

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS
FIRST SESSION

VOLUME 129—PART 14

JULY 11, 1983 TO JULY 19, 1983

(PAGES 18429 TO 19847)

Barbara divided her time between there and Washington, D.C., after her father was elected to the House of Representatives. She attended the Stone Ridge Country Day School in Bethesda, Maryland, and Manhattanville College of the Sacred Heart in Purchase, New York.

Prior to becoming a candidate for the U.S. Senate from New Jersey, Mrs. Sigmund served on the Princeton Borough Council, then in 1976 she was elected to the Mercer County Board of Freeholders, serving as president in 1979-80. She was elected president of the New Jersey Association of Counties in 1981. She has been a delegate to the last two Democratic national conventions. She has already decided to run in the mayoralty election of Princeton, N.J.

Barbara is the wife of Paul Sigmund, a Princeton University professor, the mother of three children. Mrs. Sigmund is an active volunteer for the Society's New Jersey division.

Barbara may have lost an eye and lost that primary in New Jersey, but we know that with her courage she is destined to win many honors. By her example she has won over many of us. Hubert is applauding up there in heaven as I present this award with much love and affection to Barbara Boggs Sigmund.●

A LETTER TO THE PRESIDENT OF THE UNITED STATES

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, on June 1, 1983, the State Department released a guidance statement to the press reiterating its opposition to granting extended voluntary departure status to Salvadoran refugees. In response to this statement, I have written a letter to the President asking him to order the State Department to reverse its position. The letter reads as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 30, 1983.

Hon. RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing in response to the State Department's June 1st Guidance Statement reiterating its opposition to Extended Voluntary Departure Status (EVDS) for Salvadoran refugees. The Administration's position is based on the assumption that EVDS would encourage illegal immigration and that Salvadoran nationals pass through other countries where they may take refuge. I believe both assumptions are incorrect and misleading in this context. I encourage you to review the State Department's position and order the Department to issue a revised Guidance Statement which adopts a policy of EVDS for Salvadoran refugees.

Under this Administration, asylum has been denied to most of the Salvadoran nationals. Between October 1982 and January 1983, out of 1,139 applicants for asylum, the Immigration and Naturalization Service (INS) District Directors granted only 61 requests. The remaining 1,078 were deported. Upon their return to El Salvador, many of

these refugees met with calamities ranging from simple custody to torture and murder.

El Salvador is in the midst of a civil war. Its populace is experiencing much violence and hardship. Deportees are particularly endangered by the ongoing violence. In the words of a former career military officer in the Salvadoran Army, "the dangers faced by all . . . in El Salvador is greatly enhanced for those who are returned to El Salvador after being deported." The latest statistics show that approximately one out of every five deportees are killed upon their return to El Salvador.

If a policy of EVDS is adopted, one may assume that those El Salvadorans currently in the U.S. will seek to perhaps avoid returning to El Salvador in the near future—a decision they can hardly be blamed for and perhaps should be encouraged to make.

That does not mean there would be an increase in the number of Salvadorans requesting to enter the U.S. For the most part, Salvadorans have been hesitant to uproot themselves and leave their country. The adoption of EVDS will not significantly increase the number of Salvadorans wishing to migrate to the U.S., but only increase the chances of survival for those Salvadorans already here. Furthermore, by granting EVDS, the Administration will encourage El Salvadorans now residing here to come forward and make their presence known to the Immigration and Naturalization Service. Clear and complete records of Salvadorans in the U.S. will act as a deterrent to and aid against illegal immigration.

The assumption that Salvadorans can take refuge in other countries is both debatable and irrelevant. In most of the refugee camps in Mexico, Honduras, Guatemala, Belize, and Nicaragua there are no jobs or sanitation, health conditions are poor, and externally-induced violence is common. The press has reported numerous incidents showing a large security risk for the refugees in these camps, including those located in Honduras where there is a large international presence. This issue is largely irrelevant, however, since EVDS only affects the Salvadoran refugees already in the U.S.

