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SUBJ: HUMAN RIGHTS COMMITTEE - STATEMENT BY
JO ANN HARRIS - 29 MARCH 1995.

TEXT:

UNCLAS SECTION 01 OF 02 USUN NEW YORK 001372

STATE PLEASE PASS TO DOJ, DOI, INS

E.O.12356: N/A

TAGS: PHUM^, UNHRC-2, KTIA, PGOV, SOCI

SUBJECT: HUMAN RIGHTS COMMITTEE - STATEMENT BY
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1. HERE FOLLOWS TEXT OF U.S. STATEMENT IN THE HUMAN RIGHTS COMMITTEE, ON IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS WITH RESPECT TO U.S. CRIMINAL LAW, AS DELIVERED BY JO ANN HARRIS, ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, U.S. DEPARTMENT OF JUSTICE, MARCH 29, 1995:

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I TOO AM PRIVILEGED TO APPEAR BEFORE YOU TODAY. I AM JO ANN HARRIS, THE ASSISTANT ATTORNEY GENERAL FOR THE CRIMINAL DIVISION OF THE UNITED STATES DEPARTMENT OF JUSTICE. THE CRIMINAL DIVISION DEVELOPS, ENFORCES AND COORDINATES THE APPLICATION OF NEARLY ALL FEDERAL CRIMINAL LAWS THROUGHOUT THE COUNTRY. THIS MEANS THAT THE DIVISION, IN CONJUNCTION WITH THE OFFICES OF THE 94 U.S. ATTORNEYS AROUND THE COUNTRY IN THEIR VARIOUS DISTRICTS, HAS THE RESPONSIBILITY FOR OVERSEEING FEDERAL CRIMINAL MATTERS UNDER MORE THAN 900 STATUTES. ONE OF THE PRINCIPLE MISSIONS OF THE CRIMINAL DIVISION IS TO ENSURE THE RIGHTS OF THE GENERAL PUBLIC BY USING THE FEDERAL LAWS TO PROTECT THEM FROM CRIMINAL ACTIVITY RANGING FROM BROAD WHITE COLLAR FRAUD SCHEMES, TO CRIMINAL ACTIVITY IN THE AREA OF NARCOTICS, TO ORGANIZED NATIONAL AND INTERNATIONAL CRIME, TO VIOLENT GANGS PREYING UPON OUR PEOPLE IN OUR COMMUNITIES. IN STRIVING TO ACCOMPLISH THIS MISSION, WE DIRECTLY CONFRONT ONE OF THE MOST SERIOUS PROBLEMS FACING THE WORLD TODAY, VIOLENT CRIME.

WE IN THE UNITED STATES, AS THE REST OF THE WORLD, ARE SHOCKED AND DISMAYED BY THE EVER RISING LEVEL OF VIOLENCE THAT WE ENCOUNTER. IN THE NEWSPAPERS, OVER THE AIRWAVES, AND THROUGH DAILY EXPERIENCE WE ARE BOMBARDED BY REPORTS OF ACTS OF VIOLENCE. IN RESPONSE TO THIS GROWING PROBLEM, WE HAVE MOVED PROACTIVELY TO PROTECT OUR PEOPLE. ON MARCH 1, 1994, ABOUT A YEAR AGO, ATTORNEY GENERAL JANET RENO AND VICE PRESIDENT AL GORE ANNOUNCED THE ADMINISTRATION'S ANTI-VIOLENT CRIME INITIATIVE. THIS INITIATIVE MARKS THE INCREASED FOCUS OF THE FEDERAL GOVERNMENT'S RESOURCES ON THE VERY REAL PROBLEM OF VIOLENT CRIME. THE CRIMINAL DIVISION HAS MOVED AGGRESSIVELY TO ASSIST IN THIS EFFORT WITH THE DEVELOPMENT OF POLICY, AND IMPLEMENTATION OF LAWS AND LAW ENFORCEMENT STRATEGIES TO MAKE THE UNITED STATES A SAFER PLACE.

ONE OF THE MOST IMPORTANT RECENT EFFORTS CHAMPIONED BY THE FEDERAL GOVERNMENT IS THE EFFORT TO CONTROL ACCESS TO FIREARMS. THIS EFFORT HAS LED TO THE ENACTMENT OF THE BADY HANDGUN VIOLENCE PREVENTION ACT AND THE ASSAULT WEAPONS BAN PROVISIONS IN THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994. THE "BRADY BILL" MANDATES A WAITING PERIOD FOR HANDGUN PURCHASES, AND BACKGROUND CHECKS FOR PURCHASERS OF FIREARMS. THE U.S. TREASURY DEPARTMENT'S BUREAU OF ALCOHOL TOBACCO AND FIREARMS ESTIMATES THAT IN THE WAKE OF THIS LEGISLATION APPROXIMATELY 41,000 FELONS, FUGITIVES AND OTHER PROHIBITED PERSONS HAVE BEEN DENIED PISTOLS. THE ASSAULT WEAPONS PROVISIONS OF THE VIOLENT CRIME CONTROL ACT PROHIBIT THE SALE OF CERTAIN "ASSAULT" STYLE WEAPONS WHICH HAVE NO PLACE IN A PEACEFUL SOCIETY.

OUR EFFORT IN REGARDS TO FIREARMS IS BUT ONE EXAMPLE OF HOW THE FEDERAL GOVERNMENT IS MOVING TO PREVENT VIOLENCE BEFORE IT CLAIMS A VICTIM. STILL, DESPITE OUR BEST EFFORTS, WE IN LAW ENFORCEMENT ARE SOMETIMES CONFRONTED WITH THE TERRIBLE CONSEQUENCES OF CRIME. WHEN A CRIME IS PARTICULARLY EGREGIOUS, THE PEOPLE OF THE UNITED STATES THROUGH THE CONGRESS AND VARIOUS STATE LEGISLATURES HAVE DETERMINED THAT CAPITAL PUNISHMENT MAY BE MERITED.

THE U.S. CONSTITUTION AND FEDERAL STATUTES GUARANTEE PROCEDURAL SAFEGUARDS IN CAPITAL CASES WHICH MEET OR EXCEED THOSE PROVIDED UNDER INTERNATIONAL STANDARDS. APPLICATION OF THE DEATH PENALTY IS LIMITED TO THE MOST EGREGIOUS CRIMES THAT POSE AN EXTREMELY GRAVE RISK TO SOCIETY. FEDERAL STATUTES, OUR FEDERAL CONSTITUTION AND OUR BODY OF FEDERAL CASE LAWS FORBID THE IMPOSITION OF THE DEATH PENALTY -- OR ANY OTHER PENALTY -- ON THE BASIS OF RACE, COLOR, RELIGIOUS BELIEF, NATIONAL ORIGIN OR SEX OF EITHER THE DEFENDANT OR THE VICTIM.

FINALLY, I WANT TO REPORT THAT, SINCE THE PUBLICATION OF THE UNITED STATES INITIAL REPORT TO THIS COMMITTEE, OUR NATION HAS ENACTED ANOTHER LAW TO PROTECT VICTIMS OF VIOLENCE. THAT ACT IS THE VIOLENCE AGAINST WOMEN ACT. CONTAINED WITHIN THE VIOLENT CRIME COROL ACT OF 1994, THIS ACT IS THE MOST COMPREHENSIVE FEDERAL EFFORT TO DATE TO ADDRESS VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE AND SEXUAL

ASSAULT. THE VIOLENCE AGAINST WOMEN ACT PROMOTES A COORDINATED APPROACH IN THE EFFORTS TO COMBAT VIOLENCE AGAINST WOMEN. IT ENCOURAGES COOPERATION BETWEEN LAW ENFORCEMENT AND ADVOCATES FOR THE VICTIM'S RIGHTS; IT PROVIDES MEASURES TO ASSIST IN THE TRAINING OF POLICE, PROSECUTORS AND COURT PERSONNEL; IT CREATES NEW FEDERAL LAWS PROHIBITING CERTAIN ACTS OF DOMESTIC VIOLENCE; AND IT UNCLAS SECTION 02 OF 02 USUN NEW YORK 001372

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JPROVIDES FOR FORNSIC MEDICAL EXAMINATIONS AND RESULTS COUNSELING TO THE VICTIMS. FEDERAL COURTS ARE EMPOWERED TO ORDER BROAD RESTITUTION MEASURES FOR VICTIMS AGAINST THOSE PERSONS CONVICTED UNDER THESE LAWS. IN ADDITION TO THE GRANT PROGRAMS AVAILABLE THROUGH THE DEPARTMENT OF JUSTICE FOR TRAINING, PREVENTION AND VICTIM ASSISTANCE, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WILL ADMINISTER A GRANT TO PROVIDE FOR ESTABLISHING AN INFORMATION AND ASSISTANCE RESOURCE TO VICTIMS OF DOMESTIC VIOLENCE. THIS BALANCED COMPREHENSIVE PACKAGE REFLECTS OUR DETERMINATION TO DEAL WITH THE ISSUE OF VIOLENCE AGAINST WOMEN IN OUR SOCIETY. I WANT TO THANK YOU MR. CHAIRMAN FOR THIS OPPORTUNITY TO ADDRESS THE COMMITTEE. I LOOK FORWARD TO A CONTINUING DIALOGUE IN THE DAYS TO COME.

