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U.S. ROLE IN IRANIAN ARMS TRANSFERS TO BOSNIA AND CROATIA; MOTIONS RELATED TO COMPELLING THE TESTIMONY OF THE HON. CHARLES REDMAN AND THE HON. PETER GALBRAITH; MOTION RELATED TO COMPELLING THE TESTIMONY OF MR. PAUL NEIFERT; AND MISCELLANEOUS LEGISLATION (H. CON. RES. 160, H. CON. RES. 165 AND H. CON. RES. 167)

BUSINESS MEETING AND HEARING

BEFORE THE

COMMITTEE ON

INTERNATIONAL RELATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

MAY 8, 30, 1996

Printed for the use of the Committee on International Relations



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1996

35-221 CC

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CONSIDERATION OF ISSUANCE OF SUBPOENAS TO THE HONORABLE CHARLES REDMAN, THE HONORABLE PETER GALBRAITH, AND MR. PAUL NEIFERT

WEDNESDAY, MAY 8, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC

The subcommittee met, pursuant to call, at 10:10 a.m., in room 2172, Rayburn House Office Building, Washington, DC, Hon. Benjamin A. Gilman (chairman of the committee) presiding.

Chairman GILMAN. The committee will be in order. The Committee on International Relations meets today in open session pursuant to notice to consider certain legislation and to consider motions authorizing the issuance of subpoenas relating to Messrs. Charles Redman, Peter Galbraith and Paul Neifert. It is the Chair's intent that as soon as a quorum of the committee appears we either would suspend consideration of whichever resolution we have reached, quickly finish with its consideration, and at that time move to the consideration of matters relating to the issuance of subpoenas.

With respect to the legislation, we do not mean to give it short shrift. They are important resolutions and we do want to get them to the floor as expeditiously as possible. The Chair will be entertaining motions that he be requested to obtain consideration of the several resolutions on the suspension calendar.

Is there a request for an opening statement?

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. Mr. Gejdenson.

Mr. GEJDENSON. Mr. Chairman, I think that the primary business here today is an outrage, especially when the Chairman is in

possession of a letter and I understand had a conversation with Secretary Christopher—

Chairman GILMAN. If the gentleman will permit me to interrupt—

Mr. GEJDENSON. Mr. Chairman, I am making a—

Chairman GILMAN. Well, if the gentleman will yield a moment.

Mr. GEJDENSON. I will not yield. Mr. Chairman, I will make—

Chairman GILMAN. The business with regard to the subpoenas will come up in due time.

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN [continuing]. We have the Sierra Leone before us.

Mr. GEJDENSON. Mr. Chairman, I have a right to make an opening statement at this committee. I understand the Chairman does not want to discuss what a blatant political disaster this is and I think the Chairman would do himself and the committee good to simply give a senior member on the Democratic side an opportunity to make a statement and not simply try to editorialize it.

Thank you, Mr. Chairman.

Mr. Chairman, not only are the taxpayers of this country going to be spending a million dollars to fulfill Mr. Nussle and other leaders of the Republican Party, Mr. Walker's desires to try to get the President, but it is clear that this committee has fallen to a low that I have not seen in some time in Congress.

Not only are we abdicating our responsibility to a subcommittee, a select committee where there is absolutely no need, the committee is now about to execute subpoenas when the Secretary of State, and I would like to place in the record at this point, has given the Chairman a letter, and in telephone conversation assured the Chairman that these individuals are willing to appear before the committee without subpoena.

Now, apparently, it is the Chairman's intent not only to support this useless million dollar select committee, but to have these gentlemen hauled over here from Europe, as many as four times in the next month rather than simply cooperating with the Secretary of State.

Mr. Chairman, I would have hoped you would be better than this. The Secretary of State has given you his word that these individuals will appear before the committee. To now pass a subpoena on people who have said they will voluntarily appear before this committee is an outrage.

There was an old saying that ignorance was bliss, but apparently, the failure of the majority in the Congress to read the Washington Post and the Washington Times is going to cost us in the area of a million dollars. A million dollars to review what?

To review a policy that the Administration carried out that was mandated only several months later by this Congress. And I might point out that the Chairman of this committee and Mr. Hyde both voted for a policy that instructed the Administration not to interfere with arms shipments from third parties. When that legislation was accepted, no one suggested there be any exempted countries, Mr. Chairman.

Mr. Chairman, what you are doing here is a disgrace on this committee. It reduces the importance of the Foreign Affairs Com-

mittee. It is an embarrassment, frankly, to be subpoenaing individuals of this government that have agreed to appear before the committee.

The President's policy, frankly, is the first policy we had on Yugoslavia. For 4 years of the Bush administration, there was continued murder and annihilation of the people of the former Yugoslavian Republic with no action by the Bush administration. The Bush administration sat by. It refused to lead, hoping that the Europeans would take some action while tens of thousands of Yugoslavians were butchered, butchered regularly and consistently with full knowledge of this Congress and this country. It was not until President Clinton came to office that we began to have a policy to try to move forward as far as the situation in Yugoslavia was concerned.

On June 24th, 1994, the Washington Times published a story with the headline, "Iranian Weapons Sent Via Croatia." It was placed in the Congressional Record by Senator McCain. Senator McCain is the campaign manager, or close to it, for Senator Dole. Tell me Senator Dole did not know this was going on.

The Republicans in this Congress want to spend taxpayer money for a political purpose. This meeting here, today, is clearly to try to extend that political purpose. The Secretary of State gives you his word that representatives of this government will appear before the committee and then will come back and appear again before the select committee. And then will appear again before the intelligence committees and the appropriate committees on the Senate side, it is outrageous politics to then issue the subpoena while the Administration has repeatedly told the Chairman these individuals will appear before this Congress and this committee.

Chairman GILMAN. I thank the gentleman for his remarks. We will discuss the subpoenas when we get to that part of our agenda for the day.

The first resolution today is H. Con. Res. 160 which congratulates the people of the Republic of Sierra Leone on the success of their recent democratic multi-party elections which was introduced by our colleague from New York, Mr. Houghton on April 15th and has been co-sponsored by a number of our colleagues. It was duly considered by the Subcommittee on Africa and reported to the full committee.

The Chair lays the concurrent resolution before the committee. Ms. Bloomer will report the title of the concurrent resolution.

Ms. BLOOMER. House Concurrent Resolution 160. Congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multi-party elections.

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Mr. Ackerman.

Mr. ACKERMAN. I suggest the absence of a quorum and ask for a quorum call.

Chairman GILMAN. We are not at a point where we need a vote and members are on their way and I suggest we withhold your request.

Mr. ACKERMAN. With all due respect, Mr. Chairman, I request a quorum.

Is there a quorum, Mr. Chairman?

Chairman GILMAN. The gentleman from New York has a resolution on Africa. Does the gentleman prefer not to discuss the resolution this morning?

Mr. ACKERMAN. Mr. Chairman, I would like the business of the people to be conducted with a quorum present as the rules require and I certainly would like a quorum here before any business is conducted. Certainly, the members should know what is going on.

Mr. HOUGHTON. Mr. Chairman.

Mr. GEJDENSON. Mr. Houghton.

Mr. HOUGHTON. Obviously, we have got to do whatever the rules prescribe. But I have really a very noncontroversial bipartisan resolution here that I see no reason why it cannot be at least explained.

Mr. ACKERMAN. I think the gentleman from New York could expect the full cooperation on your resolution from just about the unanimous members of the minority party at the appropriate time; and, hopefully, that will happen sooner than later. But in the meantime, I must insist that we adhere to the rules and call for a quorum.

Mr. HOUGHTON. Just one other question. Adhering to the rules, fine, as far as voting; but would explaining be appropriate if I could just sort of go through this so that we could save time later on.

Mr. ACKERMAN. I believe we have already called for a quorum and the Chair should exercise his responsibilities as an officer of the committee.

Mr. BEREUTER. Would the gentleman from New York yield?

Mr. ACKERMAN. I will be glad to yield.

Mr. BEREUTER. I was just wondering if the gentleman would be willing to permit Mr. Broomfield, the distinguished former ranking member of the committee, to vote on this resolution to be answering the quorum call.

Mr. ACKERMAN. Oh, that he would be back.

Mr. BEREUTER. I wanted to recognize Bill Broomfield who has not been with us many times since his retirement from the distinguished career here in the House and he is with us here today. I thank the gentleman for yielding.

[Applause.]

Chairman GILMAN. The Chair would like to note that he joins in welcoming Mr. Broomfield, our distinguished former ranking minority member, who guided our committee for so many years. Welcome, Mr. Broomfield.

The Chair will now request Ms. Bloomer to call the roll for a quorum.

Ms. BLOOMER. Mr. Gilman.

Chairman GILMAN. Present.

Ms. BLOOMER. Mr. Goodling.

Mr. Leach.

Mr. LEACH. Here.

Ms. BLOOMER. Mr. Roth.

Mr. Hyde.

Mr. Bereuter.

Mr. BEREUTER. Here.

Ms. BLOOMER. Mr. Smith.

Mr. SMITH. Present.

Ms. BLOOMER. Mr. Burton.
 Ms. Meyers.
 Mr. Gallegly.
 Ms. Ros-Lehtinen.
 Mr. Ballenger.
 Mr. Rohrabacher.
 Mr. Manzullo.
 Mr. Royce.
 Mr. King.
 Mr. Kim.
 Mr. KIM. Here.
 Ms. BLOOMER. Mr. Brownback.
 Mr. Funderburk.
 Mr. FUNDERBURK. Present.
 Ms. BLOOMER. Mr. Chabot.
 Mr. Sanford.
 Mr. Salmon.
 Mr. Houghton.
 Mr. HOUGHTON. Here.
 Ms. BLOOMER. Mr. Campbell.
 Mr. CAMPBELL. Present.
 Ms. BLOOMER. Mr. Hamilton.
 Mr. HAMILTON. Here.
 Ms. BLOOMER. Mr. Gejdenson.
 Chairman GILMAN. Mr. Hamilton is here.
 Ms. BLOOMER. Thank you.
 Mr. Gejdenson.
 Mr. GEJDENSON. Here.
 Ms. BLOOMER. Mr. Lantos.
 Mr. Torricelli.
 Mr. Berman.
 Mr. BERMAN. Here.
 Ms. BLOOMER. Mr. Ackerman.
 Mr. Ackerman.
 Chairman GILMAN. Mr. Ackerman. We note Mr. Ackerman's presence.
 Ms. BLOOMER. Mr. Johnston.
 Mr. Faleomavaega.
 Mr. Martinez.
 Mr. Payne.
 Mr. Andrews.
 Mr. Menendez.
 Mr. Brown.
 Ms. McKinney.
 Mr. Hastings.
 Mr. Wynn.
 Mr. Moran.
 Mr. Frazer.
 Mr. Rose.
 Ms. Danner.
 Ms. DANNER. Present.
 Chairman GILMAN. Ms. Bloomer will call the absentees.
 Ms. BLOOMER. Mr. Goodling.
 Mr. GOODLING. Present.

Ms. BLOOMER. Mr. Roth.

Mr. Hyde.

Mr. Burton.

Mrs. Meyers.

Mr. Gallegly.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Here.

Ms. BLOOMER. Mr. Ballenger.

Mr. Rohrabacher.

Mr. Manzullo.

Mr. Royce.

Mr. King.

Mr. Brownback.

Mr. BROWNBACK. Ma'am.

Chairman GILMAN. Mr. Brownback.

Ms. BLOOMER. Mr. Chabot.

Mr. CHABOT. Here.

Ms. BLOOMER. Mr. Sanford.

Mr. Salmon.

Mr. Lantos.

Mr. Torricelli.

Mr. Johnston.

Mr. Faleomavaega.

Mr. Martinez.

Mr. Payne.

Mr. Andrews.

Mr. Menendez.

Mr. Brown.

Ms. McKinney.

Mr. Hastings.

Mr. Wynn.

Mr. Moran.

Mr. Frazer.

Mr. Rose.

Chairman GILMAN. Ms. Bloomer will note those who have not answered. Will Ms. Bloomer call those who have not responded?

Ms. BLOOMER. Mr. Roth.

Mr. ROTH. Here.

Ms. BLOOMER. Mr. Hyde.

Mr. HYDE. Here.

Ms. BLOOMER. Mr. Burton.

Mrs. Meyers.

Mr. Gallegly.

Mr. Ballenger.

Mr. Rohrabacher.

Mr. Manzullo.

Mr. MANZULLO. Here.

Ms. BLOOMER. Mr. Royce.

Mr. King.

Mr. Sanford.

Mr. Salmon.

Mr. Lantos.

Mr. Torricelli.

Mr. Johnston.

Mr. Faleomavaega.

Mr. Martinez.

Mr. Payne.

Mr. Andrews.

Mr. Menendez.

Mr. Brown.

Ms. McKinney.

Mr. Hastings.

Mr. Wynn.

Mr. Moran.

Mr. Frazer.

Mr. Rose.

Chairman GILMAN. Ms. Bloomer will indicate the tally on the quorum call.

Mr. GEJDENSON. Mr. Chairman, parliamentary inquiry.

Chairman GILMAN. You cannot interrupt the tally.

Please speak the tally.

Ms. BLOOMER. Twenty two members have answered present.

Chairman GILMAN. The presence of a quorum is duly noted. The Chair is—

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. We will proceed directly to the consideration of—

Mr. GEJDENSON. Mr. Chairman. A parliamentary inquiry of the Chairman.

Chairman GILMAN. Will the gentleman set forth his inquiry?

Mr. GEJDENSON. Mr. Chairman, is it the Chairman's intent to vote the subpoena without debate?

Chairman GILMAN. The Chair will proceed in an orderly manner.

Mr. ACKERMAN. Parliamentary inquiry, Mr. Chairman. Is not the number needed for a quorum 23?

Chairman GILMAN. Not for the business before the committee at the present time.

Mr. ACKERMAN. I do not understand, Mr. Chairman. If 23 is the number needed for a quorum, how could you subpoena people without having a quorum? Did you just make up the number 22 because you did not have 23?

Chairman GILMAN. We need one-third for conducting the business, at this point, for conducting the business of the committee and we have sufficient members.

Mr. ACKERMAN. I am sorry, Mr. Chairman. You are calling up a subpoena and you do not have a quorum. Is that accurate?

Chairman GILMAN. I think if the gentleman would refer to the House rules, that will adequately explain—

Mr. ACKERMAN. I am referring to my chairman.

Chairman GILMAN. The Chair has ruled that we have sufficient quorum to conduct the business before us.

Mr. ACKERMAN. What is that quorum, Mr. Chairman? You are stating that you need 22 and not 23 to call up a subpoena?

Chairman GILMAN. We require 15 to conduct the business at hand at the moment.

Mr. ACKERMAN. And what is the business at hand, Mr. Chairman?

Chairman GILMAN. We will now proceed to the consideration of the request for subpoena authorization.

Mr. Bereuter.

Mr. BEREUTER. Mr. Chairman.

Mr. ACKERMAN. Mr. Chairman, I appeal from the decision of the Chair.

Chairman GILMAN. Mr. Bereuter is duly recognized.

Mr. BEREUTER. Mr. Chairman, I move that the Chairman be authorized to compel the Honorable Charles Redman—

Mr. ACKERMAN. Mr. Chairman, I appeal from the decision of the Chair.

Mr. BEREUTER [continuing]. and the Honorable Peter Galbraith—

Mr. ACKERMAN. Mr. Chairman, I appeal from the decision of the Chair.

Mr. BEREUTER [continuing]. to testify and produce documents—

Mr. ACKERMAN. Mr. Chairman, I appeal from the decision of the Chair.

Chairman GILMAN. Would the gentleman yield?

Mr. ACKERMAN. Perhaps you did not hear me, Mr. Chairman, but I think I said I appealed from the decision of the Chair.

Chairman GILMAN. The decision of the Chair on the matter of quorum is not appealable.

Mr. ACKERMAN. Mr. Chairman—

Chairman GILMAN. I have ruled—

Mr. ACKERMAN. That is what will establish the number of people here for the official record and this kind of chicanery will not be tolerated. Your sense of politics is fine, but your sense of math is lacking and I appeal from the decision of the Chair to establish for the record whether or not there are 22 or 23 members here. And if you would like to stall until you get one more member, then that is fine, also, but do not insult the intelligence and integrity of the members of your party and mine by trying to come up with a new mathematical formula.

Chairman GILMAN. There is no new mathematical formula. I will be pleased to read the quorum. The gentleman has the rules in his own desk with regard to the rules of this committee. Quote: "Section 3. For purposes of taking testimony and receiving evidence, 2 members shall constitute a quorum. One-third of the members of the committee shall constitute a quorum for taking any action with the following exceptions: (1) Reporting a measure or recommendation; (2) closing committee meetings and hearings to the public; and (3) authorizing the issuance of subpoenas."

Mr. ACKERMAN. In that case, we will not be able to take a vote, Mr. Chairman.

Chairman GILMAN. When we get to final passage, if there is a question on the quorum, we will then determine whether a quorum is present. And at this time, I call on Mr. Bereuter.

Mr. BEREUTER. Mr. Chairman, I have made my motion, but I will repeat it if you would like.

Mr. Chairman, I move that the Chairman be authorized to issue subpoenas to compel the Honorable Charles Redman and the Hon-

orable Peter Galbraith to appear before the Committee on International Relations to testify—

Mr. ACKERMAN. Mr. Chairman, we do not have a copy of any motion to that nature before us.

Chairman GILMAN. Ms. Bloomer will distribute copies of the motion.

Mr. GEJDENSON. Mr. Chairman, I have an amendment to the motion that I would like to offer.

Chairman GILMAN. You have not been recognized at this point. Mr. Hamilton.

Mr. HAMILTON. I want to make sure that Mr. Bereuter is finished his statement.

Mr. Bereuter.

Mr. BEREUTER. I have finished my statement and I yield back the balance of my time.

Chairman GILMAN. Before recognizing Mr. Hamilton, I regret that it became necessary for us to bring before the committee this motion to authorize the issuance of subpoenas for Ambassadors Redman and Galbraith. I am certain many of you recall that we first raised our interest in hearing the testimony of these two individuals with Under Secretary of State Tarnoff when he testified before us on Tuesday, April 23rd. Mr. Tarnoff responded at the hearing that the two ambassadors were out of town at the time and, therefore, were not immediately available to appear before us, but did indicate to the committee that the Department would be happy to work with us to arrange their testimony at a later date.

We followed up that oral request for their testimony with a written request to Secretary Christopher later that same day. The State Department never responded to these requests. We subsequently learned, however, that the two ambassadors did return to Washington last week in order to appear before the Senate Select Committee on Intelligence for 2 days of testimony on last Thursday and Friday. We learned about this from congressional sources and not from the State Department.

I can understand why the State Department was not eager to inform us about this testimony before another committee, a committee that does not even have oversight jurisdiction over the Department, given that that committee did not request the ambassadors' testimony in writing until April 26th, 3 days subsequent to our request.

We wrote to Secretary Christopher last Thursday, May 2nd, to express our disappointment at the Department's failure to take advantage of the presence in Washington of the two ambassadors to satisfy this committee's request for their testimony.

That letter renewed our request for their testimony and stated, and I quote: "Should the committee not receive a satisfactory answer, I believe we have no choice but to consider convening the full committee next week to consider the issuance of subpoenas to compel the presence of Ambassadors Galbraith and Redman before our full committee."

We expected that letter to concentrate the Department's attention—may we have order, please?

May we have order?

I think we respect you when you are speaking.

We expected that letter to concentrate the Department's attention on our request, but it apparently did not. For the next two working days last Friday and Monday, our staff tried repeatedly to persuade the Department to make the two ambassadors available to us. The Department gave us nothing but evasions.

Finally, we thought we had no choice but to schedule consideration of this motion. In the last 24 hours, the Department has come to us and suggested it may be possible to work something out that would avoid the necessity to authorize subpoenas.

Last night at 7:30 p.m., the Department faxed this letter promising to make the two ambassadors available and I quote: "Under the appropriate conditions at a mutually agreeable date."

Secretary Christopher spoke with me this morning to reiterate that offer. But then his staff called to propose Friday, May 24th, the day before Memorial Day Weekend, which is a date when we are all scheduled to go on recess. I do know if any of the members would be available at that time. That date obviously is not acceptable. And given the problems we have had scheduling this testimony up until now, we are not willing at this point to forego the additional leverage that approval of the motion before us will give us in trying to schedule appropriately that testimony.

I would emphasize to my colleagues, the motion before us merely authorizes the issuance of subpoenas. It does not require that subpoenas be issued. If we are able to work out an acceptable date for the testimony of the two ambassadors, then it will not be necessary to invoke that authority. And I want to assure the Department and my colleagues that we will try our best to work out a mutually acceptable date. However, in the event that is not possible, the subpoenas will be issued.

