—Security considerations are the legitimate concern of States, especially if the restriction is fairly applied. But the concomitant condition that the restriction should be "provided by law" is not fulfilled.

There is no provision in the Soviet legal system which would clarify which categories of employment carry with them the diminution of the freedom of movement; and what is the length of time required until a person who once had access to State secrets can be declassified.

Knowing one's rights does not merely mean that the text of the Final Act should be published in *Pravda* and *Izvestia*, but it also means that the individual has a right to know the laws and regulations relevant to the exercise of his rights.

The legal uncertainty has led to a situation in which the authorities can apply the "national security" argument in the most arbitrary fashion. Persons whose jobs have not brought them into contact with any state secret or classified scientific knowledge are being stigmatized as security risks. In other instances in which there are genuine reasons to assume that security considerations apply, this comes as a complete surprise to the applicant.

Of particular importance is the length of the period of declassification. The Soviet Minister of Interior, Nikolai Shchelokov, told Jewish activists in October 1976 that the maximum refusal period was five years. Yet many have been waiting much longer.

In a letter to the US Commission on Security and Cooperation in Europe, in December 1976, 29 Leningrad Jews urged that the criteria for applying the "national security" clause be clearly defined. While this is, of course, primarily a subject for domestic legislation, in its application to an international

Covenant and indirectly to the Helsinki Final Act it also demands definition in international law.

Public Order.—This is potentially a far-reaching term without an agreed, precise legal definition. In the context of emigration, however, it should hardly go beyond the meaning that freedom of movement can be restricted to ensure the demands of public order. Thus, it would mean that individuals sentenced by a competent Court to deprivation of liberty could lawfully be refused permission to leave the country, or that citizens liable to army service could be denied departure. This interpretation is supported by a specific clause in the Final Act, stating:

The presentation of an application concerning family reunification will not *modify* the right and *obligations* of the applicant or of members of his family.

In the context of the "family reunification" scheme under the Final Act, Soviet authorities use this legitimate restriction in a manner which indicates arbitrary application and, indeed, bad faith. Young Jews are called up to the Army after the submission of their application to leave, often after they have first been expelled from their universities (which is in itself a violation of their rights). This blocks their chances of leaving the country not only for the duration of minimum compulsory service, but, because they were ostensibly exposed to military secrets during their service, for a further unspecified period of security clearance.

The situation is even worse, because conscription of a young Jew affects the emigration of the entire family; they cannot leave—even if they were to take the agonizing decision to leave their son or brother behind—as their departure would create a "separation of families". Through the combination of the "security" and "public order" escape clauses of the Covenant, and the distored interpretation of the "family reunification" aim, Soviet authorities manage to build up an effective barrier against the departure of entire families.

The Rights of Others.—Based on the restriction clause, Soviet authorities demand the consent of members of the applicant's family to his departure. This is a completely unjustified requirement, except in cases where the would-be emigrant has maintenance obligations toward another family member remaining in the Soviet Union. Legislation on Marriage and Family establishes an unconditional maintenance obligation only by parents in favor of children who are minors or, if these are without parents, by their grandparents, brothers, sisters or stepparents (Articles 18 and 21). In all other cases the obligation is restricted.

However, Mr. Albert Ivanov, Head of the Administration Department of the Central Committee of the CPSU, in a two-hour interview on 16 February 1976 with some leading Jewish activists, reportedly stated: "Apart from this (the maintenance claims) we must also know the parents' attitude to the children's emigration as we cannot only follow mercantile considerations. It often happens that parents cannot become morally reconciled to the emigration of their children . . . We must take into account the moral aspects as well." This, of course, throws the "rights of others" clause wide open to all sorts of abuse by relatives afraid that their consent might reflect upon them in the eyes of the authorities, and even abuse by the authorities who can intimidate relatives into refusal. A more precise and concrete legal definition of the "rights of others" is therefore urgently called for.

Reason of State; Other Impediments

Applicants are often given the vaguest motivation for their refusals. It should be pointed out that the reasons are never put into writing, but are communicated orally at the OVIR office. A precise survey, therefore, in a statistical sense, would be impossible.

Among the vague or general formulations appear "State interest" or "emigration inadvisable for regime considerations". How far these overlap with "State security" is impossible to tell. But it is a fact that, in a meeting between Albert Ivanov, Head of the Administration Department of the Central Committee of the CPSU and Col. Vladimir Obidin, Director of the All-Union OVIR, with six Jewish activists on 16 February 1976, Ivanov stated that "We must always take into account the interest of the State." This apparently in Soviet eyes supersedes any other international, guaranteed human right.

Among a variety of other explanations for refusals appear, for instance: "there is nothing for you to do in Israel", or "there is no necessity for you to emigrate", and even, "it is inexpedient to let you go". Sometimes the reasons

sound even more arbitrary. Recently it was reported from Tbilisi that the OVIR refuses to consider applications from single individuals. Reports from Derbent state that large numbers of simultaneous refusals were given without any explanation whatever.

Finally the entire reunification of families concept is a humanitarian one, and appears as such in the Final Act. But, within this arrangement, it was agreed that:

Special attention be given to requests of an urgent character—such as requests submitted by persons who are *ill or old.*

Yet, there are cases of several old and sick people whose applications have not been accorded the priority demanded by humanitarian considerations.

PROCEDURE

The Final Act provides that participating States will deal with applications as "*expeditiously* as possible". It also mandates that necessary *fees* will be charged in connection with applications but "*at a moderate level*". Furthermore, applications for the purpose of family reunification which are not granted may be renewed "at the appropriate level and will be reconsidered at reasonably short intervals". Under such circumstances, fees are to be charged "only when applications are granted".

In respect to the fees charged in connection with application, a gesture has indeed been made by the Soviet authorities. In January 1976, the fee was lowered from 400 roubles per person to 300 roubles. However, this is far from "moderate" as pledged in the Final Act. In addition, applicants for reunification with families in Israel (which are the most frequent cases among Jews) have to renounce their Soviet citizenship and pay a fee of 500 roubles. Such renunciation of citizenship is mandatory only in case of emigration to Israel, which is a distinct discrimination. The total fee of 800 roubles (approximately $1,065) is extremely onerous. For a family of four, it can represent half-a-year to three years' earnings, depending on the applicant's occupation.

Other token procedural improvements announced at the same time were:

The decision on the application is to be taken by the local bodies responsible for internal affairs, and an appeal can be made to a higher body. However, the appeal remains within the administrative machinery; no judicial review is available;

A rejection can be reviewed in six months rather than one year; and

The requirement of a character reference (*Kharateristika*) was eliminated; only a certificate from the place of work is demanded. (This still means that the place of work has to be informed of the intended application, even before it is submitted, often leading to immediate dismissal.)

ABRIDGEMENT OF APPLICANTS' RIGHTS—HARASSMENT

There has been no sign in the last 18 months of a speedier processing of applications. People still wait several months before their cases are heard. There are frequent administrative hold-ups. For instance, in Tbilisi, questionnaires needed for application have not been issued for a long time under the pretext that the local OVIR office had none available. In other places (e.g. Minsk), the note of reference from the place of work, which the applicant has to submit with his application, was held back for months.

The most serious delay is caused by the non-delivery of the certified invitation (*vyzov*) from abroad. These are held up in the post, disappear altogether, or are handed over to the OVIR rather than to the addressee.

In places such as Odessa or Dushanbe, the office hours of the OVIR have been reduced to one or two a week. As a result, people sometimes have to wait for months merely for their turn to hand in their documents.

The Final Act states that "an application concerning family reunification will *not modify the rights* and obligations of the applicant or of members of his family". It has already been mentioned that the Soviet authorities strictly adhere to the provision that the applicants' obligations are not diminished by the application. The corresponding provision protecting the applicants' rights is, however, not observed. The most frequent forms of abridgement of their rights are the following:

(*a*) *Dismissal from jobs.*—Most applicants or members of their families are dismissed from their employment.

(*b*) *Demotion in employment or in Army.*—In other instances, applicants are demoted, and their salary decreased. Army officers in reserve are demoted to the rank of privates. This means not only humiliation, but also loss of pension.

(*c*) *Refusal of new employment. "Parasitism."*—Those dismissed from their jobs can often not find new employment. They are then prosecuted for "parasitism" (Article 209/1 of the Criminal Code of the RSFSR).

(*d*) *Expulsion from University.*—Students who apply are expelled from their universities.

(*e*) *Military Conscription.*—Young applicants are conscripted into the Army after they submitted their applications. Former exemptions for reasons of health or study are ignored.

(*f*) *Deprivation of Apartments.*—In certain areas of the USSR, applicants must immediately give up their apartments, even before their application is considered.

(*g*) *Arrest or Threat of Arrest.*—Applicants are often arrested on trumped up charges. Among these, "parasitism" and "hooliganism" are the most frequent ones.

(*h*) *Prisoners of Conscience.*—The most serious cases of the harassment of applicants are the Jewish Prisoners of Conscience, those who have been arrested, tried and convicted on various charges following their application, or that of a member of their family, for an exit visa. I have attached the list of these prisoners with their place of detention and the charges preferred against them. They vary from "stealing", "taking bribes", "speculation", through "evading military service", to "anti-Soviet propaganda" and even "treason".

The situation of these prisoners is precarious.

I would advise this Commission to carefully examine these grave violations of human rights, the rights of the Jewish minority in the USSR. We should firmly recommend that the USSR remove all obstacles in the way of those Soviet Jews who wish to emigrate and be reunited with families, in accordance with the provisions cited in the Helsinki Final Act and other international agreements.

I would also ask the Members to demand the immediate release by Soviet authorities of all Soviet Jewish Prisoners of Conscience whose only "crime" was their wish to emigrate to Israel and to allow them to emigrate. The anti-Semitic media campaign waged in the USSR, the prohibition to pass on to a new generation the religious and national Jewish traditions, the acts directed against these traditions, the violations of freedom of communication between Soviet Jews and their brothers and sisters overseas, the attempts to isolate them, the obstacles placed in their way to their historic homeland—all these contradict the spirit and the letter of the Helsinki Final Act, and we will document these violations at another occasion.

Mr. Chairman, I thank you for your attention. We believe that the Congress and the Administration are moving ahead to ensure basic human rights, including the special rights of the Jewish minority in the Soviet Union. This Commission is an important step forward in that direction, and I trust that all Americans will support your efforts.

Thank you.

[Materials submitted for the record by Mr. Gold follows:]

An Appeal From Soviet Jews

Among the number of clauses settled upon in the Helsinki Accord, there is one issue which has not attracted the necessary attention from those struggling for strict and complete fulfillment of all agreements attained in Helsinki. The problem concerns the partial reunification of divided families, and has bearings upon a wide range of individuals attempting to secure their rights to select their country of residence.

Despite a clause in the Helsinki Accord stating that the requests of those willing to reunite with members of their families shall be considered in a "positive and humanitarian spirit," emigration authorities in the Soviet Union more and more often consider only *family applications*, refusing exit visas (and more often even consideration for exit visas) to *separate individuals* willing to reunite with members of their families living outside the Soviet Union. There are many cases where legally grown people are refused their exit visas for the "reason" that their parents had not decided to leave or are not allowed to leave by the Soviet authorities. Often the parents are refused on the basis that their children remain in the Soviet Union. Even more frequently, refusals are given because

of "inadequately close relationship" of those who have sent the invitation. Even the official divorce of a married couple is not considered an adequate reason for the departure of one of the spouses when the other is forced to remain in the Soviet Union.

All of this illustrates the unprecedented government interference into the family sphere of its citizens. It also illustrates the usurpation of the right to decide with whom and why citizens should create and maintain the family. Such interference is unreasonable from both the legal and the moral point of view.

We would like to direct the attention of the governments of the countries which participated in the signing of the Helsinki Accord, and primarily the government of the Soviet Union, to the created conditions under which the agreements reached in Helsinki are used for the execution of the aims directly opposite from those seen by the authors of these agreements, and we call upon them to take practical steps to eliminate all possible barriers standing in the way of free emigration of individuals including those on the way to partial reunification of families.

A. LERNER, (*and others*).

LIST OF CONSTITUENT AGENCIES OF THE NATIONAL CONFERENCE ON SOVIET JEWRY

American Federation of Jewish Fighters, Camp Inmates and Nazi Victims, Inc.; American Israel Public Affairs Committee; American Jewish Committee; American Jewish Congress/AJ Congress Women's Division; American Mizrachi Women; American Zionist Federation; Americans for Progressive Israel/Hashomer Hatzair; Anti-Defamation League of B'nai B'rith; B'nai B'rith/B'nai B'rith Women; Bnai Zion; Brith Sholom; Central Conference of American Rabbis; Conference of Presidents of Major American Jewish Organizations; Council of Jewish Federations and Welfare Funds; Free Sons of Israel; Hadassah, Women's Zionist Organization of America; Jewish Labor Committee/Workmen's Circle; Jewish War Veterans of the U.S.A.; Labor Zionist Alliance; National Committee for Labor Israel; National Council of Jewish Women; National Council of Young Israel; National Jewish Community Relations Advisory Council; National Jewish Welfare Board; North American Jewish Youth Council; Pioneer Women; Rabbinical Assembly; Rabbinical Council of America; Religious Zionists of America—Mizrachi, Hapoel Hamizrachi, Women's Organization of Hapoel Hamizrachi; Student Struggle for Soviet Jewry; Synagogue Council of America; Union of American Hebrew Congregations; Union of Orthdox Jewish Congregations of America; United Synagogue of America; United Zionists-Revisionists of America; Women's American ORT; The World Zionist Organization, American Section; and Zionist Organization of America.

LIST OF JEWISH PRISONERS OF CONSCIENCE

(Prepared by National Conference on Soviet Jewry)

Anatoly Altman. Born: September 19, 1942. From: Riga. Occupation: Engraver. Mother: Deceased. (No living relatives close enough to be permitted long visits now.) Relative: Nina Lotzova, Yam Suf 16, Jerusalem, Israel. Arrested: June 1970. Tried: December 1970 (FLT).[1] Sentence: 10 years (strict). Camp: Perm No. 35. Address: P.O.B. 5110/1 VS 389/35, Moscow RSFSR, U.S.S.R.

Hillel Butman. Born: September 11, 1933. From: Leningrad. Occupation: Lawyer/Engineer. Mother: Sara Gilkovna Butman, Kirovsky Prospekt 64/66, Leningrad, RSFSR, U.S.S.R. Wife: Eva Butman, Kibbutz Naan 73263, Israel. Arrested: June 1970. Tried: May 1971 (SLT).[2] Sentence: 10 years (strict). Camp: Perm No. Address: P.O.B. 5110/1 VS 389/35, Moscow, RSFSR, U.S.S.R.

Mark Dymshitz. Born: May 10, 1927. From: Leningrad. Occupation: Pilot. Wife: Alevtina I. Dymshitz, Novo-Izmailovsky Prospekt 81/64, Leningrad, RSFSR, U.S.S.R. Children: Yulia and Elizaveta, Rekhov Armon Hanatziv 127/27. Mizrah Talpiot, Jerusalem, Israel. Arrested: June 1970. Tried: December 1970 (FLT).[1] Sentence: 15 years (strict). Camp: Perm No. 36. Address: P.O.B. 5110/1 VS 389/36, Moscow, RSFSR, U.S.S.R.

Yuri Fedorov. (Tried with Jewish defendants in the First Leningrad Trial, December 1970.) Born: June 14, 1943. From: Moscow. Occupation: Unknown. Wife: Natalia Fedorova, Serafimovich 2/2/188, Moscow, RSFSR, U.S.S.R. Arrested: June 15, 1970. Tried: December 1970. Sentence: 15 years. Camp: Potma Address: P.O.B. 5110/1 Zh/Kh 385/1, Moscow, RSFSR, U.S.S.R.

Aleksandr Feldman. Born: March 12, 1947. From: Kiev. Occupation: Construction Engineer. Father: Motl Feldman, Kurnatovskogo 19/1, Kiev, Ukrainian SSR, U.S.S.R. Brother: Leonid Feldman, Modiin 141/3, Entr. B, apt. 1, Givataim, Israel. Arrested: October 1973. Tried: November 1973. Sentence: 3½ years. Camp: Selo Daryovka. Address: P/Ya UShCh Yu Z 17/10, Selo Daryovka, Belo Ozersky Raion, Khersonsky Oblast, Ukrainian SSR, U.S.S.R.

Ilya Glezer. Born: June 10, 1931. From: Kharkov. Occupation: Biologist. Mother: Rebecca Boreskina, Rekhov Etzel 14/22 Hagiva Hazarfatit, Jerusalem, Israel. Arrested: February 1972. Tried: August 1972. Sentence: 3 years in prison plus 3 years in exile; now in exile. Address: Veterinarny Proyest 7, Boguchany, Krasnoyarsky Kray, RSFSR, U.S.S.R.

Leib (Arye) Khnokh. Born: October 4, 1944. From: Riga. Occupation: Electrician. Wife Meri Khnokh. Beit Brodetzky, Ramat Aviv, Tel Aviv, Israel. Relative: Etta Shvartz, Rekhov Rishon Le Zion 301, Jerusalem, Israel. Arrested: June 1970. Tried: December 1970 (FLT).[1] Sentence: 10 years (strict). Camp: Vladimir. Address: P.O.B. OD/I St/2, Moscow, RSFSR, U.S.S.R.

Albert Koltunov. Born: February 3, 1921. From: Chernovtsy. Occupation: Manager, lottery administration. Wife: Genya Koltunova, Chelyus Kintsev 4/10, Chernovtsy, Ukrainian SSR, U.S.S.R. Mother-in-law and brother-in-law: Sara and Rudolf Brisinov, Rekhov Atarat 2/11, Holon, Israel. Arrested: March 12, 1974. Tried: June 3, 1974. Sentence: 5½ years. Camp: Chernovtsy. Address: Chernovtsy, P.O.B. 328211, Ukrainian SSR, U.S.S.R.

Mikhail Korenblit. Born: September 4, 1937. From: Leningrad. Occupation: Dentist. Wife: Polina Yudborovskaya, Bodenheimer 88/22, Haifa, Israel. Relative: Yevgeny Shleimovich, Bolsheokhtinsky Pr. 6/1/85, Leningrad, RSFSR, U.S.S.R. Arrested: November 1970. Tried: May 1971 (SLT).[2] Sentence: 7 years (strict). Camp: Potma No. 19. Address: P.O.B. 5110/1 Zh/Kh 385/1, Moscow, RSFSR, U.S.S.R.

Eduard Kuznetsov. Born: January 29, 1941. From: Riga. Occupation: Translator. Aunt: Elena Georgievna Bonner, Chkalova 48B/68, Moscow, RSFSR, U.S.S.R. Wife: Sylva Zalmanson, Bet Milman, 32 Tagor Street, Ramat Aviv, Israel. Arrested: June 1970. Tried: December 1970 (FLT).[1] Sentence: 15 years ("specially strict"). Camp: Potma. Address: P.O.B. 5110/1 Zh/Kh 385/1, Moscow, RSFSR, U.S.S.R.

Sender Levinzon. Born: March 3, 1948. From Benderi. Occupation: Metalworker. Wife: Tsilia Levinzon, Markaz Klitah, Katamon Tet, Jerusalem, Israel. Arrested: March 5, 1975. Tried: May 27, 1975. Sentence: 6 years. Address: Unknown.

Anatoly Malkin. Born: November 8, 1954. From: Moscow. Occupation: Student. Parents: Mr. and Mrs. Malkin, Karl Marx 20/60, Moscow, RSFSR, U.S.S.R. Arrested: May 27, 1975. Tried: August 19, 1975. Sentence: 3 years. Prison address: Index 413370, Wagon 50, SU-2 Uchastock 4, Alexsandrov-Gal, Saratovskaya Oblast, U.S.S.R.

Iosif Mendelevich. Born: August 3, 1947. From: Riga. Occupation: Student. Sister: S. Druk, Kalisher 30/12, Beer Sheva, Israel. Father: Moisei Mendelevich, Kirov 18/3, Riga, Latvian SSR, U.S.S.R. Arrested: June 1970. Tried: December 1970 (FLT).[1] Sentence: 12 years (strict). Camp: Perm No. 36. Address: P.O.B. 5110/1 VS 389/36, Moscow, RSFSR, U.S.S.R.

Aleksei Murzhenko, Born: November 3, 1942. From: Kiev. Occupation: Unknown. (Tried with Jewish defendants in the First Leningrad Trial, December 1970.) Wife: Liuba Murzhenko and Daughter, Rusanovsky Blvr. 5/55, Kiev, Ukrainian SSR, U.S.S.R. Arrested: June 1970. Tried: December 1970. Sentence: 15 years. Camp: Vladimir. Address: P.O.B. Od/1 St/2, Moscow, RSFSR, U.S.S.R.

Mark Nashpitz. Born: March 27, 1948. From Moscow. Occupation: Dentist. Mother: Ita Nashpitz, Maon Olim, Rekhov Katznelson 63/320, Bat Yam, Israel. Arrested: February 24, 1975. Tried: March 31, 1975. Sentence: 5 years in exile. Address: Selo-Tupik, Tungiro-Olekminsky Rayon, Chitinskaya Oblast, RSFSR, U.S.S.R.

Boris Penson. Born: January 2, 1946. From: Riga. Occupation: Artist. Mother: Gessia Borukhovna Penson, Maon Olim, Ramat Yosef, 63 Katznelson Street, Bat Yam, Israel. Friend: Michael Neuberger, Kibbutz Merom Hagolan, Israel. Arrested: June 1970. Tried: December 1970 (FLT).[1] Sentence: 10 years (strict). Camp: Potma No. 19. Address: P.O.B. 5110/1 Zh/Kh 385/19, Moscow, RSFSR, U.S.S.R.

Lev Roitburd. Born: September 26, 1936. From: Odessa. Occupation: Engineer. Wife: Lilia Tenenboim, Generala Petrova 23/1/36, Odessa, Ukrainian SSR, U.S.S.R. Arrested: July 1975. Tried: August 1975. Sentence: 2 years. Prison Address: Presently working for the "national economy" in Novosobirsk. Address unknown.

Isaak Shkolnik. Born: July 24, 1936. From: Vinnitsa. Occupation: Mechanic. Mother: Liza Shkolnik, Lisenko 38/5, Lvov, Ukrainian SSR, U.S.S.R. Wife: Feiga Shkolnik, I Rechov Katznelson, Shikun Rasko, Jerusalem, Israel. Arrested: July 1972. Tried: March 1973. Sentence: 7 years. Camp: Perm No. 35. Address: P.O.B. 5110/1 VS 389/35, Moscow, RSFSR, U.S.S.R.

Aleksandr Silnitsky. Born: 1952. From: Krasnodar. Occupation: Student. Father: Taivel Silnitsky (now living in Israel). Aunt: Henia Tulsky, Hameasfim 24, Tel Aviv, Israel. Arrested: September 1975. Tried: November 1975. Sentence: 3 years. Camp: Tomsk. Address: Do Vostrebovaniya, Khimpioschadka, Belorechensk 4, Krasnodarskyi Krai, U.S.S.R.

Aleksandr Slinin. Born: March 18, 1955. From: Kharkov. Occupation: Student. Mother: Lena Slinin, Profinterna 3/21, Lozovaya, Kharkovskaya Oblast, Ukrainian SSR, U.S.S.R. Arrested: June 1974. Tried: June 1974. Sentence 3 years. Camp: Zheltiye Vody. Address: Do Vostrebovaniya, Zhadnov 26, Donetskaya Oblast, 341026 U.S.S.R.

Boris Tsitlionok. Born: June 26, 1944. From: Moscow. Occupation: Plumber/Locksmith. Aunt: Debora Samoilovich (now in Israel). Mother: Batia Orlov, Kiriat Ata, Rekhov Yosef Tal 74/6, Haifa, Israel. Arrested: February 24, 1975. Tried: March 31, 1975. Sentence: 5 years in exile. Address: Pionerskaya 30, Yenisseisk, Krasnoyarsky Kray, RSFSR, U.S.S.R.

Yakov Vinarov. Born: February 3, 1954. From: Kiev. Occupation: Student. Parents: Mr. and Mrs. Vinarov, Strazhesko 3/145, Kiev, Ukrainian SSR, U.S.S.R. Arrested: May 1975. Tried: June 3, 1975. Sentence: 3 years. Prison Address: Senerodonetsk-2, DI Yistrevivania Luganskaya Oblast, Ukrainian, U.S.S.R.

Israel Zalmanson. Born: March 13, 1949. From: Riga. Occupation: Student. Uncle: Avram Zalmanson, Mivtza Sinai 23, Bat Yam, Israel, Sister: Sylva Zalmanson Kuznetsov, Beit Millman, 32 Tagor Street, Ramat Aviv, Israel. Father: Iosif Zalmanson, Veidenbaum 45/22, Riga, Latvian SSR, U.S.S.R. Arrested: June 1970. Tried: December 1970 (FLT). Sentence: 8 years (strict), Camp: Potma No. 35. Address: Labor Camp VS 38935, Permovskaya Oblast, U.S.S.R.

Wulf Zalmanson. Born: November 2, 1939. From: Riga. Occupation: Army Engineer. Relative: (see above). Arrested: June 1970. Tried: December 1970, (FLT).[1] Sentence: 10 years (strict). Camp: Perm No. 36, Address: P.O.B. 51101/1 VS 389/36, Moscow, RSFSR, U.S.S.R.

Amner Zavurov. Born: 1050. From: Shakhrizyab. Occupation: Radio technologist. Wife: Rachel Davydov Zavurova, Ulitsa Bainal-Mival 9, Shakhrizyab, Uzbek S.S.R., U.S.S.R. Arrested: December 19, 1976. Tried: January 13, 1977 (conviction upheld February 1977). Sentence: 3 years. Address: Unknown.

Chairman FASCELL. Thank you very much, Mr. Gold.

Mr. Bingham.

COMMENTS AND QUESTIONS OF REPRESENTATIVE BINGHAM

Mr. BINGHAM. Thank you, Mr. Chairman.

I would like to salute you, Mr. Gold, for your leadership in this cause and the wonderful work being done by the National Conference on Soviet Jewry.

I know that you will be conducting a massive rally on May 1 in New York. It has been a very impressive event to me on many occasions when you gather 100,000 or more citizens to protest.

I think that these events do have an effect on the Soviet Union. I recall the one at the United Nations—the degree of their outrage when

[1] FLT: First Leningrad trial.
[2] SLT: Second Leningrad trial.

any question was raised about their behavior, reflected what I felt was a degree of sensitivity to criticism and pressure.

The results up to now have not been encouraging. However, I think it is fair to say the situation would be worse if it had not been for the kind of pressure that your organization and others have been maintaining.

I would like to ask you specifically whether you think that the Jackson-Vanik Amendment did not have its intended result, that, in fact, it made the situation worse and that it ought to be modified. What is your comment on that?

Mr. GOLD. Well, first, there are really two questions, as I see it, Congressman, implicit in what appears to be one question.

The first part would require an analysis of the Jackson-Vanik Amendment and its impact on Soviet Jewish emigration, if any.

I would suggest, Mr. Chairman, that it would serve no useful purpose to try to make that kind of evaluation at this time.

However, I must say this. It appears to me that when one examines the record of the discussions that took place prior to the enactment of the Jackson-Vanik amendment in December 1974, if one examines the testimony of the former Secretary of State, Dr. Henry Kissinger, before the Senate Finance Committee on December 3, 1974, one must come to quite the opposite conclusion.

Indeed, the former Secretary of State testified before the Senate Finance Committee, that is, prior to the passage of the Jackson-Vanik Amendment, that both he and President Ford had received assurances from Mr. Brezhnev at the summit meeting in Vladivostok in November 1974, that the Soviet Union was prepared to meet the standards set in the letter sent by the Secretary of State to Senator Jackson.

Indeed, he went further in his testimony. He said that a violation of the terms of the letter by the Soviet Union would be considered by the Administration as a very serious act on the part of the Soviet Union.

Now I am sure you will recall, Mr. Bingham, that about the same time, and within a day or two of the passage of the Jackson-Vanik Amendment, there was also passed the Stevenson Amendment.

Indeed, I think it could be fairly said that the then Secretary of State, in the earlier part of January and late in December, stated categorically that the abrogation of the Trade Agreement of 1972 by the Soviet Union, was the result of the Stevenson Amendment. This is contrary to what he said in the latter part of January 1975.

Indeed, no one will ever be able to prove with any definitiveness, what the real cause was for the drop in emigration. Except that we know that the Soviet Union totally controls the rate of the emigration.

Now one need only examine the number of affidavits that have been sent into the Soviet Union, to draw that conclusion. These are affidavits of request from families outside the Soviet Union which is the first step necessary to make the application to leave.

But it seems to me that before we come to that point, Congressman, before one can consider a change in the trade relationship between the two countries, the United States and the Soviet Union, it would be necessary for there to be some affirmative acts—and I use the plural form, acts—in relation to Soviet Jews as a precondition for a differing

attitude on the part of either the Congress of the United States or the American people.

I believe that one can use the phrase—I suppose you can define it in any way that you wish—the phrase "flexible linkage."

We in the Jewish community, and surely in the National Conference, do not urge that this nation return to the days of the cold war. We support détente.

It does appear, however, that there is the possibility at least—and I hope that I am wrong—that events in the Soviet Union during the past 10 days to 2 weeks might indicate that, contrary to the American position of urging détente, the Soviet Union itself is creating a set of conditions which might lead them to a reimplementation of the Cold-War status.

Let's see what they are doing today in the Soviet Union to Soviet Jews—the recent arrest of Mr. Anatoly Shcharansky and the spurious charges of espionage and treason. Television programs twice within the past month—anti-Semitic, anti-Zionist, anti-Israel, and opposed to Jewish heritage and culture. All lead one to consider and wonder what it is that the Soviet Union is really doing.

Now I made reference to the number of applicants who would wish to leave. Since 1970 there have been approximately 130,000 Jews who have left the Soviet Union. At the present time there have been, once again in round figures, 180,000 invitations sent into the Soviet Union that have not been used, as far as we know.