ALBRIGHT

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SECT: SECTION: 01 OF 02

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PREC: IMMEDIATE

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TO: RUEHIA/USIA WASHDC IMMEDIATE

INFO: RUEADWW/WHITE HOUSE NATIONAL SECURITY COUNCIL WASH DC
RUEHC/SECSTATE WASHDC
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RUEHFR/AMEMBASSY PARIS
RUEHRO/AMEMBASSY ROME
RXFPPH/SACEUR SHAPE BE//PAR//
RUEHNO/USMISSION USNATO
RUEHVN/USMISSION USVIENNA//CSBM/CSCE/PAR//
RUSNNOA/USCINCEUR VAIHINGEN GE//PA/POLAD//ECPA//
RUSNNOA/USCINCEUR VAIHINGEN GE//POLAD/ECJ5/CJ1-HN//
RHFQAAA/AFOSI DET 501 RAMSTEIN AB GE//EAC//
RHFQAAA/HQUSAFE RAMSTEIN AB GE//
RUFDAAA/CINCUSAREUR HEIDELBERG GE
RUFTAKC/UDITDUSAREUR HEIDELBERG GE
RHFSBCC/17AF SEMBACH AB GE//CCH//
RXFMB/USSUPPORT ELEMENT HQ BALTAP//PIO/NA//

SUBJ: GERMAN MEDIA REACTION REPORT

FOLLOWING IS A REVIEW OF GERMAN MEDIA OF 05/02/95

TEXT:

////////// INCOMPLETE MESSAGE //////////

UNCLAS SECTION 01 OF 11 BONN GE 08695

USIA

USIA FOR R/MR; INFO:WEU, R, I/G, I/GWEU, D/P, VOA/BRE;
STATE FOR EUR/PPA, EUR/AGS, S/CSCE, PM, INR/RWE, ALSO

PASS FSI/CSFA; FRG POSTS FOR USIS; BRUSSELS FOR USIS
AND USEC; EMBASSIES FOR USIS, LONDON ALSO FOR POT;
USNATO ALSO FOR USDELMC; USCINCEUR VAIHINGEN ALSO FOR
ECPAO, POLAD, CJ1-HN, ECJ5-E, ECPA; USSUPPORT ELEMENT
HQ BAL'TAP ALSO FOR PIO/NATO; HQUSAF WASHDC ALSO FOR
XOXX; FRANKFURT ALSO FOR GAO

"PERISHABLE INFORMATION -- DO NOT SERVICE"

E.O. 12356: N/A
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FOLLOWING IS A REVIEW OF GERMAN MEDIA OF 05/02/95

CONTENTS:

A. LEAD STORIES

B. CROATIA: RESUMPTION OF FIGHTING

C. U.S.-IRAN: BAN ON TRADE

D. U.S.-VIETNAM: 20TH ANNIVERSARY OF WAR'S END

E. NATO: EXPANSION EASTWARD

F. U.S.: OKLAHOMA BOMBING

MORNING BRIEFING, SATURDAY, APRIL 29

HEADLINES

"BARTOSZEWSKI CALLS ON GERMANS AND POLES TO COOPERATE
IN EUROPE" (FRANKFURTER ALLGEMEINE)

"POLAND CALLS EXPULSIONS 'UNJUST'" (DIE WELT)

"POLAND FOR RECONCILIATORY FUTURE" (FRANKFURTER
RUNDSCHAU)

"BARTOSZEWSKI CONDEMNS SUFFERING OF REFUGEES"
(GENERAL ANZEIGER)

PLEASE NOTE: SUEDEDEUTSCHE ZEITUNG HAS NOT DELIVERED
ON SATURDAY.

EDITORIAL COMMENT CONCENTRATED ON POLISH FOREIGN
MINISTER BARTOSZEWSKI'S SPEECH TO THE BUNDESTAG AND
BUNDESRAT.

MORNING BRIEFING, TUESDAY, MAY 2

HEADLINES

"WAR IN CROATIA FLARES UP AGAIN - TANKS AND ARTILLERY
AGAINST SERBIAN OCCUPIERS" (FRANKFURTER ALLGEMEINE)

"TRUCE IN BOSNIA-HERZEGOVINA ENDED - WARRING PARTIES
AGAIN REJECT EXTENSION OF CEASEFIRE" (SUEDEDEUTSCHE

ZEITUNG)

UNCLAS SECTION 02 OF 11 BONN GE 08695

USIA

USIA FOR R/MR; INFO:WEU, R, I/G, I/GWEU, D/P, VOA/BRE;
STATE FOR EUR/PPA, EUR/AGS, S/CSCE, PM, INR/RWE, ALSO
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AND USEC; EMBASSIES FOR USIS, LONDON ALSO FOR POT;
USNATO ALSO FOR USDELMC; USCINCEUR VAHINGEN ALSO FOR
ECPAO, POLAD, CJ1-HN, ECJ5-E, ECPA; USSUPPORT ELEMENT
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XOXX; FRANKFURT ALSO FOR GAO

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E.O. 12356: N/A

SUBJECT: GERMAN MEDIA REACTION REPORT

"NATO ADVANCE TEAM IN THE BALKANS" (DIE WELT)

"CROATIA MARCHES AGAINST KRAJINA SERBS" (FRANKFURTER
RUNDSCHAU)

"MEDIATORS FAIL WITH SERBS AND MUSLIMS" (GENERAL
ANZEIGER)

MOST EDITORIALS CONCERN THE END OF THE CEASEFIRE
IN BOSNIA-HERZEGOVINA. THE LEAD STORY IN ARD AND ZDF
TV'S EARLY EVENING NEWSCAST TAGESSCHAU AND HEUTE WERE
THE LABOR DAY RALLIES IN GERMANY.

B. CROATIA: RESUMPTION OF FIGHTING

1. KLEMENS BERGMANN COMMENTED LAST NIGHT ON ARD-
TV'S (NATIONAL CHANNEL ONE) LATE EVENING NEWSCAST
TAGESTHENE:

"THE FACT THAT TODAY OF ALL DAYS, THE CROATIAN
ARMY IS ATTACKING THE SERBIAN OCCUPIERS IN KRAJINA
DOES NOT ONLY COME AS A SURPRISE BUT IS POSSIBLY ALSO
CAUSING A WHOLE AVALANCHE OF HORROR. IN THIS
SITUATION, THE APPEALS OF OUR FOREIGN MINISTER TO
STOP THE FIGHTING ARE ALMOST TOUCHING. AFTER MORE
THAN THREE YEARS OF PEACE INITIATIVES, WE HAVE
LEARNED THAT THE SERBS DO NOT REACT TO THEN, AND THE
CROATS AND MUSLIMS ARE GETTING INCREASINGLY
RECALCITRANT.

"WHO IS SURPRISED AT THIS? IS IT NOT SO THAT THE
HELPLESSNESS OF THE U.N. AND NATO GIVES THE VICTIMS
OF SERBIAN AGGRESSION SILLY IDEAS? THE DISASTER OF
THE INTERNATIONAL COMMUNITY OF NATIONS...IS ALSO
BASED ON THE CONFUSION REGARDING RESPONSIBILITIES.
TOO MANY INITIATIVES, TOO MANY ENVOYS, AND DIVERGING
INTERESTS IN THE CONTACT GROUP TO GIVE PEACE A
CHANCE. WHAT IS LACKING ARE CLEAR, SERIOUS SIGNALS.
WHEN IF NOT NOW SHOULD THE MATTER BECOME A TOPIC FOR

THE STATE LEADERS, I.E. CLINTON AND YELTSIN SHOULD THROW THEIR FULL WEIGHT ONTO THE SCALES TO CHANGE THE COURSE AFTER ALL. IF NOT, WE CAN FORGET ABOUT BOSNIA, CROATIA AND, UNFORTUNATELY, ALSO THE BLUE HELMET'S."

2. JENS SCHNEIDER NOTES IN AN EDITORIAL IN TUESDAY'S CENTRIST SUEDEDEUTSCHE ZEITUNG OF MUNICH UNDER THE HEADLINE:
UNCLAS SECTION 03 OF 11 BONN GE 08695

USIA

USIA FOR R/MR; INFO:WEU, R, I/G, I/GWEU, D/P, VOA/BRE; STATE FOR EUR/PPA, EUR/AGS, S/CSCE, PM, INR/RWE, ALSO PASS FBI/CSFA; FRG POSTS FOR USIS; BRUSSELS FOR USIS AND USEC; EMBASSIES FOR USIS, LONDON ALSO FOR POT; USNATO ALSO FOR USDELMC; USCINCEUR VAIHINGEN ALSO FOR ECPAO, POLAD, CJ1-HN, ECJ5-E, ECPA;USSUPPORT ELEMENT HQ BALTAP ALSO FOR PIO/NATO; HQUSAF WASHDC ALSO FOR XXXX; FRANKFURT ALSO FOR GAO

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E.O. 12356: N/A
SUBJECT: GERMAN MEDIA REACTION REPORT

"WILL THE GREAT WAR NOW BEGIN?"

SCHNEIDER REPORTS ON THE ARMS BUILD-UP ON BOTH SIDES AND THEN GOES ON TO WRITE: "WILL THE MUSLIMS NOW BE ABLE TO TURN THE TABLES? FOR THE TIME BEING, REALISTIC OBSERVERS DO NOT COUNT ON THIS.... AT LEAST FOR THIS YEAR, THIS ASSESSMENT SHOULD BE RIGHT. SARAJEVO'S COUNTER OFFENSIVE IS SUPPOSED TO GO FULL STEAM LATER ON, AND THE WAR COULD STILL LAST YEARS.... IN THE MEANTIME, KARADZIC AND HIS MILITARY WILL TRY TO DO EVERYTHING TO PROVOKE AN ESCALATION, HOPING THAT THE SPARK WILL SPRING OVER TO CROATIA AND THAT BELGRADE WILL AGAIN DIRECTLY INTERVENE...."

3. TUESDAY'S RIGHT-OF-CENTER BERLINER MORGENPOST STATES:

"BOTH THE U.N. AND THE CONTACT GROUP ARE FACED WITH THE SHAMBLES OF THEIR POLICY.... BUT THE U.S., RUSSIA, ENGLAND, FRANCE, AND GERMANY LOOKED IN VAIN FOR A PEACEFUL SETTLEMENT BECAUSE THEY ARE INCAPABLE OF DEFINING THE CHARACTER OF THE CONFLICT. AS MILOVAN DJILAS SAID SHORTLY BEFORE HIS DEATH, THE PROBLEM IS THE FORMATION OF NATIONAL STATES. A WAR OF THE 19TH CENTURY IS BEING WAGED BUT WITH THE ARMS AND THE TERRORIST METHODS OF THE 20TH CENTURY."