There is no question that existing conditions in El Salvador meet the requirements of the INS and the State Department for establishing a policy of EVDS. In the past, under similar conditions, citizens of Lebanon, Ethiopia, Poland, Uganda, and Nicaragua were temporarily allowed to remain in the United States. There is no reason for the State Department to take a different position in this case. The INS operation instructions state that refugees faced with extreme danger from either natural disaster or, as in this case, civil strife upon their return home can be allowed to extend their departure from the U.S. In addition, the State Department's Foreign Affairs manual implicitly recognizes the need for extending the period of voluntary departure in conditions of civil strife.

Based on the foregoing, I ask that you order the Department to reverse its position and allow Salvadorans living in the U.S. to remain here until it is safe for them to return home.

Sincerely,

BRUCE A. MORRISON.●

A NATIONAL HOLIDAY FOR MARTIN LUTHER KING

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 1983

● Mr. DOWNEY of New York. Mr. Speaker, I rise in support of national recognition of the birthdate of Martin Luther King. Our recognition will demonstrate an unwavering commitment to continue his struggle versus hatred, oppression, prejudice, and injustice. Martin Luther King had a dream; a national holiday will ensure that his dream and the spirit he personified will remain instilled in the national conscience.

In 1955, the Nation's attention was drawn to Montgomery, Ala., as this unknown black preacher startled us with his leadership and courage in a citywide boycott against policies of segregation. In the many efforts to come, King demonstrated his dedication to a struggle of and for peace; methods of nonviolence that demanded attention against a backdrop of world violence. His speech in August 1963 remains as moving as any words delivered in modern times. "I have a dream," he explained and pleaded. "It is a dream deeply rooted in the American dream. From every mountain let freedom ring." It was this dream and the path he had chosen to achieve it that earned him the Nobel Peace Prize in 1964. King was the youngest individual and only the third black man to receive this honor. His assassination in 1968 left us shocked and questioning our own possibility of true humanity.

But King's vision of democracy, liberty, and freedom for all men and women continued in the lives of all his spirit touched. He delivered us a hope and reminded us that each man is heir to a legacy of worthiness. While today's civil rights achievements are rooted in Martin Luther King's efforts, his dream continues to remind us of how far we still have to go in the struggle for equality. Our struggle must remain devoted to nonviolence. For, as King would remind us, it is only through moral means that one can achieve moral ends.

Fifteen years later, I believe it is essential that Martin Luther King's beliefs and achievements be remembered. The Nation should be encouraged to reflect on the man and his principles, which ring as true today as ever. His statement that there is no longer a question of violence or nonviolence but of nonviolence or nonexistence could not be more pertinent in this age of nuclear debate and worldwide struggles for human rights. Mr. Speaker, I urge my colleagues to join me in support of a national commemoration of Martin Luther King. We

should encourage the Nation to reflect on his ideals, and we must do no less than recognize the greatness of this individual who has changed the course of history.●

THE CONFUCIAN CONNECTION

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 1983

● Mr. SHUMWAY. Mr. Speaker, the current popularity of industrial policy as the solution to our economic problems is based on the belief that it is successfully applied by other nations—particularly Japan—to compete more effectively than the United States in the international marketplace. Because of industrial policy, it is often argued, Japan and other East Asian nations have developed vital, dynamic economies that insure ever rising standards of living for their own citizens, while at the same time causing the unemployment of thousands of U.S. steel, auto, and electronics workers. To counter such competition, many now propose that the Federal Government must more directly intervene in the American economy.

While it is undoubtedly true that the relationship between government, business, and labor in Japan is quite different from that in the United States, the degree to which the Japanese Government directly intervenes is the subject of intense debate, as is the degree to which industrial policy, modeled after Japan, is applicable in this country.