Now we have no way of knowing how many Jews applied to emigrate. That is something only the Soviet Union knows. But there are some facts that we do know. One is that 180,000 Soviet Jews have asked the first step be taken—send me an affidavit.

Second, during the year 1976 alone, once again in round figures, some 56,000 affidavits were sent into the Soviet Union at the request of Soviet Jews, including thousands of requests for renewals of old affidavits that had been outdated.

Despite those impressive statistics of requests to leave, and in the face of harassment, in the face of imprisonment, in the face of KGB interrogations, in the face of all of that, those are impressive statistics—the Soviet Union permitted only 14,100 Soviet Jews to emigrate during 1976.

Therefore, it is quite apparent, that the statement by the Soviet Government that 98 percent of all Jews who apply leave is somewhat inaccurate, to say the least. And second, that the drop in emigration is the direct result of a definite policy, and perhaps even a quota, imposed by the Soviet Government itself.

Mr. BINGHAM. Thank you.

Mrs. FENWICK. Thank you, Mr. Chairman.

COMMENTS AND QUESTIONS OF REPRESENTATIVE FENWICK

Mrs. FENWICK. Thank you, Mr. Chairman.

Yes, Mr. Gold, it is very good to see you here. Although you did not read out the name of Dr. Gurfel, I spoke to him and his wife on a telephone to see, if by direct contact after many letters, we could convince the Soviet Government that we really were interested in Dr. Gurfel, and his right to go to Helsinki for a scientific conference.

Nothing resulted, and to my horror, the telephone was cut off when we tried to call again.

I think they are right, the people inside the country, when they say we must continue to try to make these contacts.

And I agree with those in the Soviet Union that we met—refuseniks and dissidents and Jewish people, Ukrainians and Lithuanians—that the Jackson-Vanik is a symbol that we would destroy at risk. I do not feel the Stevenson Amendment which, I am told, is the one the Russians really care about because it involves credits, and money, is as important as a symbol. Technology is what they want and the fact that we may or may not give them credits is significant.

It is hard to find our way between these considerations. I agree with you that there is no point in dealing with such governments, whether Russian or any other, without demonstrating by acts—and I too put them in the plural—what it is we really care about. If we are going to have détente, we must be honest about that.

There is no use trying to have détente on the false basis that we are not interested in human rights, that somehow it is just a passing fad or fancy.

We have to be clear or we won't have any real détente. How would you evaluate acts to show compliance with Helsinki? Suppose that one could offer the carrot of the removal of the Stevenson Amendment in return for such compliance, how would you gauge that, and what kinds of gestures would we expect? Give us some idea.

Mr. GOLD. What kind of acts would I consider?

Mrs. FENWICK. How many exit visas would you require? As you say, the horror is the random and capricious nature of the oppression; if we could get some clear definition of what a family is, would that be helpful? Perhaps it's not enough to know the number of individuals given visas or released from prison—perhaps we should ask for juridical or regulatory definitions, to avoid the capricious injustice of the present system.

Mr. GOLD. I think one would have to put all of the things you have mentioned, Mrs. Fenwick.

There would have to be and should be substantial numbers, or substantial increase in the number of Soviet Jews that are allowed to leave.

The Soviet response is that applications have fallen off. That may be true, but one should examine the reasons for it. The reasons are quite obviously the harassment and imprisonment and the recent anti-Semitic campaign within the Soviet Union, and the recent arrests and threats of additional trials and so forth.

In tandem with that increase in numbers, you need a decrease in the harassment or preferably, obviously, an end to it.

The KBG might have a lesser role within the framework of the emigration structure. Clear definitions of the emigration rules——

Mrs. FENWICK. And procedures.

Mr. GOLD. Yes, and procedures. Trying to establish some consistency and have the terms more clearly defined. Whatever the terms might be, let them at least be clearly defined so that they will know what will happen when they make an application. That seems to me a very minimal kind of thing.

What is the meaning of security? How long does it last? Do you become a "security risk" simply because you know someone who al-

legedly has secrets? That is quite obnoxious, to make the assumption that you are a security risk because someone you know casually or even well works for the government in some sensitive capacity. So there are a variety of things which can and should be done within the framework of acts, before there can be a reasonable expectation on the part——

Mrs. FENWICK. Of any change.

Mr. GOLD [continuing]. Yes, or a modification or increase in credits. I would suspect that that might be the critical area of concern.

I realize quite well, as I am sure that you do, that the Soviet Union has its own agenda, and we have an obiligation to respect that agenda, while we do not agree with it.

What they have to understand is that America has an agenda. And it seems to me that when you spoke of the symbolism of the Jackson-Vanik Amendment—it seems to me that speaks very directly to the best in America. It speaks exactly, as I view it, to what the President himself has been saying in recent days.

Mrs. FENWICK. Thank you, Mr. Gold.

COMMENTS AND QUESTIONS OF CHAIRMAN FASCELL

Chairman FASCELL. Surprisingly enough, Mr. Gold, the Soviets themselves have undertaken to make the linkage. I read statements that they have been making lately which seem to be a welcome change in Soviet attitude.

I have heard—let me put it that way—that the Stevenson Amendment to the contrary notwithstanding, the Soviet Union has been able to get credits and financing and technology in other places, and it really does not make any difference.

Mr. GOLD. May I address myself to that, Mr. Chairman?

Chairman FASCELL. Please do.

Mr. GOLD. Right. I have problems trying to be district attorney, even greater problems trying to be a lawyer, so I am surely not much of an economist. But that statement has been made.

I understand from what I have heard and what I have read that the Soviet Union is in quite serious financial difficulty.

Chairman FASCELL. In terms of their total external borrowing?

Mr. GOLD. That is right. In terms of their total external borrowing which exceeds, both for the Soviet Union and the Eastern European countries, in excess of $40 billion, and that most of that indebtedness is to banks in West Germany and France and England and Japan which they are now trying to roll over—something like what we are trying to do in the city of New York. [Laughter.] Of course, we in the city of New York have been a bit more successful than the Soviet Government as I understand it.

So I believe that they are in great financial difficulty and do need credits and do need help, and the one country that has the capacity to meet that is the United States.

As I understand it, in addition, they are very much concerned about American know-how and technology. We are obviously the most advanced nation in the world in that area, and they need that kind of assistance.

They have arranged some business transactions, for example, with concerns in other countries. I know of a particular concern in Great Britain, which built a factory for them inside the Soviet Union, where they are producing goods for sale in other parts of the world. And I understand from this British company that while they can operate the plant, they can't produce the quality merchandise. So they have a great deal of need for know-how.

From what I read as well, and I am not a Kremlinologist, it is my impression that they have a great need for consumer goods. And the only one that can provide them with the know-how to create those consumer goods, et cetera, is the United States.

So I think that they need us just as much as we need them.

Chairman FASCELL. The Soviets have declared time after time their full support for Helsinki and all of its provisions—I think you mentioned that in your statement.

What would you think using the exact Helsinki language in place of the Jackson-Vanik formulation.

Mr. GOLD. At this point, Mr. Chairman, I think that it is really premature to consider that kind of change if any at all.

What I am concerned about is sending the wrong kind of signals to the Soviet Union. It seems to me that at this particular time, especially with the arrest of Shcharansky and the other acts which we have described, that what is happening is that the Soviet Union, if nothing else, is testing the American will.

Chairman FASCELL. Nothing would happen right away I can assure you, on any legislative matters. We are having a hard time around here attending committee meetings.

Mr. GOLD. Right. I would hope that the Soviet Union would not receive the wrong signals from the American people or from the Congress or the Administration.

Chairman FASCELL. I doubt that we would get to any consideration of that particular bill any time before June, at least. Even though I must say the present Administration is like a battleship going through a backyard pond, and the waves are so high that the rest of us are scrambling to try to keep up with what is going on. [Laughter.] So I do not think that you have to be unduly concerned.

Mr. GOLD. But I would say that down the road, if the Soviet Union does the kind of things we have been talking about, then we could seriously consider the proposal you make.

Chairman FASCELL. The numbers seems to change on refuseniks. Does the National Conference deal with the figure that seems to be permanent, or hard-core cases?

Mr. GOLD. I believe we have told your able staff, the counsel to the staff, Spencer Oliver and Al Friendly, who is the deputy staff director—is that your title now?

Mr. FRIENDLY. Yes.

Mr. GOLD. We have a computerized list of all of the refuseniks.

Mr. GOODMAN. Hardcore refuseniks.

Mr. FOLD. Hardcore and the ones that we know of, and it amounts to 900 families.

Mr. FRIENDLY. Mr. Chairman.

Chairman FASCELL. Mr. Friendly.

Mr. FRIENDLY. How many people does that amount to?

Mr GOLD. Roughly 2,000 individuals.

Mr. FRIENDLY. And is your definition of hardcore cases refusals going back 2 or 3 years?

Mr. GOLD. Right. Some of the cases, as you know, have been more than 7 years for example, Slepak, and others. He is not the only one, but more than 7 years! That is very interesting. Slepak was denied a visa, he was told, because he was a security risk.

Yet, in December when some of the Jewish activists in Moscow met with some Soviet officials, the group assembled was told that security only lasted for 5 years. Slepak was part of the group and he said, well I have been waiting 7, and that is the reason given to me.

Chairman FASCELL. Mr. Gold, one final question. What do you reasonably expect out of Belgrade?

Mr. GOLD. Your first meetings, of course, which will probably last for several weeks, begin on June 15. That will be the time, as I understand it, that the agenda will be set.

Of course, we all know from attending some international meetings, that the agenda is sometimes more important than what takes place at the substantive meetings themselves. Unless a particular item is on the agenda, it would not be possible to have discussions when the full-blown meeting takes place in September or early October, which I understand is the targeted date.

I would hope that there would be progress. I do not think that one could reasonably expect at the meetings, in October that the Soviet Union is suddenly going to say, "Mea Culpa."

Chairman FASCELL. I do not think that is going to happen either.

Mr. GOLD. But we can have progress and the American position can be strong. The American group can speak for America as it should through this Commission, and through its representatives at Belgrade. And I would hope that at least some of the members of this Commission, including yourself, would be a part of the American delegation.

You have the most finite knowledge of the situation and would be in the best position, as I view it, to make a strong American presentation.

Chairman FASCELL. Mr. Gold, we have had the finest cooperation from the Administration. Secretary Vance has been very cooperative.

Mr. GOLD. That is an amazing change.

Chairman FASCELL. And a welcome change, and I can assure you that already we are totally integrated in the efforts of the U.S. Government and State Department in preparation for Belgrade.

Right now the work is at the staff level. We fully expect to work and cooperate and be part of the U.S. delegation when it does go to Belgrade. So we will be looking forward to that experience very much.

You have a witness, would you care to introduce her to us?

Mr. GOLD. Yes; I would like to introduce to you, Mr. Chairman, and members of the Commission, Esther Lazaris, who was born in September of 1946. She was born in the far north of Russia, where her parents were in exile.

At the age of 10, her parents were permitted to return to their home in Lithuania. She attended school in Kaunas and was graduated as an engineer in thermodynamics from the polytechnical institute.

In 1970, she married Vladimir, then a law student in Moscow. They have one son, born April 1972. She emigrated to Israel in 1973 and

lives in Rehovot with her son and parents. Her husband, now an unemployed patent attorney and one of Moscow's leading refuseniks, has been trying to be reunited with her since 1973. Her trip to the United States to testify before the Commission was arranged by the National Conference on Soviet Jewry.

May I introduce Mrs. Lazaris.

Chairman FASCELL. Thank you very much. Mrs. Lazaris, we are happy to have you.

STATEMENT OF ESTHER LAZARIS

Mrs. LAZARIS. Thank you, Mr. Chairman.

Ladies and gentlemen, allow me to thank you for giving me the opportunity to speak here. My name is Esther Lazaris. I live in Rehovot, Israel, together with my son Raphael who will be 5 years old next month, and with my parents.

My husband Vladimir is still in Moscow. He has been trying to join us for over 3 years. His repeated requests for permission to be reunited with us in Israel have been refused by the Soviet authorities. Why?

My husband, a lawyer by profession, worked in the patent office of a research institute for new building materials. The institute did not deal with any secret information, and Vladimir had no "secret" work.

He was dismissed from his place of work shortly after he applied to leave for Israel, in October 1974. He was denounced publicly as a traitor by his colleagues. He has been out of work since then and has often been accused of being a parasite.

During this time my husband has had one aim, to join us in Israel, and he has been doing everything possible to achieve this.

For every separated family, life is very difficult, but in our case there is an added problem. Our son, Raphael, is somewhat retarded physically and mentally as a result of asphyxia suffered at birth. He receives medical treatment but needs more than the care and attention that I alone can give. He needs his father.

Unfortunately I lack the legal and the political experience needed for understanding the details of the Helsinki Final Act, signed by the Soviet Union, the United States, and other nations, but it appeared not only to our family, but to many others in a similar position that the end of our sufferings was near.

No matter what the wording of the document was, none of us had any doubt that it would confirm the humanist principle of reunification of families who have been separated.

I have no right to forget that when speaking to this distinguished Commission, I represent not only my own case, but numerous other tragedies.

I live in a country where there are hundreds of families in a position similar to mine. They came from all over the Soviet Union. There are many of them and I could not, of course, list them all. I have brought with me many cases. However, I would like to mention two today.

Mrs. Dina Ass lives in indescribable fear. Her son Josif Ass from Moscow, had been arrested by the Soviet authorities several months ago and he faced a prison term.

Thanks to the immediate reaction of the world public, including Members of the U.S. Congress, he was released. He still waits in

Moscow for permission to join his mother in Israel. His mother is afraid to turn on the radio every morning—what if there would be bad news from Moscow again?

Even more difficult is the situation of another category of Soviet Jews—my unfortunate sisters whose husbands and sons are imprisoned in the Soviet Union.

The long absence of letters, reports about torments of hunger and cold, the impossible work, the insults and harassments by the officers and the guards, reports about transfers to the frightful Vladimir Prison, about illnesses and inadequate medical treatment and punishment in solitary cells—all these and the complete helplessness turn their lives into hell.

Meri Khnokh, for example, had last seen her husband 7 years ago, when he was arrested. He has to serve another 3 years in prison and he is already very ill. It would be difficult to bring him to a satisfactory physical condition even if he would live in the best possible conditions. Thus, his wife and son, whom he has never seen, his parents, brother and sisters, all in Israel, are still hoping to see him.

Sitting next to me is Jeanette Mager. Like me, Jeanette is a "separated" family. She lives in Israel. Her husband, Mikhail lives in Vinnitsa, in the Ukraine. They have been separated 4 years now. Jeanette's husband, a factory worker, has been repeatedly refused permission to join his wife and parents.

My husband might have to pay dearly for my appearance before you. However, knowing him, I have no doubts that he would approve of my action, as it is much worse to remain silent.

Apart from the worries I have about my son's health, I also live with continuing fear for my husband's daily life. We all remember the cases of the Prisoners of Conscience and the easy way they were transformed from being "refusenik" to "POC". This process can happen very easily, as my parents, too, suffered for their Zionist ideals. They were forcibly moved overnight to the far north from their home in Lithuania in 1941.

For the last few months the campaign against the refuseniks has been raging in the press and on the radio and television. Anti-Semitism has increased. Even such a little thing as communication with my husband, something that is so basic and important when we are so far apart, is both uncertain and irregular and subject to censorship.

I would like here to remind you that the Soviet authorities allow Jews to emigrate to Israel on the basis of reunification of separated families.

However, in many cases, instead of enjoying the happiness that should result from the application of such a humanitarian principle, people have become victims of a biased interpretation of this principle. In other words, they become victims of a personal tragedy.

Finally, honorable members of this Commission, I have told you of some of the problems that families like mine have, and I hope and pray that while you discuss the issues concerned with the Helsinki Agreement, please give thought to the fate of our loved ones.

I want to thank the National Conference on Soviet Jewry for bringing me to the United States to testify before this Commission, and I want to thank the Commissioners for hearing me.

Thank you.

Chairman FASCELL. Thank you very much. Mrs. Fenwick.

COMMENTS AND QUESTIONS OF REPRESENTATIVE FENWICK

Mrs. FENWICK. Thank you Mr. Chairman. I am sure you understand that we here are deeply sympathetic and hope that we can do something. I would also like to speak to Mrs. Mager, who we already know. Her family has been so tragically divided, also.

I wish there was something more direct and immediate that could be done, Mrs. Lazaris. You know, we hear these things and it makes you feel so frustrated not to be able to say, "Tomorrow the visa will be given."

But we are determined and will not stop working, and I am sure you know that you can count on whatever we can contribute to the effort to bring some kind of justice into this situation. Everyone on this Commission is determined to do it. I realize it is hard for you to say these things and very difficult for you to have come and we thank you.

Ms. LAZARIS. Thank you.

Chairman FASCELL. Mr. Bingham.

Mr. BINGHAM. Thank you, Mr. Chairman.

COMMENTS AND QUESTIONS OF REPRESENTATIVE BINGHAM

Mr. BINGHAM. I would like to join Mrs. Fenwick in what she said. You presented us with a very vivid situation and we certainly want to help.

I do have one question. Did you and your husband apply to leave the Soviet Union at the same time?

Ms. LAZARIS. No; we wanted to apply at the same time, but as you know, in the Soviet Union, there is such a rule that parents must sign an agreement, or permission to let their children go. It does not depend on how old the children are.

Mr. BINGHAM. No matter what age?

Ms. LAZARIS. That is right. For example, my father had received permission from his mother when he was 50 years old. So the parents of my husband did not agree to do so, and opposed it. His father began to write letters to KGB to blame our decision.

So we decided that we must save our son and my parents, who had suffered so much, and I will help him from Israel with public opinion. And it helped. His parents agreed and they signed the document and it was OK from that point of view, and we never thought that it might be some other circumstance that we would have to face.

Mr. BINGHAM. Thank you.

Chairman FASCELL. Mrs. Lazaris, thank you very much. We regret that you have to tell us this tale of tragedy. It has been told much too often, but we are delighted to welcome you here, and very pleased that the National Conference made it possible for you to appear before this Commission to tell your story.

Thank you so much.

Ms. LAZARIS. Thank you.

Chairman FASCELL. Mr. Gold, I would like to thank you and Mr. Goodman and the National Conference for testifying here today and cooperating with us. I commend you for the tremendous work that you have done in mobilizing not only the Jewish community, but public opinion here and everywhere else on this very important issue.

Mr. GOLD. Thank you very much, Mr. Chairman and members of the Commission, for your help.

Chairman FASCELL. We will have to stand in recess while we go over for a vote. We will proceed with our next witness, Mrs. Irene Manekofsky, as soon as we get back.

[Whereupon, a short recess was taken.]

Chairman FASCELL. The Commission will come to order. Our next witness this morning has been a Washington resident for 25 years and has been involved in the Soviet Jewish movement since the Leningrad trials of 1970 and I suspect long before that also. She traveled to the Soviet Union in 1974. She is the vice president and Washington representative of the Union of Councils for Soviet Jews and president of the Washington Committee for Soviet Jews, which is a grassroots volunteer organization with affiliates in nearly 20 communities.

Irene Manekofsky, we are very pleased to have you here with us this morning. Please proceed.

STATEMENT OF IRENE MANEKOFSKY

Ms. MANEKOFSKY. Thank you, Mr. Chairman. I am very pleased that you invited me to testify today.

Mr. Chairman, members of the Commission, my name is Irene Manekofsky, and I represent the Union of Councils for Soviet Jews as its Vice President and Washington representative. The Union of Councils is a grassroots, volunteer, membership organization founded in 1969 and composed of 20 local Soviet Jewry groups in 18 cities.

The sole purpose and effort of our dedicated volunteers is to support the struggle and aspirations of the Jewish minority in the Soviet Union. In keeping with the purpose of today's hearing, I shall focus my attention on the subject of the reunification of families.

In my day to day work on behalf of Soviet Jews, it has become clear to me that since the signing of the Final Act of the Conference on Security and Cooperation in Europe, the situation of those families separated by Soviet emigration policies has worsened.

Before the Final Act was signed, invitations sent to Soviet Jews from any relative abroad were, however arbitrarily, accepted by the Soviets within the emigration process. Since Helsinki, however, this situation has badly deteriorated.

In June 1976, the Soviets made their position clear, when Mr. V. Obidin, chief of OVIR—Department of Visas and Registration—told a group of Soviet Jews:

> We are now putting a stop to all arbitrary emigration. In accordance with the decisions of the agreement at Helsinki, we shall let people go only where it is for reunification of families. And a family, in accordance with the Code on Marriage and Family of the USSR, consists only of husband, wife and unmarried children.

Presently, the most widespread reason for refusal is the Helsinki Agreement. Saadia Shamuilov of Samarkand has three children in Israel, but OVIR considers them too grownup to be considered his family. Anna Glezer, whose father is prisoner of conscience Ilya Glezer, now in internal exile, was refused permission to join her aged grandmother in Israel.

By these standards, a brother, sister, grandparent, or aunt would not be considered a close enough relative by the Soviets. In many of these cases, due to the Nazi holocaust and Stalin's reign of terror, these are the only surviving relatives of many families.

Still another way the Soviets have chosen to use the Final Act to the disadvantage of many families is their often repeated statement: "We do not wish to violate Helsinki by separating families."

Victor Gurevich was refused because his mother-in-law was not planning to leave the Soviet Union. Others, like Alexander Slepak and Vladimir Lerner, both adults whose parents are denied visas because of so-called knowledge of secrets, have been denied permission to leave without their parents.

These few examples—and there are many more such cases—are clearly in violation, not only of the reunification provisions of the Final Act, but of the "Universal Declaration of Human Rights"—to which all signatories of the Helsinki document are committed—which states that "Everyone has the right to leave any country, including his own, and to return to his country."

It appears that by their arbitrary and narrow interpretation of the Helsinki document, the Soviets are using the agreement as an instrument against free emigration and the reunification of families.

However, I would like to make it clear that I believe the Helsinki Agreement to be an outstanding and noble document which has made a great contribution to the cause of human rights around the world.

However, since our Government—along with 34 other governments—signed this agreement in good faith, we have the right to expect the signatories, including the Soviet Union, to honor the provisions of Basket III in the spirit and letter in which it was conceived.

Permit me to play a tape which was made in the Soviet Union during the week of February 23, 1977. A second tape, made by another traveler, was erased by customs officials at Moscow Airport as he was departing, following a thorough and intimidating search.

Today's tape is in Russian, but it is simultaneously translated into English. These three refuseniks, Evgenny Liberman, Maria Slepak, and Arkady Rabinov, detail the stories of their refusals and the ways in which they feel the provisions of the Helsinki Agreement were violated, in particular the provision for reunification of families.

I will play a short piece of it because it might be difficult to follow and then I will just summarize the three cases briefly.

[Whereupon, a tape recording was played.]

Ms. MANEKOFSKY. Evgenny, as he says, lives with his parents. His brother's family lives in Israel. Liberman was refused on grounds of knowing army secrets, although in the army he was in charge of a warehouse where items such as gasoline and radio tubes were kept. He claims that these items are sold in stores throughout the Soviet Union.

He says:

In 1976, my elderly parents were refused exit visas to Israel. The OVIR inspector informed them that even in 15 or 20 years they would not be permitted to meet with their elder son, even for a short time on a visitor's visa, which my brother sent my parents. I consider this statement not only a cruel humiliation of people, but also a mockery of the Helsinki Agreement and the countries signing this agreement.

The next speaker is Maria Slepak, age 50, of Moscow. She is a physician. She wishes to be reunited with her aged and ill mother who is living alone in Israel. She and her husband, Vladimir, have been refused since 1969. Their case was referred to earlier.

In desperation, Maria divorced Vladimir in order that she and her minor son, Leonid, could join her mother. Again she was refused. Maria quotes Mr. Obidin again:

He informed me that the decision had been made not to let out of the Soviet Union the former wife of Vladimir Slepak or the child. "You, Maria Slepak, and your children," he said, "will leave the Soviet Union only if Vladimir Slepak is permitted exit from the Soviet Union." When this will come to pass, and if it will come to pass at all, he could not tell me.

The Soviet Government recognized the divorce, but the emigration office did not.

The third case is that of Arkady Rabinov. He is an engineer, age 30, of Leningrad. In 1973 he was refused because of so-called secrets.

OVIR informed his wife, Elena, that she could leave any time she wanted if she would divorce her husband. She did not choose to do this. In 1973, Arkady was called in and told that the period of his access to secrets had expired and he should apply again to leave.

His parents and he applied and again he was refused. This time the reason was because of his wife's knowledge of secrets. In the meantime, his parents and sister, thinking the entire family would receive permission, applied for exit, received permission, and were compelled to leave without their son.

Arkady says here:

At the present time I am faced with a dilemma: Either divorce my wife and leave, with the possibility of seeing my parents in the U.S. or Israel, or doom my parents to a continuation of the separation from their son. In April I will again be eligible to apply for a visa and I hope that this time humaneness will triumph. I believe that human rights cannot be the internal affairs of any one state, but that they concern all people.

The three cases you have heard on this tape are living testimony to the capricious and arbitrary system of granting visas in the Soviet Union and proof of Basket III violations.

It would appear to me that when the Soviets signed the Final Act of the Conference on Security and Cooperation in Europe in August 1975, they had no intention of conforming to the spirit and letter of the Basket III provisions of the Final Act.

I thank you very much for your attention and your time.

Chairman FASCELL. Thank you, Ms. Manekofsky. Without objection your full statement, including the transcripts of the three tapes will be included in the record as part of our consideration of this Commission.

[The written statement submitted by Ms. Manekofsky, and transcripts of the three tapes, follow:]

Mr. Chairman, Members of the Commission. My name is Irene Manekofsky, and I represent the Union of Councils for Soviet Jews as its Vice-President and Washington Representative. The Union of Councils is a grass roots, volunteer, membership organization composed of twenty local Soviet Jewery groups in 18 cities. Our sole purpose is to support the struggle and aspirations of the Jewish minority in the Soviet Union. In keeping with the purpose of today's hearing, I shall focus my attention on the subject of the reunification of families.

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Europe, the situation of those families separated by Soviet emigration policies has worsened. Before the Final Act was signed, invitations sent to Soviet Jews from any relative abroad were, however arbitrarily, accepted by the Soviets within the emigration process. Since Helsinki, however, this situation has badly deteriorated. In June, 1976, the Soviets made their position clear, when Mr. V. Obidin, Chief of OVIR (Department of Visas and Emigration) told a group of Soviet Jews: "We are now putting a stop to all arbitrary emigration. In accordance with the decisions of the agreement at Helsinki, we shall let people go only where it is for reunification of families. And a family, in accordance with the Code on Marriage and Family of the USSR, consists only of husband, wife and unmarried children."

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However, I would like to make it clear that I believe the Helsinki Agreement to be an outstanding and noble document which has made a great contribution to the cause of human rights around the world. However, since our government—along with 34 other governments—signed this agreement in good faith, we have the right to expect the signatories, including the Soviet Union, to honor the provisions of Basket III in the spirit and letter in which it was conceived.

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TAPED TESTIMONY

1. Respected Ladies and Gentlemen: I, Evgenny Liberman, age 30, a bachelor, live together with my parents at the following address: 40 Novatory St., Bldg. 6, Apt. 4, Moscow, USSR. My father, Arkadi Liberman, age 63, and my mother, Shulamit Rosenblit, age 61, I, my brother and his wife, applied to OVIR, to the main Internal Affairs Administration, and to the Moscow City Executive Council with a request for permission for exit to Israel. My brother, Yuli Liberman (born in 1939) and his wife, received permission and now live at the following address: Tabinkin St., 32/18 Beersheba, Israel.

The refusal of permission to leave was given to me orally and proclaimed: "On grounds of state security you are refused permission to exit." I would like to tell you of certain circumstances in my life which I believe have a direct bearing on my receiving this refusal. In the army I served at a power station. I was in charge of a warehouse where various lubricants, spirits, gasoline, metal workers' tools and radio tubes were kept, which are sold in specialty stores across the entire Soviet Union. I did not have any dealings with anything in the

Army that could have any relation to state security. The last half year of my army service, I was not even supposed to carry a rifle.

Four years and 10 months have passed since my discharge from the army. My work had no relation to state security. The directors of the enterprise where I worked refused to listen to the proof I gave of my never having been privy to any secrets, declaring that they had not given any data about me or my work to anyone. The ministry in charge of the enterprise where I worked said the same thing. But OVIR refers to the enterprise, declaring that they cannot let me go due to the enterprise's refusal. Three years and 5 months have passed since I left that enterprise. I have repeatedly lodged complaints to all instances, to OVIR, the main administration of Internal Affairs, to the Moscow City Executive Committee, to the Supreme Soviet of the USSR, to the General Secretary of the Central Committee of the Communist Party of the USSR. But not once have I received an answer. All letters are forwarded to OVIR, in spite of the decree of the Supreme Soviet of 1968 concerning the prohibition against sending complaints to an organization against which the complaint has been lodged.

In Nov. of 1976, together with my brothers by fate—refuseniks—instead of receiving an answer to our request to the Presidium of the Supreme Soviet of the USSR, we were forcibly taken to a forest outside Moscow and taken out of the bus. Between Dec. 21 and 24, 1976, I was under house arrest in connection with holding a seminar on Jewish culture in Moscow. I was a member of the seminar's organizing committee. The reason given was anti-State activity. My apartment was searched with the purpose of removing documents slandering the Soviet state and social structure. No such documents were found. After my arrest, I was warned to renounce my activities, lest I be subjected to administrative and legal prosecution. And all this because I took part in the seminar to determine the state of Jewish culture in the USSR and to determine its prospects for the future.

In 1976, my elderly parents were refused exit visas to Israel. The OVIR inspector informed them that even in 15 or 20 years they would not be permitted to meet with their elder son, even for a short time on a visitors' visa, which my brother sent my parents. I consider this statement not only a cruel humiliation of people, but also a mockery of the Helsinki agreement and the countries signing this agreement.