Secretary Christopher has assured us that the Department will cooperate on this, so we are hopeful that we ultimately can work this out without issuing subpoenas. And I might add that Secretary Christopher in my conversation was concerned in the manner in which the Department had handled this matter up to the time of his return last night. By approving this motion we will demonstrate that we must not be ignored and the Administration cannot avoid accounting to the Congress and to the American people for its actions in Bosnia. I urge my colleagues to support the motion.

Are there any members who seek to be recognized?

Mr. HAMILTON. Mr. Chairman.

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. I thank the Chairman. Let me say first of all that I certainly have no problem with Ambassadors Redman and Galbraith appearing before the committee. I think they ought to do that. And my understanding is that they are prepared to do it. I think there have been some problems in trying to work out a reasonable format and time for their appearances.

I just want to say that I do not think that issuing subpoenas is the way to solve the problem of finding mutually convenient times and places for scheduling witnesses to appear. Subpoena authority is a device that is used at the end of the game, not at the beginning. It is a highly confrontational device. And I think it is really

the wrong way to get this investigation started and sets us off in very adverse circumstances.

Here we have a situation where the committee has not heard a single word of testimony on this issue specifically. We have not even created the select committee yet. We are going to be doing that, I presume, this afternoon. Yet, we throw down the subpoena as a very confrontational device and I think it is unfortunate that we start the process that way.

Now, I also want to say that the letter that the Chairman referred to and which I have seen seems to me quite forthcoming. The Administration is prepared to have the ambassadors available. The date that was initially put forward may not be the best date, it may not be mutually convenient, but the Secretary is on record, I think, as saying that he will work with us to get a mutually convenient date.

These ambassadors have a heavy load right now. We have got three or four committees in the Congress that are wanting to get at them for testimony. You cannot have them flying back and forth every week to appear before a different congressional committee, so it is not an unreasonable position on the part of the Secretary to try to do it in such a manner that will minimize the disruption of their professional responsibilities.

I know you will have the votes to go ahead with the subpoena, but I simply want to go on record as saying I think it is unfortunate to begin in a very confrontational way.

Second, let me say that the subpoena as drafted, Mr. Chairman, is extremely broad. It does not limit in any way the scope or form or the date or the time for the exercise of the subpoena authority and, so, just on that fairly technical, but nonetheless important ground, I do not think that the subpoena request is valid.

I would urge the Chairman to reconsider this approach, this beginning, to what we know is going to be a difficult investigation by issuing the subpoena. I do not think that is a wise thing to do.

Chairman GILMAN. Will the gentleman yield?

Mr. HAMILTON. Surely.

Chairman GILMAN. You know, it is a matter of judgment and trust between our committee and the Chair. The Chair would like to state that we are not going to abuse our authority. The Chair would point out that both, when Mr. Hamilton was chairman of the Iran-Contra Committee and chairman of the October Surprise Task Force, as chairman, you were given blanket authority to authorize and issue subpoenas, including subpoenas requiring depositions before staff after consultation with the ranking Republican. Then there was no perceived need for case-by-case discussions or specifics of the subpoenas to be offered or discussed.

Here we at least are stating who we want called before us. We simply need not get into a drafting exercise here today for two reasons. First, the Chair is asserting we will not abuse our authority; and, second, we think that this authority will get us the witnesses we want without ever having to issue a subpoena once the Department of State recognizes that we are serious about this testimony.

And I might add that the letter we received last night at 7:30 p.m. that was faxed to our office was stated by Barbara Larkin, Acting Assistant Secretary of Legislative Affairs, Ambassadors Gal-

braith and Redman are prepared to return to Washington to meet with the committee under the appropriate conditions at a mutually agreeable date. And then concluded, "We believe the issuance of a subpoena is unnecessary and could undermine the cooperative nature of the investigation."

You know, all we want is some reasonable cooperation by the Department so that we can proceed in an orderly manner. I do not think we are asking for any abuse of authority. We are asking for authorization at this point.

Mr. HAMILTON. Mr. Chairman, may I respond?

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. I know the Chairman is a reasonable man and I would expect him to operate in the future in such a way that we will be able to proceed in a fair manner.

It is quite correct that as chairman of the October Surprise and Iran-Contra I had authority to issue subpoenas. The question here is not authority. Clearly the chairman of a committee and the committee, itself, ought to have the authority to issue a subpoena. What we have to think about here is the credibility of the result. And it makes all the difference how you get to a result.

If you start off in a highly partisan way, in a highly confrontational way, you are going to reduce the possibilities of a credible bipartisan result. You will not exclude it. It does not make it impossible. You are just making it a lot more difficult to achieve it.

What we want at the end of this investigation is a credible result. If you believe that you are going to have a credible result at the end of the day here with a party line vote, you are dead wrong. You will not have a credible result and it will be seen as a partisan exercise.

If you want a credible result about what happened in Bosnia with regard to the supply of arms by Iran to Bosnia, you had better be thinking in terms of a bipartisan result. Only a bipartisan result is going to have credibility. And I do not think the way to start the investigation even before we create the select committee is to follow this highly confrontational approach.

You certainly have the authority to do it. No doubt about that.

Chairman GILMAN. Mr. Hamilton, we certainly are in agreement that we want a credible result. We want a bipartisan result and we will do our best to attain that.

Mr. SMITH. Mr. Chairman.

Chairman GILMAN. There will be members of both parties on the select committee.

Mr. SMITH. Mr. Chairman.

Chairman GILMAN. Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman. I want to go on record as expressing my strong support for the effort you are undertaking today. You know, I thought for a moment there, this was *deja vu* of the markup on the foreign relations act about a year ago, when there was one obstructionist effort after another lodged against those proceedings. When I began the markup of what became Part B of your bill, my ranking member walked out, after having at least a full week to study the bill and to offer any amendments that he would want to. Then that infamous memo

came out, where it was made clear in black-and-white that every effort was being made to retard the progress of that particular piece of legislation.

Let me just say, Mr. Chairman, that I ran into a very similar lack of cooperation on the part of the Administration with regard to witnesses that we were promised in my subcommittee, women who had unfortunately suffered the incredible indignity of being forcibly aborted and were being held and continue to be held in Bakersfield, California.

Mr. Chairman, let me have order.

Chairman GILMAN. The committee will come to order. Please respect the gentleman's right to speak.

Mr. SMITH. And I would hope the press would take note of this. We had negotiated with the Administration to have those witnesses before us only to be told the night before that they wanted a closed hearing and they wanted no press, no people in the audience to hear what these women had to say. They actually had brought the witnesses from California. They were in Virginia in another penitentiary in another holding area, and then the hearing got canceled. We had to subpoena those witnesses to get them here.

I did not want to go that route, but we ran into obstructionist tactics by the Administration. I find this pattern, which we have encountered both with legislation and with witnesses, to be very reprehensible. So I think the Chairman is doing a very reasonable thing, a kind of insurance policy in case the Administration does not want the people to come before our full committee. Certainly, the distinguished chairman from New York is entitled to have these witnesses before us so both sides of the aisle can quiz and question these distinguished ambassadors.

We have run into it before. There has been a pattern established. This is an insurance policy. I think it is very reasonable and I commend the Chairman for what he is doing.

Mr. GEJDENSON. Mr. Chairman.

Chairman GILMAN. Mr. Gejdenson.

Mr. GEJDENSON. Thank you very much. Mr. Chairman, you will excuse the members on this side for a getting a sense that we cannot count on your reason in this instance, in that what appears to be the case here is your discussions with the Secretary began on May 2, and then two working days later you decided the discussions had failed—

Chairman GILMAN. If the gentleman will yield, the discussions started April 15.

Mr. GEJDENSON. April 15? Ah, so on April 15 you first raised the issue, and 2 weeks later you got the point where the Secretary told you, Yes, I will send you these people, and now we are issuing a subpoena 2 days after the Secretary has assured you he will do everything he can to get the two folks here.

Chairman GILMAN. If the gentleman will yield,——

Mr. GEJDENSON. No. I will keep my time.

Chairman GILMAN [continuing]. As I pointed out,——

Mr. GEJDENSON. The Chairman had more than 5 minutes. I would like to use my 5 minutes. I am not yielding to the Chairman.

Chairman GILMAN. Take a look at the letter before you that we received last night. You have it in front of you. At 7:30 p.m.,——

Mr. GEJDENSON. I hope the Chairman will give me extra time. Chairman, I am not yielding to you at this point. You made that statement once. When you look at the facts here, you had a conversation with the Secretary two working days ago, and we are here now for a subpoena. And what is the reason? The reason is simple, again. Mr. Walker and Mr. Nussle. They sent a notice around to every chairman: Let us find a way to cause trouble for the President.

What is this trouble all about? In 4 years the Bush administration failed to take any action to stop the murder in Yugoslavia. President Clinton got elected, and immediately began to try to find a way to end the bloodshed. The Congress wanted the President to unilaterally lift the arms embargo. The Administration's concern was that if we unilaterally lifted this arms embargo, there might be problems with the Libyan arms embargo and other embargoes that were multinational.

The Congress passed legislation with Chairman Gilman and future Select Committee Chairman Hyde together, voting in support of it, that prohibited the President from interfering with arms shipments from third countries. In that prohibition there was no argument about any one country or any other country; it simply ordered the President, signed into law because it was part of the Defense Authorization Bill, not to interfere with arms shipments from third parties.

What do these arms shipments do? They prevented a final slaughter. They got us to Dayton. They got us to a cease-fire. They stopped the killing. Now, if you want to review that policy, I think it is an excellent thing to do. The contrast between 4 years of the Bush administration and the 3 years of the Clinton administration to get them to the peace table and to get a peace process in place is a contrast that I do not think is going to help your party.

But to start off with one creating a select committee for a job that ought to be done in the Foreign Affairs Committee where there are no disputed facts, where there is a policy that violated no law, unlike arms shipments sold to the Iranians illegally, money from those shipments sent to the Nicaraguan contras.

We are not talking about an illegal policy and a violation of law; to the contrary, President Bush vetoed an intelligence authorization bill which would have instructed Presidents to report to the Congress actions where the President took no action, where the President encouraged other countries or the Administration encouraged other countries to ship weapons.

The law went back to the President without that instruction. The President followed the law, followed the U.N. embargo, he did what the Congress and the American people wanted him to do; and now, days after the Secretary of State, in a conversation with the President with the chairman of this committee, assures him that these people will show up; we have a subpoena.

Now, what is going to happen with a subpoena? Well, there are as many as five committees that want to see this gentlemen. If it takes them 1 day to fly from Europe, another day to testify, and a day to fly back, we are taking a half a month out of the work activity of these gentlemen, so we are pretty busy at the moment, to fly up here so that each of these committees can try to what,

carry out Mr. Walker and Mr. Nussle's instruction. Mr. Gingrich's confidante sent out a memorandum instructing committee chairmen like you to use taxpayer dollars for partisan purposes. That is why we are here today, Mr. Chairman.

Chairman GILMAN. The gentleman's time has expired.

Mr. BURTON. Mr. Chairman.

Chairman GILMAN. Mr. Burton.

Mr. BURTON. Well, when things go wrong, I guess you just try to obfuscate the issue. The fact of the matter is there was an embargo on Iran, there was an embargo on Bosnia, the majority of the Congress wanted to lift the embargo, and I personally asked the Secretary of State about that, and he told me that if we were to move to lift the embargo, the President would veto the lifting of the embargo. And yet behind the scenes the President was allowing a terrorist state to send weapons underground to another embargoed government.

That seems to me to be something that smacks of unethical behavior, to say the least. Now, we are going to be discussing that when we have the select committee appointed, and it will happen. But what bothers me about Mr. Gejdenson, my colleague, is that he has this double standard.

I want to read to you—I know he is probably gone, but I want to read to you what Mr. Gejdenson said——

Mr. ACKERMAN. I am sure the gentleman did not mean to say that another member of the committee has a double standard.

Mr. BURTON. I am not yielding to the gentleman. I want to read this statement by Mr. Gejdenson.

Mr. ACKERMAN. I ask that the gentleman's words be taken down.

Mr. BURTON. Take them down. I did not say anything unethical. Anyhow, here is what Mr. Gejdenson——

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Would the gentleman repeat his request?

Mr. ACKERMAN. That the gentleman's words be taken down. He accused a member of the committee of having a double standard, words clearly not acceptable under the rules of the committee—— would the gentleman retract those words?

Mr. BURTON. I think the gentleman does have a double standard, and I do not care if you do take my words down. Take them down.

Mr. ACKERMAN. Mr. Chairman.

Mr. BURTON. I do not give a damn.

Chairman GILMAN. Would the gentleman——

Mr. ACKERMAN. Mr. Chairman, blasphemy has no place in this Congress.

Chairman GILMAN. Would the gentleman yield? Would Ms. Bloomer——

Mr. ACKERMAN. Surely the gentleman subscribes to that theory.

Chairman GILMAN. Let there be order. Would Ms. Bloomer read the words?

[Whereupon, the requested portion of the record was replayed by the court reporter.]

Mr. BURTON. I will not withdraw my remarks. He does have a double standard.

Mr. ACKERMAN. Mr. Chairman.

Mr. BURTON. I do not think my words need to be taken down for testimony in the committee.

Chairman GILMAN. The gentleman from New York will suspend—Mr. Burton will suspend. In the opinion of the Chair, the gentleman from Indiana has not violated the rules. The gentleman may proceed.

Mr. BURTON. I would like, Mr. Chairman, now to read a statement which I think will verify what I just said. This is a statement by Mr. Gejdenson of February 5, 1992, the Congressional Record, HP Page 319, on the October Surprise Authorization Resolution, and this is Mr. Gejdenson's statement, and I quote: "It seems to me our obligation here, in the normal course of events, is to review the operation of government and how the government executes its policies. Let us get to the investigation. If it were not for your objections,"—meaning the Republicans—"we would have had this begun months ago and maybe completed long before the election." So it seems to me there is a double standard here.

Mr. GEJDENSON. Would the gentleman just yield for one moment?

Mr. BURTON. I will not yield. You would not yield a moment ago to my chairman. It seems to me when they were in the majority and the October Surprise was going on, they had one set of standards. Now that we are in the majority and they do not want this investigation to go forward, they have another set. And I think that is unfortunate.

Mr. ACKERMAN. Mr. Chairman, Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. Is there any further debate on the measure before us?

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Mr. Bereuter.

Mr. ACKERMAN. Mr. Chairman, how about a member from our side after a member from your side?

Chairman GILMAN. Mr. Bereuter would like to discuss, first has an opportunity to discuss it.

Mr. ACKERMAN. Mr. Chairman, Mr. Chairman, with all due respect,—

Chairman GILMAN. Mr. Ackerman.

Mr. ACKERMAN. Mr. Bereuter did speak. A member from each side has been recognized in order in accordance with the rules, and I believe a double-standard member from your side has just spoken, and perhaps somebody from our side can speak.

Mr. BEREUTER. Mr. Chairman, I withdraw my request for recognition.

Chairman GILMAN. Mr. Berman.

Mr. ACKERMAN. Whatever happened to alphabetical order?

Chairman GILMAN. Mr. Berman had asked to be recognized before.

Mr. BERMAN. Thank you, Mr. Chairman. I know that the Administration wants to provide these witnesses to the committee in a timely fashion. I would suggest, Mr. Chairman, that you consider—we have other business on the agenda; we could reconvene tomorrow morning—if you do not get a satisfactory date—and I think you are right, that May 24 is not a satisfactory date—I do not want

to be here—but a satisfactory date to the committee for these witnesses, then go ahead with your authorization for a subpoena, but make an effort to work that out.

The Secretary of State has called you on the telephone and has promised you that he will make sure that your desires to have these witnesses will be accommodated. The least you can do, I would think, is to give a little bit of time to see if a date can be worked out.

Chairman GILMAN. Will the gentleman yield? We have attempted to be accommodating with the State Department. I told the Secretary we had been trying to be cooperative. Following the Secretary's call, the Department came to us and said, "May 24": that is a recess date. Now, that is not being cooperative.

Mr. BERMAN. Well, first of all, I appreciate that. They may not have known when they first picked that date that it was a recess date. It is very possible. We are a little more sensitive to that particular calendar than other people might be. Give them a chance. At least drop this for the rest of today's agenda and see if something can be worked out where you can get these two witnesses. Both of them are ambassadors to important countries. Let us just see if we can do it.

And you have a pledge from the Secretary of State. I know they want to cooperate. And just to go one little step further, you are not going to prejudice anything you are doing. You will still be able to come back, and I will argue that if you cannot work that out, that we should provide you the authorization for the subpoena. But just give it that one little chance, either the 24 hours between now or at least see if we can get some movement on this while you consider congratulating Sierra Leone and a few other items that are on the agenda today.

Could I ask you just to consider that request, because I think that we are getting into a big brouhaha over something that just does not need to happen. This is not about what happened to the witnesses for Chris Smith's subcommittee or how we acted then or how you acted when we were in the majority; this is about the immediate consideration of an issue which we have a totally appropriate right to investigate in our oversight responsibilities where the Secretary of State has said he wants to make this happen. That is all.

Chairman GILMAN. Mr. Berman, you are right. We should not be in a brouhaha. All we are asking for is authority to issue the subpoenas, not to actually issue them at this point, and that we are doing the same thing that prior investigatory committees undertook. The Chairman will entertain, at 11:15, a motion—

Mr. ACKERMAN. Mr. Chairman—

Chairman GILMAN. The committee will come to order. The Chairman will entertain at 11:15 a motion to order the previous question on the Bereuter motion and all amendments thereto. Mr. Ackerman.

Mr. ACKERMAN. Mr. Chairman, I have an amendment at the desk.

Chairman GILMAN. Is there an amendment to be distributed?

Mr. ACKERMAN. There is an amendment, Mr. Chairman. It is being distributed.

Mr. MENENDEZ. Mr. Chairman, a parliamentary inquiry.

Mr. ACKERMAN. Mr. Chairman,——

Chairman GILMAN. There is a parliamentary inquiry.

Mr. ACKERMAN. Mr. Chairman.

Mr. MENENDEZ. Mr. Chairman, my parliamentary——

A MEMBER. If one person would talk, perhaps the Chairman could pay some attention to you, but with 15 people shouting at the same time, we cannot accomplish much.

Chairman GILMAN. Please give Mr. Menendez the right to speak. Mr. Menendez has a parliamentary inquiry.

Mr. MENENDEZ. Mr. Chairman, I appreciate your trying not to have people interrupt me, since I have interrupted no one on the committee.

Chairman GILMAN. We are trying to give you order, Mr. Menendez. Please proceed.

Mr. MENENDEZ. Mr. Chairman, my parliamentary inquiry is the following. I have for the last 15 minutes been attempting to seek recognition on the Bereuter motion. Now, the fact of the——

Chairman GILMAN. If the gentlemen will yield, we are going to delay the Bereuter motion until 11:15.

Mr. MENENDEZ. But am I to understand that at 11:15 there will be an opportunity to be recognized for the purposes of speaking on that motion, or did I understand the Chair to say that there will be a vote at that time on that motion which would preclude my right to speak?

Chairman GILMAN. There will be a vote on the previous question. Let me remind the committee that at about 11:15 on the floor will be the debate on the select committee resolution that I am certain all of our members want to engage in.

Mr. MENENDEZ. Mr. Chairman, this is an important issue, and I have been seeking recognition as a member of this committee on which I have sat over the last 3 years, and I demand the right to have the simple opportunity to speak on the motion.

Chairman GILMAN. We will try to recognize you in due order, Mr. Menendez. Mr. Ackerman now——

Mr. ACKERMAN. Mr. Chairman,——

Mr. LEACH. Point of order.

Chairman GILMAN. Point of order. Would the gentleman state his point of order?

Mr. LEACH. I would simply like to reserve a point of order until our staff has had an opportunity——

Chairman GILMAN. The gentleman's point of order is reserved.

Mr. LEACH. Thank you.

Chairman GILMAN. Mr. Ackerman.

Mr. ACKERMAN. Mr. Chairman, it is very regretful to watch the way you have been conducting this——

Chairman GILMAN. Mr. Ackerman, do you have an amendment before the committee?

Mr. ACKERMAN. It is in front of you, Mr. Chairman, if you would look down.

Chairman GILMAN. Well, would you please speak to the amendment?

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Ms. Bloomer will report the amendment.

Ms. BLOOMER. The motion to amend the motion to authorize the Chairman to issue subpoenas authored by Mr. Ackerman. I move to amend the motion by inserting after "Galbraith," "as well as the speaker and majority leader of the house, the Hon. Ben Gilman, chairman of the Committee on International Relations; the Hon. Lee Hamilton, the Hon. Gary Ackerman, the Hon. Dan Burton; and the Hon. Peter King."

Chairman GILMAN. The gentleman is recognized on his amendment.

Mr. ACKERMAN. Mr. Chairman, it is very regrettable the way this meeting is being conducted. It is an absolute railroad to look around when the amendment is in front of you and try to bypass the amendment because you did not have it in front of you; to announce after a very, very short debate on such an important matter—

Chairman GILMAN. Will the gentleman yield? Will the gentleman yield?