4. RIGHT-OF-CENTER HANNOVERSCHE ALLGEMEINE ZEITUNG CONCLUDES IN AN EDITORIAL IN ITS TUESDAY ISSUE:

"THE U.N. FORCES MUST HELPLESSLY WATCH AS THE ARMS

ARSENALS THAT THEY HAVE CONTROLLED ARE CLEARED. THE U.N. MISSION IN THE BALKANS HAS FAILED. IT IS UNLIKELY THAT THE BLUE HELMETS HAVE GOT A CLEARLY DEFINED MISSION TO 'ENFORCE' PEACE. IT IS LIKELY THAT THEY CAN BE HAPPY IF THEY CAN WITHDRAW FROM THE REGION WITHOUT SUFFERING TOO MANY LOSSES. FOR WEEKS, NATO HAS BEEN WORKING ON WITHDRAWAL PLANS - AND THE FEARED TIME IS COMING CLOSER WHEN THE BUNDESWEHR MUST INTERVENE IN THE BALKANS TO SAFEGUARD THE WITHDRAWAL OF THE ALLIES."

5. TUESDAY'S CENTRIST PER TAGESSPIEGEL OF BERLIN WRITES:

"THE WARRIORS KEPT THEIR WORD: THE CEASEFIRE IN BOSNIA HAS NO CEASEFIRE. AFTER FOUR MONTHS SOMETHING ENDED THAT GOT THE NEW NAME 'CEASEFIRE' BUT HAD THE UNCLAS SECTION 04 OF 11 BONN GE 08695

USIA

USIA FOR R/MR; INFO:WEU, R, I/G, I/GWEU, D/P, VOA/BRE; STATE FOR EUR/PPA, EUR/AGS, S/CSCE, PM, INR/RWE, ALSO PASS FSI/CSFA; FRG POSTS FOR USIS; BRUSSELS FOR USIS AND USEC; EMBASSIES FOR USIS, LONDON ALSO FOR POT; USNATO ALSO FOR USDELMC; USCINCEUR VAIHINGEN ALSO FOR ECPAO, POLAD, CJ1-HN, ECJ5-E, ECPA; USSUPPORT ELEMENT HQ BALTAPO ALSO FOR PIO/NATO; HQUSAF WASHDC ALSO FOR X0XX; FRANKFURT ALSO FOR GAO

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SUBJECT: GERMAN MEDIA REACTION REPORT

SAME OLD CONTENT. THE WAR PARTIES CALLED A STANDSTILL WHAT HAS IN REALITY THE...PREPARATION FOR A WAR. WITH A BEWILDERED MIND AND FRESHLY FILLED ARMS ARSENALS, THE WAR IS BEING CONTINUED. REASON IS NOWHERE IS SIGHT AND NOT AT ALL A POLITICAL SOLUTION....

"THE MOMENT OF TRUTH HAS FINALLY COME WITH THE END OF THE CEASEFIRE. THE ATTEMPT TO HELP FROM THE OUTSIDE HAS FAILED. THIS IS ALSO TRUE FOR THE INCAPABILITY TO USE THE MEANS OF POWER AT THE RIGHT MOMENT. WHAT REMAINS IS THE WITHDRAWAL AND THE DIFFICULT TASK OF PREVENTING THE FIRE FROM SPREADING. IN VIEW OF THE SKIRMISHES IN MACEDONIA AND ALBANIA THIS IS NOT A PETTY CHALLENGE. BUT AS LONG AS THE WARRING PARTIES ARE MORE INTERESTED IN DEFEATING THEIR OPPONENTS THAN IN A VICTORY OF REASON, MORE CANNOT BE ACHIEVED."

6. DANIEL PAGAN SAYS IN AN EDITORIAL IN TUESDAY'S MASS-CIRCULATION RIGHT-OF-CENTER BILD ZEITUNG UNDER THE HEADLINE:

"NOBODY CAN WIN...."

"IN BOSNIA, MUSLIMS, SERBS, AND CROATS LIVE SO CLOSELY TOGETHER THAT THEY ARE DOOMED TO COEXIST. WHAT ARE THE REASONS FOR TERRITORIAL GAINS, MASSIVE DESTRUCTION AND THE MANY, MANY DEAD? THIS WAR CANNOT BE WON BY ANY OF THE THREE ETHNIC GROUPS, BUT IT CAN SET EUROPE AS A WHOLE AFIRE."

C. U.S.-IRAN: BAN ON TRADE

1. THOMAS DREGER COMMENTS IN TUESDAY'S LEFT-OF-CENTER DIE TAGESZEITUNG OF BERLIN:

"ORGANIZED EVIL."

"THE REPORT SOUNDS INCREDIBLE: THE SANCTIONS AGAINST IRAN WHICH HAVE BEEN ANNOUNCED BY BILL CLINTON WILL CAUSE THE LOSS OF A FEW THOUSAND JOBS IN AMERICA AND EVEN THE PRICE OF GASOLINE WILL RISE. FROM THE POINT OF VIEW OF THE CHRONICALLY MOTORIZED AMERICANS, THE CONFLICT WITH THE ISLAMIC REPUBLIC HAS THUS ATTAINED A NEW QUALITY.... THE IRANIAN LEADERSHIP IS HARDLY LIKELY TO WORRY ABOUT THE EFFECTS OF THE BAN. THERE ARE ENOUGH PEOPLE WAITING TO FILL THE GAP LEFT BEHIND BY U.S. FIRMS....
UNCLAS SECTION 05 OF 11 BONN GE 08695

USIA

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"CLINTON'S JUSTIFICATION FOR THE EMBARGO SOUNDS ALMOST TIMELESS. IRAN HAS BEEN ON THE STATE DEPARTMENT'S ANNUAL 'TERRORISM LIST' FOR YEARS. REPORTS OF IRANIAN ATTEMPTS TO GET HOLD OF NUCLEAR TECHNOLOGY FROM THE FORMER SOVIET UNION HAVE BEEN CIRCULATING EVER SINCE THE LATTER COLLAPSED. THE ONLY NEW THING IS THE RUSSIAN GOVERNMENT'S OVERT WILLINGNESS TO SUPPLY THIS TECHNOLOGY. BUT NOBODY IN WASHINGTON IS TALKING ABOUT SANCTIONS AGAINST MOSCOW.

"CLINTON'S STATEMENTS BETRAY THE LACK OF PRAGMATISM WHICH U.S. PRESIDENTS ALWAYS DISPLAY WHEN THEY ARE DEALING WITH POST-REVOLUTIONARY IRAN. 16 YEARS AFTER THE FALL OF THE SHAH, THE U.S. GOVERNMENT

IS OBVIOUSLY NOT CAPABLE OF PURSUING THE SAME POLICY TOWARDS IRAN AS IT EXERCISES IN DEALINGS WITH OTHER FOUL DICTATORSHIPS AND EVEN ISLAMIC GROUPS. WHILE THE SAUDI ARABIAN GOVERNMENT - WHICH STOICALLY IGNORES HUMAN RIGHTS AND SUPPORTS ISLAMIC GROUPS - IS REGARDED IN WASHINGTON AS A STABILITY FACTOR AND THE ISLAMIC SALVATION FRONT IS SECRETLY WOODED AS THE POSSIBLE FUTURE GOVERNMENT OF ALGERIA, THE IRANIAN MULLAHS ARE VIEWED AS THE ARCH-ENEMY. CLINTON'S TALK OF 'NEW FORMS OF ORGANIZED EVIL' GIVE AN IMPRESSION OF THIS PERCEPTION. IN THE FIGHT AGAINST SUCH A TERRIBLE ENEMY, EVEN DRIVING A CAR CAN BE MADE MORE EXPENSIVE."

2. TUESDAY'S LEFT-OF-CENTER BERLINER ZEITUNG FEATURES THE FOLLOWING EDITORIAL BY MARTINA DOERING:

"DEFINITE FAILURE."

"THE ACCUSATIONS ARE THE SAME AS EVER, SO WHAT IS (CLINTON) AIMING AT? FOR ONE THING, THIS IS A GESTURE TO ISRAEL, IN WHICH SUPPORT FOR THE PEACE PROCESS IS CURRENTLY DWINDLING RAPIDLY.... AFTER ALL, THE MIDDLE EAST PEACE PROCESS IS JUST ABOUT THE ONLY FOREIGN POLICY ISSUE WITH WHICH THE ADMINISTRATION IN WASHINGTON CAN STILL SCORE POINTS. FOR ANOTHER, IN THE AFTERMATH OF THE OKLAHOMA BOMBING CLINTON HAS DEMONSTRATED WHAT A RESOLUTE PRESIDENT HE IS IN THE FIGHT AGAINST INTERNATIONAL TERRORISM. IRAN MAY NOT BE THE ONLY COUNTRY SUSPECTED OF SUCH ACTIVITIES, BUT IT IS THE BOGEYMAN FOR POLITICIANS AND THE MEDIA. THE PRESIDENT IS STRIKING OUT, BUT WILL HE HIT THE TARGET? HE WILL CERTAINLY HIT THE UNCLAS SECTION 06 OF 11 BONN GE 08695

USIA

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U.S. FIRMS WHICH ARE (VIA MIDDLEMEN) IRAN'S MOST IMPORTANT TRADING PARTNER. FRANCE, GERMANY, CHINA OR RUSSIA WILL FILL THE GAPS IN THE MARKET. THE TRADE EMBARGO WILL THEREFORE DO NOTHING TO CURTAIL IRAN'S TERRORIST ACTIVITIES."