Appealing to you as representatives of the American people and American democracy, I thank you for the help you are giving to the unfortunate throughout the world. I hope that my testimony will help render justice to my family and that my elderly parents and I can be reunited with the family of my brother in the holy land of Israel. I thank you for your attention. Evgenny Liberman, Shalom.

2. Respected Ladies and Gentlemen: I, Maria Slepak, age 50, the mother of two children, a physician (radiologist), have not worked since 1971. I am appealing to you with a request to help me become reunited with my aging sick mother, who lives alone in Jerusalem. In March of 1971, of all the members of my family, only my mother who, at the time, was in the hospital suffering from a myocardial arrest, was permitted to emigrate to Israel. During the past six years, I have attempted unsuccessfully to obtain an exit visa to join my mother. The reason for my refusal, as I have been told repeatedly by the ministry of Internal Affairs, the KGB and the Central Committee of the Communist party, is that my husband, Vladimir Slepak, until 1969 worked in an institute connected with secret work. For the same reason my elder son, Alexander, has also been refused an exit visa for six years.

During these years, the health of my mother has grown acutely worse. In 1976, I officially divorced Vladimir Slepak in order to join my mother with my minor son, Leonid, and again I was refused. In spite of the fact that I presented documents from an Israeli hospital testifying to my mother's grave condition, the refusal was confirmed by the deputy chief of a section of the Central Committee of the Communist Party, Albert Ivanov, and by the head of the Office of Registrations and Visas (OVIR) Vladimir Obidin. Obidin informed me that the Ministry of Internal Affairs believes that my mother is very sick and that he considers that there is no one closer to a person than his mother, that in accordance with the Helsinki Agreement I have the right to reunification with my mother. But, in spite of this, I was again refused exit from the Soviet Union. Obidin informed me that the decision had been made not to let me out of the Soviet Union the former wife of Vladimir Slepak or his sons. "You, Maria Slepak, and your children," he said, "will leave the Soviet Union only if Vladimir Slepak is per-

mitted exit from the Soviet Union." When this will come to pass, and if it will come to pass at all, he could not tell me.

As far as my mother is concerned, Obidin told me that the Ministry of Internal Affairs committed a great error in permitting her to leave the Soviet Union alone in 1971, which he—Obidin—deeply regrets.

My address is: Maria Slepak, 15 Gorky St., Apt. 77, Moscow 100300, USSR. My mother's address is: Bertha Rashkovskaya, Rehov Chernikovsky 48/9, Jerusalem, Israel. I thank you.

3. Hello, my name is Arkady Rabinov. I am thirty years old. By profession I am a radio engineer. My address is: 74 Svetlanovsky Prospect, Apt. 144, Leningrad, USSR.

In February of 1973, my wife, Elena Rabinov, and I applied for an exit visa for permanent residence in the State of Israel. More than four years have passed, but to the present day we have not yet received permission. We were told that the ground for refusal is the fact that until 1972 I worked in an institution connected with secret work. In spite of the fact that in the two years of my work in that institution I never once saw any secret documents, the refusal was confirmed over the course of three years in response to my numerous applications to the Central OVIR, the Internal Affairs Administration, and state and party organs. In announcing the refusal, the Lenigrad OVIR told my wife in 1973 and 1974 that she did not possess any secret information and that she could go to Israel any time, but that the only obstacle to this was her marriage to me. If she were to divorce me, then she could leave the Soviet Union. She rejected this proposal, preferring to wait until the Soviet authorities permitted us to leave together.

During these years I could not find work in my profession (my profession is that of radio engineer). One year I worked as an elevator operator and had several other temporary jobs from which I was also dismissed. But finally, in December of 1975, I was summoned by the KGB and was told that the period of my access to secret work had elapsed and that I should immediately apply for exit. My parents were told the same thing over the phone by an employee of the KGB. Much heartened, we turned in our documents to OVIR expecting that this time we would be given exit visas very quickly. But we had to wait three long months for an answer, and in April of 1976 we were again refused a visa. This time the reason named was my *wife's* secret work, which she had quit in 1972. We tried to protest, declaring that the Deputy Chief of the Internal Affairs in 1973 and 1974 had told my wife that she did not possess any secret information and that she could have left long ago had she not been living with me. But, just as with all our other protests and declarations before, we received the same answer: "The refusal is confirmed."

I do not know what goal the official organs were pursuing by informing me that I could leave, but this story had grave consequences. My parents and sister, with her family, learning that we would finally be permitted to leave, applied for exit together with us. In a month they received permission, and three weeks afterward they were compelled to leave, believing that soon we, too, would receive exit visas.

My refusal was a heavy blow for my parents. My father is 69 years old, my mother 65, and they never would have left had they not been assured of *our* receiving permission to leave. At the present time my parents live in the United States. Their address is: Mr. Rabinov, 1760 Whitewood Lane, #4, Campbell, California.

At the present time I am faced with a dilemma: Either divorce my wife and leave, with the possibility of seeing my parents in the U.S. or Israel, or doom my parents to a continuation of the separation from their son. In April I will again be eligible to apply for a visa and I hope that this time humaneness will triumph. I believe that human rights cannot be the internal affairs of any one state, but that they concern all people.

I am deeply grateful to you for the fact that you are not indifferent to human rights, for your help and support. It is a great honor to speak before such an important gathering.

Thank you for your attention.

The three cases you have heard on this tape are living testimony to the capricious and abritrary system of granting visas in the Soviet Union and proof of Basket III violations. It would appear to me that when the Soviets signed the Final Act of the Conference on Security and Cooperation in Europe in August 1975, they had no intention of conforming to the spirit and letter of the Basket III provisions of the Final Act.

Ms. MANEKOFSKY. Thank you very much, Mr. Chairman.
Chairman FASCELL. Mr. Yates.

COMMENTS AND QUESTIONS OF REPRESENTATIVE YATES

Mr. YATES. Well, I want to congratulate Mrs. Manekofsky upon the marvelous work that she has been doing in this field, and I would like to say that if it were not for the work that she has done, even fewer emigrants would get out of the Soviet Union. I hope she continues.

Ms. MANEKOFSKY. Thank you.
Chairman FASCELL. Mr. Bingham.

COMMENTS AND QUESTIONS OF REPRESENTATIVE BINGHAM

Mr. BINGHAM. Thank you, Mr. Chairman.

Mrs. Manekofsky, I would again like to salute you for your work in this field. I think your cases have been very illustrative of the kind of "you can't win"——

Chairman FASCELL. Catch—22.

Mr. BINGHAM. Yes, Catch-22 procedure that these people go through. And I think it is helpful to have these cases that show the capriciousness and inconsistencies and cruelties of the system that is operative in the Soviet Union.

I might ask you the same question that I asked Mr. Gold. There has been some feeling expressed by some Members of the Congress that the amendment that we adopted, the Jackson-Vanik Amendment to the trade bill, was counterproductive and did not produce the anticipated result, and that some consideration should be given to modifying it. What is your position on that?

Ms. MANE/OFSKY. My feeling on the Jackson-Vanik Amendment is identical to the feeling of the Soviet Jews, who I feel have the most to gain or lose by actions that are taken, such as the Jackson Amendment.

Their feeling is that when the amendment was first introduced, the Soviets perceived it as being a major attack on them. It really threw them off balance. They saw it as worldwide support for Soviet Jews. That was in the earlier days of the movement when there was a lot of pressure from the West.

Immediately after the amendment was introduced in the House and in the Senate, the Soviets dropped the emigration tax. That was the infamous tax whereby if you had a college education, you had to pay for it before you could emigrate.

They dropped that tax immediately and then the numbers starting rising. For example, in the years when the Jackson-Vanik Amendment was being debated in 1972, 1973, and 1974, over 90,000 Jews received permission to leave.

Thus, the Soviet Jews' position and the position of Dr. Sakharov, and all of the leaders in the movement, is that this was probably the most moral piece of legislation ever enacted.

Unfortunately, things since then have deteriorated. We all have to agree with that. There are fewer Jews getting out now. The Soviets carefully control Jewish emigration at about 12,000 or 13,000 a year.

Many reasons are given. The Stevenson Amendment and the restriction on credits were mentioned earlier here today.

Of course, we cannot also deny the last Administration's duplicity in this matter. The moment the amendment was passed, the Administration said that it was a mistake and that it was going to bring harm to Soviet Jews—and it did—and then the numbers started going down.

My feeling is that now the Jackson Amendment is an important tool for us to use. I think there has to be very strong support for it in the Congress. The Soviets have to know that the amendment has strong backing. If they perceive for one moment that it is losing support, they will just wait it out, because they have lots of time and are more patient than we are.

If they feel that the amendment is in danger and they can wait for repeal and not have to allow more emigration, then they will try for both.

For this reason, I feel very strongly that the U.S. Congress should remain firm and committed to the Jackson-Vanik Amendment.

At that same time, we could let the Soviets know that, as was mentioned earlier here today, before consideration could be given to repeal of the amendment, certain acts could be performed by them. These acts must be very specific and occur first as an act of good faith. Minimally they could be as follows: (1) the prisoners of conscience must be released; (2) the refuseniks should be told in writing when they will receive visas, and (3) there must be an end to the arbitrary use of knowledge of secrets as reason for refusal. If the Soviets would comply with their own laws, then after 3 or 5 years, depending on the class of secrets, a person would automatically be allowed to emigrate. If they would comply with these laws regarding knowledge of state secrets, then I believe the refuseniks would even be satisfied with knowing in writing that they may leave after their knowledge of secrets is up. But the arbitrariness of Soviet officials and not knowing what their future is, are major problems for them. Also, there would have to be an end of harassment of those applying to leave.

These are the kinds of concessions the Soviets would have to make before there should be any consideration to repeal the amendment.

Mr. BINGHAM. Thank you.

Mr. YATES. Mr. Chairman.

Chairman FASCELL. Mr. Yates.

Mr. YATES. May I ask a question?

Chairman FASCELL. Yes.

Mr. YATES. I just want to state my agreement with what you have said.

When Vladimir Bukovsky was before this Commission 2 weeks ago he said the same thing. He said that the passage by the United States of the Jackson-Vanik Amendment was one of the great moral acts of this time, that it was an example for the other countries of the world of how important the United States considered this is be.

There are many of us who wondered what is the most effective way to deal with this problem. We did a great deal of soul searching on Jackson-Vanik, almost to the point of where we were convinced by opponents of Jackson-Vanik saying, "Look what has happened since passage of Jackson-Vanik—the Soviets have cut down the number of visas."

But even since that time, I think the Soviets have gone so much further since President Carter has started to talk about human rights. The Soviets have gone even further than they went with the passage of this legislation, which indicates to me it is not affected by Jackson-Vanik, but merely an attitude where they have now gone on the record to say that they are not going to pay any attention or give recognition to the pressure from the outside.

I am inclined to think that it is the pressures from the outside that have really caused the stepping up of this kind of hostility on the part of the Soviets.

I think only the retention of this kind of pressure will persuade the Soviets to come over to the other side and increase the number of visas. I, for one, think that the pressure ought to be retained and I agree with Bukovsky and I agree with the dissidents with whom I spoke in Moscow 2 years ago, that the Soviets demand a quid pro quo when they deal and I think in turn we ought to be thinking in terms of some kind of requirement in exchange for whatever we give them in terms of trade benefits.

Ms. MANEKOFSKY. I agree with you completely, Mr. Yates, and I would like to add one more thing. The dissidents and the Soviet Jews also particularly feel this.

When the Soviet Union strikes back the way they have recently, and they have struck back very, very angrily at Mr. Carter's position on human rights—they do not do it out of a position of strength. They do this from a position of weakness and fear.

I believe that Mr. Bukovsky made that clear as well in his statement. The Soviet Union is in a very bad situation, even though when you go to Moscow and Leningrad you see the people looking well fed and well clothed. The people are hungry in most of the Soviet Union and the situation is not good.

The people are very disgruntled and unhappy with the system. The only way the leaders can keep the system going is to keep an iron fist on the population.

Further, this striking out is fear by the regime because of their own illegitimacy of power. Therefore, when they strike back like this we have to be more and more steadfast because we are the ones who are strong and we have the freedom and the power in that freedom. This is the way the Soviet Jews and dissidents feel and they have transmitted that to me any number of times and they all—almost 100 percent—agree with that. I just want to say one other thing about the situation now.

Mr. Carter receives criticism for his position and his critics say he is making things worse for Jews and dissidents. Well Soviet Jews don't agree with that. They don't agree with that at all. They feel that everything that he is doing—and the more he does and the more that this Commission does—only can help them. Only silence will hurt them.

Maybe in the short run some people will get hurt, and they are getting hurt already, as we have seen by the arrest of Anatoly Shcharansky, but in the long run, it will be better for our country and their country and for peace and human rights in the world. The Soviet Government has to know this, and they have to know that these are our values and that they are of prime importance to us.

And if I may take one more moment to talk about linkage, which Mr. Fascell mentioned before—that even though Mr. Carter says that human rights are not linked to other matters, they are most definitely linked.

Not officially, but because I feel he has set the mood in this country for human rights and against the abuse of people around the world, that public opinion is very, very important and he will need public opinion—and the United States Congress is public opinion—to support his defense budget and the SALT talks and trade. And so it is linked by what the American people feel is an outrage against common decency.

Mr. YATES. Good.

Chairman FASCELL. As one of the civil rights activists who testified before us said:

> We are the ones who make the decisions. We put our life on the line and we think what you are doing is fine.

Mr. FRIENDLY. Mr. Chairman.

Chairman FASCELL. Mr. Friendly.

Mr. FRIENDLY. Ms. Manekofsky, one technical question. Evgenny Liberman talked about a visitor's visa that his brother tried to send.

Ms. MANEKOFSKY. Yes.

Mr. FRIENDLY. Do you know any other similar cases? I ask because in the Helsinki agreements themselves, aside from the provisions on family reunification, there is another section on the right of family visits pending reunification. Has anybody that you know ever been granted a visa? How many do you know of who have even asked for visas for temporary visits?

Ms. MANEKOFSKY. This is the first that I have ever heard that one has been asked for and I thought it was quite interesting because it does directly violate one of the provisions of Helsinki.

Mr. FRIENDLY. There are some people in the United States—the Rabinov's parents. To your knowledge have they sent him a invitation to come here on a temporary basis?

Ms. MANEKOFSKY. Not to my knowledge. People might have done it, but I have never heard of it.

Mr. FRIENDLY. For the record, the Commission staff is not aware of more than a couple.

Ms. MANEKOFSKY. I see.

Mr. FRIENDLY. None of them have involved refuseniks. It is not a technique that has been used.

Ms. MANEKOFSKY. Do you think they should?

Mr. FRIENDLY. It is in the agreement. Yes, sure. Everything is obviously worth trying.

Ms. MANEKOFSKY. Thank you.

Chairman FASCELL. Thank you very much, Mrs. Manekofsky. Thank you for bringing us this addition to the record and the tortured interpretations used by the Soviets.

Ms. MANEKOFSKY. Thank you very much and thank you for listening.

Chairman FASCELL. I want to commend you, having worked with you for some time, on your sincere dedication to a very important cause. A lot of people are lucky that they have a friend like you.

87-587—77——13

Ms. MANEKOFSKY. Thank you, and we are lucky to have you.

Chairman FASCELL. Our next witness will be introduced by our distinguished colleague from Illinois, Congressman Yates.

Mr. YATES. Felix Aranovich and Mrs. Dinenzon.

Mr. ARANOVICH. It would be very good if it were Felix, I am his brother, Victor.

Mr. YATES. I have that man on my mind.

Mr. ARANOVICH. Sometimes I call myself my own brother.

Mr. YATES. First Mr. Chairman and colleagues of this Commission, let me say that I have known Victor Aranovich and his mother, Mrs. Dinenzon, who sits behind him, for many, many years. How long has it been Victor?

Mr. ARANOVICH. Three years.

Mr. YATES. Since we first began to work on this case. This is the case of his brother whom I saw in Leningrad 2 years ago when I went to Leningrad as a member of Speaker Albert's parliamentary delegation.

I just want to say that it is a heartrending case. It is a case of a family that has been disunited, a family that has been very close. They lost their father in World War II. Victor's mother and he were allowed to leave and Felix is still there waiting. He was married 2 years ago and his wife has joined Victor and his mother in Chicago in my district. They now have a little baby, David.

I can only tell Victor—I come back and report to Victor and to Mrs. Dinenzon about what I have done. Felix is very much on my mind. I have talked to the Russian authorities. I talked to Arbatov, even to Brezhnev. I almost said Khrushchev.

Mr. ARANOVICH. It is the same. [Laughter.]

Mr. YATES. And last week I asked Vice President Mondale who said he is going to take up Felix's case. I do not know what can be done except that we have to make sure that Felix rejoins his family in the 9th Congressional District in Chicago.

With that Mr. Chairman, I am pleased to present Victor to the Helsinki Commission.

Chairman FASCELL. Mr. Aranovich, we are very happy to have you.

STATEMENT OF VICTOR ARANOVICH

Mr. ARANOVICH. Thank you, Mr. Chairman and members of the Commission. Thank you for this opportunity to speak before you. Mr. Yates, thank you very much for your very great help which has started since we came here.

Let me tell you a little bit in more detail about our situation. A few years ago our family consisted of three people, my mother sitting behind me, Mrs. Lubov Dinenzon, who is a lawyer. My brother, Felix Aranovich, an engineer, and myself, a filmmaker.

We lost our father in the years of World War II. All three of us always lived together in Leningrad, U.S.S.R. My brother and I were not married.

In 1972 we presented an application for permission to leave the U.S.S.R. The result was the emigration was permitted for mother and I. Felix was refused the right to leave on the pretext of his work for

a classified project. In his appeals to higher authorities Aranovich has denied that he possessed any secret information for the simple reason that for a long time he had not worked on these projects and the questions which he had previously had contact with have since been dealt with more extensively in public literature.

My mother refused to leave without Felix Aranovich and stated that she would remain with her son and leave only with him. After a long and painful struggle she was forced to leave under the threat of illegal repressive acts.

So in April 1973 my mother and I left Felix Aranovich in our empty home. The day of our departure was my brother's birthday. We never forget that day and will remember it as we remember other days of suffering during World War II. We came to the United States in 1974.

In 1975 Felix Aranovich got married and later his wife Alla Aranovich became pregnant. This young couple was surrounded by an atmosphere of anxiety and danger. They were afraid that repeated harassment by the authorities was endangering their unborn child, so Alla had to apply for a visa.

Surprisingly, she got it quickly and came to us. On July 3, 1976, the eve of Independence Day and 200 years of the United States, Alla Aranovich bore a son, David Aranovich.

Now the baby is 8 months old, but Felix Aranovich knows his only son only by snapshots. The wife has been parted from her husband for 1 year. The mother, who had always lived with her son, has not seen him for 4 years. I also have not seen my only brother for 4 years.

In addition, Aranovich does not have a job, his telephone was disconnected after we phoned him to tell him that his son was born, and the authorities asked Aranovich to leave his apartment in February 1977.

An atmosphere which has been created around him reminds Aranovich that he could be unlawfully arrested at any moment. It is none other than torture which can lead a human being up to his tragic death. There have been such cases.

Many official and unofficial figures have asked the Soviet authorities to reunite our family. The State Department, Senators, Congressmen, and others have petitioned the Soviet officials many times.

Congressman Yates has written and spoken to many Soviet leaders. As a rule the Soviet authorities did not reply. Sometimes, when the authorities are able to benefit from certain people they promise them to reunite our family; but they never keep their promise.

In 1974 a deputy chief of the Central Emigration Office—Moscow—acknowledged that actions against our mother were wrong and he promised to review the Aranovich case in 1974. The case was not reviewed.

In 1975, Mr. Grishin, an official of the Leningrad division of the Soviet Ministry of Foreign Affairs stated that the Aranovich case was being reviewed and soon Felix Aranovich would receive a visa. Again the case was not reviewed.

And in 1976 the Soviets promised an American official that they would let Felix Aranovich go. They did not keep their promise.

This 4-year long struggle has been destroying our mother's health. Her doctors have written a letter—attached to my statement—to Soviet Ambassador Dobrynin pointing out that she has poor health because of her suffering and it is getting worse. In connection with this I would like to quote the Helsinki Final Act. It says:

> The participating States will deal in positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old.

We are afraid that in Belgrade the Soviet delegation would be playing with figures by reporting that 80 or 90 percent of divided families have been reunited. But what about 20 or 10 percent of not reunited families?

Continue to struggle, to suffer, to die? What would happen to us? To the old mother and the young mother? To little American David? Felix Aranovich grew up without his father. It was World War II which took away the father.

Now Felix Aranovich's son grows up without his father and it is not because of war, but because somebody in the emigration office has decided so. Our family is in danger. David must have his father and the family must have its supporter.

Since 1972, Felix Aranovich has been refused a visa many times. The last refusal was in 1976. This refusal and one in 1975 were given without any reason. Clear proof that the Soviet Union must give Felix Aranovich an exit visa can be seen in the following facts.

First: It was in 1972 when Felix Aranovich pointed out that he did not possess any secret information for the reason that for a long time he had not worked on classified projects. Today the technical literature in the bookstores contains more information than he knew.

Second: Mr. Semen Chernyk, an engineer of the same plant who quit his job later than Felix did, was granted an exit visa 3 years ago.

Third: At the present time reliance on secrecy has become completely impossible and the emigration authorities do not use this reason, but they continue to refuse Felix without bothering to give a reason for refusing. Thus Felix Aranovich has become government property.

Fourth: As far as Aranovich's right to leave the U.S.S.R. is concerned, there is no room for a negative reply. In 1976, Mr. Seith of the Democratic National Committee received a cable from Dr. Dogdanov, Deputy Director of the Institute of the U.S.A. in Moscow which said that Aranovich's case may be decided positively. The telegram is attached to my testimony.

Fifth: The head of central emigration office has recently made an official statement that the Soviet Union is going to comply with the Helsinki Final Act and reunite all families.

Mr. Chairman, very soon little American David will begin to speak and his first question might be, "Where is my father?" I do not know what we will tell him.

Thank you.

[Materials submitted for the record by Mr. Aranovich follow:]

[From the Congressional Record, Mar. 15, 1976]

A Mother's Call for Help

(Mr. Yates asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. Yates. Mr. Speaker, officials of the Soviet Union have said that they place great store in the reunification of families. Their statements, both public and private, and more recently by their agreement to the so-called Helsinki Pact, they have told the world that a borderline drawn on a map shall not separate the members of families from each other. To date, such statements are mere words divorced from fact. By their actions we will judge them—and their actions have noted their indifference to the often unbearable strain that forced separation has brought to these courageous people.

Nearly 3 years ago Mrs. Lubov Dinenzon and her son Viktor were allowed to emigrate to the United States from the Soviet Union. Her son Felix Aranovich, however, was denied a visa. When Felix's mother and brother protested, they were threatened with imprisonment if they did not leave immediately without him. They were told as well that if they refused to leave, & Felix would be in "serious trouble." Faced with the possible imprisonment of both of her sons or the freedom of one and the lifting of threats against the other, Mrs. Dinenzon left the Soviet Union for our country. She resides today in my district in Chicago with her son Viktor, waiting sometimes patiently sometimes nearly hysterically for her other son to join her. Letters in her own blood to Soviet officials have gone unanswered as have the various inquiries I have attempted to make.

I had hoped after my recent trip to the Soviet Union and my meetings with the First Secretary and others that we would be able to reach the accords needed to facilitate emigration that would lead to the joining of families such as that of Mrs. Dinenzon. Those hopes are now shattered. We find that letters, entreaties, pleas fall on deaf ears.

I have written a personal letter to Georgi Arbatov the head of the Soviet Institute of American and Canadian Affairs asking for his personal intercession in the case. I am waiting for his answer.

Mr. Speaker, I attach Mrs. Dinenzon's plea.

"A MOTHER'S CALL FOR HELP

"I have been compelled to make an appeal for help. People suffer not only from wars, but also from inhumane treatment of them in times of peace. This problem prevents solution of the great tasks of peace all over the world.

"My family is small; there are three of us, myself and two sons. We lost my husband and their father in the years of World War II. I have carefully brought up my two sons. They are not married . . . we have always lived together.

"In 1972 we presented an application for permission to leave the Soviet Union. The result was that emigration was permitted only me and my younger son. My older son, Felix Aranovich, an engineer, was refused the right to leave on the basis that he had at one time worked at a secret plant.

"In his appeals to higher authorities, Aranovich has denied that he possessed secret information for the simple reason that for a long time he had not worked at secret plants and the questions with which he had previously had contact have since been dealt with more extensively in public literature.

"The reliance on secrecy and on the interests of the government are only worn-out excuses, covering up evil. The actual reason is found elsewhere: to inflict punishment upon us, to break up the family, to deprive Felix of a home, to create hardship for him through the traumatic surrounding of loneliness, to brutalize us.

"It is clear that this is supported by further actions of the OVIR.

"When my younger son, upon receipt of permission to emigrate and upon the order of the OVIR, presented all of the documents necessary to receive a visa and brought to the bank the required fees (for education, for the visa, for the renunciation of citizenship), OVIR refused to grant him a visa on the basis that I was not going together with him.

"I stated that I would remain with my older son Felix and would leave only with him. Such questions, by law and by nature, should be decided by the mother. OVIR took this right from me. Despite having been granted permission to emigrate, my younger son Victor was not granted a visa. He lived for a long time without means of support, without work, and yet could not leave. I tried to avoid fulfilling the illegal demands and appealed to higher authority. They answered that the way OVIR had decided was the way it was going to be. They called

me in and notified me that if I did not immediately leave the Soviet Union, the permission already granted to my younger son would be annulled, the money already paid out would not be returned and, in addition, he would be harshly dealt with. It became clear that we were unprotected by the law.

"In fear for the fate of my totally innocent son, I was forced to go away, leaving Felix Aranovich in an empty home. The day of our exit occupies in our lives a place along with the sufferings in the years of World War II.

"The destruction of our family by a method of threats and violence is not only a violation of the Declaration of the Rights of Man ratified by the Soviet Union and the conditions accepted by them at the Helsinki Conference, but the actions of the Leningrad OVIR are criminal according to the laws of the Soviet Union. For forcing me, without guilt, a trial, and outside legality, to abandon my son, for the threat of illegal repressive acts, and for the rude violation of the civil rights of my son, the head of the Leningrad OVIR, Mr. Bokov, is criminally liable under Article 171, Section 2 of the Criminal Code of the RSFSR. And for the harm inflicted upon us by his criminal acts, he is liable for damages in accordance with Articles 444 and 446 of the Civil Code of the RSFSR, which claim could be satisfied by the unification of our family, that is, by granting Felix Aranovich permission to emigrate.

"However, the law no longer works in relation to us. Mr. Bokov continues to work successfully; Felix Aranovich leads a lonely, miserable existence. Soon it will be three years since I have seen my son with whom I had lived for his entire life; soon it will be three years since I have known peace during the day or night.

"All this serves as proof that the law does not protect us.

"Once in a state of deep despair I addressed to the Soviet leaders a letter written in blood. I asked them to give me back my son. The physicians treating me advised the Soviet leaders that the trauma inflicted upon me by breaking up my family was destructively affecting my health, and that the treatment would be ineffective until the cause of the ailment was removed.

"To all this the Leningrad OVIR answered my son in September 1975 with still one more refusal (the third). This time it was without any reason at all. Reliance on secrecy by now has become completely impossible; it is well-known that such sadism leads to physical annihilation of people.

"In the south in the Soviet Union there is a chimpanzee nursery. Soviet medical workers are conducting medical investigations in this nursery. They broke up chimpanzee families. The chimpanzees flew into a violent rage. They ran from corner to corner, trying to break out of the cage, but they were not strong enough to deal with iron bars. Gradually, the chimpanzees quieted down and fell. When their blood pressure was measured, it turned out to be very high. As a result of their suffering, the chimpanzees grew ill with hypertension and died.

"Nor does a mother have the ability to withstand that kind of suffering.

"In the summer of this year Nina Podriadchik unexpectedly passed away. She, like I, fought for a long time to be reunited with her son Yuri, whom the Soviet Union had refused permission to emigrate. She did not survive her suffering and died. This is not death . . . it is murder by a method of slow torture. When they buried her, Yuri Podriadchik was given permission to emigrate.

"It is necessary, in order that all might hear, to cry out to the Soviet Union in the name of all mothers who have abandoned their sons in the Soviet Union: Let our sons go to their living mothers and not to their graves!!!! An oath would thus be taken that people would no longer be brutalized.

"According to the law concerning tort damages, on the basis of rights guaranteed to man by twentieth century civilization, and in fulfillment of international obligations accepted by the Soviet Union, I am addressing an appeal to it: Give me back my son!!!! I am calling for help!

LUBOV DINENZON."

SINAI MEDICAL GROUP,
Chicago, Ill., June 18, 1975.

Mr. DOBRYNIN,
Washington, D.C.,
Soviet Embassy.

DEAR MR. DOBRYNIN: Mrs. Lubov Dinenzon has been evaluated, treated, and followed at our medical center for the past year. She has hypertension and agitated depression. Her illnesses have been progressive and unresponsive to therapy in spite of consultations with specialists in the areas of her sicknesses.

After a staff conference in which her case was reviewed by the attending and consulting physicians, our conclusions are that it is critical that she be reunited with her son Felix Aranovich whose absence plays a prime role in her illness. We recommend her son be permitted to leave Russia and be with his mother. We hope this will receive your compassionate and understanding attention.

Sincerely yours,

NORTON SOKOL, M.D.,
RICHARD MORRIS.

[Telegram]

CHICAGO, ILL., *July 23, 1976.*

ALEX SEITH,
Deputy Chairman, Foreign Affairs Task Force, Democratic National Committee, Chicago, Ill.