There are, in my opinion, very basic social, cultural, and historical factors responsible for Japan's economic structure and success; factors which do not apply in the United States. In our consideration of industrial policy, then, we must avoid the temptation of ascribing exclusively to it the successes of foreign nations; we must not view it as a panacea which can solve our many complex economic problems.

I commend to the attention of our colleagues a recent editorial by Joseph Kraft which elaborates on the unique socioeconomic makeup of Japan and other East Asian nations.

THE CONFUCIAN CONNECTION

(By Joseph Kraft)

HONG KONG.—The showpiece of capitalism—what Britain was to the 19th century and the United States to the first three-quarters of the 20th—has moved across the Pacific. Except for the Communist countries, the Japanese miracle has been recapitulated all over East Asia.

But how come? What force has generated rapid growth, low inflation and a political framework remarkable for stability, if not democracy?

The answer seems to be cultural. It lies, I am persuaded by Derek Davies of the Far Eastern Economic Review, in the Confucian component

The economic success of non-Communist Asia brooks no argument. In the halcyon days between 1950 and 1973, the industrialized countries of North America and Western Europe averaged annual per capita growth of 3.8 percent. The Asian countries nearly doubled that figure. Moreover, while the pace fell off in the industrialized countries after 1973, the Asian nations kept right on going despite the oil shock.

During the last three years, the recession, which practically flattened Western Europe and North America, made much less dent in this part of world. Anticipated growth rates for this year are as follows: South Korea, 7.5 percent; Taiwan and Thailand, 5.5 percent; Malaysia, 5 percent; Hong Kong and Singapore, 4 percent; Japan, Indonesia and the Philippines, from 3.5 to 3 percent, except for Indonesia and the Philippines, every country on the list has brought inflation below 5 percent annually.

The political features are just as distinctive. While none of the countries makes the short list of worst cases among authoritarian regimes, neither does any pass the acid test of democracy. Not one has a cohesive opposition with a real chance for taking power soon.

In Japan, the Liberal Democratic Party has ruled, with one very brief exception, for 38 years. Quasi-military regimes run Indonesia, Thailand and South Korea. Hong Kong is one of the last colonies left in the world. The families of Ferdinand Marcos and the late Chiang Kai-shek rule the Philippines and Taiwan respectively. In Malaysia, a single broad-based party holds sway. Prime Minister Lee Kuan Yu, one of the world's most remarkable leaders, dominates Singapore to the point where the opposition holds only one seat in a parliament of 75 members.

The Confucian connection with all this has been traced by Davies in a series of articles and lectures. He gave me the gist of the argument here:

Confucianism sets out the basic rules of social order. Harmony requires a leader of character, discipline and education, with a strong sense of responsibility for fostering peace and prosperity.

The sense of obligation at the top finds its counterpart in a sense of duty down below. Loyalty to the leader is enjoined as much as fidelity to the family. "The people," Davies put it in a lecture at the University of Hawaii, "owe the just, benevolent leader total acceptance of his authority."

Leaders applying those values to the modern world devise policies for industrial development that yield rapid growth. The loyalty felt by the workers finds expression in products of quality and low rates of inflation. Hence the brilliant economic performance.

As to the politics, the Confucian mode, in Davies' words, "envisaged either total acceptance of the ruler—or total rejection. There was no halfway house; no such concept, as in the West, of a 'loyal opposition.'" Thus many Asian countries—notably Indonesia and the Philippines—now face difficult political transitions. These may well be resolved, as in South Korea, by passage from one strong man to another.

If that view is sound, there is little point in the various Western efforts to copy Japan. While some lessons can be learned, the cultural gap is too wide, the political differences too great, for direct assimilation.

Still, elements of the Confucian model can be abstracted and integrated into Western society. Clearly the United States and other

Western countries need some method for restraining wages and prices while promoting growth—an incomes policy to go along with budgetary and monetary policies.