3. TUESDAY'S CENTRIST DER TAGESSPIEGEL OF BERLIN

REMARKS:

"AMERICA NEEDS ENEMIES."

"CLINTON TOLERATES HUMAN RIGHTS VIOLATIONS IN CHINA AND IS PERMITTING LIVELY TRADE TO CONTINUE. IRAN, ON THE OTHER HAND, SERVES AS A SPIDER AT THE CENTER OF A TERRORIST NETWORK WHICH MIGHT NOT HAVE BEEN RESPONSIBLE FOR THE OKLAHOMA ATTACK, BUT WHAT ABOUT THE NEXT BOMBING? CLINTON IS BRANDISHING THE BIG STICK JUST TO PROVE THAT HE CAN STILL BRANDISH IT. IN THE MIDDLE EAST, IRAN IS THE MOST INVITING VICTIM. THIS WILL INCREASE THE PRESSURE ON THE RUSSIANS AND THE HESITANT EUROPEANS TO TOE AMERICA'S HARD LINE."

D. U.S.-VIETNAM: 20TH ANNIVERSARY OF WAR'S END

1. KARL GROBE COMMENTED IN SATURDAY'S LEFT-OF-CENTER FRANKFURTER RUNDSCHAU UNDER THE HEADLINE:

"VIETNAM, A MEMORY."

"THE FACT THAT A BOOK WRITTEN BY ONE OF THOSE RESPONSIBLE FOR THE WAR IS CAUSING A FURORE IN THE UNITED STATES 20 YEARS AFTER THE LAST HELICOPTER FLED FROM SAIGON MAY BE AN ENCOURAGING BEGINNING. ROBERT S. MCNAMARA, FORMER PENTAGON CHIEF, HAS NOW ADMITTED THAT AS EARLY AS 1963, HE REALIZED THAT THE DECISION TO GO TO WAR HAS ACTUALLY WRONG: 'WE MADE A MISTAKE, A TERRIBLE MISTAKE.' THIS SENTENCE DOES NOT DO JUSTICE TO WHAT REALLY HAPPENED. THE MISTAKE INCLUDES THE FOLLOWING: THE MASSACRE OF MY LAI, THE ECOLOGICAL DEVASTATION OF THE INDOCHINESE PENINSULA WITH 170 TONS OF 'AGENT ORANGE'...WHICH LED TO A MASSIVE INCREASE IN MISCARRIAGES AND STILL BIRTHS AND THUS CHANGED THE GENETIC SUBSTANCE OF THE VIETNAMESE PEOPLE, THE PLAN TO 'BOMB VIETNAM INTO THE STONE AGE'...AND FINALLY THE ATTEMPT TO DENY THE VIETNAMESE NATION ITS DIGNITY BY CUNNINGLY TWISTING THE CONDITIONS OF THE CEASEFIRE....

UNCLAS SECTION 07 OF 11 BONN GE 08695

USIA

USIA FOR R/MR; INFO:WEU, R, I/G, I/GWEU, D/P, VOA/BRE; STATE FOR EUR/PPA, EUR/AGS, S/CSCE, PM, INR/RWE, ALSO PASS FSI/CSFA; FRG POSTS FOR USIS; BRUSSELS FOR USIS AND USEC; EMBASSIES FOR USIS, LONDON ALSO FOR POT; USNATO ALSO FOR USDELMC; USCINCEUR VAIHINGEN ALSO FOR ECPAO, POLAD, CJ1-HN, ECJ5-E, ECPA; USSUPPORT ELEMENT HQ BALTAPO ALSO FOR PIO/NATO; HQUSAF WASHDC ALSO FOR KOXX; FRANKFURT ALSO FOR GAO

"PERISHABLE INFORMATION -- DO NOT SERVICE"

E.O. 12356: N/A

SUBJECT: GERMAN MEDIA REACTION REPORT

"FOR ROBERT MCNAMARA, LOYALTY TO THE PRESIDENT HAS MORE IMPORTANT THAN HIS OWN CONSCIENCE. BY TRYING TO AVOID HARMING PRESIDENTS EISENHOWER, KENNEDY, JOHNSON, NIXON AND FORD...HE AND MANY OTHERS HARMED NOT ONLY THE VIETNAMESE BUT ALSO THE AMERICAN PEOPLE. NOT ONLY THE EVENTS OF THE WAR IN INDOCHINA BUT ALSO WHAT HAPPENED AT HOME DAMAGED AMERICA'S REPUTATION AND EFFECTIVENESS AS A DEMOCRATIC AND THEREFORE MORAL AUTHORITY IN THE WORLD. THEY UNMASKED AMERICAN POLICY AS WHAT IT REALLY HAS: THE PURSUIT OF VESTED INTERESTS, EVEN AT THE PRICE OF THE GENERAL PRINCIPLES WHICH THE U.S. CLAIMED TO BE FIGHTING FOR.... THE U.S. THUS BECAME MORE LIKE ITS RIVAL IN ITS LACK OF CONSCIENCE....

"DOES MCNAMARA WANT TO JUSTIFY IN HINDSIGHT THE UPRISING OF YOUNG STUDENTS AND INTELLECTUALS ALL OVER THE WORLD, WHO TOOK TO THE STREETS TO PROTEST AGAINST THE VIETNAM WAR? CERTAINLY NOT. HIS ARGUMENTS ARE BASED ON THE RESULT, AND THAT HAS A DEFEAT FOR THE UNITED STATES: THE 'TERRIBLE MISTAKE' HAS THE FACT THAT NO VICTORY HAS FORTHCOMING. THE POLITICAL DIMENSION LIES IN WHAT HAS STILL NOT BEEN SAID. THIS INCLUDES ANOTHER TORTUROUS QUESTION: WHY DID 58,000 YOUNG AMERICANS LOSE THEIR LIVES IN VIETNAM? AND WHAT DID AMERICA'S EUROPEAN ALLIES STAND UP FOR? SOCIAL DEMOCRATS, LIBERALS AND CONSERVATIVES (AS LONG AS THEY WERE 'ATLANTICISTS' AND NOT 'GAULLISTS' OR SOMETHING SIMILAR) BOUND THE FATE OF THEIR COUNTRIES WITH THAT OF THE UNITED STATES. ONCE AGAIN THE ALLEGED NECESSITIES OF THE COLD WAR, ONCE AGAIN THE TRADING OFF OF DEMOCRATIC PRINCIPLES AGAINST THE REALITIES FACING THEIR STANDARD BEARER. NO, REMEMBERING VIETNAM IS NOT JUST A MATTER FOR THAT COUNTRY AND AMERICA. IT IS ALSO OUR AFFAIR."

2. MANFRED ROWOLD MADE THE FOLLOWING REMARKS IN SATURDAY'S RIGHT-OF-CENTER DIE WELT OF BERLIN:

"A BITTER QUESTION TORMENTS AMERICA."

"WHETHER MCNAMARA (AS HE WANTS) CAN REALLY HEAL WOUNDS WITH HIS BELATED ADMISSION OR WHETHER HE LEAVES BEHIND A FELING OF EVEN DEPER HURT AMONG VIETNAM VETERANS AND THEIR FAMILIESIS BEYOND HIS POWER. IT CAN HOWEVER, NOT BE A ISTAKE TO ADMIT ERRORS IN ORDER TO WARN AGAINSTFUTURE MISTAKES -
UNCLAS SECTION 08 OF 11 BONN GE 08695

USIA

USIA FOR R/MR; INFO:WEU, R, I/G, I/GWEU, D/P, VOA/BRE;
STATE FOR EUR/PPA, EUR/AGS, S/CSCE, PM, INR/RWE, ALSO
PASS FSI/CSFA; FRG POSTS FOR USIS; BRUSSELS FOR USIS
AND USEC; EMBASSIES FOR USIS, LONDON ALSO FOR POT;
USNATO ALSO FOR USDELMC; USCINCEUR VAIHINGEN ALSO FOR

ECPAO, POLAD, CJ1-HN, ECJ5-E, ECPA;USSUPPORT ELEMENT
HQ BAL'TAP ALSO FOR PIO/NATO; HQUSAF WASHDC ALSO FOR
XOXX; FRANKFURT ALSO FOR GAO

"PERISHABLE INFORMATION -- DO NOT SERVICE"

E.O. 12356: N/A
SUBJECT: GERMAN MEDIA REACTION REPORT

EVEN IF THE WARNING COMES LATE."

E. NATO: EXPANSION EASTWARD

1. LOTHAR RUEHL NOTES IN AN EDITORIAL IN TUESDAY'S
RIGHT-OF-CENTER DIE WELT OF BERLIN UNDER THE
HEADLINE:

"TURNING AWAY FROM EUROPE."

"IN THE FALL OF 1995, THE FEDERAL DUMA AND IN THE
FALL OF 1996, THE PRESIDENT IS TO BE RE-ELECTED.
BOTH ELECTIONS SHOULD NOT BE DISRUPTED BY NATO
EXPANSION STEPS TO GIVE 'DEMOCRATIC REFORMS' AND A
'PRO-WESTERN' POLICY (WILLY CLAES) A CHANCE. THIS IS
A REASONABLE PREMISE. AND FOR POLAND, HUNGARY AND
THE CZECH REPUBLIC'S SECURITY IT IS NOT SO IMPORTANT
WHETHER THEY ACCEDE TO NATO THIS YEAR OR NEXT. AFTER
THE SHIFT OF THE BORDER 600 TO 1,300 KILOMETERS
EASTWARD, THE RUSSIAN TROOP WITHDRAWAL FROM EASTERN
EUROPE, THE BALTIC STATES, AND UKRAINE AND THE LOSS
OF THE WHOLE MILITARY INFRASTRUCTURE IN THE WEST, THE
GEO-STRATEGIC SITUATION OF EUROPE TOWARDS RUSSIA HAS
FUNDAMENTALLY IMPROVED. FOR THE TIME BEING, RUSSIA
CANNOT WAGE A CONTINENT-WIDE AGGRESSIVE WAR. THE
RUSSIAN MILITARY POTENTIAL IS NOT BIG ENOUGH TO DO
SO.

