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