Mr. ACKERMAN. Only if the Chairman will restore all of my time that he seeks to eke away and add it to 11:15, the time to which you have chosen to cut off and silence the majority in the House of Representatives in an unconscionable, undemocratic way.

Chairman GILMAN. Can I remind the member that other members want to speak and if the gentleman will stop dilatory tactics, and get on with this amendment.

Mr. ACKERMAN. Excuse me, Mr. Chairman. It is my time, and I will decide what is dilatory on my time. You can babble all you want on your time and delay us all you want, but this is my time, and I will use it.

Chairman GILMAN. The gentleman will proceed.

Mr. ACKERMAN. Thank you very much, Mr. Chairman. I find it unconscionable that the Chairman would set an arbitrary time so that members on this side could not express their views on this very important matter, and Mr. Menendez, a distinguished member of this subcommittee, would like to be recognized, and I hope that is duly remembered for him as well as other members who have not spoken.

Mr. Chairman, this amendment that you have before you adds some key members of the House who I think may have something to add as far as testifying before the committee. And just as the Administration has indicated to you that they would like to cooperate and appear, I would also, and some of us would like to hear from these members, including yourself and the leadership of the House who all have access to the daily intelligence report, which during the time of the entire Bosnia proceedings that are in question, were privy to information that should be shared as far as what they know and do not know. And that includes yourself, too, Mr. Chairman.

I have included myself because even though I can assure you that I will be here, there is a precedent that once I told somebody I would meet them someplace and I did not show up. So I think that I should be subpoenaed as well, and I think that Mr. Burton, because we probably want to hear all of his standards at the same time—and you never know; he is an awful lot of fun to have

around, and I think that we should subpoena Peter King because you never know what he is going to say.

Insomuch as we are subpoenaing people who we expect to be here anyway, Mr. Chairman, and these individuals I am sure would have something to add to the discussion, I hope that this amendment would be acceptable.

Mr. HYDE. Mr. Chairman, I have a point of order, having heard the explanation—I have a point of order—

Mr. ACKERMAN. Mr. Chairman, will the gentleman from New York yield? Mr. Chairman. Mr. Chairman.

Chairman GILMAN. We have a point of order before us.

Mr. ACKERMAN. Mr. Chairman, does a point of order interrupt the time of a member who has already been yielded the time?

Chairman GILMAN. He had a prior point of order.

Mr. ACKERMAN. Mr. Chairman, does a point of order interrupt a member who has been yielded time?

Chairman GILMAN. All right. Go ahead. Complete your presentation, Mr. Ackerman.

Mr. ACKERMAN. I would like to yield to Mr. Hastings.

Mr. HASTINGS. I thank you for yielding. Mr. Chairman, like Mr. Menendez, I support this motion of Mr. Ackerman. But more importantly, we are conducting the business of the United States of America, and as a third-year member of this committee, I really am a bit chagrined. I take this work, as all members here I am sure do, rather seriously.

The committee has the authority, obviously, under the rules—

Chairman GILMAN. The gentleman's time has expired.

Mr. HASTINGS. Mr. Chairman, I ask, I ask for an additional 1 minute.

Mr. ACKERMAN. I yield the gentleman a minute.

Mr. HASTINGS. I thank you very much. Mr. Chairman, somewhere along the lines of our responsibilities, we have to take into consideration the responsibilities of the Secretary of State of the United States of America, be he or she Republican or Democrat. Warren Christopher assured you that these two persons would be made available. To my way of thinking, it is in some respects an insult to the Secretary of State not to take that into consideration. Why are we doing this? It is going to be duplicitous. In a few moments we are going to form a select committee.

Is now the whole committee going to do the work of the select committee? And under the rules, we say that this is in pursuit to an investigation. What investigation? The fact that we had a hearing here and Redmond or Galbraith were available for whatever reason; is that the investigation that we are pursuing, or is it the investigation that the select committee is ultimately going to undertake—

Chairman GILMAN. The gentleman's time has expired. Mr. Leach, a point of order.

Mr. LEACH. With regard to my earlier reservation, I would like to pursue the point of order. The motion deals with subpoenas to executive branch employees. The amendment applies to a different class of individuals by proposing to subpoena members of another branch of the government. It may or may not be mischievous, but we have checked with the parliamentarian's office, and clearly this

is a nongermane amendment, and I would urge the Chair to rule it nongermane.

Mr. HYDE. Mr. Chairman.

Chairman GILMAN. Mr. Hyde, on his point of order?

Mr. HYDE. No. I associate myself with the gentleman from Iowa.

Chairman GILMAN. Mr. Ackerman, on the point of order?

Mr. ACKERMAN. Yes. I very strongly disagree, Mr. Chairman, with all due respect to my good friend, Chairman Leach. The point at issue here is not the class of Americans or their title; the question here is subpoenaing people before the subcommittee that the subcommittee should hear from who may or may not appear, regardless of their title, and I think it appropriate and certainly in order.

If this point of order is agreed to, Mr. Chairman, then we will have to have separate motions on every single individual because of their status or possible status that this committee or any other—

Chairman GILMAN. The Chair is now prepared to rule on the point of order.

Mr. ACKERMAN. I am sure you are, Mr. Chairman.

Chairman GILMAN. The underlying motion deals with executive branch officials. This amendment adds legislative branch officials and is not germane. The Chair rules the amendment is not in order.

Mr. ACKERMAN. I appeal from the decision of the Chair, Mr. Chairman.

Chairman GILMAN. An appeal from the decision of the Chair is heard. All in favor of the rule—

Mr. ACKERMAN. I ask for a roll call vote.

Chairman GILMAN. All in favor—let us have a vote first. All in favor of the ruling of the Chair, signify in the usual manner.

[Chorus of ayes.]

Opposed.

[Chorus of noes.]

Mr. ACKERMAN. Call for a recorded vote, Mr. Chairman.

Chairman GILMAN. A roll call is requested on the ruling of the Chair. Ms. Bloomer will call the roll.

Ms. BLOOMER. Mr. Gilman.

Chairman GILMAN. Aye.

Ms. BLOOMER. Mr. Goodling.

Mr. GOODLING. Aye.

Ms. BLOOMER. Mr. Leach.

Mr. LEACH. Aye.

Ms. BLOOMER. Mr. Roth.

Mr. ROTH. Aye.

Ms. BLOOMER. Mr. Hyde.

Mr. HYDE. Aye.

Ms. BLOOMER. Mr. Bereuter.

Mr. BEREUTER. Aye.

Ms. BLOOMER. Mr. Smith.

Mr. SMITH. Aye.

Ms. BLOOMER. Mr. Burton.

Mr. BURTON. Aye.

Ms. BLOOMER. Mrs. Meyers.

[No response.]

Ms. BLOOMER. Mr. Gallegly.

[No response.]

Ms. BLOOMER. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Aye.

Ms. BLOOMER. Mr. Ballenger.

Mr. BALLENGER. Aye.

Ms. BLOOMER. Mr. Rohrabacher.

[No response.]

Ms. BLOOMER. Mr. Manzullo.

Mr. MANZULLO. Aye.

Ms. BLOOMER. Mr. Royce.

[No response.]

Ms. BLOOMER. Mr. King.

Mr. KING. Aye.

Ms. BLOOMER. Mr. Kim.

Mr. KIM. Aye.

Ms. BLOOMER. Mr. Brownback.

Mr. BROWNBACK. Aye.

Ms. BLOOMER. Mr. Funderburk.

Mr. FUNDERBURK. Aye.

Ms. BLOOMER. Mr. Chabot.

Mr. CHABOT. Aye.

Ms. BLOOMER. Mr. Sanford.

[No response.]

Ms. BLOOMER. Mr. Salmon.

[No response.]

Ms. BLOOMER. Mr. Houghton.

Mr. HOUGHTON. Aye.

Ms. BLOOMER. Mr. Campbell.

Mr. CAMPBELL. Aye.

Ms. BLOOMER. Mr. Hamilton.

Mr. HAMILTON. No.

Ms. BLOOMER. Mr. Gejdenson.

[No response.]

Ms. BLOOMER. Mr. Lantos.

[No response.]

Ms. BLOOMER. Mr. Torricelli.

[No response.]

Ms. BLOOMER. Mr. Berman.

[No response.]

Ms. BLOOMER. Mr. Ackerman.

[No response.]

Ms. BLOOMER. Mr. Johnston.

[No response.]

Ms. BLOOMER. Mr. Faleomavaega.

[No response.]

Ms. BLOOMER. Mr. Martinez.

[No response.]

Ms. BLOOMER. Mr. Payne.

[No response.]

Ms. BLOOMER. Mr. Andrews.

[No response.]

Ms. BLOOMER. Mr. Menendez.

[No response.]

Ms. BLOOMER. Mr. Brown.

[No response.]

Ms. BLOOMER. Ms. McKinney.

[No response.]

Ms. BLOOMER. Mr. Hastings.

[No response.]

Ms. BLOOMER. Mr. Wynn.

[No response.]

Ms. BLOOMER. Mr. Moran.

[No response.]

Ms. BLOOMER. Mr. Frazer.

[No response.]

Ms. BLOOMER. Mr. Rose.

[No response.]

Ms. BLOOMER. Ms. Danner.

[No response.]

Chairman GILMAN. Ms. Bloomer will report the tally.

Ms. BLOOMER. On this vote there were 19 "ayes" and one "no".

Chairman GILMAN. Accordingly, the Chair's ruling is sustained.

Mr. HAMILTON. Mr. Chairman, I am not clear—

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. I am not clear here as to just what has happened.

Chairman GILMAN. The motion made was to appeal the rule of the Chair. The ayes have it.

Mr. ACKERMAN. Thank you very much, Mr. Chairman. We appreciate the vote.

Mr. HAMILTON. So the Chairman's decision is appealed—

Mr. ACKERMAN. The Chairman's decision is appealed, and the Ackerman amendment is in order.

Mr. HAMILTON [continuing]. the Ackerman amendment—correct?

Mr. ACKERMAN. That is correct.

Mr. HAMILTON. It seems to me, if I understood the intent of the majority, you wanted to vote "no".

Mr. ACKERMAN. Yes, but they got confused.

Chairman GILMAN. No. The appeal was on a ruling of the Chair whether to affirm the ruling of the Chair, and the tally showed that the Chair's ruling was sustained.

Mr. ACKERMAN. No, Mr. Chairman. My motion was to appeal from the decision of the Chair, and there was an affirmative vote to appeal from the decision of the Chair. You got it backwards, and I am sorry, but that is what you did.

Chairman GILMAN. The request was to affirm the—

Mr. ACKERMAN. No, Mr. Chairman. It was my motion, and I clearly said I appeal—

Chairman GILMAN. The ruling of the Chair was affirmed. We will now proceed.

Mr. ACKERMAN. Mr. Chairman, please do not recreate history. There are enough historical revisionists out there without your lending your integrity—Mr. Chairman, my motion was—and if we can have it played back—I will stake a month's pay on it, if you will do the same, to any of your favorite charities. You voted wrong; 'fess up.

Chairman GILMAN. In order to avoid any further dilatory tactics and undue delay, we will call another vote.

Mr. ACKERMAN. Mr. Chairman, Mr. Chairman, this is absolutely—

Chairman GILMAN. The gentleman is out of order. We will now call another—

Mr. ACKERMAN. Mr. Chairman, Mr. Chairman, I am not out of order, please. A little bit of decorum here. We called for a vote—you can laugh unanimously. You can be Stepford congressmen if you want, and somebody voted the wrong way, and you all, like a bunch of lemmings, followed. It is not my fault.

Mr. MANZULLO. You left the room.

Mr. ACKERMAN. It is not my fault.

Mr. MANZULLO. You left the room. You did not even vote.

Mr. ACKERMAN. Mr. Chairman, the vote, and you announced it, was 19 ayes. Nineteen ayes and zero no's on a motion to appeal the decision of the Chair seems pretty unanimous to me.

Chairman GILMAN. Will the stenographer read the question that was put before the committee.

[Whereupon, the requested portion of the record was replayed by the court reporter.]

Chairman GILMAN. The ruling of the Chair was upheld when members signified in the usual manner, and then a roll call was requested, and the roll call was in favor of the Chair. The Chair's ruling was affirmed.

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. We will now proceed—

Mr. ACKERMAN. Mr. Chairman, I seek recognition.

Chairman GILMAN. Mr. Goodling.

Mr. GOODLING. I move the previous question on—

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. Regular order.

Mr. ACKERMAN. Mr. Chairman, I have parliamentary inquiry, Mr. Chairman.

Chairman GILMAN. Parliamentary inquiry. State your parliamentary inquiry.

Mr. ACKERMAN. There was no quorum present, as attested to by the last vote. The hour of 11:15 having come and gone, this committee has no official business to conduct at this time.

Chairman GILMAN. That is not a proper parliamentary inquiry.

Mr. ACKERMAN. Is there a quorum present, Mr. Chairman?

Chairman GILMAN. The question is now on the motion.

Mr. ACKERMAN. Mr. Chairman, is there a quorum present? Is that a proper parliamentary inquiry, to inquire of a quorum?

Chairman GILMAN. The vote on the appeal demonstrated the presence of a quorum. We will now proceed—

Mr. ACKERMAN. Mr. Chairman, please.

Chairman GILMAN [continuing]. With a motion—

Mr. ACKERMAN. Mr. Chairman, 19 votes does not constitute—

Chairman GILMAN. Nineteen votes are sufficient.

Mr. ACKERMAN. Mr. Chairman.

Chairman GILMAN. The gentleman is out of order. We are now proceeding on—

Mr. ACKERMAN. A point of personal privilege, Mr. Chairman.

Chairman GILMAN. The gentleman will state his point of personal privilege.

Mr. ACKERMAN. Mr. Chairman, did the Chairman not state that 23 votes were necessary earlier in the day to constitute a voting quorum and now states that 19 votes—

Chairman GILMAN. If the gentleman will yield, we need—

Mr. ACKERMAN [continuing]. before it was the difference between 22 and 23. You said 15 was sufficient.

Chairman GILMAN. If the gentleman will yield, we need 15 votes to call the previous question. We are now on the previous question on the Bereuter motion and all amendments thereto. As many in favor, signify in the usual manner.

[Chorus of ayes.]

Chairman GILMAN. Opposed?

[Chorus of noes.]

Chairman GILMAN. The ayes appear to have it.

Mr. ACKERMAN. Recorded vote, Mr. Chairman.

Chairman GILMAN. Is there a sufficient second for a recorded vote? Insufficient second for a recorded vote.

Mr. ACKERMAN. Did you say "insufficient"?

Chairman GILMAN. Insufficient.

Mr. ACKERMAN. Why insufficient, Mr. Chairman?

Chairman GILMAN. The motion is agreed to.

Mr. ACKERMAN. Mr. Chairman, Mr. Chairman.

Mr. BURTON. Mr. Chairman, just ignore him and go on.

Mr. ACKERMAN. Mr. Chairman, could you please explain what you just said? I made a motion, and it was seconded for a recorded vote.

Chairman GILMAN. The question is—

Mr. ACKERMAN. Mr. Chairman, there is obviously not a quorum present in the eyes of the public and the press, and I am sure that you would not want to do anything untoward.

Mr. MANZULLO. Your colleagues are out in the anteroom out there.

Mr. ACKERMAN. As is their constitutional right to be in any room they want.

Mr. MANZULLO. Well, that is where the quorum is.

Mr. ACKERMAN. You can go to any room you want, too. Mr. Chairman.

Chairman GILMAN. Does the gentleman have a copy of the committee rules?

Mr. ACKERMAN. No. Would the Chairman supply me with one? Would the Chairman cite what he is suggesting?

Chairman GILMAN. Yes.

Mr. ACKERMAN. What page it is on.

Chairman GILMAN. That we had a sufficient number of members present to call the prior question, and we are now proceeding to a vote on the prior question.

Mr. ACKERMAN. Mr. Chairman, Mr. Chairman.

Chairman GILMAN. Does the gentleman have an inquiry, a parliamentary inquiry?

Mr. ACKERMAN. Yes, Mr. Chairman.

Chairman GILMAN. What is the parliamentary inquiry?

Mr. ACKERMAN. It is clear that you have just conducted a vote absent a quorum.

Chairman GILMAN. I explained to the gentleman that only 15 votes were needed. If the gentleman will consult the rules of the committee, he will find that only 15 votes are needed to move the previous question. We are now moving on the underlying—the previous question has been called. We are calling for a vote on the Bereuter motion, on the resolution for issuance of a subpoena. So many as in favor, signify in the usual manner.

[Chorus of ayes.]

Mr. ACKERMAN. Point of order, Mr. Chairman.

Chairman GILMAN. All opposed, signify in the——

Mr. ACKERMAN. Point of order, Mr. Chairman.

Chairman GILMAN. Ms. Bloomer will call the roll.

Ms. BLOOMER. Mr. Gilman.

Chairman GILMAN. Aye.

Ms. BLOOMER. Mr. Goodling.

Mr. GOODLING. Aye.

Ms. BLOOMER. Mr. Leach.

Mr. LEACH. Aye.

Ms. BLOOMER. Mr. Roth.

Mr. ROTH. Aye.

Ms. BLOOMER. Mr. Hyde.

Mr. HYDE. Aye.

Ms. BLOOMER. Mr. Bereuter.

Mr. BEREUTER. Aye.

Ms. BLOOMER. Mr. Smith.

Mr. SMITH. Aye.

Ms. BLOOMER. Mr. Burton.

Mr. BURTON. Aye.

Ms. BLOOMER. Mrs. Meyers.

[No response.]

Ms. BLOOMER. Mr. Gallegly.

Mr. GALLEGLY. Aye.

Ms. BLOOMER. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Aye.

Ms. BLOOMER. Mr. Ballenger.

Mr. BALLENGER. Aye.

Ms. BLOOMER. Mr. Rohrabacher.

Mr. ROHRABACHER. Aye.

Ms. BLOOMER. Mr. Manzullo.

Mr. MANZULLO. Aye.

Ms. BLOOMER. Mr. Royce.

[No response.]

Ms. BLOOMER. Mr. King.

Mr. KING. Aye.

Ms. BLOOMER. Mr. Kim.

Mr. KIM. Aye.

Ms. BLOOMER. Mr. Brownback.

Mr. BROWNBACK. Aye.

Ms. BLOOMER. Mr. Funderburk.

Mr. FUNDERBURK. Aye.

Ms. BLOOMER. Mr. Chabot.

Mr. CHABOT. Aye.

Ms. BLOOMER. Mr. Sanford.
 [No response.]
 Ms. BLOOMER. Mr. Salmon.
 [No response.]
 Ms. BLOOMER. Mr. Houghton.
 Mr. HOUGHTON. Aye.
 Ms. BLOOMER. Mr. Campbell.
 Mr. CAMPBELL. Aye.
 Ms. BLOOMER. Mr. Hamilton.
 Mr. HAMILTON. No.
 Ms. BLOOMER. Mr. Gejdenson.
 [No response.]
 Ms. BLOOMER. Mr. Lantos.
 [No response.]
 Ms. BLOOMER. Mr. Torricelli.
 [No response.]
 Ms. BLOOMER. Mr. Berman.
 [No response.]
 Ms. BLOOMER. Mr. Ackerman.
 [No response.]
 Ms. BLOOMER. Mr. Johnston.
 [No response.]
 Ms. BLOOMER. Mr. Faleomavaega.
 [No response.]
 Ms. BLOOMER. Mr. Martinez.
 [No response.]
 Ms. BLOOMER. Mr. Payne.
 [No response.]
 Ms. BLOOMER. Mr. Andrews.
 [No response.]
 Ms. BLOOMER. Mr. Menendez.
 [No response.]
 Ms. BLOOMER. Mr. Brown.
 [No response.]
 Ms. BLOOMER. Ms. McKinney.
 [No response.]
 Ms. BLOOMER. Mr. Hastings.
 [No response.]
 Ms. BLOOMER. Mr. Wynn.
 [No response.]
 Ms. BLOOMER. Mr. Moran.
 [No response.]
 Ms. BLOOMER. Mr. Frazer.
 [No response.]
 Ms. BLOOMER. Mr. Rose.
 [No response.]
 Ms. BLOOMER. Ms. Danner.
 [No response.]
 Ms. BLOOMER. Mrs. Meyers.
 [No response.]
 Ms. BLOOMER. Mr. Gallegly.
 Mr. GALLEGLY. Aye.
 Ms. BLOOMER. Ms. Ros-Lehtinen.
 Ms. ROS-LEHTINEN. Aye.

Ms. BLOOMER. Mr. Royce.

[No response.]

Ms. BLOOMER. Mr. Sanford.

[No response.]

Ms. BLOOMER. Mr. Salmon.

[No response.]

Ms. BLOOMER. Mr. Gejdenson.

[No response.]

Ms. BLOOMER. Mr. Lantos.

[No response.]

Ms. BLOOMER. Mr. Torricelli.

[No response.]

Ms. BLOOMER. Mr. Berman.

[No response.]

Ms. BLOOMER. Mr. Ackerman.