At last can inform you that Aranovich case may be decided positively.
Best wishes.

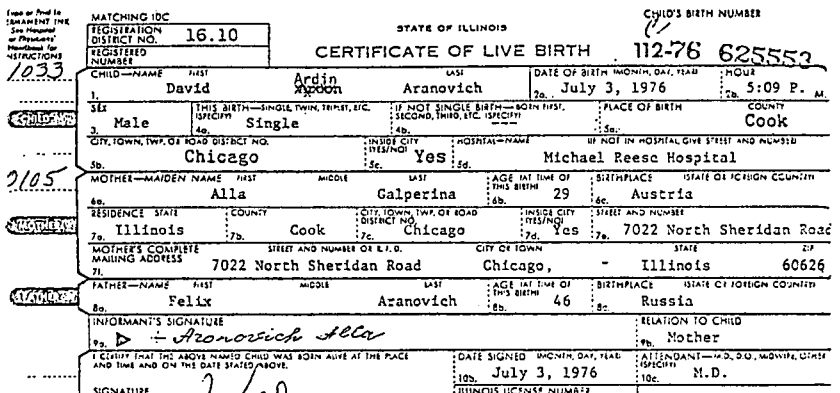
BOGDANOV.

STATE OF ILLINOIS, COUNTY OF COOK.

I, Stanley T. Kusper, Jr., County Clerk of the County of Cook, in the State aforesaid, and Keeper of the Records and Files of said County, do hereby certify that the attached is a true and correct copy of the original Record on file, all of which appears from the records and files in my office.

In witness whereof, I have hereunto set my hand and affixed the Seal of the County of Cook, at my office in the City of Chicago, in said County.

STANLEY T. KUSPER, Jr.,
County Clerk.



STATE OF ILLINOIS
CERTIFICATE OF LIVE BIRTH

MATCHING IDC
REGISTRATION DISTRICT NO. 16.10
REGISTERED NUMBER 1033
CHILD'S BIRTH NUMBER 112-76 625553

1. CHILD—NAME FIRST David MIDDLE Ardin ~~Yoon~~ LAST Aranovich
2a. DATE OF BIRTH (MONTH, DAY, YEAR) July 3, 1976
2b. HOUR 5:09 P. M.
3. SEX Male
4a. THIS BIRTH—SINGLE, TWIN, TRIPLET, ETC. (SPECIFY) Single
4b. IF NOT SINGLE BIRTH—BORN FIRST, SECOND, THIRD, ETC. (SPECIFY) ---
5a. PLACE OF BIRTH COUNTY Cook
5b. CITY, TOWN, TWP. OR ROAD DISTRICT NO. Chicago
5c. INSIDE CITY (YES/NO) Yes
5d. HOSPITAL—NAME Michael Reese Hospital
IF NOT IN HOSPITAL GIVE STREET AND NUMBER

2105

6a. MOTHER—MAIDEN NAME FIRST Alla MIDDLE LAST Galperina
6b. AGE (AT TIME OF THIS BIRTH) 29
6c. BIRTHPLACE (STATE OR FOREIGN COUNTRY) Austria
7a. RESIDENCE STATE Illinois
7b. COUNTY Cook
7c. CITY, TOWN, TWP. OR ROAD DISTRICT NO. Chicago
7d. INSIDE CITY (YES/NO) Yes
7e. STREET AND NUMBER 7022 North Sheridan Road
7f. MOTHER'S COMPLETE MAILING ADDRESS STREET AND NUMBER OR R.F.D. 7022 North Sheridan Road CITY OR TOWN Chicago, STATE Illinois ZIP 60626
8a. FATHER—NAME FIRST Felix MIDDLE LAST Aranovich
8b. AGE (AT TIME OF THIS BIRTH) 46
8c. BIRTHPLACE (STATE OR FOREIGN COUNTRY) Russia
9a. INFORMANT'S SIGNATURE ÷ Aranovich Alla
9b. RELATION TO CHILD Mother
I CERTIFY THAT THE ABOVE NAMED CHILD WAS BORN ALIVE AT THE PLACE AND TIME AND ON THE DATE STATED ABOVE.
10a. SIGNATURE M.D.
10b. DATE SIGNED (MONTH, DAY, YEAR) July 3, 1976
10c. ATTENDANT—M.D., D.O., MIDWIFE, OTHER (SPECIFY) M.D.
ILLINOIS LICENSE NUMBER 3650422
10e. CERTIFIER'S COMPLETE MAILING ADDRESS STREET AND NUMBER OR R.F.D. 533 East 29th Street CITY OR TOWN Chicago, STATE Illinois ZIP 60616
11a. LOCAL REGISTRAR'S SIGNATURE Harry C. Brown M.D.
CHICAGO BOARD OF HEALTH, Chicago Civic Center, Room 105, Concourse Level, Chicago 60602
11b. DATE REC'D BY LOCAL REGISTRAR (MONTH, DAY, YEAR) JUL 9 - 1976

Chairman FASCELL. Thank you very much, Mr. Aranovich. Mr. Yates.

COMMENTS AND QUESTIONS OF REPRESENTATIVE YATES

Mr. YATES. I do not think, Mr. Chairman, I have any questions. I know the Aranovich case well. Of course, as I have told Vikor and his mother, I am going to continue to do everything I can to try to help Felix be reunited.

I often feel that perhaps it has been because of my efforts that Felix may be stopped.

Mr. ARANOVICH. No, no; let me answer this question. Sometimes there is a lot of discussion as to whether American public opinion should continue to be tough on this point. So far there have been negative results, but the situation is that of two powers or two people. It seems to me that here it is the Russian and American mentality. When Americans start to push Russians to do something, it is impossible that Russians immediately will say, "OK, we will do what you want us to do."

They wait. It is a war of nerves and of positions. They try to prove that they are stronger. They try to prove their system is better or whatever.

As long as they feel there is weakness in the American position, as long as they find out that there is weakness, they are going to win. As long as they see Americans as strong as they were before, they have to give up.

A simple example is the example of the emigrant duties which had to be paid. I was very lucky, I paid my money for education. I got a golden education because I paid a lot. But a very strong public opinion came about and they had to stop that.

Mr. YATES. What do you mean by that statement—a very strong public opinion and they had to stop? What did they have to stop?

Mr. ARANOVICH. A few years ago they had educational taxes.

Mr. YATES. Yes.

Mr. ARANOVICH. It was very embarrassing and they had to stop it. Now I believe that people in Moscow in the Kremlin are very nervous because Belgrade is coming up very soon and people are talking about human rights. That is the final act of this drama, and the stronger the American delegation—the more chances to win. And silence is death. If you speak out, you have a chance to win.

Mr. YATES. Well, I must say we have been speaking out on your brother's case and we do not get any replies. As a matter of fact, Speaker Albert was kind enough to write a letter to Ponamarev about the assurances that the Soviet delegation had given us when we were over there, and that Ponamarev had given us. He never got an answer to his letter. The Speaker never got an answer to his letter. Even the Speaker.

An ordinary Congressman like Congressman Yates may not be——

Mr. ARANOVICH. Ordinary Congressman?

Chairman FASCELL. The Congressman should not be so modest.

Mr. YATES. The leader of the parliamentary delegation was feted and treated with respect all over the Soviet Union by the Soviet delegation—when he writes a letter, they will not even give him the courtesy of a reply.

Mr. ARANOVICH. They are confused and do not know what to do. Silence is the very best position. Say nothing. "Silence is gold," is a Russian saying. Can you imagine how much gold is in Russia right now? [Laughter.]

Mr. ARANOVICH. So they keep this policy until it will be final and face to face. They have to answer now.

It depends on how many public voices would be behind any delegation. That is why in France the secretary of the Communist Party was not afraid to go on public television to discuss the course of communism and capitalism in front of the French public with Amalrik.

Mr. YATES. Why Victor, do you think the Soviet are being so tough right now?

Mr. ARANOVICH. They are not now tough but they were tough all of their lives. There was a period when they were so tough they killed people. Now I am talking about a period 20 years ago.

Now there is some spring, there is some smell of hope and freedom, emigration—an unbelievable thing. This emigration is built on death and blood, but still it is emigration, and they do not know what to do.

I heard that some authority said that 20 years ago I just killed this Jew and that's it. Now I have to write a visa for him.

They are confused. They have to change tactics. They do not know what to do. That is why they do not answer Speaker Albert.

Mr. YATES. Is it possible they will go back to the time of Stalin?

Mr. ARANOVICH. No, it is too late. They lost this position. It is like war. If you take this village, it is your village and there is no way back.

Again, the more American public opinion and American delegations and Congressmen who go forth, the more difficult to go back, unless there is a weakness in the position. If they drop this Jackson-Vanik amendment, then it would be a Soviet victory.

Mr. YATES. Why did they put Shcharansky in jail?

Mr. ARANOVICH. Because a few weeks ago, there was an article—an open letter by a former Soviet refusenik who said he was recruited or tried to be recruited by the CIA agency. I am not familiar with the situation, but it is very unique. First of all, I have never heard of such people in the Soviet Union as former refuseniks. If you start this road, nobody comes back. No such people. All of a sudden there is a former refusenik who decided to come back to his job. OK, fine. Now he explains the situation. He says he was approached by CIA people and they tried to recruit him. That is a signal. It is a command—listen, people, now we are going to start cases with this accusation. I don't know the exact charges against this person. First of all, they keep bringing people into prison to keep up a level of discouragement. If there would be visas and not prison, people would be applying more and more.

I know people who are in danger who are watching our situation and who are afraid to apply. So the Soviet authorities reach their goal. They discouraged 10 or 20 or 50 people. That is an example.

Mr. YATES. What danger is there of Felix being put in prison?

Mr. ARANOVICH. Any moment. He is constantly followed.

Mr. YATES. How is Felix supported and how does he stay alive?

Mr. ARANOVICH. It is amazing that he is alive. He does not have a job, but sometimes we are able to send him something. He teaches a couple of English classes. He is officially registered for this, since he knows English, and works as a freelance teacher.

Piece by piece, he gets a little bread that gives him an opportunity to stay alive.

Mr. YATES. Thank you.

Chairman FASCELL. Mr. Bingham.

COMMENTS AND QUESTIONS OF REPRESENTATIVE BINGHAM

Mr. BINGHAM. Thank you, Mr. Chairman.

Certainly you have brought us another piece in this appalling picture of Soviet policies and tactics.

There is one thing about this case that is unique and I am curious about it.

I wonder if you have the explanation. In my efforts to obtain the release of individuals, I have never had a reply. Sometimes the efforts are successful, but I have never had a reply.

In the cases you presented to us, you have a telegram from Bogdanov, Deputy Director of the Institute of the U.S.A. Can you explain that? And the information that he had was apparently incorrect, but can you at least explain the fact that there was that telegram?

Mr. ARANOVICH. Yes, it is very simple. As I mentioned, sometimes they promise certain people when those American people bring some names of families. They say, "OK, we will reunite this family." That is exactly what happened. This person got our name and he was very kind to talk to people in Moscow, and the conversation that this person had with the delegation is in fact very funny.

They did not know that he knows the particular situation of emigration and they said to him, "Americans make so much noise about emigration issues, it should be decided quietly on a person to person basis." He said, "You are a person and I am a person, and I have a case and I know a name."

It just happened that he knew this case, almost by chance. And they were embarrassed because they decided to talk to the guy who obviously has nothing to do with this issue and all of a sudden he has a name.

They keep promising and promising and there are political connections. He goes to Moscow frequently. In this case facing him, they had to give some words.

Again, it was in 1976.

Mr. BINGHAM. Yes.

Mr. ARANOVICH. It is more than 1 year that has passed by since then and nothing. They are just play games, like children. "Be good and I will give you candy." "Where is my candy?" "Tomorrow."

That is a primitive game being played with politicians from the United States. It is to keep pressure down.

Mr. BINGHAM. Thank you, Mr. Chairman.

Chairman FASCELL. Mr. Aranovich, do you know anything about the Institute of the U.S.A.?

Mr. ARANOVICH. A little bit, yes.

Chairman FASCELL. Tell us what you know.

Mr. ARANOVICH. It is very little known in the Soviet Union about this institute. I was never able to read publications of this institute inside the Soviet Union. I would consider this institute as the head or brains of the Kremlin in terms of America and Canada because officially it is called American and Canadian Studies Institute, but mostly their efforts are aimed toward the United States.

Mr. YATES. Is this the Arabatov Institute?

Mr. ARANOVICH. Yes, it is the Arbatov Institute. They have Ph. D.'s and professionals who are most fluent in English and graduated from

various departments of certain universities—very prestigious universities .They have been to the United States many, many times and they are familiar with the situation and I believe they have different departments including economic and political, and they prepare reports as to what is going on.

For example, Mr. Arbatov, who is the head of this organization, is a very powerful man. He is a member of the Central Committee. He is a very close advisor to Brezhnev—I do not know his official status—perhaps the first adviser on the status of the American scene.

And they prepare for the Kremlin or Central Committee of the Communist Party their first-hand information—what is going on here.

Chairman FASCELL. So they must have the full report on everything that goes on in this Commission.

Mr. ARANOVICH. They have my report with my accent and everything—right there. I believe so. [Laughter.]

Chairman FASCELL. I hope they are listening.

Mr. ARANOVICH. Yes, I hope so too. [Laughter.]

I would like to see where their camera is. [Laughter.]

Chairman FASCELL. Maybe if they are listening, we can expect some help on their promise to release your brother.

Mr. ARANOVICH. Yes. You must be strong. Otherwise, you will lose. You have to be polite, of course, but strong. You must keep the same policy when facing the Soviet Union as you have here. To be weak as all Russians say, "If you are weak, you will be dead tomorrow." It is like in prison or in the army, if you are tough, you get a chance to live. You must be tough.

Chairman FASCELL. Thank you very much, Mr. Aranovich.

Mr. ARANOVICH. Thank you.

Chairman FASCELL. Thank you.

Mr. YATES. Thank you, Victor, and thank you, Mr. Chairman.

Chairman FASCELL. The Commission stands adjourned subject to the call of the Chair.

[Whereupon, at 12:45, the Commission adjourned, subject to the call of the Chair.]

STATEMENTS AND LETTERS SUBMITTED FOR THE RECORD

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

Mr. Chairman and Members of the Commission, it is for the best of reasons that the human rights provisions of the Helsinki accords have to be regarded as the most significant provisions of those agreements. The willingness of states to adhere to new international obligations is best measured by the seriousness with which they regard the obligations they have assumed previously. It is noteworthy, therefore, that the Helsinki signatories draw attention to their preexisting commitments under the United Nations Declaration on Human Rights and other relevant international covenants. It is in this regard that this Commission's constant monitoring of the human rights aspects of Helsinki is of singular importance.

Let us be frank in admitting that the record of the Soviet Union and the East European states in adhering to these provisions is extremely disappointing—and yet there are measurable degrees of difference among those very states. Some are worse than others, but in every case we can say that vigilant governments and publics in the West have made it ever more difficult for the Communist states to hide behind their customary hypocrisy on this vital point of principle.

This morning this Commission will hear from several residents of the State of New York who have been concerned and active and effective in the cause of human rights. They have endured more than their fair share of frustration and disappointment, yet they remain committed and hopeful. I know the Commission will pay close attention to what they will have to say. I am sure that all of us can profit from their knowledge and insight.

I very much appreciate the courtesy of the Commission in permitting me this brief word of encouragement for these determined constituents of mine, of whom I am very proud, and to whom I feel very close.

STATEMENT OF HON. EDWARD I. KOCH, U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. Chairman, I'm certain I mirror the thoughts of my colleagues in Congress as well as all Americans in expressing the deepest sympathy with the Romanian people as they struggle to rebuild their country in the wake of the disastrous March 4 earthquake. The severe blow to Romania's progress in developing its industry and in providing housing and other essential human needs is exceeded only by the staggering toll of more than a thousand dead and thousands more injured by the quake.

I am pleased that the United States has not hesitated to respond to the Romanian government's request for emergency aid. I understand that a planeload of food and medical supplies from our government has already landed in Bucharest and $25,000 in aid has been made available through our Ambassador in Romania. I believe we have a duty to help any country, regardless of the politics of its government, to alleviate human suffering caused by such natural disasters.

However, we should not allow this tragedy to divert our attention from the obligations of all governments to respect fundamental human rights, including basic rights such as the freedom to emigrate.

Romania is one of the three East-bloc countries currently enjoying "most favored nation" status in trade relations with the United States. Under the terms of the 1974 Trade Act, one requirement for this status is the right of emigration, a right that is seriously restricted by Romania today. In addition, by signing the Helsinki agreement, Romania has officially promised to facilitate reunification of families separated by national boundaries. I have brought a num-

ber of cases of individuals seeking exit visas to the attention of the Romanian government. In an apparent violation of the Helsinki accords, which it signed along with thirty other countries, Romania has continued to delay and to deny emigration and travel visas to citizens wishing to join their families abroad. In many cases, I have been informed that the mere act of applying for a visa has resulted in unjustified harassment of those wishing to leave. Let me describe some of these cases.

Six months ago, at the time Romania was concerned about the extension of its most favored nation status, I wrote the Romanian Embassy in Washington concerning an emigration visa for Vladimir Fridman to come to the United States to join his wife, who is one of my constituents. I was told by the Romanian Ambassador that the application had been approved. However, I learned last month from Mr. Fridman's wife that he had not yet been notified of the approval and he is still waiting to leave Romania. If Mr. Fridman's application for emigration has been approved, why has he not yet left the country?

More than six months ago, I wrote the Romanian Ambassador concerning emigration applications for Alexandru and Stefan Suciu, who want to join their father in this country. I was told by Dr. Traian Suciu that his sons have repeatedly visited the local police station in Bucharest but the application forms have been denied them. Similarly, Alexandru Marndici, his wife Sorana and their son Mircea have not been able to emigrate because, according to Mrs. Marandici's sister, a resident of New York, application forms were not available. My request for a clarification of Romanian government policy in these cases is still unanswered.

Last fall I also inquired into the application of Ion Bals and his wife and children to join relatives here. I am told by his aunt, a resident of New York, that Mr. Bals has been dismissed from his job and is not allowed to apply for another because of his expressed desire to emigrate. The Romanian government's failure to respond to my letter, now almost four months old, only serves to confirm our fears for Mr. Bals' situation. Six months has also passed without a satisfactory answer to my inquiry concerning the emigration application of Michael Giuran of Slatina, Romania.

Gabriella Teodorescu, her husband Liviu and their son Dan Christian have been trying for three years to make a 45-day trip to the United States to visit Mrs. Teodorescu's sister, a New York resident. I have waited with them for the past five months, hoping for some response to my letter to the Ambassador in their behalf.

More recently, I learned that 15 year old Roxana Deleanu was expelled from an important scholastic society in Romania, reportedly because she expressed a desire to join her mother in the United States. Roxana's case is complicated by the fact that her father, Mihai Deleanu, opposes her emigration, although he has remarried and does not in any way contribute to her support. Separated from her mother, Roxana must live with her 65-year old maternal grandmother. It would indeed be unfortunate if the father refused to grant his permission because of fears of reprisal. I am told, for example, that Roxana's uncle, Serban Enculescu, was forced from his job as an engineer-chemist after Roxana's mother filed a petition for emigration for himself and his family.

I am particularly upset and outraged by the denial of a visa for Josef Teleky, reportedly a result of the Romanian government's suspicion that Teleky's son-in-law, a U.S. resident, was engaged in activities contrary to the interests of Romania. The activity in question was attendance at a meeting concerning the status of religious affairs in Romania which I hosted in my New York office at the suggestion of the Consul to the Romanian Embassy. It would be a severe setback to relations between our countries if Romanian citizens suffer because their relatives in the United States exercise their right to meet with Members of Congress. Whatever powers Romania may assume in attempting to control the activities of its own citizens, it has no right to intimidate residents of the U.S. in the exercise of their constitutional rights.

These, then, are some of the experiences with Romanian emigration policies that have been brought to my attention by constituents in my district in New York. I have raised these and similar problems with the Romanian Embassy on many occasions, but the Embassy has repeatedly denied their validity and has claimed that a large number of visa applications to the United States have been approved. I believe, however, that those charges of restrictive emigration policies can only be effectively rejected when the individuals named in these particular cases arrive in the United States.

I join with Senator Edward Kennedy of Massachusetts in commending the U.S. Disaster Relief Office for its quick dispatch of emergency medical supplies to Bucharest following the earthquake. It is our moral obligation to provide such aid, regardless of political differences between governments. Senator Kennedy, in his statement in the Congressional Record on March 9, 1977, also declared himself ready to introduce legislation offering aid to Romania as "longer-term rehabilitation and reconstruction needs are identified." This vital country has shown an admirable spirit of independence in its dealings with the Soviet Union and I, too, stand ready to support closer economic cooperation with Romania in the future. Such cooperation, though, must go both ways. We have a right to expect a response from the Romanian government to inquiries about particular emigration cases such as those I have described. Our cooperation is off to a healthy start with Romania's designation as a most favored nation under our 1974 Trade Act. Both the U.S. and Romania were among the signers of the Helsinki accords. I look forward to this commission's final report to see if Romania and other East-bloc countries have decided to continue this promising atmosphere of cooperation by pursuing open emigration policies and by ending repressive internal policies against ethnic minorities and others who choose not to emigrate, but rightfully demand full rights as Romanian citizens.

STATEMENT SUBMITTED FOR THE RECORD BY PETER TODOROV OF VOICE OF AMERICA

I would like to inform the Commission on Security and Cooperation in Europe about the refusals of the Bulgarian authorities to grant exit visas to my wife's parents and my parents and sister on the basis of the family reunification provisions of the Helsinki Final Act.

First of all, we have tried to get my wife's parents (Boris and Donka Karlychev of Popovo) out of Bulgaria 4 times without success. We went through all the formalities and filed all the relevant documents, but still no permission was granted and no explanation was given for the refusals. The exchange of letters with the Bulgarian authorities are just cliche letters.

We have encountered the same experience in trying to obtain exit visas for my parents and sister (Nedelko and Neda Todorov of Sofia and Tsana Todorov of Stanke Dimitrov). I have sent all the relevant documents to the U.S. Embassy and the Bulgarian authorities, yet no action has been taken. In fact, the Bulgarian authorities have even tried to discourage my parents from applying to emigrate. I have strong reason to believe that the authorities are even blocking my letters to my parents and sister.

Therefore the Bulgarian authorities have persistently refused to allow our relatives to come to the United States, despite the provisions of the Helsinki Final Act. Why, I do not know. I urge them to abide by the spirit and letter of the Final Act and to reunite us with our parents and my sister.

WILHELM-DIESS WEG 13, *April 6, 1977.*

Hon. DANTE B. FASCELL,
Commission on Security and Cooperation in Europe,
Congress of the United States, Washington, D.C.

DEAR MR. CHAIRMAN: I the undersigned Dimiter Inkiow, U.S. citizen, writer and Senior Editor with Radio Free Europe, presently living at the above address, left Bulgaria at the end of 1965 because the communist suppression of my country was more than my conscience as a writer could endure. It was impossible for me at the time to take with me my wife—Margarita Dimitrova of Kostina 2, Sofia 8—and my son Yanaki. They remained behind as hostages in the hands of the Bulgarian communist authorities. My wife immediately made several unsuccessful attempts to obtain permission for herself and the child to leave Bulgaria and join me. Because she was working in Sofia and was not in a position to take care of the child, our son Yanaki grew up with my parents who live at 19 Drama Road, Haskovo, some 200 miles away from Sofia.

Here, in Germany, I am known as a writer of books for children. Seven of these books of mine were published by German publishers and received excellent reviews. Some of my stories for children have been printed by very well known West German publications and have also been shown on TV and broadcast on the radio.

In 1975, 69 well known West German writers appealed to the Bulgarian government to allow my son, who is now 11 years old and has never seen me, to visit me in Germany. In 1976 an appeal of mine that the child be at least allowed to come on a visit was backed by Austrian Chancellor, Dr. Bruno Kreisky..

Likewise, in 1976, 4,000 West German citizens signed a petition to the Bulgarian government urging it to allow Yanaki to visit me in West Germany.

DIMITER INKIOW.

CHICAGO, ILL., *May 4, 1977.*

HON. DANTE B. FASCELL,
Chairman, Commission on Security and Cooperation in Europe,
Washington, D.C.

DEAR MR. CHAIRMAN: On August 20, 1976, we began a vigil which we have continued until this day and will continue indefinitely, as a means of bringing the government of the People's Republic of Bulgaria to the point where it will release our two children, who have been kept in Bulgaria for nine years without seeing their parents. We ask your help in effecting their release so that our family may be reunited, in the spirit of the Helsinki Accords, to which the Bulgarian government has adhered.

In September of 1967 we left Bulgaria with a one-day tour to Turkey, leaving our two children—Yordanka, now 10, and Rumyana, now 12—with their maternal grandmother. We did not return from that tour, since we had decided to flee Bulgaria, and we believed that the Bulgarian government would not be so inhumane as to keep families permanently separated. After passing through a refugee camp in Italy, we came to the United States in 1968, and became U.S. citizens in 1974 and 1975. I have been employed in the shipping department at the Hofmaister Company in Chicago for most of my stay in the United States.

Especially since we became U.S. citizens, we have made efforts in every possible way to see our family reunited. We have sought to have our children brought out through underground channels, but without success. We have sought through diplomatic channels to obtain their release, but without success. We have now stood outside the Department of State for 260 days, through a very cold winter, in an attempt to get the State Department to assist us in seeing our family reunited. And now we receive the news that on May 20, in Varna, Bulgaria, a court case will be tried to deprive us of our parental rights over our children. Of course we cannot be present at that trial, and we cannot even be effectively represented. Our children are at present living in an orphanage (the Matey Stoyanov orphanage in Provadia, Bulgaria).

We do not know why the Bulgarian authorities have so consistently refused to allow our small children to join us. But we do know that our situation is critical and we appeal to Members of Congress who are truly concerned about human rights and the implementation of the Helsinki Accords—especially now, in this period just before the Belgrade Conference—to help us by writing to the Bulgarian Foreign Minister and seeking his aid in the release of our children. The expression of your interest will mean a great deal to us, and, we believe, will show the Bulgarian authorities that the United States Congress is serious when it speaks of human rights across the globe.

Sincerely,

SPAS AND IVANKA MAREY.

THE INTERNATIONAL LEAGUE FOR THE RIGHTS OF MAN,
New York, N.Y., April 30, 1976.

H. E. MR. GHEORGUI GHELEV,
Ambassador of the People's Republic of Bulgaria to the United Nations,
New York, N.Y.

DEAR AMBASSADOR GHELEV: The International League for the Rights of Man, an international non-governmental organization affiliated to the United Nations in the human rights field, is concerned by reports of the sentencing to death of Nicolas Chamurlisky. According to the information we have received, Mr. Chamurlisky was arrested on September 14, 1974 in Sofia on charges of espionage. He was found guilty and sentenced to death by the Municipal Court in Sofia in October 1975 pursuant to Article 104 of the Bulgarian Penal Code. An appeal against the sentence has been presented to the Supreme Court.

In accordance with our organization's opposition in principle to capital punishment, we appeal to you to grant clemency in this case.

We further wish to inquire about the circumstances surrounding the arrest of Mr. Chamurlisky. We have received reports that he was the subject of harassment because of an application to leave Bulgaria to emigrate to the United States, where his brother resides. He was reportedly arrested after his second application for an exit visa. We have further received reports of his alleged ill-treatment while in detention for a year prior to his trial.

As an organization dedicated to the rule of law embodied in human rights provisions contained in international agreements adopted by the United Nations and ratified by the Bulgarian Government, we respectfully request from your Government more precise information about the Chamurlisky case. We were very gratified by the clemency granted by your Government in the case of Dr. Henrich Natan Schpeter, who was permitted to emigrate after his death sentence was commuted. In view of Bulgaria's commitment to the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, we look forward to your reply.

With assurance of our respect.

Yours sincerely,

JEROME J. SHESTACK, *Chairman.*

STATEMENT OF THE AMERICAN FUND FOR CZECHOSLOVAK REFUGEES

The American Fund for Czechoslovak Refugees was organized in 1948 to help the many men, women and children who were fleeing from Czechoslovakia after the communist coup d'etat. In the 29 years since then, the American Fund for Czechoslovak Refugees has helped tens of thousands of Czechoslovak refugees resettle in Canada, the United States, Australia, western Europe and elsewhere in the free world.

Among those who were resettled there are several hundred divided families, whose members left without wives, husbands or children because of the exigent circumstances of sudden flight. Parents reluctantly left tiny infants in the care of grandparents or other relatives when they were warned that they were about to be arrested and did not want to subject the babies to the dangers of escape. Many men and some women were apprehended in their attempts to flee. Some were shot and killed.

Some wives were left behind when their husbands had to leave at a moment's notice; others were in advanced stages of pregnancy; still others had a desperately ill child who could not travel or a terminally ill mother or father they did not want to leave. Sometimes, the husband was under such strict surveillance in his work that he sent his wife ahead, hoping to be able to join her in a short time. A small number succeeded in escaping to join a dear one even though the families of individuals who escaped were more closely watched than ever before.

Some of the individual family members asked the communist regime directly to grant their relatives exit permits so that they could join them. In a few cases these requests were answered with instructions to return to Czechoslovakia and join their families there. Some dared to visit Czechoslovakia after they received new citizenship of the country in which they were resettled. Some encountered difficulties when they wished to leave.

Many resettled refugees asked the American Fund for Czechoslovak Refugees to help them to get their family member to join them. The American Fund for Czechoslovak Refugees asked the intervention of the American Red Cross, the International Red Cross in Geneva, the United Nations High Commissioner for Refugees and the United Nations Secretary General on their behalf. Most recently it sought the services of the Intergovernmental Committee for European Migration.

Under the Helsinki agreement of 1975 the signatories agreed to facilitate the unification of divided families, as well as to grant freedom to travel among other human rights to their citizens.