Lastly, it makes sense for the United States to plug into the dynamism of the Asian economies. That means a steady thickening in the network of ties, an increase in the exchange of goods and services to the point where there eventually becomes feasible a Pacific Basin Economic Community.●

MORE ON SPY DONALD MACLEAN AND THE KOREAN WAR

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 1983

● Mr. McDONALD. Mr. Speaker, June 29, I placed in the RECORD an item on Donald Maclean of Great Britain, and the role he played in compromising U.S. policy on the Korean war. Strangely enough, another version of this story appeared in the Washington Post of Sunday, June 19, 1983, written by the Soviet dissident, Roy Medvedev. His version is in more detail and adds some information from the scene in Moscow, which I feel my colleagues will find to be of interest. The item follows:

REQUIEM FOR A TRAITOR: A SPY'S LONELY LOYALTY TO OLD, BETRAYED IDEALS

(By Roy Medvedev)

Moscow.—Several weeks ago some friends of Donald Maclean gathered at a private apartment in Moscow to honor his memory on the ninth day after his death, as is the Russian custom. Among them were several scholars and specialists on international relations, two former members of the Comintern and myself. Maclean's circle of friends in Moscow was not large, but those who knew him best respected him and considered him a sincere person whose fate was not only unusual, but tragic.

Only a few of the people who worked with Donald knew the details of his biography. The short obituary in *Izvestia* paid tribute to him as a scholar, the author of a number of studies of England's foreign policy, a doctor of science and a prominent member of the Institute of World Economics and International Relations.

But that does not explain why leading newspapers in England and the United States devoted major articles to the death of a scholar who was never very well known in the U.S.S.R.

A Scotsman, Donald Maclean was born to a wealthy, aristocratic family, and dozens of influential relatives congratulated his father (who later became a member of the British Cabinet) on the birth of a son. But when, at the age of 70, Donald Maclean died in Moscow in total isolation, none of his relatives had been with him during illness and none was present at his funeral.

For in Britain he was a spy, a traitor to his country and class, condemned in absentia to 30 years of imprisonment. For the U.S.S.R., he was one of the best spies who ever worked for Soviet intelligence.

For 20 years the Soviet media have been singing the praises of Soviet spies and mem-

**A NATIONAL HOLIDAY FOR
MARTIN LUTHER KING, JR.**

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1983

● Mr. LONG of Louisiana. Mr. Speaker, it has been 15 years since Dr. Martin Luther King, Jr., was martyred as he led a courageous, nonviolent struggle for racial and economic justice in America. As the years pass by, the failure of Congress to properly honor Dr. King's momentous achievements is deeply disappointing to me, and, I believe, to millions of Americans.

I rise today to urge the House to correct this glaring omission by supporting H.R. 800, a bill that designates January 15, Dr. King's birthday, a national holiday.

A century ago, Mr. Speaker, Thomas Carlyle lamented the lack of reverence for the great men of his day. He observed, "No sadder proof can be given by a man of his own littleness than disbelief in great men."

And we belittle ourselves if we fail to recognize Dr. King for his breadth of vision, his courage, and his ability to inspire us to create a better society. Today his eloquent words—the impassioned oratory that awakened a nation's conscience—ring as true and as full of moral force and clarity as when he first spoke them.

And Dr. King's words measure for us the distance that we still must travel before we reach fulfillment of his dream of human rights and human dignity for all.

It was under Dr. King's brilliant leadership that the civil rights movement was infused with moral purpose and grew strong. He helped dramatize the evils of segregation in ways that made its downfall inevitable. Dr. King enlisted an entire generation of Americans in the fight for equality and social justice, and won Congress and Presidents to his side. His message of hope and peace crossed national boundaries and touched ordinary people throughout the world.

In 1964, Dr. King became the youngest recipient of the Nobel Peace Prize. Four years later, still young at 39, he was struck down by an assassin's bullet, a victim of the same unreasoning prejudice he had sought to overcome.