[No response.]

Mr. HAMILTON. Mr. Chairman. Mr. Chairman.

Chairman GILMAN. Ms. Bloomer will call the absentees.

Mr. HAMILTON. This is becoming very close to a rolling quorum the way the vote is being taken.

Chairman GILMAN. No. We are just completing the first roll. Would Ms. Bloomer call the absentees?

Ms. BLOOMER. Mrs. Meyers.

Mrs. MEYERS. Aye.

Ms. BLOOMER. Mr. Royce.

[No response.]

Chairman GILMAN. Mr. Chabot. Ms. Bloomer will call Mr. Chabot's reply.

Ms. BLOOMER. Mr. Chabot is recorded as voting "aye."

Chairman GILMAN. Thank you.

Mr. ROTH. Mr. Chairman.

Chairman GILMAN. Mr. Roth.

Mr. ROTH. Someone had mentioned that I recorded that I asked—

Chairman GILMAN. Ms. Bloomer will report Mr. Roth's vote.

Ms. BLOOMER. Mr. Roth is recorded as voting "aye."

Mr. BURTON. Mr. Chairman, Mr. Chairman.

Chairman GILMAN. Mr. Burton.

Mr. BURTON. Mr. Chairman, I move that the staff—

Chairman GILMAN. Mr. Burton, if you would hold. Would you please call Mr. Salmon's name?

Ms. BLOOMER. Mr. Salmon.

Mr. SALMON. Aye.

Chairman GILMAN. Ms. Bloomer will report the tally.

Ms. BLOOMER. On this vote there were 22 ayes and one "no".

Chairman GILMAN. The motion is agreed to. We will now proceed to the Sierra Leone—I am sorry. We will now proceed to the next order of business, questioning the authorization of the Chairman issuing a subpoena to Mr. Paul Neifert to appear and testify to produce documents. The gentleman from Nebraska, Mr. Bereuter, is recognized to offer a motion. Mr. Bereuter.

Mr. BEREUTER. Mr. Chairman, I move that the Chairman be authorized to issue a subpoena to compel Mr. Paul Neifert to appear

before the Committee on International Relations to testify and to produce documents.

Chairman GILMAN. The Chair will recognize—on the motion, all in favor, signify in the usual manner.

[Chorus of ayes.]

Chairman GILMAN. Opposed?

[No response.]

Chairman GILMAN. The motion is agreed to, a quorum being present. Now, we will move to the Sierra Leone Resolution.

The next resolution is H. Con. Res. 160, which congratulates the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections, which was introduced by our colleague, the gentleman from New York, Mr. Houghton on April 15. It has been cosponsored by a number of our colleagues. It was considered by the Subcommittee on Africa and reported to the full committee chairlady. The current resolution before the committee, Ms. Bloomer will report the title of the concurrent resolution.

Ms. BLOOMER. House Concurrent Resolution 160. "Congratulating the People of the Republic of Sierra Leone on the Success of their Recent Democratic, Multiparty Elections."

Chairman GILMAN. Ms. Bloomer will read the preamble and the text of the concurrent resolution.

Ms. BLOOMER. Whereas, since 1991, the people of the Republic of Sierra Leone have—

Chairman GILMAN. Without objection, both the preamble and text are considered as having been read and are open to amendment. The Chair recognizes the distinguished chairman of the Subcommittee on Africa, the gentlelady from Florida, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. As chair of the Subcommittee on Africa, I am pleased to have the opportunity to briefly address the value of H. Con. Res. 160, a resolution congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections. I would like to commend our colleague, Mr. Houghton, on his leadership in introducing this resolution and note that his measure received the unanimous support of the members of our subcommittee on April 17.

The importance of this resolution is twofold. In the strictest sense, it serves to encourage the people of Sierra Leone to continue on the long and difficult journey toward political stabilization and the consolidation of an open, just society and system of government. However, its impact extends beyond the borders of this West African country.

The resolution serves as an inspiration to emerging and fragile democracies throughout the African continent. It serves to illustrate U.S. commitment to the promotion of democratic principles, as well as American resolve to support and guide emerging democracies through the process of reform and transition. Normally, the focus tends to be on those African countries who succumb to their tumultuous pasts and choose violence as instruments of political change.

This resolution compensates for this trend by focusing on a success and a positive outcome. The people of Sierra Leone truly de-

serve our admiration for their commitment and their strong determination to bring peace to their country and create an environment where democratic ideals can flourish as they have done.

For 5 years anarchy and civil war have swept through this West African country like a bitter wind, claiming the lives of thousands. Twenty-nine years of dictatorship gradually stripped the country of its potential for growth and prosperity, but throughout, the people of the country persevered. This year, they exerted their will, overcoming great obstacles in their quest for peace. They suffered in the cause of democracy, enduring beatings and mutilations, and they pressed ahead with the second round of Presidential elections on March 15. In the end, they were successful. For their fantastic courage, they merit our respect.

Chairman GILMAN. Will the gentlelady yield to the cosponsor, the gentleman from New York, Mr. Houghton?

Ms. ROS-LEHTINEN. Yes, I would most assuredly like to yield to Mr. Houghton.

Mr. HOUGHTON. Yes. Thank you, Mr. Chairman. I am sorry to entertain such a bland motion at this particular time.

Chairman GILMAN. You are forgiven.

Mr. HOUGHTON. You are probably going to go to sleep in the process, but it, nonetheless, is important. I think I echo the sentiments of many of the 70 cosponsors, that we appreciate your work, Mr. Chairman, and we appreciate the work of Chairwoman Ros-Lehtinen. We thank the Senate for what they are doing. It is a meaningful resolution. It is bipartisan. It should have total and quick support, and I also want to thank very much John Hirsch, who is the ambassador to this great country.

Chairman GILMAN. I recognize the ranking minority member, Mr. Hamilton.

Mr. HAMILTON. Mr. Chairman, let me commend you for bringing the resolution forward. I think this election is especially noteworthy because it is a peaceful transfer of power, through elections from a military government to a civilian government. It is a significant event. I support the resolution. I think it gives impetus to the peace talks.

Mr. Chairman, I am going to have to go over to the floor. Let me just say that I also support the other two resolutions coming up with regard to Poland and Chernobyl, and I commend you for bringing them forward at this time.

Chairman GILMAN. Thank you, Mr. Hamilton. We thank you for your cooperation. The people of Sierra Leone, who have endured 4 years of literal civil war, showed great courage in Sierra. Voters stood in line, often for many hours, to participate in the Presidential election, and we commend them. This is a powerful rebuttal to those who believe the entire developing world is sliding into chaos and humanitarian disasters.

I want to commend both Mr. Houghton and our distinguished subcommittee chairman, Ms. Ros-Lehtinen for their introducing this resolution. Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman. I want to commend the gentleman from New York, along with my colleagues, for offering this commendatory legislation on the Sierra Leone elections. I ask unanimous consent that my full statement and excerpt from

the Sunday New York Times on this subject be made a part of the committee record.

Chairman GILMAN. I thank the gentleman. Does Mr. Bereuter have a motion?

Mr. BEREUTER. Mr. Chairman, I move that the Chairman or his designee be requested to seek consideration of this resolution on the suspension calendar.

Chairman GILMAN. The question is on the motion. All in favor of the motion, signify in the usual manner.

[Chorus of ayes.]

Chairman GILMAN. Any that are opposed, signify by saying "no".

[No response.]

Chairman GILMAN. The ayes appear to have it. The ayes do have it. The motion is agreed to. Further proceedings on this matter are postponed.

We now proceed to the next resolution, H. Con. Res. 165, which salutes and congratulates the Polish people everywhere on the 205th anniversary of the adoption of their Polish Constitution. This resolution was introduced by our colleague from New York, Mr. Quinn, on April 18. The Chair lays a concurrent resolution before the committee. Ms. Bloomer will report the title of the concurrent resolution. Ms. Bloomer will report.

Ms. BLOOMER. House Concurrent Resolution 165, "Saluting and Congratulating Polish People around the World as on May 3, 1996 They Commemorate their 205th Anniversary of the Adoption of Poland's First Constitution."

Chairman GILMAN. Ms. Bloomer will read the preamble and the text of the concurrent resolution.

Ms. BLOOMER. Whereas, on May 3, 1996, Polish people around the world, including Americans,—

Chairman GILMAN. Without objection, both the preamble and the text are considered as having been read and as open to amendment at any point.

The Chair would like to take a moment to make some comments as it relates to the matter within the jurisdiction of full committee. House Concurrent Resolution 165, notes of fact: The nation of Poland adopted its first constitution 205 years ago. Much has happened since then, and the Nation of Poland has undergone times of great difficulty and great destruction.

Poland has survived, however, and now emerged as a new democracy well on its way toward integration into the trans-Atlantic community of democratic states. I urge our colleagues to support the resolution not just in recognition of Poland's historical striving toward democracy, but as a statement about Poland's future as a free, independent, democratic state. Our colleague has asked, in lieu of appearing before the committee, that his statement be entered into the record at this point. Without objection, it is so ordered. Are there any amendments of members seeking recognition?

Mr. SMITH. Mr. Chairman.

Chairman GILMAN. Mr. Smith.

Mr. SMITH. I just want to thank Mr. Quinn for introducing this very fine resolution. May 3 marks the 205th anniversary of the adoption of Poland's first constitution. And as we all know, the idea of a constitutional democracy was introduced to Poland by Thad-

deus Kosciuszko, a hero of the American Revolutionary War. I think we should be very proud of the fact that the Polish-American community in this country is one of the most vibrant and one of the most hard-working communities in this land.

I just had a conference on Monday on doing business in Central Europe, and we had a number of businesses that were there talking about how they plan on accessing the market. About a third of all the investment in Poland comes from the United States. Our bonds, culturally, as well as now for many years democratically, make Poland an ideal place to do business, and so I think this is good resolution.

Chairman GILMAN. I thank Mr. Smith for his supportive comments. The gentleman from Nebraska is recognized to offer a motion.

Mr. BEREUTER. Mr. Chairman, I move that the Chairman or his designee be requested to seek consideration of this concurrent resolution on the suspension calendar.

Chairman GILMAN. Thank you, Mr. Bereuter. The question is now on the motion. As many in favor of the motion signify by saying aye.

[Chorus of ayes.]

Chairman GILMAN. Any that are opposed, signify by saying "no".

[No response.]

Chairman GILMAN. The ayes appear to have it. The ayes do have it. The motion is agreed to. Further proceedings on this matter are postponed.

The next resolution is H. Con. Res. 167, recognizing the tenth anniversary of the Chernobyl nuclear disaster. This resolution was introduced by our committee's colleague, Mr. Smith, on April 24. The Chair lays a concurrent resolution before the committee. Ms. Bloomer will report the title of the concurrent resolution.

Ms. BLOOMER. House Concurrent Resolution 167, "Recognizing the Tenth Anniversary of the Chernobyl Nuclear Disaster and Supporting the Closing of the Chernobyl Nuclear Power Plant."

Chairman GILMAN. Ms. Bloomer will read the preamble attached to the concurrent resolution for amendment.

Ms. BLOOMER. Whereas, on April 26, 1996 marks the tenth anniversary of the Chernobyl nuclear disaster, whereas the U.N. General Assembly Resolution—

Chairman GILMAN. Without objection, both the preamble and text are considered as having been read or open to amendment at any point. The Chair would like to take a moment to note comments on this matter before us.

I will ask Mr. Smith to speak on his resolution shortly, but I would also like to state briefly that I am pleased to see the resolution brought before this committee on Mr. Smith's initiative. The dangers posed by unsafe nuclear facilities in the newly independent states of the former Soviet Union, such as the facility at Chernobyl, remain with us. Despite the passage of 10 years since the reactor explosion at Chernobyl, Ukraine, two reactors continue to operate at that facility, and other safe reactors are spread across the nation.

The damaged reactor at Chernobyl continues to lack a dependable sarcophagus, and the countries affected by the radiation from

the 1986 explosion are unable to cope with the financial burdens imposed on them. The international community must continue to work to resolve the problems at Chernobyl and the problems caused by the 1986 Chernobyl reactor explosion. I commend Congressman Smith for taking the opportunity presented by the 10th anniversary of the reactor explosion to focus a spotlight on these problems. I now yield to Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman, and I appreciate your scheduling the markup today of H. Con. Res. 167, which recognizes the 10th anniversary of the Chernobyl nuclear disaster, the worst in history, and expresses support for the closure of the remaining reactors of the Chernobyl nuclear power plant.

Two weeks ago, I chaired a Helsinki Commission hearing that examined the devastating consequences of the Chernobyl disaster. As a matter of fact, I missed our hearing with Peter Tarnoff because they were scheduled at precisely the same time. Four experts on the subject of Chernobyl, Mr. Chairman, including the ambassadors of the Ukraine and Belarus, the two countries most gravely affected by the disaster, gave sobering accounts of the medical, environmental, economic, and political consequences of the disaster.

In the early morning hours of April 26, 1986, Reactor Number 4 at the Chernobyl Nuclear power plant exploded, releasing into the atmosphere massive quantities of radioactive substances. The highest amount of radioactive fallout was registered in the vicinity immediately surrounding Chernobyl near the Ukraine/Belarusian border. Estimated total radioactivity from the blast was 200 times more than from the atomic bombs dropped at Hiroshima and Nagasaki combined. Chernobyl must neither be forgotten nor repeated.

For those most directly affected, the tragedy is ongoing. Millions of people, Mr. Chairman, including about one million children, were exposed to dangerously high radiation levels. Children in particular have experienced alarming increases in thyroid cancer and other conditions. Scientists differ over the extent of the Chernobyl-related diseases, but few deny that children have been the hardest hit by the radiological aftermath.

Given the devastating humanitarian, ecological and economic consequences, H. Con. Res. 167 calls upon the President to support continued and enhanced U.S. assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, and Russia. Unfortunately, Mr. Chairman, there are still 15 RBMK Chernobyl-type reactors still being utilized in the former Soviet Union, and most of them are in Russia.

The international community can help Ukraine and Russia improve the safety of their nuclear reactors, especially since the Ukraine relies substantially on nuclear power for its energy needs.

Mr. Chairman, one very important component of this resolution is that it urges the Ukraine to continue its negotiations with the G-7 to implement the December 20, 1995 MOU which calls for all nuclear reactors at Chernobyl to be shut down in a safe and expeditious manner by the year 2000. The resolution calls upon the President to support the process of closing Chernobyl as envisioned by the memorandum of understanding.

Mr. Chairman, the international community, including the U.S. Government and many American nongovernmental organizations, are responding to the consequences of Chernobyl, but more needs to be done, especially as Ukraine and Belarus, the countries that bore the brunt of Chernobyl, are undergoing an extremely difficult transition period.

Continued, enhanced international cooperation is vital to addressing the suffering of millions, constraining the dispensation of the radiation released a decade ago, and preventing future Chernobyl-type disasters. I should note that a resolution has already passed the Senate on this matter. This companion piece of legislation puts us both on record as being supportive of those people who have been so adversely affected. Thank you, Mr. Chairman.

Chairman GILMAN. I thank the gentleman for his statement. Any other members seeking recognition? Mr. Payne.

Mr. PAYNE. Yes, Mr. Chairman, not on this particular—I commend the gentleman from New Jersey for this resolution. I support it. I would just like to make a comment on H. Con. Res. 160. I was out of the room at the time.

Chairman GILMAN. Without objection.

Mr. PAYNE. Let me just say that I would like to thank my colleague. I support this very strongly, and the gentleman from New York, Congressman Amo Houghton, I would certainly like to congratulate him for presenting this resolution, and I would like to also congratulate the people of Sierra Leone on their democratic election held on the 26th and 27th of February of this year, the first time in almost 30 years that the people of that country were able to vote.

Groups of international domestic election monitors reported that the election of this year was transparent, open, and fair. Despite deadly conflicts between citizens and those seeking to disrupt the election in Kanima, the election process was largely peaceful, and no frauds or irregularities were reported.

One citizen who watched the elections as a member of an observer group in the southeastern town of Kanima said that on election day the citizens of that town, who for 5 years have lived on the edge of a no-go area that stretches the Liberian border and the conflict there that had overspilled into their community, ran into the streets with defiance of a fight that started to rage in that town. The rebels had lost a massive, predawn attack to scare voters away from the polls, but the people of Kanima were determined. They shouted, "We want to vote, we want to vote," and they did vote.

We know that these elections are vital to West Africa because of its influence on other countries in the region, such as Nigeria and Liberia, and it moves the force of democracy in Africa.

Let me just say once again that I would like to join in the celebration of democracy for the people of Sierra Leone and once again congratulate a real distinguished member of this committee, Mr. Amo Houghton, for this resolution. Thank you, Mr. Chairman.

Chairman GILMAN. I thank the gentleman for his remarks. They will be inserted as part of the debate on H. Con. Res. 160. I interrupted the statement of the gentlelady from Florida, our distin-

guished subcommittee chairman, Ms. Ros-Lehtinen. I understand she has a statement for the record. I ask unanimous consent that the full statement be included in the record.

[The prepared statement of Ms. Ros-Lehtinen appears in the appendix.]

Chairman GILMAN. Are there any amendments or other members seeking recognition on the Chernobyl resolution? If not, the gentleman from Nebraska is recognized to offer a motion.

Mr. BEREUTER. Thank you, Mr. Chairman. I move that the Chair or his designee be requested to seek consideration of this concurrent resolution on the suspension calendar.

Chairman GILMAN. Thank you, Mr. Bereuter. The question is on the motion. As many in favor of the motion signify by saying aye.

[Chorus of ayes.]

Chairman GILMAN. Any that are opposed, say "no".

[No response.]

Chairman GILMAN. The ayes appear to have it. The ayes do have it. The motion is agreed to. Further proceedings on this matter are postponed.

I want to thank our good gentlemen for staying until the end. The committee is now adjourned.

[Whereupon, at 11:56 a.m., the committee was adjourned.]

U.S. ROLE IN IRANIAN ARMS TRANSFERS TO BOSNIA AND CROATIA

THURSDAY, MAY 30, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC

The committee met, pursuant to notice, at 1:39 p.m. in room 2172, Rayburn House Office Building, Hon. Benjamin A. Gilman (chairman of the committee) presiding.

Chairman GILMAN. The hearing will come to order. Visitors please take their seats.

In the interests of time, with the cooperation of our members, I am going to recognize only the ranking minority member, Mr. Hamilton, for an opening statement, in addition to my own.

This is the committee's second in a series of hearings on U.S. policy toward Bosnia. The Administration has stated in reports as recent as April 30 that Iran is the world's leading state sponsor of terrorists, with a particular animus toward Americans overseas.

The purpose of our hearing today is to provide the Congress and the American people with the fullest possible understanding of how and why the Administration permitted Iran to establish a pipeline of arms to Bosnia in early 1994.

The Administration took this position without informing the Congress, the American people, or our allies. The Administration's action circumvented an international arms embargo that it was pledged to uphold. It also enabled Iran to establish a substantial beachhead in the Balkans.

Hopefully, our hearing today will lay some groundwork for the select subcommittee that has been established to review this matter, chaired by Congressman Henry Hyde.

While the select committee will focus on the Iranian arms shipments, our full committee will continue its oversight responsibilities regarding overall U.S. policy in Bosnia and implementation of the Dayton peace plan.

Of particular concern are the elections that are scheduled to take place in September and which require certain prior steps and undertakings by the parties. We plan to hold a hearing early next month on this matter and have invited Deputy Secretary of State Talbott to testify. It is our intention today to conduct this as an open hearing to the fullest extent possible.

However, at some point the committee may be compelled to go into closed session because of national security considerations raised by the witnesses. To facilitate that, I will entertain a motion when a quorum is present that provides for the committee to go

into closed session on the determination of the Chairman after consultation with the ranking minority member or his designee.

Before turning to our witnesses, I am going to ask our ranking minority member, Mr. Hamilton, if he has an opening statement.

Mr. HAMILTON. Thank you very much, Mr. Chairman.

I want to join you in welcoming not only two very distinguished Americans to the committee, but also two distinguished ambassadors who have worked tirelessly to bring peace to the former Yugoslavia.

Chuck Redman has served several Republican and Democratic Presidents with distinction, and served for nearly a year as the special envoy to the former Yugoslavia. Peter Galbraith served for many years with distinction on the Senate Foreign Relations Committee staff and in 1993 became the first U.S. ambassador to Croatia.

I commend both ambassadors for their efforts on behalf of peace. I appreciate their willingness to appear today. They have important assignments and responsibilities to which I know each must return.

So I am looking forward to the testimony from our distinguished witnesses in both the open and the closed sessions.

I do have two reservations about the hearing: First, the House voted 3 weeks ago to authorize nearly \$1 million to establish a select committee of this committee to investigate arms deliveries to Bosnia. It is my understanding that the select subcommittee was necessary because the full committee was too busy to undertake the inquiry.