The American Fund for Czechoslovak Refugees had a list of 82 divided families in Germany for whom all these efforts were made over a period of years. Only when a number of Members of the German Parliament joined the private groups that had organized demonstrations in front of the Czechoslovak Consulate and had German citizens sign petitions to allow children to join their parents, was there a response from the Czechoslovak authorities.

The first 3 children arrived in Germany in the last week of 1976 and 26 more came on January 21, 1977. There are promises that more would come. This is only in Germany. Nowhere else has there been any positive result from efforts that have been made through the International Institutions mentioned above.

The concerted and repeated international pressures of the participants of the coming Belgrade Conference could perhaps induce the Czechoslovak authorities to allow the wives and husbands as well as children to leave Czechoslovakia to join the resettled members of their families in the United States, Canada and elsewhere.

In the past several years, elderly persons have received permission to visit sons or daughters, sisters or brothers who lived abroad. These visitors are mostly pensioners for whose return communist Czechoslovakia is not concerned. But even for those visitors there are special conditions that have to be met. The petitioners abroad have to fill out special forms. (The form for Canadians includes a question as to whether the petitioner is a member of any anti-communist Czechoslovakian organization.) In either case, the costs of transportation and total responsibility for the relatives stay is the petitioner's. The amount of hard currency that the visitor is allowed to take with him—German marks, United States dollars or other—is extremely limited and must be purchased at the highest official exchange rate in Czechoslovakia.

STATEMENT OF JACOB BIRNBAUM, NATIONAL DIRECTOR, CENTER FOR RUSSIAN AND EAST EUROPEAN JEWRY AND STUDENT STRUGGLE FOR SOVIET JEWRY, NEW YORK CITY

ROMANIAN POLICY ON FAMILY REUNION EMIGRATION—INCLUDING LISTS OF PERSONS DESIRING TO EMIGRATE TO UNITED STATES, CANADA, AND ISRAEL

Mr. Chairman and members of the Commission, the vibrant activity displayed by your new and unique group, indeed its mere existence, penetrated as it is with a passion for human rights as an integral part of foreign affairs, was scarcely conceivable in the early 1960s when I began my own struggle for human rights in the USSR and the other East European totalitarian regimes. The possibility of moving them to more humane ways was, at best, a distant dream. Yet, despite all the misery and disappointments, extraordinary events have taken place and extraordinary opportunities are opening up to us to protect and aid those who need us so much.

From the beginning one fact was clear to me—Washington would prove to be the ultimate protector of the oppressed in East Europe. For years my hopes lay with the White House. In the end, Congress took command, produced the Freedom of Emigration legislation (Title IV, sec. 402 of the 1974 Trade Reform Act) and gave the massive impetus leading to the creation of this Commission. Today, with the advent of President Carter, we have the heartening spectacle of White House and Congress jointly projecting human rights principles on to the world stage. The intense drive of this Commission, rooted as it is in both the Legislature and the Executive, is an exciting expression of this newly unified thrust in foreign affairs.

Romania: A test case for U.S. human rights policies in East Europe

It is my belief that the new unity of purpose in Washington as applied to Romania may substantially modify, possibly transform, that official Romanian attitude which, in practice, ignores many of the Basket III provisions of the 1975 Helsinki Final Act. Furthermore, even partial success here could have real impact elsewhere in East Europe, including Russia.

A brief extract from a recent letter is revealing of Romanian attitudes. The incident took place in July 1976. "We went to the State Committee for Visas and Passports to plead for our reunion . . . we were given a chilly reception. . . . When I alluded to the human rights provisions of the Helsinki Accord and other international agreements which Romania is a party to, the official said he could not care less about such agreements and this Helsinki business didn't mean a thing as far as they were concerned."

Prospects of receiving U.S. Most Favored Nation (MFN) trading status influenced Romanians more than Helsinki declarations

In the opening testimony before the Commission, Deputy Assistant Secretary of State for European Affairs, Mr. John A. Armitage, remarked that Bucharest

was more likely to have been influenced in 1975/6 by the expectations of receiving Most Favored Nation trading status from Congress than by declarations emanating from the Helsinki Conference. His statement is backed up by the flurry of exit permits hastily issued in Bucharest around the time of MFN hearings in Washington. This certainly indicates where our main leverage is.

Examination of Romanian emigration statistics—by fiscal year or calendar year?

In the past, the Administration has made an earnest effort to prove that the Romanians had responded reasonably in terms of family reunion emigration. The statistics used related to the fiscal rather than the calendar years and showed the Romanians to some advantage on account of the increased number of exit permits issued during the summer, the time of maximum pressures relating to MFN. Once MFN status was granted, the monthly figures swiftly dropped to low levels. It is the calendar year figures which indicate the true levels on an annual basis.

The most important example of this type of miscalculation appeared in President Ford's letter of June 2, 1976 to the Trade Subcommittees of the Congress, recommending a further waiver of the application of the Freedom of Emigration legislation in section 402, Title IV of the 1974 Trade Reform Act. He argued that there had been a "marked increase" of Romanian migration to the U.S. and Israel. In my testimonies before the Subcommittee on International Trade of the Senate Finance Committee (Sept. 8, 1976) and before the Subcommittee on Trade of the House Ways and Means Committee (Sept. 14, 1976), I correctly forecast that the 1976 Romanian emigration figures to the U.S. and Israel would show little change from the 1975 decrease—that is, a 3,000 total which compares with the 4,000+totals for 1973 and 1974. The decline in terms of Israel was particularly marked, in no way balanced by the rise to the U.S., whose Romanian immigration barely exceeded 1,000 in 1976. The Romanian flow to Israel did not even reach 2,000 in 1976.

Large decline in Romanian emigration to Israel since 1973/4 but annual flow could easily revert to a more natural level of 4,000 in coming decade

It is my considered opinion that annual Romanian Jewish emigration, based on family reunion, could easily revert to the 4,000 of 1973 and 1974 for a decade to come. At times that figure could rise to 5,000 and beyond, particularly if the emigration were not so closely tied to family reunion.

Appalling accounts of increased harassment support statistical evidence

The statistical evidence cited above is overwhelmingly supported by the incessant flow of complaints of fear, harassment, job loss and demotion from would-be emigrants. Here are some brief documented extracts from my testimonies last year, before the congressional trade subcommittees, illustrating these appalling facts:

Discouragement of Applications for Emigration

The bare statistics just discussed do not convey the amount of unnecessary suffering often undergone in the process of leaving Romania. The extracts from the communications in my possession quoted here will give some indication of this. Unfortunately, after some soul searching, I decided not to name my sources at this time, though they are of course available to the Chairman and committee members on request.

Fear.—A very recently returned visitor informed me that he had been told in Bucharest that anyone whose name appeared on a list from abroad "will never leave"; that some of these people had been warned and intimidated because their names had appeared on such lists. Those who spoke to my informant all refused to introduce themselves. The work of gathering information this past year has been most difficult because of the lack of communication engendered by an often pervasive fear. There are persons who, though desperate to join their relatives in the U.S., "have not gotten to the stage of applying for a visa at the U.S. Embassy—in fact most never even contacted the Embassy for information" in the words of an authoratative source. We do of course know of persons who have gone. Last summer, for example, would-be applicants were emboldened by the knowledge that Congress was concerned.

Applying for A Passport.—Here there are several stages as reported by a knowledgeable source. The mere fact of applying for a passport implies a long ordeal:

1. Asking your employer for his permission. The applicant must appear before the Director of place of work and the local party committee to argue why he or she wants to leave and to face their aggressive questioning, threats and attempts to dissuade.

2. If he is stubborn enough, he will reach the next step, this time at the People's Council of the District—a similar test of steadfastness and obstination.

3. If he survives, he may register on a waiting list at the local police station for the application forms, only to be told that the forms are "out of print". In December, 1975 they remained unavailable for months.

4. After applying, the attempts to convince or frighten resume at regular intervals, sometimes every month.

"We cannot force our citizens to emigrate."—An extract from a recent letter, involving a simple case of family reunion in the U.S. with no complications of any kind, will illustrate the above: "Despite her repeated requests, they refused systematically to give her application forms for travel documents and exit visas. She was finally sent by the police in charge of handling these problems to the Communist party boss of the city who tried to intimidate and dissuade her from applying for the reunification of her family. Her problem was discussed by the party "cell" of her place of work. They called a meeting attended by the employees and she had to explain publicly her reasons for asking to leave. I believe the new strategem of the Romanian Authorities is to refuse the petitioners the right to file for travel documents and when questions from abroad arise, the answer may be "Sorry but the people you mention never filed an application and we don't force our citizens to emigrate." This has indeed been a common reply by Romanian officials, from President Ceausescu down.

Some Consequences of Applying for Emigration

Job Displacement and Demotion.—These are not uncommon occurrences. An old couple in their 80s wrote—"Our son asked for a visa about two years ago. Ever since, he and his wife were sent out of their jobs and now they and their young children are close to starving. Every week they are told they will never leave".

From a smuggled letter—"I applied for emigration in July 1975 because I believed it was a fortunate moment, since at that time the Romanian Govt. got from the American Congress the Most Favored Nation clause which required the liberalization of emigration. I hoped that in such circumstances the Romanian authorities would agree to my leaving the country. But on the second day, I was put out of my scientific work, discharged of job and my wages cut down. Almost every day I have been called to several authorities and unofficially in a "friendly" manner advised to withdraw my petition, because anyway I shall not be allowed to go, I shall be fired and be jobless—my stubbornness would spoil my life and destroy me professionally—my situation is indeed desperate: to live for me in Romania is no more possible without job, and to leave the country I am not allowed."

Separation of Couples and Prohibition of Marriages with Ex and Non-Romanians

A young man wrote: "The permanent incertitude regarding emigration forced us to postpone our marriage and we lived four years as husband and wife (without formal marriage). I managed to leave Romania but my fiancee has little hope to leave. She was several times hindered to hand in the application. Moreover, the Govt. has forbidden (!) Romanian citizens living in Romania to marry those who left the country. *This law is kept secret*, has never been published—*as many others of the same kind.*"

A young woman of Romanian origin has returned to visit Romania many times during the past few years in her efforts to marry her fiance, still trying to leave.

Punishing Children for the Deeds of their Parents.—A young woman writes—"My application for emigration was turned down because of father's alleged 'guilt' ". A man with young children has been told again and again that he will never leave because of his father's "guilt", has been demoted from his professional position and forced to take a rough menial bare subsistence job. The family lives in a state of abject misery and constant humiliation from the neighbors.

Hardest Cases: The State Insists on Ceaseless Punishment in the Name of its Justice

A number of former managers, trade officials, administrators became enmeshed during the 1950s and 1960s in the power shifts of Romanian politics and

were scapegoated. Usually, they were accused of economic crimes. Often, whether their guilt was real or not, they were sentenced to long imprisonment and fined enormous sums, impossible to pay off. Now elderly, sick and old, many of these people are living out the remainder of their lives with bitter memories of prison and before that, the murder of their families by the Nazis. Mostly, they wish to leave Europe behind and join relatives in Israel or elsewhere. Whether they were guilty or not and whatever the degree of any guilt, they more than served their times, they have suffered enough. This kind of state-ordained eternal punishment can no longer be regarded as Justice but as something else. They should finally be let go.

A young woman from Israel wrote: "My father was unjustly involved in a deliberately made-up antisemitic trial. These were the trials of the Romanian Jews who had been working in Romanian foreign trade that took place 1958–1964. The principle aim of these terrible trials, with both economic and political consequences, was to remove all Jews holding senior positions in Romanian foreign trade at that time. It is hard to understand how the tragic reality of these trials, in which the only ones convicted were Jews, was hidden to world opinion". She concludes "My parents are elderly and sick, completely alone (all my mother's family is in Israel, while my father's was completely exterminated by the Nazis). Their single natural desire after having wrongfully suffered for so long is to join me, their only child, in Israel."

Another man was refused till he paid enormous fines for himself; the equally enormous fines of two others accused with him were also to be paid off, plus accumulated interest over the many years, plus collection expenses.

Conclusion: Romania violating the family reunion emigration provisions of the Helsinki Final Act and of American law, embodied in section 402, Title IV, 1974 Trade Act; the Commission should officially notify the President and Congress of these facts

For two successive years 1975/6, the Administration, and somewhat reluctantly, the Congress, accepted Bucharest's "assurances". "Give them a chance" was the phrase frequently heard. Yet the overall picture remains unchanged—most months very little emigration, a few flourishes round MFN time, at best, a tightly-controlled flow of up to 2,000 to Israel and slightly over 1,000 to the U.S., edging upward to curry favor with Congress. At the same time reports of harassment seem to be increasing, not lessening.

I submit that the Commission should officially notify the President and the Congress of these facts, the implications of which are obvious. Not only is Romania in violation of the family reunion emigration provisions of Basket III of the Helsinki Final Act but she is partaking of the privileges of Most Favored Nation trading status and other economic benefits under false pretenses.

Great advantages to Romania of changing emigration policies

In considering its emigration policies in the coming weeks, Bucharest will have to take into account the following three factors:

(*a*) the necessity for not antagonizing numbers of Congresspersons at a time when a large request list has been submitted to Washington, following the earthquake,

(*b*) the President must shortly decide whether to recommend renewed extension of MFN and attendant benefits,

(*c*) Romania's international reputation at the forthcoming Belgrade Conference.

Need for Washington initiative

It would seem that intensive discussions in Washington and Bucharest with a view to facilitating the emergence of an uncomplicated Romanian emigration policy should not be long delayed. The potential benefits for Romania would surely far outweigh any temporary embarassments.

Major evidence of Romanian good faith required in return for benefits

This time much more than vague assurances must be sought and gotten from Bucharest, nothing less surely than the most concrete evidences of good faith to include:

1. Early permission to leave for those waiting more than a year, *not* excluding those unfortunates still being refused on account of long past "crimes against the state" for which they have completed long prison sentences.

2. Cease harassing would-be emigrants, simplify application procedures, no more job displacements and demotions.

3. Let emigration rates reach their natural levels, something in the order of 3–400 per month to Israel during the coming decade, while maintaining continued growth rates to the U.S.

RECOMMENDATIONS SUMMARIZED

I. The Commission officially notify President Carter and the Congress that Romania is in clear violation of the family reunion (and marriage) emigration provisions of Basket III of the Helsinki Final Act, and of American law, as embodied in the congressional Freedom of Emigration legislation in section 402, Title IV of the 1974 Trade Reform Act.

II. The Commission urge the immediate commencement of discussions between the White House and congressional groups with a view to structuring a firm unified approach for the purpose of obtaining substantial modifications of Romanian emigration policy.

III. The Romanian Government be required to provide early and solid evidence of good faith in this area, to be followed by major steps, in return for benefits.

ROMANIAN JEWS DESIRING TO EMIGRATE TO U.S. OR CANADA

Key for Abbreviations:

s.=son, d.=daughter, b.=brother, si.=sister, f.=father, m.=mother, w.=wife, ch.=child, chn.=children, cr.=close relative such as cousin, u.=uncle, a.=aunt, P.=Prisoner, FP.=Former Prisoner, BU.=Bucharest

**Extreme Cases, (E) Emigrated, (A) Rom. emigration approval but exist unknown to J.B.

Aronson, Janku—Nitu Vasile 46, BU.—cr. B. Rothenberg, 1909 Quentin Rd., Brooklyn, N.Y. 11229. Ernestina Korner, 8785 Bay St., Brooklyn, N.Y.

Albu, Dr. and Mrs., Eugene—3 Cibrian Porum Boscu, BU.

Adam, Anna Clara—Batistei 9, BU.—cr. J. Manoliu, 751 Layne Ct., Apt. 6, Palo Alto, Calif. 94306.

Abraham, Ghidali, w. Lisa, d. Anna—Udricani 25; b. Aron, 142 Pershing Crescent, Briarwood, N.Y.

(E) Breier, Fredi, w. Manuela, d. Hedi—Sabinelor 72a, BU. (see Tarnaceanu) U. Dr. A. Rogers, 70 Edgewood Dr., New Hyde Park, N. Y. 11040.

Benyik, Imro and Family, G. Enescu 30, Oradea: B. Julius, Vestal Plaza, Apt. 3–3, Binghamton, N.Y.

Benes, Solomon, w. Ludmilla—Hrisovului 26, BU.—Parents, Mr. and Mrs. Mortiz Benes, 1125 Commonwealth Avenue, Apartment 16, Boston, Mass.

(A) Bucicov, Vladimir—Bd. Miciurin 5a, BU.—A. Natasha Hirsch, 140 West 55th St., N.Y., N.Y. 10019.

Clejan, Mrs. Toni, s. Avrum, w. Eugenia, 2 chn.—Ramure 1, Ploesti. B. Silviu Schmelzer, 8807 Link Pass, Houston, Tex.

Cojocaru, Aron Hers, w. Yenta—December 30, Dorohoi grands, Sholem Zelinger, 118–80 Metropolitan Ave., F.H., N.Y. 11415.

(A) Costescu, Minel—BLV. Magheru 7, BU. (see m. SITARU, Ruhla).

Dima, Cornel, w. Jeanna; Vinatori 25, F. Dima, Millo 51, Flushing, N.Y.

David, Kalman, w. Betti, Trandafirilor, Dorohoi s. David, Sumer, w. Suzanna, d. Lora, Trandafirilor, Dorohoi, cr. Sholem Zelinger, 118–80 Metropolitan Ave., F.H., N.Y. 11415.

(A) Elias, Baruch, w. Maria and son—Blv. 1 Mai 152, BU., b. David Cotter, Encia Dr., Escalon, Calif.

**FP Edelstein, Sami, w. Bhitla, Blv, Magheru 29, BU., si. Gita and Leen Litner, 52–23 97th St., Rego Pk., N.Y. 11368.

Florescu, Adrian (ne Friedman, Aron)—Mich. Brauu 42 62, Bu.; w. Rosetta, 2 chn. si. Silvia Rosenfeld (nee Friedman); 5602 12th Ave., Brooklyn, N.Y. 11219.

(E) Frost, Leo, w. Anutza, s. Andrei—Bd. Dinicu Golescu 37, BU.—Passport received, cancelled si. Julia Han, 156 West 106th St., Apt. 4c, N.Y., N.Y. 10025.

Friedman, Vladimir, Brezoianu 26–32, Apt. 52, BU., wife: Leibovici Brandusa, 314 East 80th St., Apartment 4d, N.Y. 10021.

FP Ghinsbruner, Angelo, w. Silvia—Maria Rosetti 17, BU., cousins: Dr. Armin Casvan and Lucy Feuer, 140–95, Burden Crescent, Briarwood, N.Y.

Herscu, Dan; Schitu M. Gurenu 2733: cr. Alex Katz, Brooklyn, N.Y.

Illiovici, Sami, w. Dorothea, 2 chn. Patha Cogeniceanu, 1, Bu.—br. Illovici, Marc 51, Beacon St., Hartford, Conn.

(E) Illovici Marc, w. Kathrin, d. Irina—Sipotul Fintinilor 5, BU., cr. Leonard Chase, West Hartford, Conn.

Ingel, Isu, w. Frida—Trandafirilor, Dorohoi: c. Sholem Zelingher, 118–80 Metropolitan Ave., F.H., N.Y. 11415.

Ivangiu, Alexandrina, h. Alexandru; Al. Moghioros 13: si. Mrs. H. Flint 88–08 32 Ave., N.Y.

Katz, Israel, Ramos 10, Bu.—s. J. Katz 152—18 Union Turnpike, N.Y. 11376.

Lerner, Moishe, w. Liba, ch. Josilica—Trandafirilor, 17 Dorohoi, cr. Sholem Zelingher, 118–80 Metropolitan Ave., F.H., N.Y. 11415.

Lehrer, Mihail—Calea Pretenia 20, Radauti—U.S. brother.

Meitani, Alexandra Elena Ralu—Baba Novae 1=Husband on way to U.S.

Morangi, Anton, s. Rosalia, Communa Vladimirescu, Garei 4, Jud. Arad. d. Teresa Schneider. 77 Bronx River Rd. Yonkers, N.Y. 10704.

Margindeanu, Florina, w. Denisa Amado—Bu: cr. P. Ofer, 114 E. 44, N.Y.C.

(E) Moldoveanu, Victor, w. Viorica, d. Alice—De Mijloc 13, Brasov d. Monica Shevack, 201 Foster Ave., Brooklyn, N.Y. 11230.

**FP Morsky, Bernath—G-ral Florescu 16, BU.—d. Mrs. Joe Borgida, POB 2848, St. Thomas, Virgin Id.

Marcus, Saul, w. Teresa, chn. Luiza, Cecilia, m. in law, Gitla Rabinovici, Lucaci 113, BU. b. David, 3811 N. Newhall St., Milwaukee Wis. 53211.

(E) Munteanu, Mariana—Dr. Lister 5a BU.—Fiance, V. Radulescu, 43–33 46th St. N.Y. 11140.

Merovici, Mr. and Mrs.—Helesteului 21, BU.

**Mendelovici, Moshe—Al Pioneer Ilor, Visuel de Sus: cr. Leibl Mendelovich, 1427–55th St., Brooklyn, N.Y.

(E) Mihaescu, Dr. Edith, h. Constantin—Cartier Nord 40, Rimnicu Vilcea (s. Adrian) si. Elizabeth Herdan, 5910 Kirby Rd., Bethesda, Md. 20034.

Necula, Emanuel Carmen, Horia—Cal Grivitei 35, BU., 2 mothers—Necula, Maria Iordachita, Alexandrina, F. Dr. Virgin N. c/o St. Luke's Hospital, 1090 Amsterdam Ave., N.Y. 10025.

Prato, Rut—Bal. Grivitei 240, BU.

Preisz, Adela, d. Erica—Vasile Conta 18a Oradea: cr. Mary Weiss, 81–;4 Baxter Ave., Elmhurst, N.Y. 11373.

Rabinovici, Gitla—Lucaci 113, BU. (see Marcus S.).

**FP Saiovici, Martin—Parcu Traian 1, Jud. Oradea: U.S. brother.

Serban, Pia (Schwarz), Tudor Arghesi 26, BU. cr. Aron Scwartz, Brooklyn, N.Y. (212–435–8220).

Sharf, Solomon, Grivitei 168, BU.—U. Max Kluger, 149 E. Bradford Ave., Cedar Grover, N.J.

(A) Sigal, Dr. Kanku Solomon, w. Aura, d. Rolande—Al Avocat Salaganu 7, BU., cr. Eva Etrominger, 104–40 Queens Blvd., F.H., N.Y. 11375.

Simon, Isidor—Roselor 26, Matu Mare : b. Simon, Zelig, 950–43 Brooklyn, N.Y. 11219.

Simon, Martha, chn. Rita, Toma—Unirii 7, Cluj, cr. Lester Harrison, 80 Old Colony Rd. Hartsdale, N.Y. 10530.

(A) Sitaru, Ruhla—Dum Petrescu 79, BU. (See Costescu D.)

Soiman, Dumitru, w. Helena, s. Daniel—Al Moghioros 13; si. Mrs. H. Flint, 88–08 32 Ave., N.Y.

Sorin, Ada, Moise; Ramos 10, BU.—U. Jos. Katz, 152–18 Union Turnpike, N.Y. 11376.

Stern, Dr. Iuliu+w. &2 chn.; Dostoiewski 2–4, CLUJ: cr. J. Ehrlich, 105 Claybrook Dr., Silver Spring, Md. 20902.

**FP Stosel, Josef, Florentina Blvd., 10 N. Sulea, Bl. 13, BU. U. Josef Stosel, 184 Routledge St., Brooklyn, N.Y.

**Wexler, Mrs. Viorica—Bolinteanu 2, BU., si. Carol Kohn, 90–56 Ave., N.Y. 11373 si. Silvia & Marcel (Mendel) Simon—M. Eminescu 36, BU.

(E) Tarnaceanu, Jean, w. Ruhla—Sabinelor 72a, BU. (see Breier), b. Dr. A. Rogers, 70 Edgewood Dr., New Hyde Park, N.Y. 11040.

Xonis, Isak, m. Sara—Al. Fetesti 6–12, bl.1–26, BU., F. Jacob Zonis, 17 Ft. George Hill, N.Y., N.Y. 10040.

Addendum to U.S. names

Glancz Yakov—Mikhail Viteazu 4, Oradea: U.S. Ambassador Bogdan wrote Congressman Fred Richmond (Oct. 23, 1975), that Glancz had permission to study in the United Talmudical Academy of Brooklyn. Unfortunately, nothing seems to be happening.

CANADA

Clejan, Mrs. Toni, s. Avrum, Eugenia, 2 chn-Ramure 1, Ploesti, brothers: David Schmelzer, 6260 Deacon Rd., Montreal, Bernard Schmelzer, 3450 Drummond St., Atp. 1424, Montreal.

(E) Frank, Defiderill, w. Ecaterina, s. Mark—Al. Compozitor ilor, 11, Apt. 57, BU., cr. Lawrence Cohen, 121 Hunter St. Apt. 616 Hamilton, Ontario.

(E) Mendel, Irena—Al. Zoe 2, Sect.1, BU., m. Vrabio, Adriana, Al. Zoe 2, Sect.1, BU. wish to join husband & son Ernst Mendel & Radu 5475 Rosedale Ave., Apt. 407, Montreal.

(E) Panijel, Marcel, w. Silvia, d. Rifca, si., Mihai Bravu 116–122, Bl.D 14, Apt. 162 BU. b. Mihael Habot 5105 Sax St. Apt. 202, Montreal.

Rubinger, Herman, w. Gina, Nicos Beloianis 9, BU., s. Rubinger, Bruno, w. Gaby s. Marchy Nicos Beloianis 9 BU. d. of Herman and Gina Carla Ulpian, 4680 Bouchester St., Montreal.

ROMANIAN JEWS DESIRING TO EMIGRATE TO ISRAEL

S.=son, d.=daughter, b.=brother, si.=sister, f.=father, m.=mother, w.=wife, ch.=child chn.=children, cr.=close relative such as cousin, u.=uncle, a.=aunt, P.=prisoner, B.=Bucharest, F.P.=former prisoner.

**Extreme Cases (E) Emigrated; (A) Rom. emigration approval but exit unknown to J.B.

**P. Asher, Andrei, w. Ibolica, Kolantina 11, B. b. Tibor, zahal 47, Haifa, s. Mrs. Isak Horenstein 1549—55th St., Brooklyn, N.Y.

**Asher, Petru, w. Hermina, chn. Simona, Alize, Masine de Piine 69, B. (son of Andre).

**P. Aronovici, Marcu—Sibiu Prison: 5 brothers, sister in Eldest b.—Haim Doron, Allenby, 40, Tel Aviv.

Anghel, Dr. Razvan, w. Dr. Maria—Blvd Nic. Balcescu 35, B.

Abraham, Ghidali, w. Iisa, d. Anna—Udricani 25, B.—3 brothers in ISr., 1 in N.Y. (F.P.) b. Shimon, Aronovich 8, Holon; Itshak Raines 15, Murasa, Ramat Hasharon.

Avrum, Saul Ber, Spiru Haret 34, Dorohoi.

Butoianu, Dr. Elena (nee Wexler), +h.&Ds.,—Galati 6, Bu.—Relatives in Israel.

Bucur, Viorel, si. Adina, si. Karmen—Zurchi 2, Tinisoa Grandm. Frida Jeger, Rehovot.

Bernstein, Miriam, Anni, Robert, Cecilia,—Tiglina III, Galati.

**Blum, Anna—Pope Soare 52 (F.P.) B.—A. Magda Barna Kiriat Asor, 526, Nahariya.

Belgrader, Andrei, w. Dora—Drobeta 3, B.–U. Boris Bendarski, U.S. or Canada.

Baltusch, Marian, w. Felicia, s. Alexandru: Drumul Taberei 23 B.

(A) Breitman, Harry, w. Vera, chn. Rolly, Yvonne: (A. Hedda Fodor Weitzman 6, Natanya.) Vacarescu 12, Timisoara.

Cheptea, Mircea; 68–70 Cal.Victoriei, Bu.—Numerous relatives in Israel.

Chisinezschi, Emile, w. Odette, 2 sons: c/o Mrs. Chisinezschi, V. Manu 42, B. Yuri, w.Ina, baby Georghe, Blv. N. Balcescu, B. B. in Israel, Andrei, Kibbutz Gan Shmuel.

Cohn, Morel w. Nadia 2 chn; Padurea Craiului 2, Bu. Bu—cr. H.Brandman, 23 Clearland Rd, Syosset, L.I., N.Y. 11791; Justin Duncan 13 Fuller St., Brookline, Mass. 02146.

David, Adrian and m. Dora—N.Balcescu, 86, B.

**FP Davidovich, Lazar—Carpati 17, Visuel de Sus; W. & b. Josef, Yotfat, Bl.82, Natseret Alit, cr. Maurice Nemes, 518 McLean Ave., Yonkers, NY 10705.

Donath, Paul, s. Peter+w.—BlvIlie Bintilic 12, B.

**Doreman, Haim, w. Enta, c. Enech, c/o Mania Halperins, Soscauatuttora 15. Jassy.

Glainer, Osias—Bradului, 16, Bu.

Ellas, Radu—Blv. Lenin 5, Cluj.

(A) FP. Faibish, Surica. Com. Bacosti, Jud. Vaslui: s. Sabinas Cohen, Nahlat Yitshak, 11, T.A.

Feldman, Julian, w. Lilian, s. Alexandru; Romulus 17, B.—B. Aurel, Itshak Sadeh 88/6, T.A.

Fabian, Alexandru, w. Charlotte—Salicimilor, Satu Mare.

Fabian, Andrei—Galati 27, Cluj.