Mr. Speaker, it is particularly important, in this troubled and turbulent world, that we acclaim Dr. King's devotion to the gospel of "unarmed truth and unconditional love." He appealed always to what Lincoln called "the better angels of our nature." Not once did Dr. King succumb to the temptation to repay scorn with scorn, hatred with hatred, or violence with violence.

EXTENSIONS OF REMARKS

Public holidays should be established only for persons or events of rare significance in our Nation's history. Martin Luther King, Jr., who taught us to recognize and despise oppression, is indeed one of those rare figures who merits such a distinction. By bestowing this high honor on Dr. King, Congress can demonstrate our country's commitment to the principles he fought for: freedom, brotherhood, and equal justice under the law.

And we can thus honor a great American leader who called his fellow citizens to their moral and constitutional duty. Unlike many of his foes, Dr. King took seriously the covenants and principles embodied in the Declaration of Independence and the Constitution. He asked not for special favors or privileges, but only that we live up to the high ideals of liberty and equality on which this country was founded.

Thus, Martin Luther King, Jr., is not only a hero for millions of black Americans, for whom he sought freedom and dignity, but for all Americans.

I urge my colleagues to join me in supporting a public holiday in honor of Dr. King. Let January 15 be a day to reflect on the devotion, skill, and bravery with which he sought to make his famous dream a reality.●

PROCESS PATENT REFORM

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1983

● Mr. MOORHEAD. Mr. Speaker, I would like to bring to the attention of my colleagues a bill I am introducing today that, if enacted, will be of considerable benefit to our country because it will close a damaging loophole in U.S. patent law.

Under existing conditions, a patent is infringed only if the patented product or process is used, made, or sold in the United States. This is sufficient in the case of a product patent because any item produced overseas and sold in the United States effectively infringes on the patent holder's rights. However, in the case of a process patent there is no effective way by which a patentee can prevent a firm from duplicating and using the protected process overseas and then selling the product of that process in the United States.

You can understand how such a circumvention of normal patent rights can be extremely damaging to the American firm which has invested, researched, and invented a new process that makes new products. If a firm's investment is undercut in such a manner, it has two unreliable options available to protect its patented process from abuse overseas. First, it can

seek to obtain a patent in as many foreign countries as possible and then sue for infringement of its foreign patents in foreign courts when that process is used to make products which are then sold in the United States. This option is very inadequate because it is expensive and it is impossible to obtain effective protection in all of the countries in which the process might be used. The other option open to the patentee is to seek relief from the International Trade Commission. While damages are not available to a patentee under the relevant section of the United States Code, a patentee can seek a cease and desist order against a particular firm. Such an order may be issued by the Commission if it finds that the firm is violating or believed to be violating the pertinent section of the Code. The patentee can also seek an exclusion order that would bar the importation of products made by his patented process if the Commission finds violation, again, of the relevant Code provisions.

However, these options are virtually worthless in providing the patent holder with adequate and fair protection because to obtain a cease and desist order or an exclusion order, a patentee must show not only the importation of a product made by his patented process, but also that the effect or tendency of such importation is to destroy or substantially injure a U.S. industry. Moreover, cease and desist orders against particular firms may not be effective where importation of offending products can easily find alternative channels. Finally, enforcement of exclusion orders by customs officials is complicated by the difficulty of identifying which products were made by patented processes and which were not. Thus, it is very difficult for a process patentee to obtain effective protection under current law where his patented invention is practiced overseas and the resulting product sold in the United States.

My intentions are simply to amend relevant patent law to allow holders of U.S. process patents to realize the full benefits of their inventions. The creation of new and more efficient methods of production is becoming increasingly important as successful innovation depends on adequate protection of the intellectual property rights flowing from research investment. Importation and sale in the United States of products produced by patented processes severely undercuts the value of such patents, and should be prevented.

My bill will accomplish this desirable end by giving the injured company a fair and reasonable opportunity to protect the local market from unfair foreign competition. The people of the United States deserve the right to