Today we find ourselves in a hearing held by the full committee, and our witnesses are two of the key players in the deliberations of that select subcommittee. These two witnesses almost certainly will be called in several weeks to give the same testimony before the select subcommittee. They will have to fly back from Europe.

It would appear that the work of the full committee and the select subcommittee will overlap. What other witnesses does the full committee plan to call? Who is conducting the inquiry, the full committee or the select subcommittee?

My second reservation concerns the focus of the committee's inquiry. This hearing will focus on the past, a set of events that occurred in Bosnia 2 years ago. Events of 1994, of course, are not irrelevant.

I know that many members are interested in the events of 1994, and so am I, but I wonder, considering the critical questions we face in Bosnia in the weeks ahead, whether we should be focusing today on the past.

Eighteen thousand U.S. troops are stationed in Bosnia today. My preference would be to focus on the key issues of the next several months; specifically, the following areas that deserve our urgent attention: The safe return of our troops, the elections in Bosnia scheduled for the fall, the freedom of movement for all Bosnians, the return of refugees, civilian reconstruction, the build-down arms reduction talks among all parties in Bosnia, the buildup, equip and train program for the Bosnian Federation, and, of course, a possible follow-on force for IFOR.

I understand that a hearing on Bosnia is scheduled for 2 weeks hence by the Chairman, and that is good, but my sense of Bosnia today is that the situation there is so complex and the decisions of the next few weeks, especially on the civilian side, so critical, that I believe the full oversight resources of the committee should be focused on these issues, not just a single hearing, as helpful as that may be.

It is better, it seems to me, at this moment for the committee to be looking forward, not backward. We should let the select subcommittee do its work, and this committee should focus on the issues of 1996 before it.

Mr. Chairman, I want as much of this hearing as possible in open session. I think you do, too. I think we agree that there are certain issues that can only be handled in closed session.

I hope we will follow the procedure used by the Senate Permanent Select Committee on Intelligence in its recent hearings on this subject and ask our witnesses to please let us know when the questioning is getting into areas that can only be adequately addressed in closed session.

Thank you.

Chairman GILMAN. Thank you, Mr. Hamilton.

I just would like to note that we will try our best not to overlap with regard to the responsibilities of the select committee.

I welcome Ambassador Charles Redman, who currently serves as our U.S. ambassador to Germany, and served also as our principal negotiator on Bosnia in 1994. I also welcome Ambassador Galbraith, Peter Galbraith, who now serves as our U.S. ambassador to Croatia, but also served for a number of years on the staff of the Senate Committee on Foreign Relations before joining the Administration.

Gentleman, we welcome both of you. If you would summarize your opening statements as briefly as possible, we will then be able to go on to questions.

I would like to ask our witnesses to please stand and be sworn in.

[Witnesses sworn.]

Chairman GILMAN. Thank you.

Ambassador Redman.

STATEMENT OF HON. CHARLES REDMAN, U.S. AMBASSADOR TO GERMANY

Ambassador REDMAN. Thank you, Mr. Chairman. I welcome this opportunity to discuss with you and your colleagues the situation in the Balkans in the spring 1994, especially the decision neither to oppose nor to approve the transshipment of third-country arms through Croatia to the Bosnian Government.

If I might, I would like to set the context with a very brief description of my activities prior to the events of April 29th.

Chairman GILMAN. If I might interrupt, Ambassador Redman, do you have a prepared text of your remarks?

Ambassador REDMAN. Yes, I do, sir.

Chairman GILMAN. Can that be given to our clerk to distribute?

Ambassador Galbraith, do you have the same?

Thank you.

If Ms. Bloomer would duplicate the remarks and distribute them to the members.

Please continue, Mr. Ambassador.

Ambassador REDMAN. So I would like to set the context with a very brief description of my activities prior to the events of April 29th.

I had negotiated the Federation agreement in March which ended the war between the Muslims and the Croats and made possible a new strategic alliance between the two former enemies. The next step was to be a territorial proposal which, in combination with the political institutions of the Federation, would form the basis for further negotiations with the Bosnian Serbs.

I went to Sarajevo on April 8, where I met with senior Bosnian Government officials to discuss next steps on this territorial proposal. Unfortunately, before that step could be taken, the Serbs launched a major attack on the Gorazde enclave.

As you know, the Bosnian defenders were overwhelmed by Serb tanks and artillery, firing at point-blank range into the heart of the city. The United Nations was willing to authorize only the most limited use of NATO air power.

I remained in Sarajevo throughout the Gorazde assault, returning to Washington on April 19th. As a result of this Serb aggression, the negotiating process was back to square one. I left for London on April 24 to join with Secretary Christopher for talks with key allied ministers, a meeting which led to the creation of the Contact Group. As the U.S. representative, I spent April 26, and 27 with the Contact Group in Geneva preparing our common position before flying from Frankfurt into Sarajevo on April 28th.

After meeting with the Bosnian Government on April 28 and traveling to Pale to meet with the Bosnian Serbs on April 29, I flew to Zagreb on the evening of April 29. I planned to brief Croatian Government officials that evening on the activities of the Contact Group before departing for Washington early on April 30.

When I arrived in Zagreb, Ambassador Galbraith asked that I come to his residence before going on to the meeting with the Croatian officials. He briefed me on the question that had been posted by the Croatian Government officials concerning the transshipment of arms for the Bosnian Government and then placed a call to Washington to ascertain the response to that question.

The responsible Washington official provided the "no instructions" guidance. I spoke to the same official to pass on a short debriefing on the work of the Contact Group in Sarajevo and Pale but did not discuss the arms issue with which I had not been involved.

We then proceeded to our meeting with Croatian officials, where I provided a full briefing on the purpose of the newly formed Contact Group and its initial consultations in Sarajevo.

Near the end of the formal meeting, the Croats asked, as expected, if Ambassador Galbraith had an answer to their question. He used the "no instructions" guidance. Still not completely sure what "no instructions" was intended to mean, a senior Croatian official asked me for further clarification as we walked into the dining room. I replied that the decision was one for the Croats themselves to make and the United States did not want to be put

in a position of saying no. That was the full extent of my one and only exchange on this issue.

After dinner, Ambassador Galbraith and I discussed how to proceed in informing Washington of the results of the meeting. We both felt that Croatian intentions were quite clear and that they would, in all likelihood, proceed with their plans to assist the Bosnian Government. Because the instructions had been relayed orally, I suggested that I could provide an oral debrief in Washington and determine if any other written follow-up would be necessary.

I returned to Washington on April 30. I arranged to debrief a senior White House official on the work of the Contact Group and used that same meeting to pass on the report of our conversation with the Croats. I noted our expectation that the transshipments would go forward.

The White House official confirmed that he understood that expectation. He also said that no written reporting was required. I relayed that message to Ambassador Galbraith on May 2nd. I had no further involvement with the issue after that time.

I spent most of May, June, July, and August in Europe in pursuit of Contact Group consultations.

In retrospect, I believe that the decision not to oppose the Croatian initiative was crucial to all that followed in the Balkans. The Bosnian Government was in dire straits; the Serbs had overrun Gorazde in the most brutal fashion; the United Nations was not willing to engage NATO air power, even in the most compelling situation.

The Federation had changed the strategic equation in Bosnia, with the Croatian initiative one of the first results of that new alliance. If we had attempted to block that initiative and succeeded, it very likely would have doomed the Federation and exacerbated an already desperate military situation for the Bosnians.

Instead, the Bosnian armed forces held on and began to counter-attack. The Federation survived, UNPROFOR remained in place, helping the Bosnians through another difficult winter, and we bought time for a combination of American diplomacy, NATO air power, and Croatian and Bosnian military victories to reach an historic peace agreement in Dayton.

Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Ambassador.

I recognize Mr. Bereuter for a motion.

Mr. BEREUTER. Mr. Chairman, I move that at the time designated by the Chairman, after consultation with the ranking Democratic member or his designee, the committee proceed to meet in closed session and, if required, on one subsequent day, to receive portions of the testimony of Ambassadors Redman and Galbraith, because disclosure of the testimony or evidence to be considered would endanger the national security.

Chairman GILMAN. The motion has been properly made, giving the Chairman authority to proceed to meet in closed session.

Under the rule, I am informed, we need a roll call vote. Would Ms. Bloomer please call the role.

Ms. BLOOMER. Mr. Gilman.

Chairman GILMAN. Aye.

Ms. BLOOMER. Mr. Goodling.
 [No response.]
 Ms. BLOOMER. Mr. Leach.
 [No response.]
 Ms. BLOOMER. Mr. Roth.
 [No response.]
 Ms. BLOOMER. Mr. Hyde.
 Mr. HYDE. Aye.
 Ms. BLOOMER. Mr. Bereuter.
 Mr. BEREUTER. Aye.
 Ms. BLOOMER. Mr. Smith.
 Mr. SMITH. Aye.
 Ms. BLOOMER. Mr. Burton.
 Mr. BURTON. Aye.
 Ms. BLOOMER. Mrs. Meyers.
 Mrs. MEYERS. Aye.
 Ms. BLOOMER. Mr. Gallegly.
 [No response.]
 Ms. BLOOMER. Ms. Ros-Lehtinen.
 [No response.]
 Ms. BLOOMER. Mr. Ballenger.
 Mr. BALLENGER. Aye.
 Ms. BLOOMER. Mr. Rohrabacher.
 Mr. ROHRABACHER. Aye.
 Ms. BLOOMER. Mr. Manzullo.
 Mr. MANZULLO. Aye.
 Ms. BLOOMER. Mr. Royce.
 Mr. ROYCE. Aye.
 Ms. BLOOMER. Mr. King.
 Mr. KING. Aye.
 Ms. BLOOMER. Mr. Kim.
 Mr. KIM. Aye.
 Ms. BLOOMER. Mr. Brownback.
 [No response.]
 Ms. BLOOMER. Mr. Funderburk.
 [No response.]
 Ms. BLOOMER. Mr. Chabot.
 [No response.]
 Ms. BLOOMER. Mr. Sanford.
 [No response.]
 Ms. BLOOMER. Mr. Salmon.
 Mr. SALMON. Aye.
 Ms. BLOOMER. Mr. Houghton.
 [No response.]
 Ms. BLOOMER. Mr. Campbell.
 Mr. CAMPBELL. Aye.
 Ms. BLOOMER. Mr. Hamilton.
 Mr. HAMILTON. Aye.
 Ms. BLOOMER. Mr. Gejdenson.
 [No response.]
 Ms. BLOOMER. Mr. Lantos.
 Mr. LANTOS. Aye.
 Ms. BLOOMER. Mr. Torricelli.
 [No response.]

Ms. BLOOMER. Mr. Berman.

Mr. BERMAN. Aye.

Ms. BLOOMER. Mr. Ackerman.

Mr. ACKERMAN. Aye.

Ms. BLOOMER. Mr. Johnston.

Mr. JOHNSTON. Mr. Chairman, parliamentary inquiry, if I may.

Chairman GILMAN. The gentleman will state his parliamentary inquiry.

Mr. JOHNSTON. The motion by Mr. Bereuter, we would go into closed session at your discretion under national security?

Chairman GILMAN. After discussion with the ranking minority member, that is correct.

Mr. JOHNSTON. Aye.

Ms. BLOOMER. Mr. Faleomavaega.

[No response.]

Ms. BLOOMER. Mr. Martinez.

Mr. MARTINEZ. Aye.

Ms. BLOOMER. Mr. Payne.

[No response.]

Ms. BLOOMER. Mr. Andrews.

[No response.]

Ms. BLOOMER. Mr. Menendez.

Mr. MENENDEZ. Aye.

Ms. BLOOMER. Mr. Brown.

[No response.]

Ms. BLOOMER. Ms. McKinney.

[No response.]

Ms. BLOOMER. Mr. Hastings.

Mr. HASTINGS. Aye.

Ms. BLOOMER. Mr. Wynn.

[No response.]

Ms. BLOOMER. Mr. Moran.

[No response.]

Ms. BLOOMER. Mr. Frazer.

[No response.]

Ms. BLOOMER. Mr. Rose.

[No response.]

Ms. BLOOMER. Ms. Danner.

Ms. DANNER. Aye.

Chairman GILMAN. Ms. Bloomer will call the absentees.

Ms. BLOOMER. Mr. Goodling.

[No response.]

Ms. BLOOMER. Mr. Leach.

[No response.]

Ms. BLOOMER. Mr. Gallegly.

[No response.]

Ms. BLOOMER. Ms. Ros-Lehtinen.

[No response.]

Ms. BLOOMER. Mr. Brownback.

[No response.]

Ms. BLOOMER. Mr. Funderburk.

Mr. FUNDERBURK. Aye.

Ms. BLOOMER. Mr. Chabot.

[No response.]

Ms. BLOOMER. Mr. Sanford.

[No response.]

Ms. BLOOMER. Mr. Hilton.

[No response.]

Ms. BLOOMER. Mr. Gejdenson.

Mr. GEJDENSON. Aye.

Ms. BLOOMER. Mr. Torricelli.

[No response.]

Ms. BLOOMER. Mr. Faleomavaega.

[No response.]

Ms. BLOOMER. Mr. Payne.

[No response.]

Ms. BLOOMER. Mr. Andrews.

[No response.]

Ms. BLOOMER. Mr. Brown.

[No response.]

Ms. BLOOMER. Ms. McKinney.

[No response.]

Ms. MCKINNEY. Mr. Wynn.

[No response.]

Ms. BLOOMER. Mr. Moran.

[No response.]

Ms. BLOOMER. Mr. Frazer.

[No response.]

Ms. BLOOMER. Mr. Rose.

[No response.]

Chairman GILMAN. Ms. Bloomer will call Mr. Payne.

Ms. BLOOMER. Mr. Payne.

Mr. PAYNE. Aye.

Chairman GILMAN. Ms. Bloomer will report the tally.

Ms. BLOOMER. On this vote there were 28 ayes and zero noes.

Chairman GILMAN. The motion is carried.

Chairman GILMAN. Ambassador Galbraith, you may summarize or put your full statement in the record, as you deem necessary.

STATEMENT OF HON. PETER GALBRAITH, U.S. AMBASSADOR TO CROATIA

Ambassador GALBRAITH. Mr. Chairman, I appreciate the opportunity to appear before this committee.

Two years ago, the Bosnian Government asked the Croatian Government to permit the transit through Croatia of weapons for its beleaguered army. A principal supplier of these arms would be Iran. The Croatian Government asked for our reaction. The Administration decided we would not answer, and I told the Croatians I had no instructions.

The Croatians understood this response, and a subsequent colloquy described here by Ambassador Redman—

Chairman GILMAN. Ambassador Galbraith, permit me to interrupt. Could you date that occurrence? What was the date of that?

Ambassador GALBRAITH. Well, it was on April 29th, 1994. April 28th and April 29, 1994.

Chairman GILMAN. Thank you very much.

Ambassador GALBRAITH. So the Croatians understood this response and a subsequent colloquy described to you by Ambassador

Redman to mean that we would not object to their role in helping the Bosnians.

I believed then and even more strongly now that the Administration made the right decision. Because of the arms, the Bosnians were able to survive. Eventually, the outside arms, which also came from countries other than Iran, enabled the Bosnians to redress the military imbalance with the Serbs, recover some territory, and thus help pave the way to Dayton.

To reiterate what Ambassador Redman has already told you, the Bosnian Government and people were in desperate straits at the time the Croats posed their question. The Bosnian Serbs, armed with the weapons of the old Yugoslav Army, had seized 70 percent of Bosnia's territory. The Serbs had brutally "cleansed" this territory of its Muslim and Croat population. Already more than 100,000 people, overwhelmingly civilians, had been killed. Gorazde, with 40,000 people, was under brutal assault and essentially defenseless. Equally threatened were the other enclaves: Srebrenica, with 30,000 people; Zepa, with 16,000 people; Bihac, with 160,000 people; and Sarajevo, with 320,000 people.

To make matters worse, if it were possible to make them worse, the Muslims and the Croats had just fought a vicious year-long war over the remaining 30 percent of Bosnian territory not held by the Serbs.

In the first diplomatic success of any kind since the start of the Balkan war, American diplomacy, led by Ambassador Redman—and I was proud to have participated in that effort—had produced a new political arrangement between Croats and Muslims, the Federation of Bosnia-Herzegovina, and that new political arrangement had ended the Muslim-Croat war.

The Bosnian people, left unarmed against the Serb aggressors, had barely survived the winter of 1993-94. Without help, we doubted they could survive another year.

This then was the context for our decision.

Let me explore for a minute the consequences if we had said no. Under these circumstances, I think the very fragile Muslim-Croat Federation would have collapsed, as the Bosnians would have doubted the sincerity of their Croatian allies.

Undefended, I believe the enclaves, including possibly Sarajevo, would have fallen either to the Serbs or to hunger and cold, or to both. The death toll could have been in the hundreds of thousands.

I realize that many Members of Congress favored a third alternative, unilaterally lifting the arms embargo. I will not rehash the familiar and, in my view, valid arguments about how such an action would have affected our other international obligations, including the very important sanctions regime against Serbia and Montenegro, or how it would have affected our relations with our allies.

I do believe a unilateral lifting of the arms embargo would have provoked the Bosnian Serbs to move against the essentially undefended enclaves. I do not believe that any program to train and equip the Bosnian Army could have been in place quickly enough to save the enclaves.

Therefore, the unilateral lifting of the arms embargo would have forced us to choose between sending in American combat troops to

save the enclaves and to rescue our allies and the U.N. protection force, or standing aside as the enclaves fell and our allies at UNPROFOR were attacked. Neither option was, in my view, tenable.

Let me reiterate my belief that our decision was the right decision. This does not mean it was an easy decision. Iran, one of the principal suppliers of the arms, is an international menace, sponsoring terrorism around the world. Potential targets included the American diplomats in Zagreb, people for whose safety I am personally responsible.

The Iranians and their terrorist allies were present on the Bosnia-Croatia scene 2 years before the April 1994 conversations that are the subject of your inquiry. It was the war, not the arms pipeline, that gave the Iranians the opportunity to fish in troubled Balkan waters. It was the ability of the Bosnians to resist Serbian aggression, a resistance made possible in part by the arms, that created the military conditions on the ground that led to Dayton, and it is the Dayton agreement and the peace itself that is forcing the Iranians and their allies to leave the area.

Before answering your questions, I would like to make two brief final points: First, in spite of the attention now focused on the arms question, this was only an infinitesimal fraction of U.S. diplomatic efforts in Croatia. The conversations that Ambassador Redman and I have described consumed all of 3 minutes. The great bulk of my time and that of our Embassy was devoted to the search for peace, by building the Muslim-Croat Federation, as the lead U.S. negotiator in the Z-4 talks to find a peaceful settlement between Zagreb and rebel Serbs in Knin, and as the co-mediator of the Eastern Slavonia Agreement, which, when signed on November 12, 1995, not only set the stage for the peaceful reintegration of the last bit of Serb-held Croatian territory but also paved the way for Dayton.

Second, some of the issues under discussion today, including those related to terrorist threats to the Embassy, involved very sensitive intelligence and security considerations. I hope you will understand if I prefer to discuss these in closed session.

Also, I am a currently serving ambassador. Croatian officials expect that conversations with me will be confidential. In some cases, I may not be able to discuss publicly issues that other officials would feel free to discuss. Once again, I ask for your understanding.

Chairman GILMAN. Thank you, Mr. Ambassador.

At this time I would like to interrupt our proceedings to welcome to our committee the former ranking member of our Committee on the Judiciary, the gentleman who served New York State for many years, former Congressman Hamilton Fish.

[Applause.]

Congressman Fish is accompanied by his pastor, Reverend Brewster Beach, who gave the opening prayer today.

Reverend Beach, we welcome you.

[Applause.]

Chairman GILMAN. To both of our panelists, please explain to the committee why the Administration did not inform the American people, the Congress, even our allies, of its decision to permit Iran,

the world's leading terrorist state, a rogue state, to ship arms to Bosnia, and thus gain a major foothold in the Balkans.

Ambassador GALBRAITH. Well, Mr. Chairman, not agreeing with the premise of your question as to what happened, the particular exchange with the Croatian officials was a confidential diplomatic exchange, of which we have very many.

As to what information might have been provided to the Congress, I can't speak. I was in Zagreb. But the policy, I think, was well known to everybody who followed the situation. The policy was that we were not objecting to the flow of arms through Croatia to the Bosnians. It was widely reported in intelligence sources and in media that this was going on. It was obvious that we were not objecting.

I can say, based on my conversations with European ambassadors in Zagreb, that they, too, knew—European ambassadors, including the Russians—that they, too, knew that the arms were transiting Croatia to the Bosnians, and, to the best of my knowledge, not one of these countries objected to the Croatian Government.

Chairman GILMAN. Ambassador Galbraith, did you consult with any of the ambassadors in the area in which you were serving as to whether or not they objected?

Ambassador GALBRAITH. Yes, I did.

Chairman GILMAN. And what was your question to them?

Ambassador GALBRAITH. We had a discussion. I asked them if they had objected, and none of them said they had. And the Croatian Government has also told me that they never received any objections from European countries.