"ON THE CONTRARY, THE WAR IN CHECHNYA AND THE
RUSSIAN MILITARY ENGAGEMENT IN TAJIKISTAN HAVE SHOWN
THAT THE RESERVES ARE HARDLY BIG ENOUGH TO COVER THE
DEMAND. FOR THE COMING YEARS, RUSSIA AS A MAJOR
POWER WILL BE A THREATENING FACTOR ONLY AT THE
NUCLEAR LEVEL. THIS IS CERTAINLY A RISK, BUT IT CAN
BE KEPT UNDER CONTROL. THIS MEANS THAT THE WEST HAS
ENOUGH TIME TO REORIENT ITSELF, BUT NOBODY CAN SAY
HOW LONG THIS 'TIME OUT' OF RUSSIAN POWER POLICY WILL
LAST...."

RUEHL THEN SAYS THAT STABILITY AS THE WEST WANTS
TO ESTABLISH IN RUSSIA MUST BE RULED OUT AS LONG AS
NATIONALIST FORCES ARE TRYING TO RESTORE RUSSIAN
POWER. IN THIS SITUATION, FOREIGN MINISTER KOZYREV
HAS NOW DEMANDED A REVISION OF THE CFE TREATY WHICH
PROMPTS RUEHL TO SAY: "IN A SECURITY PARTNERSHIP
SUCH QUESTION MUST BE RESOLVED ACCORDING TO THE
PRINCIPLE 'DO UT DES.' BUT SO FAR, NATO HAS ONLY
HEATED UP RUSSIAN REACTIONS BECAUSE IT MISSED THE
UNCLAS SECTION 10 OF 11 BONN GE 08695

USIA

USIA FOR R/MR; INFO:WEU, R, I/G, I/GWEU, D/P, VOA/BRE;
STATE FOR EUR/PPA, EUR/AGS, S/CSCE, PM, INR/RWE, ALSO
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HQ BAL'TAP ALSO FOR PIO/NATO; HQUSAF WASHDC ALSO FOR
XOXX; FRANKFURT ALSO FOR GAO

"PERISHABLE INFORMATION -- DO NOT SERVICE"

E.O. 12356: N/A

SUBJECT: GERMAN MEDIA REACTION REPORT

F. U.S.: OKLAHOMA BOMBING

WASHINGTON CORRESPONDENT LEO WIELAND FILED THE
FOLLOWING EDITORIAL, WHICH APPEARS ON THE FRONT PAGE
OF TUESDAY'S RIGHT-OF-CENTER FRANKFURTER ALLGEMEINE:
"CLINTON AND THE PROPHETS OF HATRED."

"WHEN AMERICA IS FACING DARK DAYS, IT IS UP TO THE
PRESIDENT TO FIND THE RIGHT WORDS TO EXPRESS NATIONAL
MOURNING, CONSOLE THE VICTIMS AND EXPRESS A FEELING
OF SOLIDARITY AND CONFIDENCE FOR THE TIME AFTER THE
DISASTER. FOLLOWING THE OKLAHOMA CITY BOMBING,
PRESIDENT CLINTON FULFILLED THIS TASK WITH CREDIBLE
EARNESTNESS AND ELOQUENT URGENCY...."

WIELAND GOES ON TO DESCRIBE CLINTON'S ATTACK ON
"TALK RADIO" PRESENTERS AS HAVING BEEN PARTLY
RESPONSIBLE FOR NURTURING THE SPIRIT WHICH LED TO THE
OKLAHOMA BOMBING AND COMMENTS:

"CLINTON'S ATTACK HAS NOT ENTIRELY SELFLESS. EVER
SINCE HE TOOK OFFICE, HE HAS NOT BEEN RHETORICALLY
THRASHED WITH SUCH PERSISTENCE BY ANYONE AS MUCH AS
HIS SWORN ENEMIES ON SHORT AND MEDIUM WAVE.... NO
WESTERN DEMOCRACY GUARANTEES ITS CITIZENS MORE
INDIVIDUAL RIGHTS AND FREEDOM OF EXPRESSION THAN
AMERICA. THE AMERICANS ARE FAR MORE RELUCTANT TO
CENSOR EVEN THE MOST APPALLING STATEMENTS AND BAN
RADICAL GROUPS, STRANGE SECTS AND ARMED LONERS THAN
THE COUNTRIES OF WESTERN EUROPE...."

"CLINTON'S APPEAL TO THE AMERICANS' DEMOCRATIC
DUTY TO OFFER AUDIBLE RESISTANCE TO THE PROPHETS OF
HATRED HAD SOMETHING CATHARTIC ABOUT IT. BUT NOW THE
SOCIAL THEORY MUST BE PUT INTO PRACTICE. WITH
CLINTON'S SUPPORT, THOS IN CONGRESS WHO MADE A
MODEST ATTEMPT TO ELIMINATE AN AMERICAN EVIL WHEN
THEY IMPOSED CONDITIONS FOR THE POSSESSION OF SEMI-
AUTOMATIC WEAPONS, MUST WIN THE DAY.... THERE IS A
LINK BETWEEN THE MAN SUSPECTED OF THE OKLAHOMA

BOMBING AND THE GUN-HOARDING 'MILITIA' JUST LIKE
THERE IS BETWEEN BOMBS AND GUNS. IT IS FANATICISM
AND EASY ACCESS WHICH MAKES IT TEMPTING TO USE THESE
WEAPONS. A GRADUAL DISARMING OF THE AMERICANS - WHO
HAVE MORE GUNS THAN CITIZENS AND MORE MURDER VICTIMS
THAN TRAFFIC CASUALTIES - WOULD CERTAINLY BE
DESIRABLE IN THE INTERESTS OF COMBATTING HOMEMADE
UNCLAS SECTION 11 OF 11 BONN GE 08695

USIA

USIA FOR R/MR; INFO:WEU, R, I/G, I/GWEU, D/P, VOA/BRE;
STATE FOR EUR/PPA, EUR/AGS, S/CSCE, PM, INR/RWE, ALSO
PASS FSI/CSFA; FRG POSTS FOR USIS; BRUSSELS FOR USIS
AND USEC; EMBASSIES FOR USIS, LONDON ALSO FOR POT;
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XOXX; FRANKFURT ALSO FOR GAO

"PERISHABLE INFORMATION -- DO NOT SERVICE"

E.O. 12356: N/A

SUBJECT: GERMAN MEDIA REACTION REPORT

TERRORISM. IN INSISTING THAT TOUGHER ANTI-TERRORISM
LAWS ARE NEEDED FIRST, THE REPUBLICANS HAVE POSTPONED
THE PLANNED REVISION OF THE BRADY BILL - A WELCOME
GIFT FOR THE NATIONAL RIFLE ASSOCIATION. IN THIS
DEBATE, CLINTON HAS NOT ONLY THE RIGHT OF VETO BUT
ALSO THE BETTER ARGUMENTS. PEOPLE ARE LISTENING TO
HIM AGAIN AFTER THE BLOODBATH IN OKLAHOMA."
EARLE

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PREC: ROUTINE
CLASS: UNCLASSIFIED
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LINE2: ZNR UUUUU ZZH
LINE3: R 131926Z JUN 95
LINE4: FM USMISSION USUN NEW YORK
OSRI: RUCNDT
DTG: 131926Z JUN 95
ORIG: USMISSION USUN NEW YORK
TO: RUEHC/SECSTATE WASHDC 5630
INFO: RUEHGV/USMISSION GENEVA 8496
SUBJ: HUMAN RIGHTS COMMITTEE - STATEMENT BY
ASSISTANT ATTORNEY GENERAL JO ANN HARRIS - 31 MARCH 1995.

TEXT:
UNCLAS SECTION 01 OF 05 USUN NEW YORK 002361

STATE PLEASE PASS TO DOJ, DOI, INS

E.O.12356: N/A

TAGS: PHUM, UNHRC-2, KTIA, PGOV4 SOCI, US
SUBJECT: HUMAN RIGHTS COMMITTEE - STATEMENT BY
ASSISTANT ATTORNEY GENERAL JO ANN HARRIS - 31 MARCH 1995.

1. TRANSMISSION OF THIS CABLE WAS DELAYED DUE TO TIME
REQUIRED TO OBTAIN CLEARANCE FROM DOJ.

2. HERE FOLLOWS TEXT OF STATEMENT TO THE HUMAN RIGHTS
COMMITTEE, IN RESPONSE TO COMMITTEE COMMENTS ON THE U.S.
INITIAL REPORT ON IMPLEMENTATION OF THE INTERNATIONAL
COVENANT ON CIVIL AND POLITICAL RIGHTS, AS DELIVERED BY
JO ANN HARRIS, ASSISTANT ATTORNEY GENERAL FOR THE
CRIMINAL DIVISION, HUMAN RIGHTS AND JUSTICE, MARCH 31,
1995, TEXT AS PROVIDED BY DOJ/CRIMINAL DIVISION.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, IT IS ONCE AGAIN
A PRIVILEGE TO APPEAR BEFORE YOU. ON WEDNESDAY, I HAD
THE OPPORTUNITY TO HEAR YOUR QUESTIONS REGARDING THE
INITIAL REPORT OF THE U.S. TODAY I WOULD LIKE TO TAKE
THE OPPORTUNITY TO RESPOND TO THOSE QUESTIONS.

FIRST, THE COMMITTEE, PROFESSOR ANDO AND JUDGE
MARVOMMATS IN PARTICULAR, EXPRESSED CONCERNS REGARDING
THE ROLE OF FIREARMS IN VIOLENCE.