(E) Fleisher, Carolina, Bl.Leontin Salajan 43, B.
(A) Gainaru, Rodica & Viorica—Casa de Copii, Boius Oradea (16 year old twins waiting to join mother, Melinda Herskovic, Shikun Ramat 14/17, Lod.
FP. Geber, Aron—Intr. Lemnea 3, B.—s. Harry, Kiriat Ono.
Ghersin, Julian, w. Dana, Bucharest.
Goldenstein, Hartin—Lugofatul 60, B.
Kovacs, Susana and mother, Dobrogeanu Gherea 12, Brasov: Relatives in Israel.
Herscovici, Max—Corvin, Cluj.
Herscu, Dan, Schitu M. Gurenu 2733—cr. Alex Katz, Brooklyn, N.Y.
Herscu, Radu—Piata Splaiuliu 3-5, B.
Herscu, Sofia—Palatului, Bl. 7, ap. 45, sect. 7, B.
Herscovici, Corina, h.—Al. Lapusneanu 24, Galati probably left, to be checked.
Hajos, Ladislau—Galati 48-50, B.—Fiance in Israel: Vita Milstein, Tagore 11 Ramat Avi.
(A) Hirsch, Nicolae—Comie 3, Brasov: Wife in Israel, Toni, 2 chn., c/o Yona Zaler, Rashbam 13, Bnai Brak.
Isser, Mendel—Poiana Narciselor 7, B. Israel, Iancu-Armenau 16, Jassy.
**P. Itzikon, Avram (Prison unknown here) B. Marcel, Hagana, 25/23 Rehovot.
**FP. Itic (Ungar), Avram Natan—Mamulari 8, B.—B. Arie, Rashi 15a, Haifa.
Iacob, Iosif, w. Roji-Mihail Eminescu 12, Nassaud Regcluj (Brothers in Israel) (Emil, Moshe, Noah Rubin/cousins in USA, (Eugene and Bertalen Siegelstein, Brooklyn, N.Y., (Richard Rubin, 9827 Kiakindine Ave., L.A. Calif.
Kaufman, Harry—Petru Rares 12, Galati.
Kirshenbaum, Bernath—Vlad Tepel 3, Dej.
Julian, Dumitru (ne Steinbrock, David), w. Paraschiva; Dr. Staicovici, 49. BU: SI Freda Braunstein, Kib.Givat Brener; si Sara Figer, Atzmaut 14, Hadera; M. Marta Steinbock, Netanya.
Lehrerm, Mihail—Calea Pretenia 20, Radauti.
Lackner, Julian, w. Rodica, baby; Schitul Maicilor 14, Bu.—Relatives in Israel.
**Leibovici, Mendel, w. Eliza—Al. Cimpul cu Flori 8, B.—Sisters in Israel, (F.P.) Frida Bercovici, Aticot Ashkelon 285/14, Bernacit Herscu, Der. Anitahon, Ashkelor.
Manescu, Vlad—Popa Savu 3a, Section 1; Bucharest (finance in Israel—Imberg, Suzana, Ramat Hasharon.
Manhaim, Georgho, w. Ernestina, chn, Andrei, Annmarie—Invoirii 12, B.
Moscovici, Maral, w. Sofia—Sfintulsava, 19, Jassy—want to join children.
Mendolovici, Sanilicu, Bl. 23, August 24, Timisoara.
Moscovici, Elias—Nicolina 3, Jassy.
Mayerson, Samson, w. Hermina—Mantuleasu 12, B.—M. in Israel. Rebecca. Nitsana 199, Ramat Josef and 3 sisters.
Liber, Liviu, w.Monica—Cuza Voda 45, Bu.—relatives in Israel.
**Negrea, Anton, w. Maria, 5 chn—Blv Magheru 9, B.—Desperate parents in Israel, Herscu Schwartz (82), w.Rebecca (78), Maon Haakademain, 225 Kiriat Haim, Haifa.
Osias, Hersu, w. Draga, d. Mariana—Cerbulin 32, Brasov—multiple refusals
Roll, Teofil, wife, 2 chn, m. in. law; Al. Moldovita 6, Bu—relatives in Israel.
**FP's wife Pal. Paraschiva—Kogalniceanu 27, Dej. Jud. Glui.
Poper, Zoltan—Trib. Jud. Bihor 1785/1968, Oradea.
**Popescu, Silviu—Apolodor 18, B. U. Leelefner, R. Kibbutz Greyat 658/2, Ashdod, Israle, B. Nathan Kaufman, Rue General Riberio da Costa 121, Ap. 401, Rio de Janeiro, Brazil.
(E) ** FP. Redu, Misu, w. Franchetten—Solca 5, B.—2 ds. in Israel: Violet Wilk, Hamlasha 7, Ramat Gan; Marcela Garon, Hadar Yosef.
**FP. Rosinger, Adalbert w. Malvino—Stirbei-Voda 4 B.—D. Veronica, Hana Sonesh 2, Bnai Brak; M. Haia Herscovici, Der. Tsarpat 15/16, Kiriat Sprinzak, Haifa.
**FP Rosenberg, Heinrich, w. Lilica—Lapusneanu 24, Galati; D. Corina Hershovici arrived in Israel with husband.
Reichman, Herman—Deda Brista Reg. Tg. Mures.
Reichman, Isidor—Gral Florescu 16, B.
Smilovici, Herscu Marcel—Decembrui, 60, B.
(A) Solomon, Leon—Stefan Cel Mare, 33 Birlad, Jud. Vaslui: cr. Rabbi Daitch, Ahad Haam, Petach Ti.
**FP Scheener, Otilia—Cal Grivitei 67, B.—A. Lotte Schener, Hamaleh Korech, 16, T.A.

**FP. Suzin, Micu, w. Veronica, d. Mariana—Piata Buzesti Q.B.—Si Lili Deutsch, Yavnoh.

Solomon, David, w. Clara, and daughter—Decembrie 30, 43, Dorohoi.

(A) Sigal, Dr. Janku Solomon, w. Aura, d. Rolande—Al. Avocat Salaganu 7, PU. b. Marcel Segal in T.A., si in Haifa, Clara Schecter.

Schwartz, Beniamin, w. Corina—Prof. Georgescu 27a, B.

Schwartz, Martin, w. Adriana III Calarosi, B.

Schwartz, Mayer, w. Miriam—Antin 37, B.

Schecter, Ichil—m Decebal 67, Constanta.

Salomon, Alexandru Garrli 35, Osorhoi, Jud. Bihor.

**P. Schwalb, Dr. Naftali—Dr. Petru Maior 10, Braila, W. Dr. Betty, 5 chn Si Eva Bar Sina (Schwalb), Hanasi 24, Haifa.

**P. Simian, Samoil—Tauti de Sus 18, Baia Mare 4800: Si, Esther Berger, Nordau 5, Petsch Tikv.

Schachter, Y.—13 Decemerie 9, Falticani Reg Suceava.

**Unger, Nathan (FP)—Mamulari 8, B.—B. Arie, Rashi 15a, Haifa.

**FP Useriu, Mihail—Justitei, 7, B.—B. Israel Ochri, Habas 61, Haifa.

**Usher, David (FP)—Negresti Vaslui, Decebal 4, Jassy—B. Avraham, R. Avoda 23, T.A.

Vasilescu, Stefan, w. Leontina—Al. Episcopul Ambroisie, Apt. 5, B.—Trying 9 years.

Vianu, Irene, h. Raymond, 2 chn—homeless, earthquake; M. Sofia Wilhelm, S. Tzipornim, 7, Ramat Yosef, Bat Yam.

(A) Weinberger, Zoltan,—N. Balchescu 5, Brasov.

**FP. Weiss, Nissim David, w. Floreta, s. Lucian—Intr. Pictor Vermont 3, B. b. Jancu, Haifa P.O.B. 4072, b. Lazar, Kikar Histadrut, 6, Noscher Haifa.

Wulich, Milea—Prisaca Dornei 6, B.

Zeid, Lovi, w. Golda—Calarosilli, B.

STATEMENT SUBMITTED BY THE VERY REVEREND F. M. GALDAU, CHAIRMAN, THE AMERICAN ROMANIAN COMMITTEE FOR ASSISTANCE TO REFUGEES (ARCAR)

Dear Mr. Chairman, we are enclosing herewith a list of near relatives of some of our parishioners, U.S. citizens and permanent residents, who for the last few years have been trying to rejoin their families in the United States, and another list with the most pertinent cases of Romanian citizens who cannot leave Romania.

We do not know the present emigration policy of the Romanian Government, especially after the disastrous earthquake of last week. But up to now it has not been encouraging, despite an easing up of emigration restrictions during the past few months. However, we note that with most people, the policy has been the following:

1. The Romanian Government continues to deny its citizens the right to obtain passports and exit visas guaranteed in the Helsinki Agreement, and the United States—Romanian Trade Pact, giving the latter Most Favored Nation statutes (provided they honor provisions of title IV, Sec. 402(a) (1), (2) and (3) concerning Freedom of Emigration). These guarantees of free emigration are also written into the Romanian Constitution.

2. The Romanian Government has increased its harassment of citizens trying to apply for exit documentation. Formalities of application for a simple form to fill out have increased to a point of near impossibility during the past year; the application process has become so costly and time-consuming (months, even years) that few dare attempt it. Moreover, the Romanian Government is depriving citizens applying to leave of their jobs, homes and civil liberties. The latter is a great irony as these rights are guaranteed in the Helsinki Agreement and the U.S.-Romanian Trade Pact.

3. Persons wishing to leave Romania cannot do so with any possessions (valuables, objects d'arts, personal property and even personal documents must be "donated" to the Government). Most citizens leave their country and start life anew in another country penniless.

4. They cannot leave Romania unless they have valid proof of an entry visa to a new country which, with present immigration legislation, is difficult in the United States and some other Western countries.

The Romanian Government has confiscated exit documentation of citizens who have waited months and years for entry visas to other countries. For ex-

ample, Romanian passports are valid for two or three months only, after which they have to be renewed and the whole difficult process of application repeated. Another point is that people without close relatives in the U.S.A., or unless they are specialists in their fields, cannot at present apply for U.S. entry visas, but most travel to either Austria or Italy to apply to the local I.N.S. representatives for Conditional Entrant visas.

This is all gist for the mill of the Romanian Government and allows them to refuse to comply with the provisions of the Helsinki and Trade Agreements.

5. Should a Romanian senior citizen leave his country, temporarily or permanently, his Government does not pay him the senior citizen pension he is entitled to. On the other hand, more than 10,000 U.S. senior citizens of Romanian origin are regularly getting their U.S. Social Security checks in Romania which they spend there together with their small savings, and the Romanian Government is delighted to see their U.S. dollars, despite calling the U.S. citizens "American Imperialists."

By enclosing the lists, Mr. Chairman, we would like to draw your attention to only some of the most flagrant breaches of faith of the above-mentioned Agreements. It goes without saying that there have, of course, been breaches of faith too numerous to mention in any letter.

CASE LIST NO. 1

1. Mr. and Mrs. Harry Flynt, U.S. citizens, of 88–08 32nd Avenue, Jackson Heights, New York 11370, an elderly and invalid couple, have since five years tried to bring their Romanian relatives here to help take care of them.

They are: Dumitru Soiman, wife Elena who is Mrs. Flynt's neice, and son, Daniel; Alexandru Ivcanciu, wife Alexandrina who is also Mrs. Flynt's niece, and son, Dinu. They live at Str. Alexandru No. 13, Bucharest. Several Senators and Members of Congress have vainly attempted to help the Flynts bring their relatives over.

The U.S. I.N.S. Service insists on these kinds of relatives obtaining labor certification (which under present U.S. economic conditions is difficult) before they issue entry visas. Were the Romanian Government, however, to give them exit documents, they could travel to Vienna or Rome where I.N.S. could process them as Conditional Entrant refugees.

2. Mrs. Gabriela Tuculescu will become a U.S. citizen May 5 of this year. She lives at 70–25B Yellowstone Blvd., Apt. #3 L, Forest Hills, New York 11375. For three years she has tried to bring her sister, Geraldina Pandele, here for a visit or permanent stay. She lives at Str. Maxim Gorki No. 4A, Sector I, Bucharest. The Romanian Government which is actually her employer, refuses to even permit her to ask for her passport application endorsement at her place of work, without which the process cannot be started. During Romanian President Ceausescu's visit here in 1975, an appeal was made on behalf of Miss Pandele and he promised to have her released. Subsequently, a member of the Romanian Foreign Affairs Ministry visited her and advised her to apply for her exit documentation. So far, absolutely nothing has developed.

3. Permanent U.S. resident Constantin Rauta, P. O. Box 634, Washington, D.C. 20044 has been trying for four years to bring his wife Ecaterina Gabriela, 29, and son, Mihai Catalin, 4, to join him here. His wife was arrested and subjected to severe persecution and persuasion to divorce her husband. Efforts of the U.S. Embassy in Bucharest at assisting her have failed.

4. Permanent resident Vasile Snacoveanu, of 43–33 48th Street, Apt. #1A, Astoria, New York 11104 is completely blind and needs his son, Vasile Jr., 18, here to help him. The son lives at Str. Fildesului No. 3, Buc. H2 Scara 2, Apt. 1, Bucharest, Sector 4. So far there has been no result.

5. Mrs. Adriana Timus, a U.S. citizen, of 444 East 82 Street, Apt. 58, New York, New York 10028 has been trying to bring daughter Roxana Deleanu, 16, and sister, Anca Enculescu, here since 1970. Roxana lives at Str. Barbu Vacarescu Nr. 119, Bucharest 1, with her grandparents. The Romanian Government had forced the courts to award custody of the girl to her father, a prominent member of the Communist Party, although Roxana refused to stay with him. She claims he is an immoral person and an alcoholic who beats and tortures her. The courts have allowed her now to stay with her grandparents. Her mother, who has a good relationship with her daughter, wishes her to come over and live with her.

CASE LIST NO. 2

1. Name: Arnow, John—U.S.A. Citizen, 3 Lawson Lane, Great Neck, N.Y. 11023.
Persons involved: Elena Pereteanu, age 27, Bookkeeper, Bvdul 1 Mai Nr. 339—Bl. 15, Sc. D. Et. 1, Apt. 102, Bucureşti—Sect. 7—Romania.

2. Name: Badescu, Marta—Conditional Entrant—23-38 31 Street Apt. 3 B, Astoria, N.Y. 11103.
Persons involved: Viorel Bădescu, Husband, age 46, Afrodita Bădescu, daughter, age 18, Roxana Bădescu, daughter, age 16, all residing at Bvdul Dacia, Nr. 46 parter Bucuresti, România.

3. Name: Bebelea, Irina, Permanent Resident, 155 Logan Street, Brooklyn, New York 11208.
Persons involved: Florian Bebelea, son, 20 years, Marcela-Gabriela Bebelea, daughter, 19 years, Str. Otet Nr. 6—Brasov, România.

4. Name: Botosani, George P., U.S. Citizen, 72 Seeley Street, Bridgeport, Conn.
Persons involved: Paul, Roger Popescu-Botoşani, son 37 years, Maria-Cristina Popescu-Botoşani, daughter, 35, Str. Nuferilor Nr. 65, Bucureşti-România.

5. Name: Bucur, Seren, Permanent Resident, 200 Park Avenue South, New York, N.Y. 10003.
Persons involved: Carmen Bucur, daughter, 17 years, Str, Zurich Nr. 2, Et. II., Apt. 11—Timisoara—România.

6. Name: Ciobanu, Vasile, Permanent Resident, 43-10 44th Street Apt. 2-4, Sunnyside, New York 11104.
Persons involved: Vasile Ciobanu, father 75 years, Tatiana Ciobanu, mother 65 years, Str. Nazarcea Nr. 59—Bucureşti 7 România (for short visit).

7. Name: Cocioba, Emil Trandafir, 1 Laurel Drive, Huntington, New York 11743.
Persons involved: Serban Cocioba, son, Viorica Cocioba, daughter-in-law, Rareş Cocioba, grandson, Str. Crinu de Pădure Nr. 2, Bucureşti 7, România.

8. Name: Dr. Constandis, Decebal, U.S. Citizen, 115 West 68th Street, New York, N.Y. 10023.
Persons involved: Dr. Călin-Gheorghe Constandis, brother, 35 years, Strada de Miiloc Nr. 11, Brasov, România.

9. Name: Dr. Cristescu, Teodor, 37o Ridelle Avenue apt. 21-04, Toronto, Canada.
Persons involved: Elena Cristescu, wife, 38 years, Laurenţiu Cristescu, son 17 years, Strada Poiana Narciselor Nr. 14 Atp. 5, Sector 4, Bucureşti, România.

10. Name: Mrs. Flynt, Mary, U.S. Citizen, 88-08 32nd Avenue, Jackson Hts., New York 11370.
Persons involved: Dumitru Soiman, brother, 45 years, Elena Soiman, sister-in-law, 44 years, Daniel Soiman, nephew, Alexandrina Ivanciu, sister, Alexandru Ivanciu, brother-in-law, Dinu Ivanciu, nephew, Str. Alexandru Moghioros Nr. 13, Bucureşti, România.

11. Name: Fara, Gheorghe, Permanent Resident, arr. 4.26.1973, So. Plainfield, New Jersey 07080.
Persons concerned: Mircea Meleasa, cousin, 23 years, Str. Emil Bodnăraş Nr. 3 43(fosta Bujoreni), Bl.P.13 Sc. 2 Ap. 38, Bucureşti 7, România; Ilie Tutuianu, cousin, 35 years, Bdul. Gh. Dimitrov Nr. 121, Bl. G. Sc. 5, Ap. 24, Bucureşti 3, România.

12. Name: Florea, Stefan and Viviana, 1709 Putnam Ave., Ridgewood, New York 11227.
Persons involved: Maria Zaharescu, mother, 59 years, Violeta Maria Zaharescu, sister, 23 years, Nicolae Zaharescu, step-father, 57 years, Str. Gloriei, Bl. 205, Ap. 3o, Sc. B Et. 4, Ploieşti, România.

13. Name: Graur, Walter, 454 Trautman Street, Brooklyn, N.Y. 11227.
Persons concerned: Mioara Graur, wife, age 29, Melania Graur, daughter, age 3, Res. Str. Caporal Duimitrescu Nr. 68, Ploiesti, Regiunea Prahova-Romania.

14. Name: Kaladjan, Ardashes, U.S. Citizen, 50 West 89th Street, New York, N.Y. 10024.
Persons involved: Elena Andrei, niece, 17 years, Bd. Dimitrie Cantemir Bl. 18, Sc. 2, Et. 3, Apt. 47, Bucuresti 5, România.

15. Name: Mateescu, Ioana, Conditional Entrant, 45-15 42nd Street Apt. 2-C, Sunnyside, N.Y. 11104.
Persons involved: Coralia Mateescu, mother, Bdul. Muncii Nr. 8, Bucureşti 4, România; Daniela Stancu, sister, Constantin Stancu, brother-in-law, Bogdan Stancu, nephew, Alin-Sebastian Stancu, nephew, Etr, Emil Racovită Nr.r.2 29—31 Bl. E M 2, Bucuresti 5, România.

16. Name: Meleasa, Alexandra, permanent resident, 3 Lawson Lane, Great Neck, New York 11023.

Persons concerned: Niculae Meleasa, son, 26 years, Str. Siret Nr. 15, Bucureşti 8, România.

17. Name: Muresan, Anton, permanent resident, 351 West 53rd Street Apt. 1–E, New York, N.Y. 10019.

Persons involved: Anton Dorel Mureşan, son, 18 years, Str. Libertăţii Nr. 5 Apt. 179, Oraş Gheorghiu-Dej, Jud. Bacău, România.

18. Name: Nace, Victor, permanent resident, 32-24 74th Street, Jackson Hts., N.Y. 11370.

Persons involved: Ileana Constantinescu, sister, Brădut Constantinescu, nephew, Str. Pitar Moş Nr. 25, Et. 6 Ap. 2o, Bucureşti 1, România.

19. Name: Pitu, Ilie and Angela, Conditional Entrants, 44 Cabot Street, Beverly, Mass. 01915.

Persons involved: Marin Pitu, 27 years, single, son, Mihai, Pitu, 24 years, single, son, Bd. Ana Ipătescu Nr. 2, Bucureşti 1, România.

20. Name: Rauta, Constantin, permanent resident, P.O. Box 6343, Washington, D.C. 20044.

Persons involved: Ecaterina-Gabriela Rauta, wife, 27 years, Mihai Cătălin Răută, son 2, Str. Alexandru Moghioros Nr. 32 Bl. A–11, Sc. f Ap. 90, Bucureşti 7 România.

21. Name: Reznic, Stefan, permanent resident, 43 Grove Street, E. Massapequa, New York 11758.

Persons involved: Anton Reznic, father, 54 years, Ana Reznic, stepmother, 40 years, nee Pietraru, Paris Emanuel Reznic, stepbrother, 7 years, Carmen Luminiţa, Reznic, stepsister, 5 years, Str. Salcilor Nr. 17, Tulcea, România.

22. Name: Steclaci, Lucian, U.S. Citizen, 195 Torrington Heights Road, Torrington, Conn. 06790.

Persons involved: Adrian Steclaci, brother, 57 years, Livia Steclaci, sister-in-law, nee Buzila, 51 years Str. Stirbei Vidă Nr. 2 Apt. 153, Et. 3 Sc. 8, Bucureşti 7, România.

23. Name: Stefanescu, Raluca, permanent resident, 133–24 Sanford Avenue, Ap, 3G, Flushing, New York 11355.

Persons involved: Corneliu George Stefănescu, father 59 years, Str. Viting Nr. 6, Bucureşti 7, România.

24. Name: Stoica, Adriana, permanent resident with son U.S. Citizen, 45–19 42nd. Street, Apt. 2–C, Sunnyside, N.Y. 11104.

Persons involved: Angela Gall, mother, Mihail Gall, father, Str. Ciucea Nr. 1.Bl.P.16,Sc.3 Et.1,Ap.33, sector 4 Titan, Bucureşti, România.

25. Name: Teodorescu, Iosif, 324 East 34th Street, Apt. E–4, New York, N.Y. 10016.

Persons involved: Dana Maria Sufana, 34 years of age, wife, professional designer (draftsman), Str.Caragiale Nr. 18, Bucureşti 2, România.

26. Name: Vladescu, Narcis, U.S. Citizen, 111 Van Nostrand Ave., Englewood, New Jersey 07631.

Persons involved: Anton Constantin Maza and family, Str. Baba Novac Nr. 2, Et.1,Ap.4, Bucureşti, România; Mihai Mina Vasile Maza and family, Sos. Mihai Bravu Nr.106 Bl.D 16 Ap. 113, Bucureşti, România.

27. Name: Teodorescu, Surmenian, Alice and Dinu, 43–09 44th Street 4–H, Sunnyside, New York 11104.

Persons involved: Atzataber Surmenian, father 57 years, Hribsime Surmenian, mother 55 years, Eduard Gabriel Surmenian, brother, Bd.Lăpuşneanu 173,Bl.7 1, Et.3 Ap. 24, Constanţa, România; Mihail Teodorescu, brother-in-law, Elena Teodorescu, sister, Doina Teodorescu, niece, Str. Săpunari nr.4,Ploiesti, România.

28. Name: Tuculescu, Gabriela, permanent resident, 70–25 B Yellowstone Blvd. Ap. 3–L Forest Hills, New York 11375.

Persons involved: Geraldina Pandele, sister, 35 years, Eglantint S. Ionescu, mother, 62 years, Str. Maxim Gorki Nr.4 A,Et.3 Ap. 7, Bucureşti Cod 7, România (for short visit).

29. Name: Timus, Adriana, U.S. Citizen, 49 West 71 Street, New York, N.Y. 10023.

Persons involved: Anca Enculescu, sister, 30 years, SerbanEnculescu, brother-in-law 35 years, Bl. 37 (A+B) Titan,Sc.A,Et.7 Ap. 29, Bucureşti 4 România; Roxaana Deleanu, daughter, 16 years, Str.Barbu Văcărescu Nr.119, Bucureşti 1, România.

30. Name.: Tuculescu, S. Mihai, permanent resident, 70-25 Yellowstone Blvd., Ap. 175, Forest Hills, N.Y. 11375.

Persons involved: Traian Radulescu, 35 years, Calea Griviţei Nr. 159 Et. 6 Ap. 101, Bucureşti-România; Elena Galaction, aunt, 63 years, Str. Gala Galaction Nr. 51, Bucuresti 8 România; Mircea Lupa, 35 years, Str. Fluierului Nr. 24 bis, Bucureşti 3, România.

31. Name: Badea Marieta, Permanent Resident, 50 W 89 St., New York, N.Y. 10024.

Persons involved: Badea Viorel-Sorin, 44 years, husband, Badea Marius, 22 years, son, Str. Andrei Muresan No. 1 A, Bucureşti, Romania.

32. Name: Balaban, Cristache, U.S. Citizen, 355 W Saratoga Str., Ferndale, Mich. 48220.

Persons involved: Balaban Ion, 39 years, brother, Balaban Rodica 37 years sister-in-law, Balaban Roxana, 11 years, niece, Balaban Gratiela 9 years, niece, Blvd Păcii No. 94–100 Bucuresti Sector 7.

33. Name: Bucurescu, Marius, U.S. Citizen, 15 Vermilyea Av., N.Y.C., N.Y. 10034

Persons involved: Bucurescu Alexandru-Viorel, brother, Bucurescu Magdalenafi sister-in-law, Bucurescu Monica, 16 years, niece, Bucurescu Gabriela 6 years, niece, Blvd. Păcii No. 74–76 apt. 24 Sect. 6 Bucuresti.

34. Name: Carbunescu, Maria, Permanent Resident, 802 Seneca Ave, Ridgewood, N.Y. 11227.

Persons involved: Carbunescu, Panait, 56 years, husband, 18 George Bacovia St. Sector 5 Bucuresti.

35. Name: Carbunescu, Elena, Permanent Resident, 18–23 Cornelia St. Ridgewood N.Y. 11227.

Persons involved: Scarlet Dumitru 62 years, father, 15 Cpt. Mircea Vasilescu St. Sector 5 Bucureşti; Scarlat Georgeta, 46 years mother, Comuna Balota, Jud Dolj, Romania.

36. Name: Ciobotenco, Valeriu, 31–35 Crescent St. 3L, L.I.C., N.Y. 11106.

Persons involved: Cebotenco Iraida, sister, Bd. Dimitrie Cantemir No. 15 Ap. 173 sc., Sector 5 Bucureşti.

37. Name: Davidovici, Olimpia Elena Maria, 160 West End Ave Apt. 22 G, N.Y. 10023.

Persons involved: Mironescu Emilia, 45 years, sister, Manea Vasile, 45 years, brother-in-law, Manea Ileana 12 years, niece, Str. Bujoreni No. 19 et. 5 Apt. 57 sc. 2 Sect. 7, Bucureşti.

38. Name: Fanous, Anca Maria, Permanent Resident, 102–55 67th Road, Forest Hills, N.Y. 1137.

Persons involved: Stoicescu Valentina, 29 years, sister, Str. Călusei No. 40 Bucureşti Sector 3.

39. Name: Gallu, Victor, U.S. Citizen, 50 West 89 St. N.Y.C., N.Y. 10024

Persons involved: Gallu, Veronica, 40 years, wife, Gallu, Vasile Damian, 6 years, son, Str. Ceahlău No. 9 Timisoara, Jud. Timis, Romania.

40. Name: Gogoiu, Dorel, 50 West 89 St. N.Y.C., N.Y. 10024.

Persons involved: Gogoiu, Estera, 24 years, wife, Gogoiu, Călin, 3 years, son, Str. Romulus No. 30, Timisoara, Romania.

41. Name: Kaushik, Maria, 43–42 48th St. Sunnyside, N.Y. 11104.

Persons involved: Levarda, Doru Liviu 20 years, son, Levarda, Dan Mihai 22 years, son, Valea Oltului St. Bloc P2 Scara 7 et. II, Apt. 130 Bucuresti, Sector 7.

42. Name: Ilies, Maria, U.S. Citizen, 1263 Park Ave, Apt. 6A, New York, N.Y. 10029.

Persons involved: Barutia-Popa, Delia daughter 28 years, Popa Gheorghe, son-in-law, 31 years, Str. Hrisovului No. 13 Bloc D3, Apt. 7, Sector 8 Bucuresti, Romania.

43. Name: Lupulescu, Ioan, 920 West Seven Mile Road, Detroit, Mich. 48203.

Persons involved: Lupulescu, Luiza, 18 years, daughter, Lupulescu, Lilian, 8 years, daughter, c/o Constantin Lupulescu, Comuna Schela, Jud.Gorj. Romania.

44. Name: Marin, Cristina, Permanent Resident, 33–43 Crescent St., Astoria, N.Y. 11106.

Persons involved: Georgescu, Paul, 49 years, brother, Georgescu, Maria, 45 years, sister-in-law, Georgescu, Florentina, 22 years, niece, Sos. Pantelimon No. 254 Bloc 55 Sc.C Apt. 128, et.10 Sector 3, Bucureşti.

45. Name: Mihaiescu, Adriana, Permanent Resident, 447 A State St., Brooklyn, N.Y. 11217.

Persons involved: Mihăiescu, Gh. Ilie, 40 years, husband, Blvd Leontin Salajan No. 43, Bloc D 1 et.5 apt. 118, Bucureşti, Romania.

46. Name: Necula, Lucia & Virgil, U.S. Citizens, 1090 Amsterdam Av., 8 H, N.Y. 10025.

Persons involved: Necula, Carmen, 26 years, daughter, Necula, Horia, 21 years, son, Necula, Emanuel, son-in-law, Necula, Maria, mother, 73 years, Iordachiţa Alexandrina, mother-in-law, 75 years.

47. Name: Motora, Gherghina, Permanent Resident, 32 Kissena Blvd, Apt. 16 K. Flushing 11350.

Persons involved: Motora, Luminiţa, 13 years, daughter, Str. Occidentului No. 10, Apt. 3 Bucureşti.