Chairman GILMAN. If they had objected to what, specifically?

Ambassador GALBRAITH. To Croatia's role as a transit country for arms to the Bosnian Government.

Chairman GILMAN. From Iran?

Ambassador GALBRAITH. From Iran and from other countries. It was certainly known that Iran was one of the countries that was providing the weapons.

Chairman GILMAN. Which ambassadors did you consult with?

Ambassador GALBRAITH. That goes to the nature of confidential diplomatic exchanges. I would be happy to tell you in closed session or answer you in writing.

Chairman GILMAN. Would you submit that answer in writing, the number of ambassadors and the countries they represented, that you consulted with?

Ambassador GALBRAITH. Yes, I shall.

Chairman GILMAN. Ambassador Redman, would you like to comment on that question?

Ambassador REDMAN. Like Ambassador Galbraith, I can really speak to this best from an overseas perspective, since I spent this entire period in Europe on negotiations.

I can only say, among my diplomatic colleagues with whom I was dealing, particularly in the Contact Group, that this was never an issue of discussion nor one which led to expressions of concern.

I can only speculate why that might be the case, since it was never overtly addressed. But I think it was widely recognized in the context of the time that the embargoes that had been placed

upon Serbia Montenegro, for example, were leaking rather dramatically and badly, both on the economic front as well as the front concerning arms for the Bosnian Serbs.

The kind of arms that apparently were arriving in the hands of the Bosnian Government were not a significant departure from the past; i.e., they did not include such things as heavy artillery or tanks. They were apparently more along the lines of arms, small ammunition. So, again, it didn't seem to be any new threat to the U.N. forces in any special way.

Chairman GILMAN. Was there any conversation with regard to specifically what arms were going to be shipped?

Ambassador REDMAN. No, sir.

Chairman GILMAN. How did you know what sort of arms were being shipped?

Ambassador REDMAN. That I can only imply through the same kind of intelligence reporting that was probably available to this committee as well.

Chairman GILMAN. Did the intelligence reports made to you indicate that these arms were coming from Iran?

Ambassador REDMAN. I had seen reports that indicated Iran as well as other countries.

Chairman GILMAN. Ambassador Galbraith, I have a few questions about the context within which the Clinton administration made its decision in April 1994 to acquiesce in the establishment of an Iranian arms pipeline to Bosnia.

First, is it true that for almost a year prior to the time that the decision was made that Croat and Muslim forces in Bosnia were engaged in some pretty vicious fighting against one another?

Ambassador GALBRAITH. Yes, it is true.

Chairman GILMAN. Is it also true that, as a result of that fighting, the Government of Croatia had little interest in helping the Muslim Government in Bosnia during the 10 or 12 months prior to April 1994?

Ambassador GALBRAITH. Yes.

Chairman GILMAN. And in particular, the Government of Croatia was not interested during that time in doing anything to help increase the military strength of the Muslim forces in Bosnia, such as facilitating the delivery of military assistance to the Government of Bosnia; is that true?

Ambassador GALBRAITH. It had little interest. Actually, their arms were flowing through this period, and they were flowing through Croatia, but in much smaller numbers.

Chairman GILMAN. Is it also true then, at least for the 10 or 12 months prior to April 1994, there was no arms pipeline in place from Iran through Croatia to Bosnia, at least no Croatian Government complicity in such a pipeline? Is that accurate?

Ambassador GALBRAITH. Not entirely. There was, in fact, all through this period, and during the Muslim-Croat war, there were arms flowing in. They were coming through Croatia.

As to the degree of Croatian Government complicity, I can only speculate, but I presume that they knew about at least some of it.

Chairman GILMAN. Where were those arms coming from?

Ambassador GALBRAITH. Well, Iran was one of the countries, and there were other countries.

Chairman GILMAN. When you were asked by the Croatians on April 28, 1994, whether our Nation would object to Iranian arms passing through Croatia to Bosnia, they were not asking you whether we had a problem with something they were already doing. Rather, they were asking you whether we would mind if they started doing something new that they weren't already doing?

Ambassador GALBRAITH. Well, aside from this small trickle, if you will, yes. I mean, the Bosnians had come to them and asked for help. The request was to permit Croatian territory to be used for the transit of weapons to the Bosnian Army.

Chairman GILMAN. In other words, Ambassador Galbraith, the question wasn't whether we objected to their continuation of an arms pipeline from Iran, but whether we would object to their establishment of such a pipeline; is that correct?

Ambassador GALBRAITH. Again, noting that there was already—there was still a trickle going on, but certainly what was being talked about in April 1994 was something very substantially greater.

Chairman GILMAN. Is it also true that, as of April 1994, relations between our government and the Government of Croatia were good and they were eager to keep it that way? Is that correct?

Ambassador GALBRAITH. Well, relations between our two countries had been developing over the entire time that I was there, but they had improved very dramatically in March 1994 when President Tudjman came to Washington and the Washington agreement was signed establishing the Federation of Bosnia-Herzegovina.

Chairman GILMAN. So then in fact, in the wake of the signature of that March 1994 accord that ended the Croat-Muslim fighting in Bosnia, the Croatian Government had high expectations that our Nation would assist them and that that assistance would be soon forthcoming; is that accurate?

Ambassador GALBRAITH. Yes, that is accurate. Part of what we proposed to the Croatian Government was that if they were prepared to enter into this Federation, we would be working with them to try and help their integration into Western economic, political, and security arrangements.

Chairman GILMAN. So when you were asked on April 28, 1994, whether our Nation would object if they established an arms pipeline from Iran, they were not just asking as a courtesy, they genuinely wanted to know what we thought; is that correct?

Ambassador GALBRAITH. That is certainly correct.

Chairman GILMAN. Is there any doubt in your mind, Mr. Ambassador, that if you had told them we did not want them to establish an arms pipeline from Iran, they would have acted consistent with your response and not established an Iranian arms pipeline? Is that accurate?

Ambassador GALBRAITH. I can only speculate on that. I can say that had we in a very, very forceful way made it clear that we would not tolerate the flow of arms to the Bosnians, that they probably would not have done it.

Chairman GILMAN. And, Mr. Ambassador, from what you told us, am I correct that you did not tell them that we would object to the establishment of an Iranian arms pipeline, you told them that you had no instructions on how to respond to their question, and, as a

result of that answer you gave them, they went ahead and established an arms pipeline from Iran? Is that accurate?

Ambassador GALBRAITH. Yes. Following my statement, they proceeded to permit the flow of arms from Iran and from other countries to the Bosnians.

Chairman GILMAN. Some of the spokesmen of the Administration have since tried to characterize your response to the Croatian request as something other than an official acquiescence by our government in the establishment of an arms pipeline from Iran. As a matter of fact, one Administration official said it wasn't a red light, it wasn't a green light, but, rather, lights out.

Since you were the one who actually communicated the message, I want to know whether you agree with that kind of interpretation of your response.

Ambassador GALBRAITH. In essence, I gave them no response. I said I had no answer for them. However, under the circumstances, when we did not object, they proceeded to go ahead and do it.

Chairman GILMAN. Well, was your response intended to leave doubt in the mind of the Croatian Government about where we stood in the establishment of an Iran pipeline, or was it intended to be a signal that they could go ahead?

Ambassador GALBRAITH. It was intended to tell them that we were not objecting.

Chairman GILMAN. Ambassador Redman, you were also present at one of the critical meetings. What was your impression? Was it that the "no instruction" response was intended to create ambiguity about where the Administration stood, or was it intended as a green light?

Ambassador REDMAN. As I stated in my prepared remarks, we believed that in all likelihood the Croatian Government would decide to proceed on receipt of the "no instructions" guidance.

Chairman GILMAN. I have just one more question. Under Secretary Tarnoff was before this committee on April 23rd, and we asked him repeatedly whether the message you sent to the Croats in April 1994 represented a change in U.S. policy, and he repeatedly rejected the characterization.

What is your impression, Ambassador Galbraith? Does your message represent a change in our policy from what had gone before?

Ambassador GALBRAITH. I think there are several ways of looking at that. In fact, when the Clinton administration came in, we had a very different policy from the Bush administration. The Bush administration had supported and, in fact, cast a decisive vote in favor of the international arms embargo against the Bosnians and had worked hard to enforce that embargo.

President Clinton felt, the Administration felt, that the embargo was fundamentally wrong, that it resulted in a situation where the aggressors, the Bosnian Serbs, who had all the weapons, were able to attack cities, villages, engage in ethnic cleansing with impunity, while the victims were left undefended because they didn't get the arms of the old Yugoslav Army.

So the position of the Administration was, in fact, to be against the arms embargo, and, in fact, from January 20th, 1993, we were not urging other countries to enforce it.

So in that sense, it was not a change of policy. On the other hand, as compared to what had happened the last time that the situation came up—namely, in September 1992 when we had demarched the Croatians about an Iran air flight that was in Zagreb airport—it did represent a change in policy.

Chairman GILMAN. Ambassador Redman, was it, in your mind, a new policy?

Ambassador REDMAN. I would share in that with respect to Ambassador Galbraith's comments.

Chairman GILMAN. Mr. Hamilton.

Mr. BERMAN. Could I ask for clarification? You asked Ambassador Galbraith to provide you with a series of contacts he had with the ambassadors. I think there was a disconnect. It sounded like you were asking for consultations with ambassadors about a "no instructions" policy. I think Ambassador Galbraith was talking about after-the-fact contact with ambassadors about whether or not they had objected or objected to the Iranian arms shipments.

I think it is important to clarify that so we don't get into a problem later on.

Chairman GILMAN. Ambassador Galbraith, if you would just put your full understanding of the question with the responses.

Mrs. MEYERS. Mr. Chairman, I would like also for you to include in that answer if you discussed with the other ambassadors that people were coming from Iran, because there were several thousand Iranians in Bosnia along with the arms, and to me that is maybe the most objectionable concern. And were the other ambassadors aware of that fact?

Chairman GILMAN. If the gentlewoman would hold her question until she has an opportunity to inquire.

Mr. Hamilton.

Mr. HAMILTON. Thank you very much, Mr. Chairman.

Mr. BERMAN. Mr. Chairman, wasn't he asked to respond to make sure we are talking about the same question and answer?

Chairman GILMAN. Mr. Ambassador, is there any question in your mind what was asked? I asked you, if I may repeat the question, what ambassadors did you talk to with regard to our policy and whether there were any objections.

Ambassador GALBRAITH. Well, Mr. Berman stated correctly my position. That is to say, after the fact, as the arms began to flow, I talked with the regular sessions or dinners or so on with other key ambassadors in Zagreb. They were certainly aware that arms were flowing across Croatian territory from countries, including Iran.

I specifically asked if any of them had lodged objections with the Croatian Government. The answer was that none of them had.

I recently talked to Croatian officials who said they never received a protest from one of the European countries over the use of their territory for the transit of weapons.

Chairman GILMAN. Thank you, Mr. Ambassador.

If you would restate your question to them and the ambassadors who you inquired of, we would welcome making that part of the record.

Chairman GILMAN. Mr. Hamilton.

Mr. HAMILTON. Thank you, Mr. Chairman.

I want to ask principally about the Iranian presence before and after the events of 1994. Before I do that, I understand that this decision in April 1994 was made in the context that everybody in our government believed, you believed, that the Bosnian Government was in desperate circumstances, they were not going to survive very long if something wasn't done. Is that correct?

Ambassador GALBRAITH. That is exactly correct.

Mr. HAMILTON. So you were faced with three or four options here, which, as you have described them, offered no easy choices. But there wasn't any doubt in anybody's mind that, unless something was done here, the Bosnian Government was going to go down the tubes.

Ambassador GALBRAITH. That is my assessment, yes.

Mr. HAMILTON. And that is also your assessment, Ambassador Redman?

Ambassador REDMAN. Yes, sir.

Mr. HAMILTON. A lot of my colleagues are understandably concerned about the Iranian connection. The thought here is that because of the "no instructions" decision, you created a foothold for the Iranians or, as someone described it, a beachhead, and that the Iranian influence from that point on grew and grew.

What I would like you to do is describe for us, if you can, what the Iranian presence was prior to April 1994, and then what the presence of Iran has been since that date, and what it is today.

Ambassador GALBRAITH. Let me say that the Iranian presence dated back to 1992, and, as I said in my opening statement, it was the war that created the opportunities for the Iranians and other undesirables to come into Bosnia. In fact, there were very serious terrorist threats to Americans, including to the mission for which I am responsible, well before this, the April 1994 discussions that we were talking about, and those threats were created because of the war.

Paradoxically—and I say this paradoxically—or perversely, I should say—perversely, from an Iranian perspective, the decision to permit the transit of arms through Croatia to Bosnia had the unintended, from the Iranian point of view, but, nonetheless, the very real effect of diminishing the Iranian influence.

Why? Because it enabled the Bosnians to defend themselves, to survive, and then, in conjunction with the Croatians, to roll back some of the Serb gains, thus paving the way to the Dayton agreement.

Mr. HAMILTON. Were there in 1993 about 500 Iranian revolutionary guards and other military intelligence personnel in Bosnia?

Ambassador REDMAN. Yes, sir. Let me just summarize the numbers as we best know them. Again, these were based on estimates by our best analysts at those times. But what one can say is that there were already Iranian deliveries of arms into Bosnia in the summer and fall of 1992; that the revolutionary guards were deployed in Bosnia in late 1992 to begin a training program for the Bosnian Army; that by 1993 hundreds of revolutionary guard personnel were in Bosnia; that the number probably never exceeded 500, which I believe is the same number that you made reference to; and that since we have begun to implement the Dayton agreement, the numbers have been very substantially reduced, and we

would have to ask someone in a better placed position than ourselves to give the exact estimate.

Mr. HAMILTON. In 1992, were not the Bosnian leaders calling Iran Bosnia's best friend in the world?

Ambassador REDMAN. That is true. And Bosnian leaders visited Tehran already in the spring of 1991 in order to try to solicit assistance because of the situation they found themselves in.

Mr. HAMILTON. And Iran was the first Muslim country to recognize Bosnia, was it not?

Ambassador REDMAN. Yes.

Mr. HAMILTON. Izetbegovic had gone to Tehran in 1991 seeking economic help. The Foreign Minister had been there in 1992. The Organization of Islamic Countries, which was led by Iran and Turkey, were very heavily involved in all of this, were they not?

Ambassador REDMAN. That is right, sir.

Mr. HAMILTON. So there was a very strong Iranian presence in Bosnia before April 1994, and then as a result of the Dayton accords, if my information is right, as of today, we have only a handful of Iranians in Bosnia. Is that correct?

Ambassador REDMAN. Yes, sir.

Mr. HAMILTON. So that the impact of our policy, this very tough decision which you made reference to, far from establishing a beachhead or a foothold for the Iranians, has done just the opposite; it has taken a situation where you had a sizable Iranian presence in Bosnia and then, after the Dayton accords, sharply reduced that presence.

Ambassador REDMAN. That is correct.

Mr. HAMILTON. Thank you very much.

Chairman GILMAN. Thank you, Mr. Hamilton.

Mr. Roth.

Mr. ROTH. Thank you, Mr. Chairman.

So that we have a clear sequence of events, Ambassador Galbraith, so we can also fully understand what happened here, could you carefully walk us through the sequence? I know you have gone over this, but could you do it again, the sequence of events here?

Perhaps you could begin by telling us when you first learned that the Croatian Government was going to ask you whether the United States would object to the establishment of an arms pipeline from Iran?

Ambassador GALBRAITH. That was in the third week of April 1994.

Mr. ROTH. The third week of April.

Ambassador GALBRAITH. Yes.

Mr. ROTH. OK. What happened after that? The next date?

Ambassador GALBRAITH. I cabled to Washington for instructions.

Mr. ROTH. And what were the instructions?

Ambassador GALBRAITH. The instructions were that I had no instructions.

Mr. ROTH. Who in Washington told you there were no instructions?

Ambassador GALBRAITH. There were two occasions in which I was told I had no instructions. The first was by the Department of State, and the second was from the National Security Council.

Mr. ROTH. OK. The Department of State. Who was that at the Department of State?

Ambassador GALBRAITH. That was Mr. Alexander "Sandy" Vershbow, who was then the Deputy Assistant Secretary of State for European affairs.

Mr. ROTH. Did he say he was speaking for himself?

Ambassador GALBRAITH. No; he was clearly speaking for the Administration.

Mr. ROTH. And then the second time you were told that you had no instructions, who was that?

Ambassador GALBRAITH. That was from Jenonne Walker, who is the director for European affairs for the National Security Council.

Mr. ROTH. How did you respond to the question that was put to you on that April 28th date? What sort of reaction did that elicit from the Croatians?

Ambassador GALBRAITH. On April 28th, it elicited uncertainty as to what our position was.

Mr. ROTH. Did they ask you for a clarification?

Ambassador GALBRAITH. Yes.

Mr. ROTH. Then what did you tell them?

Ambassador GALBRAITH. I cabled back for instructions, and sent a second cable reporting on my meeting, and sought further instructions, and the instructions came back making it clear that "no instructions" was our definitive answer.

And the Croatians, of course, when they understood that was our definitive answer, understood that to mean that we were not objecting to the use of their territory for arms to assist the Bosnians.

Mr. ROTH. Let me ask you, when did you next discuss this with the Croatians after this last incident discussed here?

Ambassador GALBRAITH. After the April 29th incident?

Mr. ROTH. Right.

Ambassador GALBRAITH. Frankly, I do not recall additional specific conversations about Iranian arms with the Croatians after that date, although there would have been certainly some occasions when I talked to Croatian officials in which they provided information about what was going on.

But in terms of any kind of policy discussion, the whole thing ended on April 29th.

Mr. ROTH. Because my time is running out, let me ask you, can you describe for us what you said at that meeting and how did the Croatians respond to that April 29th meeting?

Ambassador GALBRAITH. I said I was asked the question, and I said, "I have no instructions and pay attention to what I did not say."

Mr. ROTH. Translated, what was that to mean to the Croatians?

Ambassador GALBRAITH. It was to mean that we were not objecting.

Mr. ROTH. In other words, it was OK to go ahead with the arms sales?

Ambassador GALBRAITH. It was that we were not going to object, and if they went ahead, they would not face any negative consequences in terms of the relations with the United States.

Mr. ROTH. How did the Croatians respond to that when you told them?

Ambassador GALBRAITH. To the best of my recollection, they had no response then. However, there was then a subsequent conversation in which Ambassador Redman has already described to you, in which they wanted to make sure they understood our position. Ambassador Redman said what he said, and in effect again saying that we had no objections, and they then understood our position.

Mr. ROTH. Mr. Chairman, if you would indulge me, just to ask Ambassador Redman, so that he would respond to that, so that we would have a clarification for the record.

Chairman GILMAN. Without objection.

Ambassador REDMAN. As you will find, until my prepared statement, my remarks were made as we walked into the dining room. I said, "It's your decision to make. We don't want to be put in a position to say no." There was no response, no further conversation. I was never engaged in the issue again.

Chairman GILMAN. The gentleman's time has expired.

Mr. ROTH. Mr. Chairman, I realize my time has expired. I have three questions that are really critical to a followup to this. I wonder if I could submit my questions in writing so we could get them answered.

Chairman GILMAN. Without objection, Mr. Roth.

Mr. ROTH. Thank you very much, Mr. Roth.

Chairman GILMAN. Mr. Gejdenson.

Mr. GEJDENSON. Thank you, Mr. Chairman.

Let me first point out one important thing, and that is, 3 months after you took this action of not giving instructions to the Croats, which seems to astonish some of my colleagues, the U.S. Congress, with Mr. Gejdenson, Mr. Gilman, and Mr. Hyde, voted that the President of the United States and the U.S. Government should not interfere with arms shipments and did not exclude any countries from that list.

So 3 months after you took this action, the U.S. Congress validated exactly what you did by stating in law that that should be the policy of the President of the United States and the U.S. Government.

So the debate here is a bit Orwellian, in a sense.

Mr. ROHRABACHER. Would the gentleman yield?

Mr. GEJDENSON. I will yield later if I have the time.

Mr. ROHRABACHER. What was the President's position on that?

Mr. GEJDENSON. Then the alternative question here really is—and I would like to ask this first of Mr. Redman—why didn't the President just unilaterally lift the embargo, which was the policy of many people in both parties? I didn't support that, as difficult as it was for me. And why is it that the President of the United States did not just simply choose to ignore the U.N. embargo and lift it unilaterally?

Ambassador REDMAN. As you know, of course the President very much wanted to get the arms embargo lifted. He very much wanted to put the Bosnian Government in a position where they could defend themselves. But he did not feel that unilateral lift was the way to go. The reasons were several.

I suppose most important among them was the fact that for the United States to have unilaterally violated a U.N. regime concerning sanctions on the Bosnian Government, that this would have set

a precedent then for other countries who might unilaterally choose to abrogate embargo agreements against other countries such as Libya or Iraq, which were very important to us.