THE FEDERAL GOVERNMENT ALSO TAKES THIS PROBLEM VERY
SERIOUSLY, ALTHOUGH WE DO NOT UNDERSTAND THE COVENANT
ITSELF TO REQUIRE A BAN ON FIREARMS. CONGRESS HAS
PASSED A NUMBER OF LAWS WHICH, WHEN USED APPROPRIATELY
IN CONJUNCTION WITH STATE AND LOCAL ENFORCEMENT EFFORTS,
ARE INVALUABLE TOOLS IN ADDRESSING THIS PROBLEM. IN

ADDITION TO THE BRADY BILL AND THE ASSAULT WEAPONS BAN MENTIONED IN MY REMARKS ON WEDNESDAY, SOME OF THESE CRIMINAL LAWS, CONTAINED IN SECTION 922 OF TITLE 18 OF THE UNITED STATES CODE, ARE STATUTES:

- GENERALLY PROHIBITING INTERSTATE TRANSACTIONS IN FIREARMS, EXCEPT BY FEDERALLY LICENSED DEALERS;
- PROHIBITING THE SALE OF HANDGUNS TO MINORS;
- PROHIBITING CONVICTED FELONS, PERSONS UNDER INDICTMENT FOR A CRIME, FUGITIVES FROM JUSTICE AND OTHER CLASSES OF INDIVIDUALS FROM POSSESSING FIREARMS;
- PROHIBITING TRANSFER OR POSSESSION OF NEWLY-MADE MACHINE GUNS;
- PROHIBITING THE MANUFACTURE, IMPORTATION, SALE, SHIPMENT, DELIVERY, POSSESSION, TRANSFER OR RECEIPT OF ANY FIREARM THAT IS NOT DETECTABLE BY A METAL DETECTOR;
- PROHIBITING THE POSSESSION OF A FIREARM IN A SCHOOL ZONE;
- GENERALLY PROHIBITING A JUVENILE FROM POSSESSING A HANDGUN.

SECTION 924 OF TITLE 18 ALSO CONTAINS PROVISIONS ENHANCING PENALTIES FOR THE USE OF FIREARMS IN A CRIME OF VIOLENCE OR DRUG TRAFFICKING; AND ENHANCING PENALTIES FOR REPEAT VIOLENT OFFENDERS ARRESTED IN POSSESSION OF A FIREARM.

IN RESPONSE TO THE QUESTION FROM JUDGE LALLAH ABOUT ALTERNATE JURORS IN OUR SYSTEM, LET ME ASSURE YOU THAT IN OUR SYSTEM EVERY JUROR HEARS ALL OF THE EVIDENCE. WE ENSURE THIS BY CHOOSING A NUMBER OF ALTERNATES AT THE SAME TIME THE REGULAR PANEL OF JURORS IS SELECTED. THE ALTERNATES, IN FACT, HEAR THE EVIDENCE ALONG WITH THE OTHER JURORS, PRECISELY SO THAT IF A JUROR NEEDS TO BE REPLACED IN THE COURSE OF THE TRIAL, THE REPLACEMENT IS TAKEN FROM THE GROUP OF ALTERNATES WHO HAVE HEARD ALL THE EVIDENCE, ALONG WITH THE REST OF THE JURY. FEDERAL RULE OF CRIMINAL PROCEDURE 24(C) GOVERNS THE NUMBER OF ALTERNATE JURORS AND OTHER DETAILS FOR CHOOSING AND MAINTAINING ALTERNATE JURORS THROUGHOUT THE TRIAL; THE STATES HAVE SIMILAR RULES.

MR. FRANCIS ASKED ABOUT A CONDITION OF SENTENCE IMPOSED BY A TRIAL JUDGE WHICH ALLEGEDLY PROHIBITED THE PRISONERS ACCESS TO TELEVISION OR RADIO. OUR INITIAL RESEARCH WAS UNABLE TO CONFIRM THAT THIS DEFENDANT IS IN FACT BEING DENIED ACCESS TO TELEVISION OR RADIO. HOWEVER, AS A GENERAL RULE, TRIAL JUDGES ARE NOT INVOLVED IN SETTING CONDITIONS OF IMPRISONMENT. AS IS TRUE IN THE FEDERAL SYSTEM, IN THE STATE SYSTEM, THE STATE'S DEPARTMENT OF CORRECTION WOULD GENERALLY BE RESPONSIBLE FOR ESTABLISHING THE CONDITIONS OF SENTENCE

REASONABLY RELATED TO LEGITIMATE PENAL OBJECTIVES.

IN RESPECT TO PROFESSOR ANDO'S QUESTION RELATING TO THE DEFINITION OF A JUDICIAL OFFICER AS USED IN PARAGRAPH 525 OF OUR REPORT: A JUDICIAL OFFICER AUTHORIZED TO ISSUE A SEARCH WARRANT IS ORDINARILY A JUDGE OR A MAGISTRATE JUDGE. SOMETIMES IT MAY BE SOMEONE OTHER THAN UNCLAS SECTION 02 OF 05 USUN NEW YORK 002361

STATE PLEASE PASS TO DOJ, DOI, INS

E.O.12356: N/A

TAGS: PHUM, UNHRC-2, KTIA, PGOV, SOCI, US

SUBJECT: HUMAN RIGHTS COMMITTEE - STATEMENT BY

ASSISTANT ATTORNEY GENERAL JO ANN HARRIS - 31 MARCH 1995.

A JUDGE, BUT THEN IT WOULD HAVE TO BE SOMEONE WHO IS BOTH NEUTRAL AND DETACHED, AND ABLE TO MAKE A PROBABLE CAUSE DETERMINATION.

THIS LEADS TO PROFESSOR ANDO'S QUESTION REGARDING THE DEFINITION OF A NEUTRAL AND DETACHED OFFICIAL AS USED IN PARAGRAPH 518. IN ORDER TO BE CONSIDERED "NEUTRAL AND DETACHED," THE ISSUING OFFICIAL MUST NOT BE SOMEONE WHO IS CONNECTED TO LAW ENFORCEMENT AUTHORITIES OR INVOLVED IN ANY WAY IN THE INVESTIGATION. FOR EXAMPLE, IN COOLIDGE V. NEW HAMPSHIRE, THE SUPREME COURT HELD INVALID, WARRANTS ISSUED BY A STATE ATTORNEY GENERAL ACTING AS A MAGISTRATE, BUT WHO WAS ALSO IN CHARGE OF THE INVESTIGATION AND PROSECUTION. IN LO-JI SALES, INC. V. NEW YORK, THE SUPREME COURT HELD THAT A WARRANT WAS INVALID WHEN ISSUED BY A TOWN JUSTICE WHO THEN PARTICIPATED IN THE SEARCH HE HAD AUTHORIZED.

THANK YOU FOR YOUR ATTENTION. MANY OF THE MEMBERS OF THE COMMITTEE ASKED QUESTIONS REGARDING THE USE OF THE DEATH PENALTY IN THE U.S., AND WITH YOUR PERMISSION, MR. CHAIRMAN, I WILL NOW YIELD THE FLOOR TO MR. KEVIN DI GREGORY, WHO WILL ADDRESS THE ISSUE OF CAPITAL PUNISHMENT. MR. DI GREGORY IS MY DEPUTY AND THE CRIMINAL DIVISIONS POINT OF CONTACT FOR CAPITAL PUNISHMENT ISSUES.

MR. DI GREGORY

THANK YOU, IT IS A PRIVILEGE TO HAVE THE OPPORTUNITY TO SPEAK WITH YOU TODAY.

MEMBERS OF THE COMMITTEE, INCLUDING JUDGE MAVROMATIS AND MR. JUSTICE BAGHWATI ASKED FOR STATISTICS AND INFORMATION REGARDING THE KINDS OF CRIMES FOR CAPITAL PUNISHMENT MAY BE IMPOSED. TO THAT END, WE WILL PROVIDE A DEPARTMENT OF JUSTICE BUREAU OF JUSTICE STATISTICS REPORT ENTITLED "CAPITAL PUNISHMENT 1993". THIS REPORT INCLUDES STATISTICS REGARDING BOTH ADULT AND JUVENILES. I AM INFORMED THIS IS THEIR MOST RECENT PUBLICATION OF SUCH STATISTICS AND WAS PUBLISHED IN DECEMBER OF 1994.

SINCE 1972, 46 PERSONS UNDER THE AGE OF 18 AT THE TIME OF ARREST WERE SENTENCED TO DEATH (THIS INCLUDES ALL 50 STATES). TWO OF THOSE PERSONS WERE EXECUTED. BOTH OF THESE PERSONS WERE 17 AT THE TIME OF THE OFFENSE.

JUDGE MAVROMATIS ASKED ABOUT THE KIND OF CRIMES FOR WHICH DEATH IS A POSSIBLE PENALTY. THIRTY-ONE OF THE 38 STATES WITH DEATH PENALTY STATUTES HAVE LIMITED CAPITAL PUNISHMENT TO MURDER AND OTHER SERIOUS CRIMES INVOLVING AGGRAVATED HOMICIDE. SEVEN OF THE STATES HAVE, IN ADDITION, EXTENDED THE DEATH PENALTY TO OTHER SERIOUS NON-HOMICIDAL CRIMES WHICH INVOLVE A GRAVE RISK TO OTHERS OR TO SOCIETY, SUCH AS TREASON, TRAIN WRECKING, AIRCRAFT HIJACKING, AGGRAVATED KIDNAPPING, AND FORCIBLE RAPE OF A CHILD.