48. Name: Palamaru, Ludmila, U.S. Citizen, 209–39 34 Rd., Bayside, N.Y. 11361.

Persons involved: Palamaru, Georgescu Galina, 38 years, sister, Georgescu, Petronius, 40 years, brother-in-law, Georgescu, Monica, 8 years, niece, Georgescu, Simona, 6 years, niece, Palamaru, Ilie, 80 years, father, Palamaru, Nina, 76 years, mother, Comuna Movilita Jud. Ilfof Raion Urziceni, Of.Postal, Fierbinti, Romania.

49. Name: Snacoveanu, Vasile, Permanent Resident, 43–33 48th St. Apt. 1 A, Astoria, N.Y. 11104.

Persons involved: Snacoveanu, Vasile, Jr., 18 years, son, St. FildeSului No. 3 Bloc H 2, Sc. 2 Apt. 1 Sector 4, Bucureşti.

50. Name: Serban, Stefan, Permanent Resident, 1870 Drunciole Rd., E. Staten Island, N.Y. 10309.

Persons involved: Stefan, Mihăiţă, 22 years, son, Str. Edgar Quinet No. 3 Sector 1, Bucureşti.

51. Name: Tuculescu, S. Mihai, Permanent Resident, 70–25 Yellowstone Blvd., Apt. 1275, Forest Hills, N.Y. 11375.

Persons involved: Rădulescu, Traian, 35 years, Cal. Griviţei No. 159 Et.VI, Apt. 101 Sector 8, Bucureşti, Romania, Galaction, Elena, aunt, 63 years, Str.Gala Galaction No. 51 Sector 8, Bucureşti (For a short visit), Lupa Mircea, 35 years, Str. Fluierului No. 24 bis, Sector III, Bucureşti.

52. Name: Ungureanu, Vasile, Permanent Resident, 31–06 42nd St., Astoria, N.Y. 11103.

Persons involved: Ungureanu, Buliga Zoe, 21 years, daughter, Buliga, Viorica, 3 years, niece, Str. Cartierul Kiselef Bloc A 8, Apt. 17 Sc. 4, Turnu Severin, Romania.

53. Name: Wigder, Victoria, U.S. Citizen, 155 Puritan Drive, Scarsdale, N.Y. 10583.

Persons involved: Bogosian, Viorica, sister, widow, Str. 23 August, Bloc C4, Sc. 2 Apt. 11, Mangalia Constanţa.

RECAPITULATION

The number of the above-mentioned persons can be summarized as follows:

(a) Parents: Fathers: 7, Mothers: 10.
(b) Children: Boys: 28, Girls: 25.
(c) Husbands: 4.
(d) Wives: 6.
(e) Brothers: 16.
(f) Sisters: 18.

Total persons involved 114.

The Very Rev. F. M. GALDAU.

STATEMENT SUBMITTED BY THEO JUNKER, PRESIDENT, MATTHIAS ARINGER, SECRETARY GENERAL, AND EMIL AND ANNA WIEDMANN, REFERENTS, OF THE DANUBE SWABIAN ASSOCIATION OF THE U.S.A., INC.

In his address to the Council of Working People of German ethnic origin on February 21, 1971 President Nicolae Ceausescu conceded that this minority group has suffered injustices during the period following World War II. At the same time, he stated, however, that their rights and duties as citizens of the Socialist Republic of Romania were recognized now. This statement was a source of encouragement for our countrymen who are living in their native country of Romania as well as for those who have been displaced after World War II to the United States, South America and Europe.

It is the implementation of this official statement that we are seeking for our countrymen who are settled in their native country and also for those who have been born on Romanian soil and have been displaced to a foreign country. It is our main desire that those living in their native country be assured the full exercise of their citizen rights as guaranteed by Article 13 of the Constitution of the Socialist Republic of Romania of March 13, 1969. The practical implementation of those provisions will certainly contribute to, and promote, the achievement of the national and international aspirations of the Socialist Republic of Romania.

With respect to the fundamental rights and duties of citizens, Article 17 of the Romanian Constitution states that the citizens, irrespective of their ethnic origin, race, sex or religion, have equal rights in all fields of the economic, political, juridical, social and cultural life. The state guarantees the equal rights of citizens. No restriction of these rights and differences in the exercise, on the grounds of ethnic origin, race, sex or religion, are permitted. Article 21 of this Constitution assures the right to education. Article 22 guarantees the co-inhabiting nationality groups the free use of, and education in, their native language. Article 30 protects the free exercise of their native cult and the training of religious servants thereof. And Article 23 defends and protects the institution of marriage and the family.

Mindful of these constitutional guarantees, we request that the Romanian authorities resolve in a positive, constructive, and humanitarian manner the petitions and applications of our countrymen of German ethnic origin. The right of petition is guaranteed by Article 34 of the Romanian Constitution which expressly states that the public authorities have the obligation to resolve the petitions of citizens with respect to their public rights. These certainly include the right to petition for marriage and for the reunification with their families at home and with those family members who have been displaced from their homeland and are now settled in a foreign country.

It has come to our attention that some of our countrymen who have applied at the Romanian authorities for a passport and for an exit visa in order to be married, to visit, or to be reunited with their family members displaced abroad, have not been able to do so because of a shortage of printed application forms. Moreover, some of those persons have been persuaded by different organizations to withdraw their applications, and even to divorce their spouses. Others have lost their jobs, their property, and their pension rights for the simple reason that they have petitioned to be reunited with their families or because they were granted that request. Such cases have been reported to us in spite of the fact that Article 18 of the Romanian Constitution guarantees the right of citizens to work, and that in accordance with their abilities and their educational qualifications. Article 36 protects the right to personal property, while another one, Article 37 guarantees the right to inheritance. These are fundamental human rights which are fully guaranteed.

Pursuant to the text of Article 16 of the Constitution, Romanian citizenship shall be acquired in accordance with the provisions of the law. In spite of this constitutional provision, we have experienced cases in which the administrative authorities have been causing difficulties to those who have been born on Romanian soil and who have acquired another citizenship when displaced after World War II. This has equally happened, to those of our countrymen living at home to give up their Romanian citizenship in order to be reunited with their families settled in another country. In accordance with the provisions of Article 15 of the Declaration of Human Rights of December 10, 1948, no one shall be deprived of his nationality, nor denied the right to change his nationality, that is his citizenship. This is especially valid if it is done for family reasons. This implies the right to leave one's country and to return back home free of any punishment.

Article 32 of the Romanian Constitution likewise declares that a person's domicile is inviolable. It further states that no one can enter the dwelling of a person without his consent. It follows, therefore, that no one should be prevented from admitting to his home at least those family members and persons who are related to him. This should include the temporary visit of those persons who have been displaced in the course of history and who have established their domicile in another country, whenever they intend to visit the members of their family, as well as the graveyards of their ancestors buried in their native homeland. These are fundamental human rights granted by all countries of the United Nations. As a consequence, the compulsory exchange of foreign currency and the mandatory stay in hotels should not be required when relatives visit and want to stay with their families.

The Romanian authorities should also consider favorably travel applications submitted by our countrymen of German ethnic origin when they intend to visit their relatives in another country. They should also be permitted to exchange their money into foreign currency in order to cover travel and other expenses.

Since Article 20 of the Romanian Constitution protects the citizen's right to material security in case of old age, sickness, and incapacity to work, no Romanian born person should be deprived of this right, when he has been displaced from his native country and has today a domicile in a foreign country, and when he is permitted to leave his native country in order to be reunited with his relatives abroad. Therefore, we request that the Romanian authorities issue complete employment and work records to all those concerned within a reasonable time so that they can establish their pension rights in the countries in which they are domiciled today.

It is our hope that the Government of the Socialist Republic of Romania will also adhere to the Charter of the United Nations, whose principal function it is to promote universal respect for, and the observance of, human rights. The Charter of the United Nation makes several references to the matter of human rights. Already the preamble reaffirms faith in fundamental human rights, in the dignity and worth of the human person, and the equal rights of nations, large or small. Article 1 of the Charter lays emphasis on the purpose of promoting and encouraging respect for human rights and for fundamental freedoms. Article 35 of the Charter even includes the obligation to promote universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction to race, sex, language, or religion.

The granting of these basic human rights to Romanian citizens of German ethnic origin will not destroy the established order of the Socialist Republic of Romania. On the contrary, it will enhance the country's prestige in the world, in particular in the United States and in Europe, and will maintain in the future the benevolent attitude which the Romanians of German ethnic origin have displayed toward the Romanian state and its people, at home and abroad.

It is not our intention to interfere in the internal affairs of the Socialist Republic of Romania. It is merely our urgent request that the Romanian born people of German ethnic origin who have been displaced to a foreign country, as well as those who are today, and who have been for centuries, living in their native country, be granted the fundamental human rights which are guaranteed by the Constitution of the Socialist Republic of Romania, the Charter of the United Nations, the Human Rights Declaration of the United Nations, and the Helsinki Agreements.

The Joint United States-Romanian Statement of December 5, 1973 expressly permits us to raise the consideration of these humanitarian questions.

Our modest request is in full harmony with the century old traditional Romanian attitude of "omenie" which was enjoyed by all those who have been born on Romanian soil.

LIST OF MEMBERS OF THE ASSOCIATION AND THEIR RELATIVES IN ROMANIA SUBMITTED FOR THE PURPOSE OF FAMILY REUNION

Applicant in United States and address	Name and address of sponsor in West Germany	Name, degree of affinity to sponsor and address in Romania	Remarks
Eva Kaiser, 1336 North Ridgeway Ave., Chicago, Ill. 60651.	Elisabet Roehrich, 8264 Waldkraiburg, Lindenthalstr. 3/C.	Josef Roehrich, son Margarete his wife, Elisabet Wolfram, aunt of Margarete. Address: Comuna Varias Nr. 499, judetul Timis.	Immigration papers have been provided.
Sigrun K. Szilagyi, 22169 Betlen Way, Castro Valley, Calif. 94546.	Sara Hellwig, 6901 Nussloch/Heidelberg, Kries Altersheim.	Joan J. Schuster, son and his wife Ecatarina and their children Renate and Hans Gerhard. Address: Sighisoara, Str. 6 Martie 30, judetul Mures.	
Edmund Hillier, 134 Lathrop Ave., Forest Park, Ill. 60130.	Emil Hillier, 83 Landshut-Altdorf-Sud, Egleserweg 8/I.	Egon Hillier, son Elisabeth his wife and their son Robert. Address: 1900 Timisorara, III, Str. Gh. Doja 14.	
Gertrude Dargelies, 1628 East Amelia St., Appleton, Wis. 54911.	Hans Dahinten, 6 Frankfurt a.M., Am Villaberg 8.	Ernst Dahinten, brother Renate his wife and Heidrum their daughter. Address: 2400 Sibiu, Str. Bilea Nr. 29.	Do.
Emmerich Wirs, 2049 West Touhy Ave., Chicago, Ill. 60645.	Nikolaus Schuetz, 8312 Dingolfing-Albert Schweitzerweg IIa.	Peter Wirsz, nephew Gerda his wife and Ortrum their daughter. Address: 1953 Jimbolia Str. Stefan cel Mare Nr. 14, jud. Timis.	Do.

LIST OF MEMBERS OF THE ASSOCIATION AND THEIR RELATIVES IN ROMANIA SUBMITTED FOR THE FAMILY REUNION—Continued

Applicant in United States and address	Name and address of sponsor in West Germany	Name, degree of affinity to sponsor and address in Romania	Remarks
Margaret Scholl, 166-31 26th Ave., Flushing, N.Y. 11358.	Edith T. Mazilescu, 85 Nuernberg, Wandererstr. 9.	Helga Pegler, sister Adolf her husband, Edith and Lothar their children. Address: 2900 Arad, Str. Busteni 14 Bloc, etaj III, apt. 14.	Do.
Richard Jakobi, M.D. 615 Page St., Kewanee, Ill.	Michael Jakobi, D7104 Obersulm 1 Affaltrach, Hoelderlinstr. 8.	Johann Jakobi, brother Johanna, his wife, Jakobi Hans Guenther, their married son, Jakobi Magdalena, daughter i.l., Rotraut and Elke, their children. Address: Medias, Str. Plevnei 8, Judetul Sibiu.	Do.
Fritz Wintergerst, 1110 Wilbert Rd., Cleveland, Ohio 44107.	Irene Becker, 8011 Neubaldham, Bahnhofstr. 104.	Rose Goetz, sister, Viktor her husband, their son Bruno Goetz and wife Elfriede, their daughter Renate Kolleth nee Goetz, her husband Eduard and son Erhard. Address: Rose Goetz: 1968 Teremia Mare Nr. 30, judedul Timis; son Bruno Goetz: 1900 Timisoara, Zona Circumvalatiunii, Bloc H. Sc.A. apt. 32, daughter Renate Kolleth: 1968 Teremia Mare Nr. 30, judetul Timis.	Do.
Julius J. Fernbach, 70 Dellwood Dr., Elma, N.Y. 14059.	Maria Thoma, 7208 Spaichingen Ostpreussenstr. 16.	Eva Guth, sister and husband Nikolaus, Norbert and Bruno, their children. Address: Tomnatic Nr. 278 judetul Timis.	Do.
Do	Marika Ruf 6700 Ludwigshafen, Hafenstrasse 82.	Josef and Katharina Meszaros, parents, Josef M. Meszaros, brother, Rosalia Meszaros, grandmother. Address: 1947 Johannisfeld Nr. 309, judetul Timis.	Do.

THE VOW

I _____ (name) swear to serve with loyalty the Rumanian Socialist Republic, to put (or give) my whole working capacity for materializing the internal and external politic of our party and state, to bring about with my whole responsibility, all those duties which are given to me (or required, entrusted duties), to act unflinchingly for consolidating and developing our socialist system (society) for defending homeland, sovereignty, independence and integrity of our country.

I swear to keep and respect the Constitution of the Rumanian Socialist Republic and also the laws of our country, to keep and take care (in safety) about state secrets, to defeat (for) the socialist property to act in concordance with the principles of socialist democratism, socialist ethics and equity.

Signature

This vow has been presented in front of us (means leading staff) today.

STATEMENT OF MR. DIMITRIE G. APOSTOLIU (COSTIN JUREA)

Member of the Accademia Internazionale Di Propaganda Culturale, Lettere-Scienze, Arti, Roma, Italy; Secretary of the Underground Romanian National Committee for Human Rights since 1965; Spokesman of Three Romanian Hunger Strikes for Family Reunion in the U.S.A.

The Final Act on Cooperation in Humanitarian and Other Fields. The participating states will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention given to requests of an urgent character. They will deal with applications in this field as expeditiously as possible.

Honorable Chairman, Honorable Congressman, as a dissident writer, I served 13 years in Romanian Communist jails, and in the concentration camp, Danube Black Sea. I was condemned to death by the Council of State Security in 1962, but when the Security guards drove me to the place of execution, I jumped from

their car and escaped. I survived two more years as an underground fugitive, and in April, 1964, after the first and last political amnesty in communist Romania, with God's help, I came back home alive. However, I did not find anybody there; my mother, my father, and my brother were all killed by the Romanian Communist Security.

In 1965, The Romanian National Committee for Human Rights was founded, a group which, given the specific conditions of Nicolae Ceausescu's Stalinist terror, was forced to do its work there underground—as it still must. From 1965 until January 18, 1974 when I left Communist Romania, I was the Secretary of this Committee. And now, as the organizer and spokesman of Three Romanian Hunger Strikes for Family Reunion in the United States of America (from July 17, 1975–Sept. 8, 1976), and founder of The American Romanian National Committee for Human Rights, I feel it my duty to start this testimony with the following statement:

I was proud when I arrived in America, my new homeland, because 200 years ago Thomas Jefferson was standing up for the cause of human rights in this country. Now, in 1977, I am even prouder, because more than Thomas Jefferson, our President Jimmy Carter, is standing up for human rights all over the world! And you Honorable Congressmen also! The proof lies in today's hearing, as a demonstration of your firm determination to give your humanitarian support to our efforts for family reunion with our hostage relatives in Communist Romania. They are hostages because of Nicolae Ceausescu's Stalinist terror and total violation of the Helsinki Agreement.

Nicolae Ceausescu, the Romanian Communist President, who is Brezhnev's spy in the free world and the Stalinist terrorist of the Romanian people, played a very important role as main organizer of the Helsinki Conference. There, he pretended to be standing up for human rights. He said, he swore, that he would respect human rights, and called upon all of the thirty-five nations which signed the Helsinki Agreement to do likewise. But, as a good communist, he played games. He lied without shame in front of the representatives of all other thirty-four nations. He returned to Communist Romania and became more Stalinist than he was before signing the Helsinki Agreement.

Honorable Congressmen, you know, there were three Romanian hunger strikes for family reunion in the United States of America. The first one was May 17, 1975–July 17, 1975, and then came the signing of the Helsinki Agreement. In September of 1975, Nicolae Ceausescu halted emigration from Romania, and we were forced to begin our second (November 11, 1975–January 11, 1976) and third (May 24, 1976–September 8, 1976) hunger strikes. In 1976 there were Romanian hunger strikes for family reunion in Canada, Australia, Italy, France, West Germany and Sweden, and now we are preparing a fourth one here in the U.S.A. Why?

Because, with total disregard for human rights and the Helsinki Agreement, Nicolae Ceausescu ordered his security men to: interrogate under terror, day and night, all applicants for family reunion exit visas; lay them off their jobs; expell their children from high schools and universities; cut off their mail from relatives in the free world; cut their telephones; and arrest all those who visited with Romanian dissidents and signed their memorandum.

A LIST OF RELATIVES OF HUNGER STRIKERS WHO ARE STILL HOSTAGES IN COMMUNIST ROMANIA

1. Vasilica Teodorescu, wife; Beatrice Teodorescu, daughter, 6; of Strada Recrutului, Nr. 9, Sector 6, Bucuresti. This is the hostage family of the hunger striker, Grigore Teodorescu of New York.

2. Ihai Teodorescu, brother; Elena Teodorescu, his wife; Doina Teodorescu, 18, their daughter; of Strada Sapunari Nr. 4, Ploiesti Romania. The Security of Ploesti City will not give them the application forms for exit visas. They are the relatives of Mr. Dinu Teodorescu of New York.

3. Florea Berbecaru, brother; Florica Berbecaru, his wife; Aurelia Berbecaru, 14, their daughter; Ioan Berbecaru, 17, their son; of Satul Serboieni, Comuna Buzoiesti, Judetul Arges. Hostage relatives of hunger striker Ioan Munteanu from New York.

4. Angela Gall, mother; Mihai Gall, father; of Strada Ciucea L. Bloc p. 16, Ap. 33, Sector 4, Bucharest. Hostage relatives of hunger striker Mrs. Adriana Stoica of New York.

5. Cornelia Mateescu, mother, of Bulevardu I. Muncii 8, Sector 4, Bucuresti; Daniela Stancu, sister, Constantin Stancu, her husband; Bogdan Stancu, their

son; Alin Sebastian Stancu, their son; of Strada Emil Racovita 29–31 Bloc L E M Sector 5, Bucuresti. Relatives of the Hunger Striker, Mrs. Ioana M. Teescu of New York. They were arrested by Security because they visited the Romanian dissident writer, Paul Goma, and signed the Memorandum for family reunion.

6. Mioara Graur, wife; Melania Graur, daughter; of Strada Caporal Dumitru, 68, Ploesti, Judetul Prahova (the Security of Ploesti City will not allow them application forms for exit visas); Ana Botan, mother; Elisei Botan, brother, with his family; Caita Mandrea Serafim, nephew with his family; of Strada Traian Vuia 12, Petrila, Judetul Hunedoara. Hostage relatives of hunger striker Mr. Avam Botan of 18–17 Palmeta St., Ridgewood, Brooklyn, N.Y. 11227.

7. Ilie Tutuianu and Ilie Meleasa, cousins of Bulevardul Gheorghe Dimitrov, 124 Bloc G 5, Sector 3, Bucuresti; Arsavir Actarian, of Piata Dorobantilor 3, Sect. 1, Bucuresti. Hostage Relatives of Hunger Striker Mr. George Fara of 20 Harwey Street, New Brunswick, New Jersey, 08901.

8. Gabriela Teodorescu, sister; Liviu Teodorescu, husband; Dan Cristian, son; of Strada Virgiliu 15, Sector 7, Bucuresti. Relatives of Mrs. Valeria Secu.

9. Florian Bebelea, son, 20; Marcela Bebelea, daughter, 19; of Strada Oltet Nr. 6, Brasov. Relatives of Hunger Striker, Mrs. Irrina Bebelea.

(Mr. Brutus Coste, of the Truth About Romania Committee, submitted a reprint of his statement to the Trade Subcommittee of the House Ways and Means Committee's September 14, 1976 hearing on extension of Most-Favored-Nation status to Romania. The full text of that hearing may be obtained from the Government Printing Office, Jacket 78–421 O.)

CONSTANTIN RAUTA,
Washington, D.C., *March 11, 1977.*

Hon. DANTE B. FASCELL,
Chairman, Commission on Security and Cooperation in Europe, U.S. Congress, Washington, D.C.

DEAR MR. CHAIRMAN: My name is Constantin Rauta, I am an Electronic Engineer, a Romanian and a U.S. resident.

I respectfully request permission to present to the Commission a grave violation by the authorities of the Socialist Republic of Romania, of the Final Act of the Conference on Security and Cooperation in Europe and the Universal Declaration of Human Rights.

I also respectfully request that this violation be presented at the Follow-up Conference on Security and Cooperation in Europe at Belgrade in this summer.

I love my country, Mr. Chairman, and I respect my people, but I reject the tyranny in which Romanian people are forced to live and the dictatorial regime in which the individual is considered and treated as a slave.

Although the Human Rights Declaration stipulates at Article 14, that everyone has the right to seek and enjoy in other countries political asylum. Mr. Nicolae Ceausescu, Chairman of the Romanian Communist Party, considers it a crime to refuse to live in the society he created and a personal offense to seek political asylum.

Because in the past and at the present in Romania, with the exception of the "new class", that is, the ruling class, no Romanian can travel abroad without leaving behind a family member usually a spouse or children, to serve as hostages and to "guarantee" that he (she) returns to the communist regime detrimental to the development of human beings, I did not have the possibility to emigrate or to travel abroad together with my family. Therefore, I was forced to ask for political asylum with the occasion of official travel to the United States.

For my request of political asylum in the United States, Mr. Ceausescu ordered my family be punished. Because of my request, he ordered that my son be denied the right to see his father, that my wife be denied the right to see her husband.

It is now more than three years since my family, including my old and beloved parents have suffered continued harassment and persecution by the authorities and Mr. Ceausescu's secret police. Contrary to all human decency, *my family is punished because of my political position.*

For the past three years my wife and son have been denied exit visas without any legal explanation and held hostage in Romania in clear violation of Basket III of the Final Act, Chapter 1, Provision (a) and (b) (Appendix I A) and Human Rights declaration, Art. 13.

None of my relatives (parents, brothers, sisters, etc.) were allowed to travel abroad and they were informed that they will never leave Romania, in complete violation of provision (a) and (d) of Chapter 1, Basket III of Final Act, and Art. 13 of United Nations Human Rights Declaration.

Just two weeks after Mr. Ceausescu signed the Final Act, in August 1975, my wife was physically prevented from entering the United States Embassy in Bucharest where she was seeking help in obtaining a passport and exit visa to emigrate to the United States.

She was held at that time two days in a jail with the divorce papers in front of her and threatened with physical torture if she did not sign the divorce papers. My wife refused to sign and up to this date, she is still asking for exit visas for herself and our son.

Besides the violation of Diplomatic Convention from Vienna by preventing my wife to visit the U.S. Embassy, this act of Mr. Ceausescu's regime is a clear indication that Mr. Ceausescu did not intend from the beginning, to fulfill the human rights provision of Final Act, namely Principle VII, Respect for human rights and fundamental freedoms and Principle X—Fulfillment in good faith of obligation under international law.

The continued harassment of my family by secret police, especially the harassment of my wife, strains her morale and health to the point of danger; contrary to the article 5 of Human Rights Declaration.

Mr. Chairman, I love my wife very much and my son, and I am ready to do everything possible to save them from this cruel and unusual punishment for my desire of freedom. An eventual return to Romania will put them in more and immediate danger.

On behalf of a four year old child and his mother I am appealing to you, Mr. Chairman, and to your Commission, and I appeal to the people of the United States (Appendix I A & B). I am appealing to you to investigate or to check the treatment of my family by the authorities of the Socialist Republic of Romania and to inform the Follow-up Conference about the injustices and the gross violation of Human Rights and the Final Act provisions in the case of my wife and son. And I urge you to listen to so many other Romanians who suffer inhuman treatment from Mr. Ceausescu's regime, to take into consideration the pledge of Mr. Paul Goma and other Romanians who seek freedom and justice.

An Appeal to the People of the United States

Dear Citizen: Please help me save my wife and child you can see in the picture. For the past three years they have been held hostages in Romania because I refused to live in a communist society and I cannot return.

Mr. Ceausescu, chairman of the Romanian Communist Party, ordered that my family be destroyed as an example to other Romanians who are seeking human rights and freedom.

If you believe that *no one* has the right to interfere with your family, to hold your wife and child hostages for political or any other reasons, to harass or punish your parents, brother, or sister for your beliefs, ideas or decisions, and if you believe that Mr. Ceausescu has no right to destroy my family or any other family, please stand up for human decency!

At the present, with the exception of the ruling class, no Romanian can travel abroad without leaving behind a family member, usually a spouse or children, to serve as hostages and to "guarantee" that he (she) returns to the communist regime which is detrimental to the development of human beings.

You can help to reunite my family by writing or calling the Socialist Republic of Romania Embassy here in Washington, D.C. (Tel: AD 2–4747; AD 2–4748; 232–4749; or 232–6534). And to express your concern about such inhuman acts and to ask, for the immediate release of my wife *Ecaterina Rauta* and my son *Mihai Rauta* from Bucharest, Romania. You can stand up for human decency by writing to the President of the United States and asking him to terminate financial and economic aid to the communist regime of Mr. Ceausescu, or by writing to your Senator or Congressman, asking them to terminate the "most-favored Nation" treatment for a regime which denies the basic human rights.

Gratefully,

Constantin Rauta.

AN OPEN LETTER TO PRESIDENT GERALD FORD, NOV. 25, 1975

Mr. President, today is a family holiday, but I sit alone in my room. I have sat thus, here in the United States, during three Thanksgivings, Christmases, Fourth of Julys, and New Years. I am unable to enjoy that simple, natural happiness that is without equal—the happiness to be with my family. It is now three years since Mr. Nicolae Ceausescu, Chairman of the Romanian Communist Party, ordered that my son be denied the right to see his father, that my wife be denied the right to see her husband. Three years since my family, including my old and beloved parents, have suffered continued harassment and persecution contrary to all human decency, contrary to the "Universal Declaration of Human Rights", a United Nations document which the Romanian Communist regime has signed.

A few moments ago, Mr. President, I heard on the radio that you were with your family at Camp David enjoying a much-earned respite in the presence of your loved ones, and I thought I would write to you.

I want, first of all, to wish you many happy and healthy years and many happy moments with your family.

And I want to write you about my family.

I have a delightful wife, Ecaterina, who is the most beautiful and wonderful woman in the world. I love her and she loves me. I felt tears in her eyes a few days ago when she told me on the phone how much she wanted us to be just one day together again.

We are very proud of our son Mihai you can see in the picture. I remember how happy I always was when I had a chance to carry him in my arms, but now my son knows me only from pictures and as a voice on the phone.

I am Romanian, Mr. President, I love my country and I respect my people, but I reject the tyranny in which Romanian people are forced to live and the communist society in which the individual is considered and treated as a slave who must be exploited in his work and denied his rights. Although the Human Rights Declaration stated that "everyone has the right to leave any country including his own" and that "everyone has the right to seek and to enjoy in other countries asylum from persecution", Mr. Ceausescu considers it a crime to refuse to live in the society he created.

Because I refused to live in that society and left with the occasion of official travel in the United States, Mr. Ceausescu ordered that my family be destroyed as an example to other Romanians who are seeking human rights and freedom.

What is, Mr. President, the difference between the terrorists who seek political or financial gain by holding individuals against their will, and Mr. Ceausescu who is holding families of thousands of Romanians living abroad? It is ironic that in this century of space flights and computers, the embassies of the Romanian communist regime, including the Washington embassy, traffics in human beings by setting prices (up to $10,000 as has been documented in hearings before the Committee on Finance, U.S. Senate, June 6, 1975, page 180), for head of children, spouse, parents, brothers and sisters of Romanians living abroad.

I respectfully submit, Mr. President, that it is regrettable that such a man responsible for such inhuman acts was received at the White House to the strains of the National Anthem. And that you have decided to aid the Bucharest communist regime economically and financially by granting the "most-favored nation" treatment. The Romanian people do not benefit from this aid; the communist regime does.

Such support only serves to reward and unwittingly encourage Mr. Ceausescu to continue his practice of violating human rights. I cannot help but believe that it was this encouragement that caused the Bucharest regime to violate the rights of the U.S. embassy there to have free access to the Romanian citizens, to ignore, at the point of rudeness, the letters and inquiries of many senators and congressmen concerned with injustices such as those against my family.

Mr. President, I feel that it is a misguided view that economic and financial aid to Mr. Ceausescu's communist regime will change its dictatorial nature or can help Romania to get out from under Soviet Trusteeship.

This policy has not achieved freedom and the realization of human rights in Romania—an ideal to which the people of the United States I think are committed.

Before this coming January 20, you have the power under the law to terminate economic aid and financial credits to the Romanian communist regime. I urge you to consider taking such action most seriously.

I also urge you as a husband and father to similarly consider the plight of my family and the others suffering separation and to express your concern to the Romanian authorities.

With deep appreciation for your time and consideration, I remain.

Respectfully yours,

CONSTANTIN RAUTA.

(Translated in English, December 15, 1976, Washington, D.C.)

NEW YORK, N.Y., *February 16 1977.*

To: Hon. DANTE B. FASCELL,
Chairman,
Helsinki Commission.