We also knew as a second reason, that for us to take this step of unilaterally lifting would have very, very severe ramifications for our European allies. They had told us very clearly that if we lifted the arms embargo that they were going to leave Bosnia, that UNPROFOR, the U.N. forces would withdraw, and I think that we all believe that under those circumstances the Bosnian Government would have been virtually defenseless.

Mr. GEJDENSON. And had the UNPROFOR forces been removed, was there an agreement or was there an indication that American forces would have to go in to help them get out in what would then be an active war?

Ambassador REDMAN. There was certainly going to be a need for U.S. involvement to get them out. There is no doubt about that. Whether or not U.S. forces would have gone in afterwards would have certainly been a very live question.

Mr. GEJDENSON. And so what we had here were a number of choices. You could have said no to the request, and even though the Iranians had been shipping arms and had relations here since 1992, the magnitude was clearly changing, had you said no, the consequence to the Muslims, it is both your estimate, would have been devastating?

Ambassador REDMAN. Yes, sir.

Mr. GEJDENSON. Had you chosen to unilaterally lift the arms embargo, you would have both most likely injured our embargo against Libya and additionally put American servicemen in harm's way. So instead of those two choices, you took a choice that the Congress itself made clear that it supported only 3 months later in that the House of Representatives, with Mr. Gilman, Mr. Hyde and Mr. Gejdenson on a very rare occasion voting on the same side, to tell the President not to interfere with arms shipments from other countries to the Muslims, and it did not list any exceptions in that legislation; is that correct?

Ambassador REDMAN. Yes, sir.

Mr. GEJDENSON. Last, let me ask you this: did you get any resistance from any of the ambassadors in the region when you consulted them? Were there any objections or was there a general consensus that this was the only alternative?

Mr. REDMAN. All I can say is that we had discussions after it became widely known that the arms were being transited in Croatia to the Bosnians. I asked them specifically whether they had received—

Mr. GEJDENSON. Let me interrupt you, because I think you are going over the same statement here. Let me ask you this; once it was printed in the Washington Times and placed in the Senate Record, how many Members of the Senate or the House called you about this issue and objected?

Mr. REDMAN. None.

Mr. GEJDENSON. Thank you.

Mr. ROTH. [Presiding.] Thank you, Mr. Gejdenson.

I am going to call on Mr. Hyde for his questions.

Mr. HYDE. Thank you.

Mr. Hamilton has gone, I am sorry to say. I wanted to respond. In his opening statement he was somewhat critical that we are looking back and not forward. We are only talking about 2 years, and he chaired the Select Committee on the October Surprise, which looked back 12 years into utter fantasy. So looking back is something the gentleman is not a stranger to.

In any event, to my dear friend from Connecticut, is he still here?

Mr. GEJDENSON. He is still here.

Mr. HYDE. You leaned back and you were out of my sight.

Mr. GEJDENSON. It is my new weight loss.

Mr. HYDE. The gentleman thinks he has a hot button point that Congress did not specify leaving Iran out of the list of people whose conduct might be embargoed. If the gentleman—and I know he carries this in his briefcase—would look at “Patterns of Global Terrorism,” the book put out by the State Department, what they have to say about Iran on page 22, I shouldn’t think they would have to list Iran, because one knows—

Mr. GEJDENSON. But it had been in the newspaper.

Mr. HYDE. I haven’t yielded to you yet, sir, but I will.

Iran again was the most active state sponsor of terrorism in 1993 and was implicated in terrorist attacks in Italy, Turkey and Pakistan; Iran still surveils U.S. missions and personnel; Tehran’s policymakers view terrorism as a valid tool to accomplish their political objectives, and acts of terrorism are approved at the highest levels of the Iranian Government.

Now, it would seem to me a waste of words to say we don’t mean Iran, but perhaps that is too obtuse for the gentleman.

I yield to the gentleman briefly.

Mr. GEJDENSON. I will be very brief.

One is that while this happened in April, in June it was in the Washington Times, so it was publicly known to Members of Congress that the shipments were going.

Mr. HYDE. The gentleman reads the Washington Times?

Mr. GEJDENSON. I don’t, actually. I got it from one of you.

Mr. HYDE. I got you there.

Mr. GEJDENSON. I would hope the gentleman would join me on the Iran sanctions bill since his focus is so sharp on Iran these days. Mr. Berman and I believe Mr. Gilman have a great bill to send.

Mr. HYDE. Well, if I can take back my time; the gentleman was an enthusiastic participant in the fantastic October Surprise hearing. The gentleman ought to feel awfully comfortable with this one.

Ambassador Galbraith, do you give us your categorical assurance that the idea of establishing an Iranian arms pipeline to Bosnia originated with the Croatians and not within our own government?

Ambassador GALBRAITH. I don’t of course know where the idea originated actually. I presume the Croatian Government was responding to a request from the Bosnian Government. But I can say to you that to the best of my knowledge, it did not originate in any way in the U.S. Government.

Mr. HYDE. It did not originate in any way with the U.S. Government?

Ambassador GALBRAITH. As I said, to the best of my knowledge.

Mr. HYDE. Surely.

Now, you say a principal supplier of these arms would be Iran. How principal? Out of 100 percent, what percentage of the arms were Iranian and what were these other anonymous countries?

Ambassador GALBRAITH. Some of this I suppose really could be briefed to you better by those who followed this closely, in the intelligence community.

Mr. HYDE. Just ballpark.

Ambassador GALBRAITH. But my understanding is that by the end of it, less than 50 percent came from Iran and there were certainly other countries who are U.S. allies that were involved in assisting the Bosnians.

Mr. HYDE. We could have kept Iran out then and accepted these weapons from the other countries, and thus, not provided Iran with a foothold in this volatile country; isn't that so?

Ambassador GALBRAITH. Iran already had the foothold in the country, and that was created by the war itself. We were not involved in the business of arms to Bosnia.

Mr. HYDE. Well, my time is up.

Thank you.

Mr. ROTH. [Presiding.] Thank you, Mr. Hyde.

I am going to call on Mr. Lantos for his questions.

Mr. LANTOS. Thank you, Mr. Chairman.

Let me first welcome two of our most distinguished ambassadors who have performed their duties under very difficult circumstances and at great personal risk to their lives during much of this period.

Mr. Chairman, I have the feeling that there is an "Alice in Wonderland" quality to much of this hearing, because we seem to be focusing on April, 1994, when in point of fact, the colossal policy failures of the Bush administration in 1991 and 1992, created a horrible mess by the time the Clinton administration took office on January 20, 1993.

The only good solutions that were present were present 2 or 3 years before this date, and I find it remarkable that with 20/20 hindsight, we are now nitpicking at an Administration decision which in point of fact was a very wise decision. The Iranians had been there. I was in Zagreb in December 1992. It was common knowledge that the Iranians were shipping arms to Bosnia already at that very early stage.

It seems to me that the attempt to focus on this no-instructions policy in April 1994, is basically a camouflage to cover up the most serious policy failure of the Bush administration in the realm of foreign policy. And I speak as one who totally supported the Administration in the Persian Gulf and who was critical of the Clinton administration Yugoslav policy in the early days when it was vacillating and uncertain. But to attempt to make of the Yugoslav policy a failure on the part of this Administration, when so clearly this happened 2 or 3 years earlier, I think is a very transparent and pathetic gesture.

I would like to ask Ambassador Redman, who had broad area-wide responsibility, were there good options by April 1994? Isn't it true that by April 1994 all of the options available to the Administration were fraught with difficulties, shortcomings, dangers and

the Administration happened to choose what in retrospect appears to be the least undesirable option?

Ambassador REDMAN. The options were obviously very narrow and very difficult at that period of time. As I indicated in my statement, our major breakthrough was actually negotiating this Federation agreement, which, for the first time, gave us hope, and I think at that stage, for the first time, gave the Bosnian Government hope. And it was building on that, that this Bosnian Government request to the Croatian Government for arms developed, and in response to the Croatian question, I believe as you put it, we took it—

Mr. LANTOS. Let me just ask one final question, because my time is running out.

Some approach this whole issue with 20/20 hindsight. There were a few of us in Congress who publicly and unambiguously called for action in 1991 and 1992. Basically, we were calling for the use through NATO of a credible threat of force which would have prevented a quarter million people dying, 2 million people becoming refugees, and the whole fabric of Europe remaining whole.

With the vantage of historic hindsight, do you agree, and I would like both of you to answer, whether, in fact, had NATO offered a credible threat of force which was surely sufficient to keep the mighty Soviet Union at bay for two generations, none of this nightmare would have unfolded, that the quarter million people now dead would be living, that the 2 million refugees would be living in their homes, and there would be a peaceful and viable set of countries, or confederation, or whatever, which would have been made possible by using this incredible military force which was available to the West and was so pathetically not used in 1991, 1992 and 1993?

Ambassador Redman.

Ambassador REDMAN. Mr. Congressman, that is a difficult one actually for me to answer, because during the time period you are asking about specifically, I was first in Sweden and then in Haiti, and far removed from these issues. I could only comment that—

Mr. LANTOS. You understand the question?

Ambassador REDMAN. I understand it and I understand the analysis; I just don't feel myself expert enough in that period of time to make that judgment. But we did see at the end of the day when we did get an effective combination of diplomacy and the use of NATO air power, it had a decisive impact, and that was certainly a major factor in our success in Dayton.

Mr. LANTOS. Ambassador Galbraith.

Ambassador GALBRAITH. Congressman, I actually was following these issues, even back then, and I share strongly your view. I believe that a small use of force of active collective security, for example, at the time that the Yugoslav army was assaulting the city of Vukovar or the Navy was attacking the city of Dubrovnik, could have avoided all of this.

The most important thing to understand about what happened in the former Yugoslavia was that it was not the resurgence of ancient hatreds. It was something that was organized, and I think the organizers would never have continued it if they had been met

early on with resolute action, and I don't think it would have required much.

Mr. LANTOS. It wouldn't surprise you that some of us were calling for collective action at the time of Vukovar and Dubrovnik?

Thank you, Mr. Chairman.

Chairman GILMAN. The gentleman's time has expired.

Mr. Salmon.

Mr. SALMON. Thank you, Mr. Chairman.

Ambassador Galbraith, isn't it true that it would be standard procedure for an ambassador like yourself to send a reporting cable back to Washington detailing conversations like the ones you were having with the Croatian Government about the establishment of an arms pipeline from Iran?

Ambassador GALBRAITH. It would be normal procedure to send back reporting cables on—

Mr. SALMON. Something that important?

Ambassador GALBRAITH. On significant conversations.

Mr. SALMON. Right.

Ambassador GALBRAITH. But it happens, and it happened quite often in the course of the time that I have served in Croatia that we did not send back reporting cables on the most sensitive of the diplomatic exchanges.

Mr. SALMON. So on this issue, this particular issue that we are talking about, did you in fact send such a reporting cable at each appropriate step in the course of your conversations with the Croatian Government?

Ambassador GALBRAITH. I sent back a reporting cable on the meeting of April 28th, but not on the meeting of April 29th.

Mr. SALMON. OK. So since you didn't send one back on the 29th, why did you not?

Ambassador GALBRAITH. Ambassador Redman I think has covered this in his testimony. But following the conclusion of the April 29th meeting, since the instructions had been conveyed orally, Ambassador Redman felt that it would be best if he made an oral report, and then if there was a desire for a written report, the people would be in touch with me. The word was then given to me that there was no desire for a written report.

Mr. SALMON. OK. So was there any other dialog from anybody else other than Ambassador Redman as far as any kind of cabling?

Ambassador GALBRAITH. I discussed it with Deputy Secretary Talbott.

Mr. SALMON. And he also felt that it was so sensitive that—am I understanding that correctly, because of the sensitive nature of this, that it was to be kept more secret?

Ambassador GALBRAITH. We had a conversation about it. I don't know that at the time of that conversation that he reached a firm decision as to whether I should have a reporting cable or not. But he or his designees did not get back to me seeking a reporting cable.

Mr. SALMON. OK. It is just my understanding that traditionally, with something such as this, something so important to our foreign policy that there is some kind of a documentation trail. I know that there are sometimes that—and maybe requested that that not be

done, because maybe you don't want a paper trail for what ultimately happened.

Ambassador Redman, you instructed him not to cable on the 29th. Did you receive instructions from somewhere else, or was that your decision?

Ambassador REDMAN. At that stage, that was our decision, based on our conversation after the meeting. As I say, I had not gone out to Zagreb for this particular reason and I didn't really know about this issue until I got there. I thought we ought to simply take advantage of my return the very next morning to make sure that not only did we report, but we did it in the most discrete way possible, so as not to jeopardize the issue, which I did, and I received then the instructions.

I think for us our concern was that we had the right instructions, that we had carried them out properly, and that we reported back to the appropriate superiors, which we did. And that was I think as professional diplomats, our concern in doing this, and I was satisfied on all of those aspects.

Mr. SALMON. Just a couple of points that I would like to make. As one who staunchly supported the lifting of the arms embargo, I am not going to quibble with Mr. Gejdenson, his analysis that the Congress was supportive. I know that there were other senior officials in the military who I talked with privately who were also very, very much supportive of what the Congress was doing, but because of their position in the Administration could not speak publicly about lifting the arms embargo so that the Bosnians could defend themselves. I think all of us recognize the tremendous carnage and bloodshed that was going on over there and wanted desperately for these people to be able to defend themselves.

I think what we are frustrated about, and I think you are sensing that frustration, is that the President stated over and over and over again that that kind of a policy would actually lead to more bloodshed, and that instead, chose a course of covert-type, more covert-type operation to funnel arms—he says legally—I guess it is a loophole, and I guess we are frustrated.

We have heard from this Administration with regard to China they had a position of strategic ambiguity, and I guess a lot of us are wondering, is this simply more of this strategic ambiguity. A lot of us feel we would like to get some strategic clarity. But thank you very much for your time.

Chairman GILMAN. The gentleman's time has expired.

Mr. Berman.

Mr. BERMAN. Thank you, Mr. Chairman.

I have to take exception to my friend from Arizona's analysis of the situation. I have heard nothing that would indicate that this is a covert operation in the meaning of the sense that we require certain things to happen when a covert operation is undertaken.

In fact, very specifically, as we can see from the legislative histories of efforts to expand the meaning of covert operation, which were vetoed by President Bush, this comes nowhere near some of the things that were done in the Reagan administration to seek to implement the funding for the contras.

Mr. SALMON. It certainly wasn't an overt operation.

Mr. BERMAN. This is a distinction between covert operations and secret diplomacy.

Mr. SALMON. Gray line. Somewhere in between.

Mr. BERMAN. Well, one requires certain things and the other one doesn't, and this is a classic case I think of what—but if we are talking here about the wisdom of this policy at this particular time, and I was one of the people who was voting at the time with Mr. Hyde and Mr. Gilman for lifting the embargo, I think that is a very legitimate kind of discussion. But it will not fly.

I cannot believe that any reasonable person listening, and when you pull out all of the different partisan motivations to attack, to defend, can buy the notion that when the Congress of the United States passed a provision prohibiting funds for the purpose of participation and support of or assistance in the enforcement of the Bosnia arms embargo by any department, agency or other entity of the United States, after it has been reported over and over again that Iranian arms are flowing to Bosnia through Croatia, I believe with a little taken off the top for commissions, that after—at that particular time, we visited Croatia, everyone knew that Iranian arms were going to the Bosnians. And the failure of the Congress to seek to exclude Iran specifically, countries on the terrorist list generally, countries that we have had embargoes with, to exclude that means anything other than we were taking notice of what was happening, and while we would have preferred a direct and open lifting of the arms embargo, we knew that this unfortunate situation was important to allowing the Bosnian people to survive and to create a situation.

Now, if the consequences of this were to give the Iranians a new foothold into Bosnia that would cause us trouble for years to come, that is a reason to challenge the wisdom of it. We have heard compelling testimony from two ambassadors, one of whom was the spokesman for the State Department in the Bush administration, if I remember correctly, that that has not been the consequence. To the opposite, to the contrary, that the result of what happened then has led to a situation where the Iranian foothold is far less than it otherwise would have been.

Now, I want to ask one question here. This issue of change in policy versus continuation of policy, is it fair to say that in April 1994, the Administration at that time was enforcing the embargo and in patrols in the Adriatic, but other than that, was doing no specific overt actions to seek to enforce the arms embargo against Bosnia, as opposed to the economic sanctions against Serbia or anything like that; is that a fair conclusion of the state of policy at that time?

Ambassador REDMAN. I think that was a state of policy at that time.

Mr. BERMAN. And therefore, there is nothing about this no-instruction policy that would constitute a change in that policy in that it was not about dealing with patrols on the Adriatic.

Ambassador REDMAN. Not in that context.

Mr. BERMAN. Thank you, Mr. Chairman.

Chairman GILMAN. The committee will stand in recess until the vote is over.

[Vote recess taken.]

Mr. SMITH. [Presiding.] The committee will resume its hearing. Chairman Gilman is on his way back, but we will begin the hearing at this point.

Ambassador Galbraith, in your testimony you said that you did not want to rehash the arguments against the unilateral lifting of the arms embargo, and then you went on to rehash them. As a matter of fact, we hear much today about the no-policy policy, the no-instructions instructions, the no-rehash rehash. Just so it is very clear, I think this is important for all of us to remember, and I have been working this issue since I have been in Congress and since this became an issue. I also chaired the Commission on Security and Cooperation in Europe and was there in Vukovar when the war was breaking out against Croatia and was deeply concerned about the arms embargo. I was against it and thought that President Bush was wrong. Many Members of Congress came to that conclusion more slowly, but Clinton had it right, first as a candidate, and then as a new President who made very strong statements about the importance of lifting that arms embargo. And I think you were right, Ambassador Redman, when you said it was fundamentally wrong. And yet there was a concerted effort to ensure that we did not pass legislation that was authored by a Democrat and not a Republican.

I was the prime sponsor of the bill to lift it, but the amendment that was offered on the floor of the House was offered by Congressman Steny Hoyer of Maryland, and it passed by a two-to-one margin despite a very, very vigorous effort to defeat it by the Administration.

I just say that because I think it needs to be on the record at this hearing that Congress, in a bipartisan way, felt that—as you pointed out in your testimony—because of the arms the Bosnians were able to survive. We believed that we could mitigate and perhaps even end the slaughter against the Bosnians. I met frequently with Prime Minister Kasagic and felt that he was absolutely honest and on point when he said: we don't want your soldiers, we don't want the French, the Americans; all we want is the means to defend ourselves, and we are willing, if you would just lift that arms embargo.

Let me just ask you: you expressed concern about establishing a precedent, and you expressed that today. What about the precedent of permitting a terrorist nation to send arms and agents, what kind of precedent does that send?

Let me also ask you while I am at it, you know, you kind of belittled the fact that we are having this hearing, Ambassador Galbraith, that your conversations about the no-policy or the no-instructions policy only took 3 minutes, as you pointed out in your testimony.

Well, a jury can hear testimony at a hearing, a criminal proceeding or any proceeding for 12 months and take 3 seconds, not even 3 minutes, but 3 seconds to say, "We find the defendant to be guilty (or not guilty)." That is the substance.

It seems to me that when we said it—when the U.S. Government said to Croatia that, there are no instructions—we essentially said yes, you can do it. Why not just be up front and say, "We give you the green light," when that as a consequence is what we meant?

Ambassador Redman.

Ambassador REDMAN. There are many aspects to try to answer that question. First of all, without rehashing again all of the information we have gone over in terms of the Iranian presence that had existed in Bosnia since mid-1992 at least, and which amounted to hundreds of revolutionary guards, for example, in 1993, the fact of the matter was that we had a difficult situation, which I tried to describe in my statement. Because of the Federation, we had a new Croatian initiative which would not have been possible without the Federation. The Croatians, for the first time, were willing to allow their territory to be used to transship arms. We were not involved in initiating that or stimulating that.

I personally have no way of knowing whether the Bosnians or the Croatians had other sources or could have had other sources, but in any case, one of the sources for those arms was to be Iran. We went into that with our eyes wide open. I have to say here that you are asking the question and I will try to answer it.

I was not involved personally in those policy discussions, and what I know now is based on what I have learned essentially after the fact. But we went into those decisions with our eyes wide open, knowing that this was one of the down sides to this decision, but at the same time, for all of the other reasons that I tried to describe in my statement, recognizing that to have said no was going to be a real disaster for the Federation and probably for the Bosnians in terms of their ability to defend themselves.

To say yes was going to put us in a very difficult position with our European allies in particular, who had troops on the ground in Bosnia, and that again goes to the question, it is related to the reasons that we did not, that we do not want to pursue unilateral lift. So that left us with the no-instructions decision, which was neither to approve nor to oppose. But as I think we have testified, with the understanding that the Croatians were in all likelihood going to go ahead.

Mr. SMITH. What would be gained by this diplomatic finessing of the issue as opposed to just saying yes, we approve? That is the consequence of what happened, because they clearly inferred that answer, and you know in your mind that is what was conveyed to them, at least I believe that you would think that.