THE U.S. CONSTITUTION AND FEDERAL STATUTES LIMIT THE DEATH PENALTY TO THE MOST EGREGIOUS CRIMES THAT POSE AN EXTREMELY GRAVE RISK TO SOCIETY. GENERALLY, CAPITAL PUNISHMENT MAY BE IMPOSED FOR THE MOST AGGRAVATED OFFENSES IN WHICH A PERSON HAS BEEN MURDERED. TO BE ELIGIBLE FOR THE DEATH PENALTY, A DEFENDANT MUST BE FOUND TO HAVE INTENTIONALLY: KILLED THE VICTIM, INFLECTED SERIOUS BODILY INJURY THAT RESULTED IN DEATH, PARTICIPATED IN AN ACT KNOWING THAT A DEATH WOULD RESULT, OR PARTICIPATED IN AN ACT OF VIOLENCE WITH RECKLESS DISREGARD FOR HUMAN LIFE AND WHICH RESULTED IN A DEATH.

IN 1994, THE U.S. CONGRESS ENACTED LEGISLATION THAT ESTABLISHED CONSTITUTIONAL PROCEDURES FOR IMPOSITION OF THE DEATH PENALTY UNDER FEDERAL LAW IT EXISTED FOR 15 STATUTES AND ALSO CREATED 29 NEW CAPITAL STATUTES, WITH A COMBINED TOTAL OF SOME 60 OFFENSES. FIFTY-SIX OF THESE CRIMES INVOLVE AGGRAVATED HOMICIDES RESULTING FROM VIOLENT CRIMES SUCH AS KIDNAPPING, CHILD SEXUAL ABUSE, AND TERRORIST ACTS. FOUR OF THESE CRIMES INVOLVE NON-HOMICIDAL OFFENSES WHICH CAUSE GRAVE HARM TO THE NATION SUCH AS ESPIONAGE, TREASON, DRUG-TRAFFICKING IN EXTREMELY LARGE AMOUNTS, AND OBSTRUCTION OF JUSTICE BY "DRUG KINGPINS."

MR. FRANCIS HAD QUESTIONS ABOUT THE SO CALLED DEATH ROW PHENOMENON, AND ALSO ABOUT THE LENGTH OF TIME BETWEEN WHEN A DEFENDANT RECEIVES A SENTENCE OF DEATH AND WHEN THAT INDIVIDUAL IS EXECUTED. AS NOTED BY MR. HARPER ON WEDNESDAY, THE U.S. DOES NOT ACCEPT THE CONCEPT OF THE DEATH ROW PHENOMENON, AS HELD BY THE EUROPEAN COURT OF HUMAN RIGHTS. WE DO RECOGNIZE THAT A PRISONER MAY SPEND YEARS IN PRISON BEFORE THE SENTENCE OF DEATH IS CARRIED

UNCLAS SECTION 03 OF 05 USUN NEW YORK 002361

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TAGS: PHUM, UNHRC-2, KTIA, PGOV, SOCI, US

SUBJECT: HUMAN RIGHTS COMMITTEE - STATEMENT BY

ASSISTANT ATTORNEY GENERAL JO ANN HARRIS - 31 MARCH 1995.

OUT.

THE PRIMARY REASON FOR THIS DELAY IS THAT LAWYERS FOR DEFENDANTS SENTENCED TO DEATH PURSUE EVERY AVENUE OF APPEAL AND REVIEW. MOST DEFENDANTS SENTENCED TO DEATH HAVE BEEN TRIED IN STATE COURTS. THESE INDIVIDUALS HAVE THE OPPORTUNITY TO APPEAL THEIR SENTENCE AND CONVICTIONS TO THE APPELLATE COURTS OF THE STATE IN WHICH THEY WERE TRIED. IN ADDITION TO THESE DIRECT APPEALS TO THE STATE APPELLATE COURTS, THESE DEFENDANTS ALSO HAVE A LIMITED RIGHT TO HAVE FEDERAL COURTS REVIEW THEIR CONVICTIONS. FURTHERMORE, DEFENDANTS ALSO HAVE THE RIGHT TO INDIRECTLY CHALLENGE THEIR CONVICTIONS BY ARGUING, FOR EXAMPLE THAT THEY RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL. IN SHORT, PROVIDING DEFENDANT'S FULL ACCESS TO AN APPROPRIATE APPELLATE PROCESS IS TIME CONSUMING, BUT OUR LEGAL SYSTEM DEEMS THIS AN IMPORTANT SAFEGUARD.

MR. LALLAH ASKED A QUESTION ABOUT THE APPOINTMENT OF COMPETENT COUNSEL IN CAPITAL CASES. DEFENDANTS ACCUSED OF CAPITAL CRIMES ARE ENTITLED TO BE REPRESENTED BY COUNSEL AND COUNSEL WILL BE APPOINTED IF A DEFENDANT CANNOT AFFORD ONE. IN OUR FEDERAL COURTS, DEFENDANTS ACCUSED OF CAPITAL CRIMES -- WHETHER INDIGENT OR NOT -- HAVE THE RIGHT TO BE REPRESENTED BY TWO LAWYERS; THE FEDERAL COURTS ENDEAVOR TO ENSURE THAT AT LEAST ONE OF THE COURT-APPOINTED LAWYERS IS EXPERIENCED IN CAPITAL CASES; IN ADDITION, THE CURRENT ADMINISTRATION AND THE JUSTICE DEPARTMENT HAVE ASKED FOR LEGISLATION TO ENSURE THAT DEFENDANTS ACCUSED OF CAPITAL CRIMES IN THE STATE COURTS ARE REPRESENTED BY EXPERIENCED AND COMPETENT COUNSEL.

MR. MAVROMATIS ASKED ABOUT METHODS OF EXECUTION USED IN THE U.S. UNDER THE U.S. CONSTITUTION, NO SENTENCE, INCLUDING A DEATH SENTENCE, MAY BE CARRIED OUT IN AN INHUMANE OR BARBARIC MANNER. FIVE METHODS OF EXECUTION ARE CURRENTLY EMPLOYED BY THE STATES WHICH HAVE A DEATH PENALTY STATUTE: LETHAL INJECTION, ELECTROCUTION, LETHAL GAS, HANGING AND FIRING SQUAD. HOWEVER, HANGING AND FIRING SQUADS ARE BEING PHASED OUT BY THOSE STATES WHICH HAVE USED THESE METHODS OF EXECUTION IN THE PAST AND THE TREND NATIONALLY IS TOWARD LETHAL INJECTION.

MR. MAVROMATIS NOTED THAT A NUMBER OF STATES DO NOT HAVE LAW AFFIRMATIVELY EXPRESSING A PROHIBITION AGAINST THE EXECUTION OF PREGNANT WOMEN. THIS CONCERN WAS ALSO MENTIONED BY MR. LALLAH. IN PASSING THE RECENTLY ENACTED VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT, THE CONGRESS OF THE UNITED STATES EXPRESSED ITS INTENTION TO PROHIBIT THE EXECUTION OF PREGNANT WOMEN. 18 UNITED STATES CODE, SECTION 3596(B) STATES "A SENTENCE OF DEATH SHALL NOT BE CARRIED OUT UPON A WOMEN WHILE SHE IS PREGNANT." THE LACK OF AFFIRMATIVE LAW ON THIS POINT IN NO WAY INDICATES EVEN THE MOST THEORETICAL CONSIDERATION OF A DEATH SENTENCE IN SUCH A SITUATION. WE DO NOT BELIEVE THIS TO BE A PROBLEM, ALTHOUGH WE VERY MUCH

APPRECIATE THE COMMITTEE'S CONCERN REGARDING THIS ISSUE.

MR. BRUNI-CELLI AND OTHER MEMBERS OF THE COMMITTEE ASKED QUESTIONS RELATED TO THE PERIOD BETWEEN 1972 AND 1976, WHEN DEATH PENALTY SENTENCING WAS TEMPORARILY HALTED BY THE SUPREME COURT. THE U.S. SUPREME COURT HAS NEVER HELD THAT THE DEATH PENALTY AS A PUNISHMENT WAS UNCONSTITUTIONAL.

IN 1972, THE U.S. SUPREME COURT HELD ONLY THAT EXISTING DEATH PENALTY SENTENCING PROCEDURES DID NOT MEET THE REQUIREMENTS OF THE CONSTITUTION FOR RELIABILITY AND INDIVIDUAL CONSIDERATION. FURMAN V. GEORGIA, 408 U.S. 238 (1972). THE COURT DID NOT HOLD THAT THE DEATH PENALTY, ITSELF, WAS UNCONSTITUTIONAL.

IN 1976, THE COURT UPHOLD REVISD SENTENCING PROCEDURES ESTABLISHED BY THE STATE OF GEORGIA WHICH REQUIRED CONSIDERATION OF SPECIFIED AGGRAVATING FACTORS THAT ENSURE PRINCIPLED GUIDANCE FOR IMPOSING THE PUNISHMENT OF DEATH AND OF RELEVANT MITIGATING FACTORS THAT ENSURE INDIVIDUAL TREATMENT OF EACH DEFENDANT, GREGG V. GEORGIA, 428 U.S. 153 (1976). SENTENCING PROCEDURES PROMULGATED BY OTHER STATES WHICH PROVIDE THE SAME KIND OF GUIDANCE TO THE SENTENCING AUTHORITY HAVE, SIMILARLY, BEEN FOUND CONSTITUTIONAL.

THE COURT HAS NEVER HELD THAT THE DEATH PENALTY, ITSELF, IS UNCONSTITUTIONAL. INDEED, IN THEIR 1976 DECISION UPHOLDING THE REVISED PROCEDURES, THREE OF THE SUPREME COURT JUSTICES CITED TWO CENTURIES OF PRECEDENT RECOGNIZING THAT CAPITAL PUNISHMENT IS NOT INVALID, PER SE. GREGG V. GEORGIA, 428 U.S. 153, 177-178 (OPINION OF STEWART, PAUL, AND STEVENS, J.J.).

UNCLAS SECTION 04 OF 05 USUN NEW YORK 002361

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E.O.12356: N/A

TAGS: PHUM, UNHRC-2, KTIA, PGOV, SOCI, US

SUBJECT: HUMAN RIGHTS COMMITTEE - STATEMENT BY ASSISTANT ATTORNEY GENERAL JO ANN HARRIS - 31 MARCH 1995.