DEAR SIR: We would like to ask for your humanitarian support in a problem regarding the violation of human rights in a communist country.

Our mother and mother-in-law, Elena Dimitrov, is living in Romania, Str. 30 Decembrie No. 7, village Ocnita, town Ocnele Mari, Judet Valcea. She is 74 years old, suffering from a serious diabetes mellitus and osteoarthritis. In addition, the last time, she got a kind of desperation that "she is going to die and she will see no more, before, her daughter".

The last year, Sept., we sent to her an invitation to visit us (for 3 months) and getting, also, a medical treatment in New York. We sent also to her an affidavit of support while she will stay in the U.S.A., as well as the ticket for the travel (see the enclosed copies).

She applied for the passport but after going back and forth some months, the communist officials told her that they do not take into consideration her application unless we deposit in their bank $10–15, as . . . so called "travel expenses". (What kind of "expenses", when we payed everything?). We sent a money order of $10, in Nov. 1976 and she was told to wait for her passport.

Other months passed and now they rejected her application on the "ground" that . . . we did not give our former Romanian passports (for Czechoslovakia, 1969), to the Communist Romanian Embassy, in Washington, D.C. First of all we have no more those passports. But above all, what could be the relations between those former forgotten passports of ours and the human right of that woman in obtaining a passport to visit a close relative in the U.S.A., and get a medical treatment? These are only cavils and harassments in order to discourage people to ask for passports, for their elementary human rights. The "independent" Communist Romanian Government signed Helsinki's agreements and it is continuously flouting human rights provisions.

As for our mother, her conditions became critical after that rejection of the passport. The only hope of her life was "to see for the last time her daughter"; now they took her last hope.

Dear Sir, please, give to her your humanitarian assistance. She is living in terror, she has a miserable life, she is underfed, she is suffering and she has no right to complain, to talk about.

Please, help her to get, at least, the human right to see her daughter.

Thank you.

Please, use the above statement as our true testimony for the Public Hearing of Helsinki Commission, on March, 10th 1977.

Sincerely yours,

DUMITRU MARIN, M.D.
COSTANTA MARIN,

GREAT NECK, N.Y., *February 22, 1977.*

To: Hon. Dante B. Fascell.
From: ALEXANDRIA MELEASA,
The Helsinki Commission,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FASCELL: I want to take the opportunity of the Public Hearings you have on March 15, 17 to make the following statement to be used against the Romanian Government who does not comply with the Helsinki 1975 Agreement.

I have a son in Romania, Nicolae Meleasa, living at:
Str. Siret, nr. 15, Sector 8, Bucharest, who has tried for the past year (since March 1976) to apply for an exit visa to emigrate to the United States, to join me and my other son here.

So far he has not been able to apply, because the Militia Office of Sector 8 in Bucharest keeps refusing to handle him the necessary forms for exit visa application. To release the forms, the Militia Office asked my son to bring in addition the approval of his employment, and this includes: all his fellow-workers, the worker's Union, the party organization in the company, and the Company Management.

In addition he is continuously threatened that he will lose the right to live in the house we have in Bucharest if I do not return back to Romania. Anyway, the house where my son is presently living, is in process to be confiscated by the Romanian Government, because I do not want to return back to Romania.

My above statement illustrates that the Romanian Government has no intention to comply with the 1975 Helsinki Agreement.

Sincerely yours,

ALEXANDRA MELEASA,

To: Hon. Dante B. Fascell.
From: Gheorghe Fara, South Plainfield, N.J.

The Helsinki Commission,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FASCELL: I am Gheorghe Fara, a U.S. permanent resident (A-19-567-306) to become an American citizen next year in 1978.

I have tried several times for the past three years to have some of my relatives visit me here in the United States. They are:

1. Ilie Tutuianu, cousin, living at: Bd. Sh. Dimitrov nr. 121, Block G5, apt. 24, Sector 3, Bucharest, Romania;

2. Mircea Meleasa, cousin, living at: Str. Emil Botnaras nr. 43, Block P-13, apt. 38, Sector 7, Bucharest, Romania.

My present statement has the purpose to demonstrate that there is no right of travel observed by the Romanian Government, even though this right is guaranteed by the 1975 Helsinki agreement.

All my efforts here and their attempts in Romania to get an exit visa to travel to the United States have been in vain. For the past three years they could not even get the forms from the local Militia office to apply for a passport. The local Militia office people told them that they do not have the form and they should try some other time. When the office had the forms, my cousins were asked to bring first the approval for traveling from their company.

Ilie Tutuianu had tried for two years to get the company approval and finally he got it last December, so that he forwarded the application for the exit-visa in December 1976. So far the exit-visa has been denied to him without any official reason whatsoever.

Mircea Meleasa has been unable to get his company approval to travel, because there are too many people involved. His fellow workers have to agree in a public meeting with his traveling in a capitalistic country, then the Union, then the Company Management, then the local Party organization. So far it has not been a meeting of minds of so many people, and Mircea Meleasa, my cousin did not get the application forms.

On February 2, 1977, I met accidentally Consul Gaspar from the Romanian Embassy in Washington, while waiting in the Kennedy Airport, and I asked him why it is not possible for my cousins to get the exit visa; after telling me the stereo-type sentence that everybody in Romania is free to apply he got quickly into his car and drove away.

Please use my true testimony to prove that Romania does not respect the right of travel of its people, that there are all kinds of methods of intimidation to discourage people to travel, such as public meetings of hard criticism at one's job, threats of losing the job, etc.

Sincerely yours,

GEORGHE FARA.

JACKSON HEIGHTS, QUEENS, N.Y., *March 11, 1977.*

To: Hon. Dante B. Fascell.

The Commission on Security and Cooperation in Europe,
House Annex 2, Rm. 3257,
Washington, D.C.

DEAR MR. CHAIRMAN: I, Manuela Colban, employed with Columbia Broadcasting System in N.Y.C., want to take the opportunity of the Public Hearings to be held on March 15 by the Commission on European Security and Cooperation, to make the following statement:

I arrived in the United States the summer of 1974 to marry my fiance and applied for U.S. naturalization. At present time I still have the following first degree relatives in Romania: Victoria Bardeanu, 59, mother, widow since 1974, Dina Gabriela Bordei, 31, sister, with son, Alexandru, 5.

I would like to bring the rest of my family to join me here in the United States.

Three days after I left the country, my father died of a heart attack.

The building in which my family lived together was destroyed during the last week's earthquake and at present they are left without a home.

More than ever before I am determined to bring them to join me here. My mother succeeded to submit her application for an exit visa, but so far received no answer. My sister has not been able as yet to forward her application forms for the same visa.

We all want to be reunited, but it seems extremely difficult. We all appeal to your office to use your influence to persuade the Romanian Government to speed up the formalities for my family visas, especially now, when after the earthquake disaster, they have no place to live.

Respectfully yours,

MANUELA COLBAN.

LETTER TO HON. DANTE FASCELL,
Chairman of the Helsinki Commission

WASHINGTON, D.C., *March 1, 1977.*

DEAR SIR: This short statement is prepared on behalf of my brother ION DIMA and his family, citizens of Romania, who wish to leave Romania and come as immigrants to the United States; as well as on behalf of all those Romanians who desire to leave Romania in dignity and build a new life in dignity in the United States.

My name is Nicholas Dima. I am an eastern orthodox christian and ethnic Romanian. Though I am now an American citizen I love dearly my native Romania and I will probably always feel attached to it. Yet, I had to leave it as many others attempt to leave it now.

I never liked the oppressive attitude toward elementary human rights of the former government of Communist Romania, and I do not trust it at present, either. Hundreds of cases of recent disregard for human rights and interference by the present Romanian government with the right of many Romanians to reunite with family abroad make me appeal to you and bring to your attention a personal case.

I came to the United States in 1969 and became an American citizen in 1974. In this country, I worked hard, I studied and acquired a PhD at Columbia University in New York; I worked as a professor, and eventually I was employed by the Federal Government in Washington, D.C.

Among other first degree relatives whom I have in Romania, is my brother ION DIMA, age 48, his wife SEVASTITA DIMA, age 49, and their son of 8 CRINU DIMA, who wish to join me as immigrants in the United States. They all live in BUCHAREST, SECTOR I, CALEA FLOREASCA 126.

Though they have been granted the necessary immigration visas by the Washington Immigration and Naturalization Service in December 1976, I understand that they encounter difficulties in obtaining an exit visa from the Romanian authorities in Bucharest. Along the same lines, I wrote to several U.S. Senators; I brought the case to the attention of the State Department, and I wrote to the U.S. Consul in Bucharest, but with no practical results by now.

I would like to offer to you at this point several facts about my brother ION. When he was 25 and a student at Bucharest University, he was involved in political activities considered against the "communist state," and sentenced to 20 years in prison. Consequently, he spent ten awful years in the political prisons of communist Romania, eventually being freed in 1964. In prison, he was sub-

ject to unbelievable cruel treatment and brainwashing. After he was freed, however, he married; he worked extremely hard; he studied night time, at Bucharest Polytechnic Institute and became an engineer. Now, however, having me in the United States, he wishes to emigrate and join me, togther with his family, in this democratic country. It appears, nevertheless, that without strong outside intervention, the Romanian authorities are not willing to let him emigrate. This is why I appeal to you, asking you to intervene on my brother's behalf, as well as on the behalf of all those Romanians desiring to emigrate or visit their relative abroad. Your kind intervention, in any way you find most appropriate would be extremely appreciated and helpful.

Sincerely yours,

NICHOLAS DIMA.

(Please find enclosed a copy of the approval for immigration in the United States on my brother's name Ion Dima.)

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION

NAME AND ADDRESS OF PETITIONER

Nicholas Dima
40 Rev Ussein
#107 215 "C" St, S.E
Wash. D.C. 20003

NAME OF BENEFICIARY	
Ion Dima	
CLASSIFICATION 26 (5)(5)	FILE NO.
DATE PETITION FILED 11-17-76	DATE OF APPROVAL OF PETITION 12-6-76

Your petition has been approved and is valid for the duration of your present relationship to the beneficiary.

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Eligibility for visa issuance is determined only when application therefor is made to a consular officer; eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer. Also please note the items below which are indicated by "X" marks concerning this petition:

1 ☐ YOUR PETITION TO CLASSIFY THE BENEFICIARY AS AN IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT _____. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THE UNITED STATES CONSULATE, WHICH IS UNDER THE SUPERVISION OF THE DEPARTMENT OF STATE, WILL ADVISE THE BENEFICIARY CONCERNING VISA ISSUANCE. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to answer any inquiry concerning visa issuance.*

2. ☐ IF YOU BECOME NATURALIZED AS A CITIZEN OF THE UNITED STATES AND AN IMMIGRANT VISA HAS NOT YET BEEN ISSUED TO THE BENEFICIARY, NOTIFY THIS OFFICE IMMEDIATELY, GIVING THE DATE OF YOUR NATURALIZATION. AT THE SAME TIME, IF THE PETITION WAS IN BEHALF OF YOUR SON OR DAUGHTER, ALSO ADVISE WHETHER THAT PERSON IS STILL UNMARRIED. THIS INFORMATION MAY EXPEDITE THE ISSUANCE OF A VISA TO THE BENEFICIARY.

3. ☐ YOUR PETITION FOR PREFERENCE CLASSIFICATION, AS SHOWN ABOVE, HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT Bucharest. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THIS SERVICE HAS NOTHING TO DO WITH THE ACTUAL ISSUANCE OF VISAS. VISAS ARE ISSUED ONLY BY UNITED STATES CONSULS WHO ARE UNDER THE JURISDICTION OF THE U.S. DEPARTMENT OF STATE. UNDER THE LAW ONLY A LIMITED NUMBER OF VISAS MAY BE ISSUED BY THAT DEPARTMENT DURING EACH YEAR AND THEY MUST BE ISSUED STRICTLY IN THE CHRONOLOGICAL ORDER IN WHICH PETITIONS WERE FILED FOR THE SAME CLASSIFICATION. X IF THE BENEFICIARY'S TURN IS REACHED ON THE VISA WAITING LIST, THE UNITED STATES CONSUL WILL INFORM HIM AND CONSIDER ISSUANCE OF THE VISA. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to answer any inquiry concerning visa issuance.*

4 ☐ THE APPROVAL OF THE PETITION IS CONDITIONED UPON THE BENEFICIARY BEING ACCOMPANIED TO THE UNITED STATES BY THE PARENT OR SPOUSE THROUGH WHOM IT IS CLAIMED THE BENEFICIARY IS CHARGEABLE TO A COUNTRY IN THE EASTERN HEMISPHERE OR A DEPENDENT AREA AND, IF SUCH PARENT OR SPOUSE IS NOT A LAWFUL PERMANENT RESIDENT ALIEN, ON THE ISSUANCE OF AN IMMIGRANT VISA TO SUCH PARENT OR SPOUSE PURSUANT TO APPLICATION FOR SUCH VISA MADE SIMULTANEOUSLY WITH THE BENEFICIARY.

5 ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE ENCLOSED APPLICATION FOR VISA & HOUSE (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED BY THE BENEFICIARY WITHIN 30 DAYS IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED THEREIN. (IF THE BENEFICIARY HAS PREVIOUSLY SUBMITTED FORM I-485 WHICH WAS RETURNED TO HIM, HE SHOULD RESUBMIT THAT FORM WITHIN 30 DAYS.)

6 ☐ THE BENEFICIARY WILL BE INFORMED OF THE DECISION MADE ON HIS PENDING APPLICATION TO BECOME A LAWFUL PERMANENT RESIDENT (FORM I-436).

7 ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. HOWEVER, AN IMMIGRANT VISA NUMBER IS NOT PRESENTLY AVAILABLE. THEREFORE, THE BENEFICIARY MAY NOT APPLY TO BECOME A PERMANENT RESIDENT.

8 ☐ SINCE THE BENEFICIARY IS A NATIVE OF THE WESTERN HEMISPHERE, HE IS INELIGIBLE TO BECOME A LAWFUL PERMANENT RESIDENT OTHER THAN BY DEPARTING FROM THE UNITED STATES AND REENTERING IN POSSESSION OF AN IMMIGRANT VISA ISSUED BY AN AMERICAN CONSUL.

9 ☐ ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES THEREOF HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ANY OTHERS ARE RETURNED HEREWITH.

10 ☐ REMARKS

VERY TRULY YOURS,

Joseph R. Mongiello

DISTRICT DIRECTOR

SOUTH PLAINFIELD, N.J., *March 10, 1977.*

Hon. DANTE B. FASCELL,
Chairman, Helsinki Commission,
Washington, D.C.

DEAR SIR: In 1968 I escaped from Communist Romania and in 1969 I was legally admitted to the U.S.A. In 1973 I renounced my Romanian citizenship, and since 1975 I am a naturalized U.S. citizen. In 1976 I filed a petition with the Immigration and Naturalization Office on behalf of my mother Maria Muntean, the petition being approved on October 11, 1966. [petition attached below].

In Romania, my mother, after years of intimidation and harassment by the local authorities, was allowed to apply for a passport and exit visa. Her first petition was received by the passport bureau on July 9, 1976. She was called back for questioning to various branches of Government and Secret Police several times, last time that I know being January 25, 1977.

On March 9, 1977, in a telephone conversation, I learned that she did not get any answer, although the "legal" term to answer a petition designated by the Romanian "law" has expired.

My case was listed under the number 99 in the "Résumé of the Testimony of Very Reverend Father Florian M. Galdan, Chairman of the American-Romanian Committee for Assistance to Refugees", page 232 of the Hearing before the Subcommittee on International Trade of the Committee on Finance, U.S. Senate, of September 8, 1976.

I am especially worried about her security and well being since, according to *New York Times* of February 18, 1977, a new wave of terror is under way in Romania; all would-be emigrants were denounced as "traitors to Romania".

The recent earthquake, came to add more to the suffering of the people in Romania, and to my family since their house was badly damaged.

Gentleman, I am urging you to use your influence and determine the Romanian Government to allow my mother Maria Muntean of 27 Teodor Aman, Bucharest to join me here, after 9 years of separation.

Sincerely yours,

MIHAI A. VINATORU.

[The newspaper article and petition Mr. Vinatoru refers to follows:]

[From the New York Times, Feb. 18, 1977]

ROMANIA SEIZES LEADING DISSIDENTS; CEAUSESCU TERMS THEM 'TRAITORS'

BUCHAREST, ROMANIA, Feb. 17.—A number of well-known campaigners for human rights were arrested here today as President Nicolae Ceausescu delivered a speech denouncing dissidents and would-be emigrants as traitors to Romania.

Among the first to be taken into custody were Paul Goma, a novelist, and other signers of an appeal for greater respect for the human rights guaranteed by the Romanian Constitution. Before the arrests began, the authorities disconnected the telephones of various critics of the Government.

The extent of the roundup was not immediately known, but from the tone of the President's speech, delivered at a meeting of Communist Party secretaries here and broadcast nationally, it appeared that the Government intended to crack down hard.

The arrests began three days after the Romanian human rights appeal became publicly known.

[In Moscow, the dissident physicist Andrei D. Shakharov showed reporters a letter he had received from President Carter assuring him of the "firm commitment" of the United States to human rights. Page 3.]

The appeal, described by its signers as the first to be made in Romania, was addressed to the 35 countries that signed the 1975 Helsinki accords—West European and East European nations plus the United States and Canada. They were asked to use their good offices to persuade the Romanian Government to honor the country's constitutional guarantees.

Like dissidents and campaigners for human rights in other East European countries such as Czechoslovakia, East Germany and the Soviet Union, where critics of the Government have also been arrested recently, the Rumanians, who signed the appeal, are looking forward with hope to an East-West conference to be held in Belgrade, Yugoslavia, in June.

The countries that participated in the Helsinki conference of 1975 are due to assess at Belgrade how the accords on East-West cooperation, including pledges of respect for fundamental freedoms, have been carried out.

President Ceausescu referred to this in his speech as he charged that "some circles are attempting to use the Helsinki Final Act to interfere in the internal affairs of other nations."

He applied the term "traitor" to Rumanian citizens seeking to emigrate and to "those carrying on propaganda against this country."

Unlike the recent Czechoslovak human-rights manifesto known as Charter 77, which had hundreds of signers, the Rumanian appeal has only 15 signatures. A spokesman for the Rumanian Foreign Ministry commented during the day that the Belgrade meeting could become a "pointless forum of polemics" if such appeals are introduced, but he said felt certain the meeting would be held in any case.

The homes of those Rumanians who were seized today were cordoned off by policemen, and no contact could be made with anyone in the areas involved. Policemen barred all access, for example, to the new housing development on the outskirts of Bucharest where Mr. Goma, the 42-year-old novelist who writes on political themes, has a small apartment.

It was believed that Mr. Goma's wife had also been arrested, but it was not clear what had happened to the couple's year-old-son.

Others apparently arrested today included Sergiu Manoliu, a 24-year-old artist, his mother, Carmen Maria Manoliu, and Adalbert Feher, a would-be emigrant, all signers of the Rumanian appeal.

SOME DISSIDENTS GET EXIT VISAS

In the last week, Rumanian authorities have issued exit documents to several dissidents, including Mr. Manoliu and his mother, and to two other signers of the appeal, Erwin Gesswein and his wife, both ethnic Germans.

Mr. Goma has said he does not intend to leave Rumania even if a passport should be issued to him. He has also expressed his intention to continue public criticism of conditions here, even at the risk of imprisonment. He has served in prison for three years on political charges.

The apartment building in which the Manolius live was sealed off from outside callers tonight. Policemen examined and recorded the identity documents of all who sought entry including a representative of the French Embassy and this correspondent.

Callers were told that no one was permitted to enter the building during the course of a "congress" being held across the street in the city's Congress Hall. It did appear that a meeting of the Rumanian Communist Party had been convened in the building.

President Ceausescu is scheduled to begin a tour of several African countries this weekend, and diplomats believe that his speech today may have concided with the opening of the party meeting.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
970 Broad St., Newark, New Jersey 07102

NOTICE OF APPROVAL OF RELATIVE IMMIGRANT VISA PETITION

NAME AND ADDRESS OF PETITIONER

Mihai Alexandru Vinatoru
1413 Durham Avenue
South Plainfield, New Jersey 07080

NAME OF BENEFICIARY	
MUNTEAN, Maria	
CLASSIFICATION	FILE NO.
201(b)	ALPHA-I-130
DATE PETITION FILED	DATE OF NOTICE OF APPROVAL
7-29-76	10-11-76

Your petition has been approved and is valid for the duration of your present relationship to the beneficiary.

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status. Eligibility for visa issuance is determined only when application therefor is made to a consular officer; eligibility for admission or adjustment is determined only when application therefor is made to an immigration officer. Also, please note the items below which are indicated by "X" marks concerning this petition:

1. ☒ YOUR PETITION TO CLASSIFY THE BENEFICIARY AS AN IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT Bucharest, Romania. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THE UNITED STATES CONSULATE, WHICH IS UNDER THE SUPERVISION OF THE DEPARTMENT OF STATE, WILL ADVISE THE BENEFICIARY CONCERNING VISA ISSUANCE. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to answer any inquiry concerning visa issuance.*

2. ☐ IF YOU BECOME NATURALIZED AS A CITIZEN OF THE UNITED STATES AND AN IMMIGRANT VISA HAS NOT YET BEEN ISSUED TO THE BENEFICIARY, NOTIFY THIS OFFICE IMMEDIATELY, GIVING THE DATE OF YOUR NATURALIZATION. AT THE SAME TIME, IF THE PETITION WAS IN BEHALF OF YOUR SON OR DAUGHTER, ALSO ADVISE WHETHER THAT PERSON IS STILL UNMARRIED. THIS INFORMATION MAY EXPEDITE THE ISSUANCE OF A VISA TO THE BENEFICIARY.

3. ☐ YOUR PETITION FOR PREFERENCE CLASSIFICATION, AS SHOWN ABOVE, HAS BEEN FORWARDED TO THE UNITED STATES CONSULATE AT _____. THIS COMPLETES ALL ACTION BY THIS SERVICE ON THE PETITION. THIS SERVICE HAS NOTHING TO DO WITH THE ACTUAL ISSUANCE OF VISAS. VISAS ARE ISSUED ONLY BY UNITED STATES CONSULS WHO ARE UNDER THE JURISDICTION OF THE U.S. DEPARTMENT OF STATE. UNDER THE LAW ONLY A LIMITED NUMBER OF VISAS MAY BE ISSUED BY THAT DEPARTMENT DURING EACH YEAR AND THEY MUST BE ISSUED STRICTLY IN THE CHRONOLOGICAL ORDER IN WHICH PETITIONS WERE FILED FOR THE SAME CLASSIFICATION. WHEN THE BENEFICIARY'S TURN IS REACHED ON THE VISA WAITING LIST, THE UNITED STATES CONSUL WILL INFORM HIM AND CONSIDER ISSUANCE OF THE VISA. *Inquiry concerning visa issuance should be addressed to the Consul. This Service will be unable to answer any inquiry concerning visa issuance.*

4. ☐ THE APPROVAL OF THE PETITION IS CONDITIONED UPON THE BENEFICIARY BEING ACCOMPANIED TO THE UNITED STATES BY THE PARENT OR SPOUSE THROUGH WHOM HE CLAIMED THE BENEFICIARY IS CHARGEABLE TO A COUNTRY IN THE EASTERN HEMISPHERE OR A DEPENDENT AREA AND, IF SUCH PARENT OR SPOUSE IS NOT A LAWFUL PERMANENT RESIDENT ALIEN, UPON THE ISSUANCE OF AN IMMIGRANT VISA TO SUCH PARENT OR SPOUSE PURSUANT TO APPLICATION FOR SUCH VISA MADE SIMULTANEOUSLY WITH THE BENEFICIARY.

5. ☐ THE PETITION STATES THAT THE BENEFICIARY IS IN THE UNITED STATES AND WILL APPLY TO BECOME A LAWFUL PERMANENT RESIDENT. THE ENCLOSED APPLICATION FOR THIS PURPOSE (FORM I-485) SHOULD BE COMPLETED AND SUBMITTED BY THE BENEFICIARY WITHIN 30 DAYS IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED THEREIN. IF THE BENEFICIARY HAS PREVIOUSLY SUBMITTED FORM I-485 WHICH WAS RETURNED TO HIM, HE SHOULD RESUBMIT THAT FORM WITHIN 30 DAYS.

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9. ☐ ORIGINAL DOCUMENTS SUBMITTED IN SUPPORT OF YOUR PETITION UNACCOMPANIED BY COPIES THEREOF HAVE BEEN MADE A PERMANENT PART OF THE PETITION. ALL OTHERS ARE RETURNED HEREWITH.

10. ☐ REMARKS

RS/RT

VERY TRULY YOURS,

DISTRICT DIRECTOR

FORM I-171 (SINGLE COPY)
(Rev. 10-1-75)Y

APPENDIX—EXCERPTS FROM THE FINAL ACT OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE RELATING TO FAMILY REUNIFICATION AND BINATIONAL MARRIAGE

VII, *Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief.*—The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practise, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.

They will constantly respect these rights, and freedoms in their mutual relations and will endeavor jointly and separately, including in co-operation with the United Nations, to promote universal and effective respect for them.

They confirm the right of the individual to know and act upon his rights and duties in this field.

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 fulfil 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.

X. *Fulfilment in good faith of obligations under international law.*—The participating States will fulfil in good faith their obligations under international law, both those obligations arising from the generally recognized principles and rules of international law and those obligations arising from treaties or other agreements, in conformity with international law, to which they are parties.

In exercising their sovereign rights, including the right to determine their laws and regulations, they will conform with their legal obligations under international law; they will furthermore pay due regard to and implement the provisions in the Final Act of the Conference on Security and Co-operation in Europe.

The participating States confirm that in the event of a conflict between the obligations of the members of the United Nations under the Charter of the United Nations and their obligations under any treaty or other international agreements, their obligations under the Charter will prevail, in accordance with Article 103 of the Charter of the United Nations.

Co-operation in Humanitarian and Other Fields

The participating States,

Desiring to contribute to the strengthening of peace and understanding among peoples and to the spiritual enrichment of the human personality without distinction as to race, sex, language or religion,

Conscious that increased cultural and educational exchanges, broader dissemination of information, contacts between people, and the solution of humanitarian problems will contribute to the attainment of these aims,

Determined therefore to co-operate among themselves, irrespective of their political, economic and social systems, in order to create better conditions in the above fields, to develop and strengthen existing forms of co-operation and to work out new ways and means appropriate to these aims,

Convinced that this co-operation should take place in full respect for the principles guiding relations among participating States as set forth in the relevant document.

Have adopted the following:

1. HUMAN CONTACTS

The participating States,

Considering the development of contacts to be an important element in the strengthening of friendly relations and trust among peoples,

Affirming, in relation to their present effort to improve conditions in this area, the importance they attach to humanitarian considerations,

Desiring in this spirit to develop, with the continuance of détente, further efforts to achieve continuing progress in this field,

And conscious that the questions relevant hereto must be settled by the States concerned under mutually acceptable conditions,

Make it their aim to facilitate freer movement and contacts, individually and collectively, whether privately or officially, among persons, institutions and organizations of the participating States, and to contribute to the solution of the humanitarian problems that arise in that connexion,

Declare their readiness to these ends to take measures which they consider appropriate and to conclude agreements or arrangements among themselves, as may be needed, and

Express their intention now to proceed to the implementation of the following:

(a) *Contacts and Regular Meetings on the Basis of Family Ties.*— In order to promote further development of contacts on the basis of family ties the participating States will favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families.

Applications for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination: existing requirements for travel documents and visas will be applied in this spirit. The preparation and issue of such documents and visas will be effected within reasonable time limits; cases of urgent necessity—such as serious illness or death—will be given priority treatment. They will take such steps as may be necessary to ensure that the fees for official travel documents and visas are acceptable.

They confirm that the presentation of an application concerning contacts on the basis of family ties will not modify the rights and obligations of the applicant or of members of his family.

(b) *Reunification of Families.*—The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old.

They will deal with applications in this field as expeditiously as possible.

They will lower where necessary the fees charged in connexion with these applications to ensure that they are at a moderate level.

Applications for the purpose of family reunification which are not granted may be renewed at the appropriate level and will be reconsidered at reasonably short intervals by the authorities of the country of residence or destination, whichever is concerned; under such circumstances fees will be charged only when applications are granted.

Persons whose applications for family reunification are granted may bring with them or ship their household and personal effects; to this end the participating States will use all possibilities provided by existing regulations.

Until members of the same family are reunited meetings and contacts between them may take place in accordance with the modalities for contacts on the basis of family ties.

The participating States will support the efforts of Red Cross and Red Crescent Societies concerned with the problems of family reunification.

They confirm that the presentation of an application concerning family reunification will not modify the rights and obligations of the applicant or of members of his family.

The receiving participating State will take appropriate care with regard to employment for persons from other participating States who take up permanent residence in that State in connexion with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education, medical assistance and social security.

(*c*) *Marriage between Citizens of Different States.*—The participating States will examine favourably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State.

The processing and issuing of the documents required for the above purposes and for the marriage will be in accordance with the provisions accepted for family reunification.

In dealing with requests from couples from different participating States, once married, to enable them and the minor children of their marriage to transfer their permanent residence to a State in which either one is normally a resident, the participating States will also apply the provisions accepted for family reunification.

(*d*) *Travel for Personal or Professional Reasons.*—The participating States intend to facilitate wider travel by their citizens for personal or professional reasons and to this end they intend in particular:

gradually to simplify and to administer flexibly the procedures for exit and entry;

to ease regulations concerning movement of citizens from the other participating States in their territory, with due regard to security requirements.

They will endeavour gradually to lower, where necessary, the fees for visas and official travel documents.

They intend to consider, as necessary, means—including, in so far as appropriate, the conclusion of multilateral or bilateral consular conventions or other relevant agreements or understandings—for the improvement of arrangements to provide consular services, including legal and consular assistance.

○