U.S. LAW EXPRESSLY FORBIDS IMPOSITION OF THE DEATH PENALTY ON THE BASIS OF RACE OR ANY OTHER IMPERMISSIBLE FACTOR AS TO EITHER THE DEFENDANT OR THE VICTIM. U.S. LAW EXPRESSLY REQUIRES THAT EACH CAPITAL CASE MUST BE CONSIDERED ON AN INDIVIDUAL BASIS. THUS, EACH CASE IS UNIQUE AND BECOMES, IN EFFECT A STATISTICAL SAMPLE OF ONE.

TITLE 21 U.S.CODE, SECTION 848 (0)(1) STATES THAT: IN ANY HEARING HELD BEFORE A JURY UNDER THIS SECTION, THE COURT SHALL INSTRUCT THE JURY THAT IN ITS CONSIDERATION OF WHETHER THE SENTENCE OF DEATH IS JUSTIFIED IT SHALL NOT CONSIDER THE RACE, COLOR, RELIGIOUS BELIEFS, NATIONAL ORIGIN, OR SEX OF THE

DEFENDANT OR THE VICTIM, AND THAT THE JURY IS NOT TO RECOMMEND A SENTENCE OF DEATH UNLESS IT HAS CONCLUDED THAT IT WOULD RECOMMEND A SENTENCE OF DEATH FOR THE CRIME IN QUESTION NO MATTER WHAT THE RACE, COLOR, RELIGIOUS BELIEFS, NATIONAL ORIGIN, OR SEX OF THE DEFENDANT, OR THE VICTIM, MAY BE. THE JURY SHALL RETURN TO THE COURT A CERTIFICATE SIGNED BY EACH JUROR THAT CONSIDERATION OF THE RACE, COLOR, RELIGIOUS BELIEF, NATIONAL ORIGIN, OR SEX OF THE DEFENDANT OR THE VICTIM WAS NOT INVOLVED IN REACHING HIS OR HER INDIVIDUAL DECISION AND THAT THE INDIVIDUAL JUROR WOULD HAVE MADE THE SAME RECOMMENDATION REGARDING A SENTENCE FOR THE CRIME IN QUESTION NO MATTER WHAT THE RACE, COLOR, RELIGIOUS BELIEFS, NATIONAL ORIGIN OR SEX OF THE DEFENDANT, OR THE VICTIM, MAY BE.

THE COMMITTEE HAD A NUMBER OF QUESTIONS ABOUT RACIAL DISCRIMINATION AND CAPITAL PUNISHMENT. IN PARTICULAR WE RECEIVED QUESTIONS FROM MS. MEDINA QUIROGA AND MS. HIGGINS. A SIMILAR CONCERN REGARDING THIS ISSUE CAUSED THE CONGRESS TO CONSIDER THE RACIAL JUSTICE ACT.

THE RACIAL JUSTICE ACT HAD TWO KEY PROVISIONS:

- 1) IT WOULD HAVE PROHIBITED THE EXECUTION OF ANY PERSON UNDER COLOR OF STATE OR FEDERAL LAW IF THE SENTENCE WAS IMPOSED BASED ON RACE, AND;
- 2) IT PROVIDED THAT AN INFERENCE THAT RACE WAS THE BASIS OF A DEATH SENTENCE COULD BE ESTABLISHED IF VALID EVIDENCE WAS PRESENTED DEMONSTRATING THAT, AT THE TIME THE SENTENCE WAS IMPOSED, RACE WAS A STATISTICALLY SIGNIFICANT FACTOR IN DECISIONS TO SEEK OR IMPOSE THE DEATH PENALTY IN THE PARTICULAR JURISDICTION IN QUESTION.

THE U.S. HOUSE OF REPRESENTATIVE APPROVED THE RACIAL JUSTICE ACT AS PART OF A COMPREHENSIVE PIECE OF ANTI-CRIME LEGISLATION, THE CRIME BILL. THE SENATE PASSED ITS OWN VERSION OF A CRIME BILL, WHICH DID NOT INCLUDE THE RJA. WHEN MEMBERS OF BOTH HOUSES OF CONGRESS MET IN CONFERENCE TO DECIDE WHICH PARTS OF WHICH BILLS WOULD BE VOTED ON BY BOTH HOUSES, THE RJA WAS DELETED.

IT SHOULD BE NOTED THAT THE SUPREME COURT HAS HELD FOR PURPOSES OF CONSTITUTIONAL ANALYSIS THAT STATISTICAL EVIDENCE OF RACIAL DISPARITY IS INSUFFICIENT, PER SE, TO SUPPORT AN INFERENCE OF ANY "UNACCEPTABLE RISK" OF RACIAL DISCRIMINATION IN THE ADMINISTRATION OF CAPITAL PUNISHMENT. MCCLESKEY V. KEMP, 481 U.S. 279, 292-297, 309 (1987). IN REJECTING THE USE OF STATISTICAL DISPARITY TO SUPPORT AN INFERENCE OF RACIAL DISCRIMINATION, THE SUPREME COURT REASONED: (T)HE CAPACITY OF PROSECUTORIAL DISCRETION TO PROVIDE INDIVIDUALIZED JUSTICE IS 'FIRMLY ENTRENCHED IN AMERICAN LAW. '.....OF COURSE, 'THE POWER TO BE LENIENT (ALSO) IS THE POWER TO DISCRIMINATE, '..... BUT A CAPITAL PUNISHMENT SYSTEM THAT DID NOT ALLOW FOR DISCRETIONARY ACTS OF LENIENCY 'WOULD BE TOTALLY ALIEN TO OUR NOTIONS

OF CRIMINAL JUSTICE.' ID. AT 311-12.

IN AN EFFORT TO ENSURE THAT IF CAPITAL PUNISHMENT IS IMPOSED BY THE FEDERAL COURTS, IT WILL BE DONE IN A FAIR AND CONSISTENT MANNER FREE FROM ANY RACIAL, ETHNIC OR OTHER INVIDIOUS DISCRIMINATION, THE ATTORNEY GENERAL, ON JANUARY 27, 1995, ESTABLISHED AN INTERNAL PROCESS WHICH REQUIRES THAT SHE REVIEW EACH PROSECUTION INITIATED IN FEDERAL COURTS FOR WHICH DEATH IS THE POSSIBLE PENALTY. UNDER THIS PROCESS, IT IS ATTORNEY GENERAL'S RESPONSIBILITY TO DECIDE AGAINST WHICH DEFENDANTS THE UNITED STATES WILL SEEK THE DEATH PENALTY. THE ATTORNEY GENERAL MUST CONSIDER ANY EVIDENCE OF MITIGATION, INCLUDING EVIDENCE OF RACIAL BIAS AGAINST THE DEFENDANT OR EVIDENCE THAT THE DEPARTMENT OF JUSTICE HAS ENGAGED IN A PATTERN OR PRACTICE OF RACIAL DISCRIMINATION.

PRIOR TO THE ESTABLISHMENT OF THIS FORMAL PROCESS, THREE UNITED STATES DISTRICT COURTS THOROUGHLY REVIEWED THE DEPARTMENT'S FILES IN ALL DEATH PENALTY CASES PROSECUTED UNCLAS SECTION 05 OF 05 USUN NEW YORK 002361

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UP UNTIL THEIR RESPECTIVE REVIEW, (THE MOST RECENT REVIEW BEING CONCLUDED MAY, 1994), AND EACH OF THE THREE COURTS FOUND NO INDICATION OF ANY RACIAL BIAS, OR THE USE OF ANY IMPERMISSIBLE FACTOR, IN THE DECISION TO SEEK THE DEATH PENALTY. ONE COURT STATED THAT THE DEPARTMENT'S CRITERIA, POLICIES AND PROCEDURES "ACTUALLY DEMONSTRATE A HEIGHTENED CONCERN WITH ENSURING THAT THE DEATH PENALTY IS NOT UNFAIRLY IMPOSED BECAUSE OF RACE OR ETHNIC ORIGIN."

MS. MEDINA QUIROGA, MR. FRANCIS, MR. BRUNI CELLI, MR. BAGHWATI, MR. LALLAH, MR. PEDRO VALLEJOS AND MS. AQUILLAR URBINA ASKED ABOUT THE DEATH PENALTY AND JUVENILE OFFENDERS. FEDERAL STATUTES PROHIBIT THE EXECUTION OF PERSONS YOUNGER THAN EIGHTEEN AT THE TIME OF COMMITTING A CAPITAL CRIME. THESE STATUTORY PROVISIONS EXCEED THE REQUIREMENTS OF OUR CONSTITUTION (WHICH APPLY TO ALL OF THE STATES) THAT A PERSON YOUNGER THAN SIXTEEN AT THE TIME OF COMMITTING A CAPITAL CRIME MAY NOT BE SENTENCED TO DEATH. MOREOVER, OUR CONSTITUTION REQUIRES THAT REGARDLESS OF A DEFENDANT'S AGE, HIS OR HER RELATIVE YOUTH OR LACK OF MATURITY MUST ALWAYS BE CONSIDERED IF RAISED IN MITIGATION.

FEDERAL STATUTES ALSO PROHIBIT THE EXECUTION OF PERSONS WHO ARE MENTALLY RETARDED TO ANY DEGREE AND PERSONS WHO ARE MENTALLY DISABLED TO THE DEGREE THAT THEY LACK THE MENTAL CAPACITY TO UNDERSTAND THE NATURE OF THE PROCEEDINGS AGAINST THEM, THE NATURE OF THE PUNISHMENT

OF DEATH, AND THE REASON FOR ITS IMPOSITION.

THANK YOU AGAIN FOR THE OPPORTUNITY TO BE HERE.

ALBRIGHT

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