Ambassador REDMAN. I have said that. I have said that we expected them to go ahead.

Mr. SMITH. Then why not just say "Go ahead?"

Ambassador REDMAN. Think there is a subtle, but important difference, and that difference is whether or not we actually said yes, and that was important to our European allies. This was indeed a Croatian decision. One may argue that the Croatians intended to go ahead from the beginning. That may be the case. But in any case, to have said yes would have put us in a different position and one in which we do not need or want to place ourselves.

Mr. SMITH. If you could answer the question about what I consider to be the very dangerous precedent of allowing a terrorist nation, a rogue regime, to have a beachhead in Bosnia.

Ambassador REDMAN. Again, I will be summarizing very quickly, because the Iranians were already in Bosnia because of the war. They were there in numbers, they were supplying weapons, they

had diplomatic representations in Bosnia because the war had started and given them that opportunity. So there was an Iranian foothold.

Second, we recognized that a downside to this decision was the fact that there could be a greater Iranian influence. But third, because of our ability then to work through diplomacy air power, Croatian and Bosnian military victories, we were able to come to an agreement at Dayton that actually then reduced that presence and influence to—well, I don't have an exact number—to essentially a handful today.

Mr. SMITH. At the point when this decision was made, how many Iranians were there, what kind of material did they have, and what were the expectations as to what would be flowing as a result of the decision? Was it a decision to give the green light to the Iranians to come in? I mean, what did you expect?

Ambassador REDMAN. Again, I don't want to get into a semantics argument here as to what is a decision and what isn't, but in any case, assuming that the Croatians were going to allow arms to flow and that those arms were going to include Iranian arms, I can only reiterate what I said earlier, that this was in fact not a new foothold, that it was something that we in the end were going to be able to control.

Mr. SMITH. But again, that does not answer the question. And the foothold isn't necessarily the full explanation as well. I mean, they could have some Iranians there and some military capability, as opposed to a rather significant amount. What was the expectation and what was our intelligence community saying?

Ambassador REDMAN. Yes, sir. Your question was concerning numbers. These are all estimates.

To the best of my knowledge, and you can obviously verify this with people from the intelligence community, to the best of my knowledge, the best we could ever do in terms of Iranian presence would be an estimate. It was very hard to get firm numbers. But the numbers that I cited earlier on I think are indicative of the community's best estimate, which is that already in 1992 and 1993, there were hundreds of revolutionary guards, for example, that is all before this episode in question, that Iranian arms were flowing, that the maximum number of Iranians was probably in the order of 500, so it could not have been significantly larger in any case than those that were already there in 1992 and 1993. And the bottom line, of course, is that today, we are on a slope toward a very, very small number.

Mr. SMITH. In Ambassador Galbraith's testimony, you say that because of the arms, the Bosnians were able to survive, as if to imply that, had these arms not arrived via the Iranians, they would not have been able to survive.

Earlier, in response to Chairman Hyde's questions, we heard that about 50 percent of the arms came from the Iranians and the remainder came from some unspecified countries. It would be helpful if some of those countries could be made known.

But having said that, why didn't we try to jack up that which would come from those other countries, if indeed they were not terrorist States, as opposed to allowing these arms caches to come from the Iranians. And again you are still, I think, missing the

point somewhat, Ambassador Redman, as to what were the expectations as to what would be flowing?

I mean, we had to have some kind of estimate before saying, OK, the green light is here, go ahead and do it, which is in essence what we signaled. It is a yes without saying yes.

Ambassador REDMAN. I am not sure that we had to have that kind of an estimate. This was a Croatian initiative. We were not involved in setting it up, they did not tell me in any case——

Mr. SMITH. So we were blind.

Ambassador REDMAN [continuing]. As for what kind of arms or how many arms, but rather, that the Bosnian Government as reported by Ambassador Galbraith had asked for assistance.

Mr. SMITH. Shouldn't we have asked?

Ambassador REDMAN. I am not sure why we should have.

Mr. SMITH. If the Iranians were going to send crack troops, intelligence personnel and significant arms capability, wouldn't we want to know that, since it was a breach of an arms embargo? When the Croats said, "This is what we are planning on doing in terms of transshipment," wouldn't a logical request be: "Well, what are you talking about in numbers? What do you expect to be flowing to Sarajevo, to Bosnia, as a result of this decision?" And it was a decision that was made by the Administration?

Ambassador Galbraith.

Ambassador GALBRAITH. Let me just add something to this. The Croats were and are extremely wary of the Iranians, and so I don't think there was a significant danger that they were going to allow large quantities of personnel to transit their territory. They were not going to permit the influx of large numbers of radical Islamic forces. Some got in because of the difficulty of controlling the borders and that sort of thing. But as I said, they were very suspicious of the Iranians.

Mr. SMITH. But still, we did not make inquiries as to what numbers would be——

Ambassador REDMAN. We remained consistent with our no-instructions policy, which was neither to approve of or oppose. It was their initiative and they were going to carry it out.

Mr. SMITH. Again, you would admit that we gave the green light, because we were in a position to say no?

Ambassador REDMAN. I think we went through that earlier.

Mr. SMITH. I want it to be clear. The no-instructions sounds like it is neutrality, but it is not neutrality. We decisively came down to the side of allowing the Iranians to come in.

Ambassador REDMAN. It was our expectation that the Iranians would go ahead with arms shipments and that would include Iranian arms, and that is why that decision, which was a difficult estimation, was made.

Mr. SMITH. Was covert action ever contemplated within the Administration so that the United States could control what went in, especially with regard to keeping Iranian agents out?

Ambassador REDMAN. Not to my knowledge, but I——

Mr. SMITH. Mr. Martinez.

Mr. MARTINEZ. I guess we have expanded the time to 10 minutes rather than 5 minutes, so I would admonish the Chairman that that light should go twice before he gives me the time up.

Look, you can make a mountain of a molehill if you want to, but you can't really. My dad used to say, "The pot shouldn't call the kettle black." They are even getting you to do it. But the Iranians weren't the only ones that were supplying arms. In fact, wasn't it a fact that the OIC got together and were trying to pressure the United Nations to lift the embargo and also that there were seven countries involved there that were sending arms?

Either one, Mr. Redman, Mr. Galbraith.

Ambassador REDMAN. I think your point concerning the OIC pressure was correct and I think there were other Islamic countries also that were very much involved in trying to lift the arms embargo.

Mr. MARTINEZ. The question comes up, why not tell them yes, go ahead, give them the green light, and they keep referring to it as that is what you did anyway. I want to remind my colleagues on the other side that when we got embroiled in the situation in Iraq, that when our ambassador under the Bush administration did write a memo telling the Iraqis that we had no problem should they invade Kuwait, and they immediately did, and then that was proof there of a bad diplomatic decision. I believe that the preference would have been not to do that, and I don't see people on the other side making a big to-do about that.

What I would ask you is, isn't it a diplomatic ploy, would you say, or diplomatic normality to not put sensitive things in writing and where there has been no policy decision regarding an actual, in effect, action in writing?

Ambassador REDMAN. I can answer that in general terms from diplomatic experience, which is that it is—it depends on circumstances, but it can be in fact common, as it was during my time as Special Envoy to the former Yugoslavia, to receive in fact the large majority of my instructions orally and to report orally. So that it is certainly not unprecedented by any stretch to proceed in this manner.

Mr. MARTINEZ. The other thing is that, you know, we say it was a policy decision. You can't make that an illegal action. But in the last Administration, or not the last Administration, the Administration before that, there was actually an illegal action taking place where we sold arms to these same people we are talking about, Iran, and we turned the money we got for that, we bought arms for—that was definitely against the law—for the contras in South America. And there was a conviction on that, and never mind that later it was overturned, for what reasons I don't know, but that was an illegal action that led to a war. And your legal action led to a peace, or what looks like will be a peace.

I would, if I were going to err on the side of one way or the other of a policy that was beneficial or a policy that was detrimental, I would have selected the policy that you all chose to not get involved, and that is simply all it is. I don't know why we are holding this hearing when we have already agreed to name a select committee to do the investigation and we just seem to be wanting to beat the drums and continue to harangue and harass.

I would suggest to my colleagues on the other side to let sleeping dogs lie so that we can get our job done and do the job that people elected us to do. If we keep harassing every decision that is made

by the Administration at this point in time and trying to second guess them when it is really not our position to do so, we may have some constructive criticism we want to offer, and we should, but to follow the procedures they are following now and lead to nothing constructive, I would suggest that this folly is going to lead us nowhere but to more dissension in the ranks.

And I would yield back the balance of my time.

Chairman GILMAN. [Presiding.] I thank the gentleman for his remarks.

Mrs. Meyers.

Mrs. MEYERS. Thank you, Mr. Chairman.

Ambassador Galbraith, were you ever reprimanded for your actions in connection with the Administration's acquiescence in the establishment of the Iranian arms pipeline?

Ambassador GALBRAITH. I think I would say that I was not reprimanded, and in fact, and certainly in no formal sense. I had a conversation with one official who was a little uncertain as to how the instructions had been carried out, and when I explained it to him, he was perfectly satisfied.

Mrs. MEYERS. But this individual told you that you were reprimanded?

Ambassador GALBRAITH. I am not sure he used precise—in fact, I don't think he used that word.

Mrs. MEYERS. What word did he use?

Ambassador GALBRAITH. I think it was rap on the knuckles. But again, it was based on incorrect information.

Mrs. MEYERS. And what incorrect information was that?

Ambassador GALBRAITH. Well, it was incorrect—I mean, it was incorrect information on how I had carried out my instructions. I explained that I had said I had no instructions. And in fact, the very things that I have described to you, I had no instructions, and pay attention to what I didn't say. I explained what Ambassador Redman had said, and the official was completely satisfied that the instructions had been carried out properly.

Mrs. MEYERS. Do you know why Deputy Assistant Secretary Vershow reprimanded you or gave you a rap on the knuckles? If you are not sure, did you have any suspicions about why he did this?

Ambassador GALBRAITH. I think Mr. Vershow explained that, but my impression was that he did not have accurate information on how the instructions had been carried out, and again, when I explained how they had been carried out, he was fully satisfied.

Mrs. MEYERS. You were told to say that you had no instructions?

Ambassador GALBRAITH. That is what I said.

Mrs. MEYERS. And that is what you said. What did Mr. Vershow think you said?

Ambassador GALBRAITH. Again, I don't know what Mr. Vershow thought I said, but when I explained to him what I had said, he was satisfied.

Mrs. MEYERS. Well, how did you feel about this rap on the knuckles or reprimand? Did you take it seriously?

Ambassador GALBRAITH. Once the confusion was explained, there was no reprimand, there was no rap on the knuckles, so that was the end of it.

Mrs. MEYERS. Did you take any specific action as a result of this reprimand?

Ambassador GALBRAITH. Well, since it wasn't a reprimand, I am not sure I took a specific action. I did prepare a cable—not a cable; I prepared a memo describing the entire set of conversations so that there would be a record of these conversations.

Mrs. MEYERS. For your file?

Ambassador GALBRAITH. Well, to have a record of what was said, yes, and I kept it in my files.

Mrs. MEYERS. Would it be fair to surmise from this episode that there were some officials back in Washington who had doubts about the decision they had made and were looking for someone to blame if the policy blew up, and you were being very careful when you wrote that memo for your file?

Ambassador GALBRAITH. Yes. I was being careful, because I felt there should be an accurate record of what we had said to the Croatians and on the instructions.

Mrs. MEYERS. Do you think that Deputy Assistant Secretary Vershow was acting pursuant to instructions?

Ambassador GALBRAITH. Yes, I think that is correct.

Mrs. MEYERS. From whom?

Ambassador GALBRAITH. I am not sure.

Mrs. MEYERS. What would you guess?

Ambassador GALBRAITH. Well, from the higher authorities in the Department of State. Again, I think there was a misunderstanding on the part of some people about what I had said and how the instructions had been carried out.

Mrs. MEYERS. Well, I don't know, Ambassador Galbraith, it looks to me as if they realized that this was not turning out well at all, and that they wanted to get a reprimand to you on the record. And you, I think very wisely, wrote a memo to yourself and put it in your file, or a memo about what took place and put it in your file.

I know that there has been a lot of talk today about how everybody in Congress absolutely knew everything that was going on. But I don't think that is true. It certainly isn't true in my case.

I think that there were a great many of us who thought that arms were finding their way into Bosnia through Croatia, but we didn't know that Iran was involved, we didn't know that Iran was maybe the only shipper or certainly the principal shipper. We didn't know that people, the guards, were coming in. We didn't know that training was taking place for terrorist activities. There was a great deal that we didn't know that I think probably was known and was not conveyed to us.

I think your reprimand for this was a result of all that Congress did not know. I think it was a sham reprimand, and I think your memo in your file indicates that you were aware of that, and I would like to hear any comments that you have to say.

Other than that, Mr. Chairman, I yield back the balance of my time.

Chairman GILMAN. I thank the gentlewoman.

The gentlewoman's time has expired.

Mr. Hastings.

Mr. HASTINGS. Ambassador Redman and Ambassador Galbraith, I want to personally thank both of you for the rather extraordinary

efforts that both of you, your staffs and persons with whom you interfaced put forward on behalf of this country. Obviously, many of the things that you did allowed for the ending of a massive amount of destruction, and rather than being grilled, you probably need each to be applauded. And I appreciate also your forthcoming statements, both those offered in writing, and here in your responses.

Isn't it the U.S. policy to continue to use all leverage available to us, economic assistance as well as military assistance, to continue to get all of the Iranians out of Bosnia?

Ambassador REDMAN. Yes, it is.

Mr. HASTINGS. Let me ask just a couple of other quick questions. I regret very much that my colleague, Mr. Smith is not here, but I hope that his line of questioning was not intimating that American officials were remiss in not orchestrating the violation of arms embargo, and I hope he wasn't saying that our ambassadors should have found countries to supply arms. I intend to put that to him at the appropriate time.

Ambassador Galbraith, did U.S. officials at any time take direct action to encourage or facilitate the smuggling of weapons into Bosnia from Iran?

Ambassador GALBRAITH. To my knowledge, no, and I am quite sure that nobody did.

Mr. HASTINGS. I read where you said the U.S. Congress was aware of the Iranian arms shipments, and I understand in general terms different from my colleague who just spoke, if the reports that were coming across the wire were to be believed—and the wire I am talking about is the public press—I sure knew, and I knew in 1992 when I was getting elected to Congress and ran on the issue, as a matter of fact, and I imagine others did as well. We may not have known everything, but we certainly knew some things.

How was the Congress made aware of these shipments, to your knowledge, Mr. Galbraith? I cited one, the media.

Ambassador GALBRAITH. Of course I was in Zagreb, so I don't fully know. However, the media, as you said, was one. Second, there were numerous intelligence reports in an intelligence document that I know is available to the Congress.

Mr. HASTINGS. You were asked, both of you, about cables. Were American officials instructed not to cable information about the arms shipments?

Ambassador REDMAN. About the arms shipments?

Mr. HASTINGS. Yes. About this Iranian business. Were you told not to cable information?

Ambassador REDMAN. The only time that this came up was when we needed to determine how we should reply back to Washington after this meeting in Zagreb, and, as I said, I took that up directly in Washington and was informed at that point that they didn't need any written followup.

Mr. HASTINGS. Right. My final statement doesn't require a response, but I wanted to get this in the record, since everybody else is making this record today.

A central criticism of the "no instructions" policy that you two gentlemen have testified here about allows that, according to some,

it permitted the dangerous military and intelligence penetration of Bosnia by Iran.

Yet we know just from using open, public sources, the U.S. decisions in April 1994 did not give Iran a beachhead in Bosnia; Iran and other Muslim countries were already there. And I might add for historians and the buffs of history, Islam has been involved in the Balkans since fights with the Ottoman Empire, if we just want to go back into it.

The Iranian connection with Bosnia was well in place before April 1994, even before the war broke out in April 1992, and therefore before the Clinton administration was in office we know that President Izetbegovic visited Tehran in May 1991.

We know that in March 1992 Iran is the first Muslim country to recognize Bosnia. We know that arms from Iran, as well as other Muslim countries, flowed into and were flowing into Bosnia starting from 1992. We know that in December Bosnian leaders in 1992 were quoted as calling Iran Bosnia's best friend in the world.

In February 1993, the Organization of Islamic Countries, led by Iran and Turkey, appealed to the United Nations to remove the arms embargo on Bosnia, and, as of 1993, there were up to 500 Iranian revolutionary guards and other military and intelligence personnel in Bosnia.

And any Congressperson that did not know all of that, that serves on the Committee on International Relations, was not doing his or her job.

I thank you, gentlemen.

Ms. MCKINNEY. Mr. Chairman, I have a statement that I would like to submit for the record.

Mr. SMITH. Without objection, yours and every other statement of any member who would like to, so ordered.

[The prepared statement of Ms. McKinney appears in the appendix.]

Ms. MCKINNEY. I would just like to conclude this by saying we ought to be commending the Clinton administration for a policy that has put an end to ethnic cleansing and that has given us an opportunity for a lasting peace.

Instead, what we are witnessing here today for the last 2½ hours has been partisan politics, political posturing, canned questions, a waste of money—and, Ambassador Galbraith, you should be back in Croatia—an example of the skulduggery of desperate politics.

Thank you, Mr. Chairman.

Mr. SMITH. I thank you, Ms. McKinney.

I yield myself such time as I may consume.

Let me say, the statement was made earlier, Mr. Ambassador—I believe it was the gentleman from Connecticut who said it—that it was in the Washington Times. Therefore, members of this committee should have been aware of what was going on.

Just let me remind everyone, on June 24, 1994, in the Washington Times, there was a story about this, and yet paragraph 3 says, "A senior U.S. official said last night the U.S. Government opposes the Iranian arms shipments because they undercut U.S. sanctions. 'There is no U.S. support for what Iran is doing,' the official said."

Now, do either of you gentlemen have any clue as to who that was and whether or not that adequately and accurately represented the Administration?

Ambassador REDMAN. No, sir, I don't know what the basis for that was.

Mr. SMITH. I hope the media takes note of this, so that when we hear statements that, because it was in the Washington Times, according to Mr. Gejdenson, that somehow meant we acquiesced to this policy, they do not forget that we were getting misreads and statements from the Administration clearly stating that they were opposed to it.

As a matter of fact, you know, when I saw this—and now I just saw it again, it was handed to me—I was reminded that we clearly thought that this was something that the Administration didn't like as well.

Have you seen that quote, Ambassador Galbraith?

Ambassador GALBRAITH. No, I have not, or at least not in 2 years.

Mr. SMITH. It is up to the Administration to adequately inform, through consultations, Members of Congress as to what it is doing; and there are many Members; I was just talking to one such distinguished member of the Committee on Appropriations who felt greatly misled by the Administration and by the Chief Executive, in particular, on this very issue.

So let me say that ambiguity, in the sense of sending mixed signals, was clearly what was conveyed to a number of Members of Congress, including this Member.

Ambassador Redman, 2 months after you and Ambassador Galbraith conveyed your message to the Croats, the House debated an amendment offered by Chairman Gilman, among others, to terminate the U.S. arms embargo of Bosnia. This was in June 1994. In July, and again in August of that year, the Senate debated a similar amendment.

The Administration opposed and lobbied against all of these amendments. Isn't that right?

Ambassador REDMAN. Without having the record of all the amendments in front of me, I have to take your word for it.

Mr. SMITH. Lifting the arms embargo.

Ambassador REDMAN. Lifting the arms embargo unilaterally, yes, sir. Yes.

Mr. SMITH. There was a vigorous lobbying attempt. Did you personally participate in the Administration's lobbying efforts by, for example, contacting Members of the House or Senate or to urge them to vote against the amendments, either of you?

Ambassador REDMAN. My role was to come up one day as a resource person while I think there were conference committees meeting, and I was occasionally talked to or called in.

But basically, at that stage, I was asked what would be the effect on the negotiations, in which I was the lead negotiator, if a certain timing were to be introduced into these various lift resolutions. That was the focus of my only visit up here on that issue.

Mr. SMITH. Ambassador Galbraith.

Ambassador GALBRAITH. Of course I was in Zagreb, so I wouldn't have been involved in making representations to the Congress,

with the exception of, when visitors came, I would, of course, explain our policy, and on a couple of occasions I was asked to make some calls back to Members of the Senate that I knew, and I did so.

Mr. SMITH. So you did lobby by way of phone and fax?

Ambassador GALBRAITH. Yes, I made calls to several Members of the Senate when I was requested to do so.

Mr. SMITH. Did either of you ever make the arguments to Members of Congress or staff that terminating the U.S. embargo could result in the Iranians following suit and thereby gaining a foothold in Bosnia?

Ambassador REDMAN. Would you please repeat that again?

Mr. SMITH. Did you make the argument to any Members of Congress or any staff members that terminating the U.S. arms embargo could result in the Iranians, because the embargo was lifted, gaining a foothold in Bosnia, because now they would be free, just like every other nation, to send arms?

Ambassador REDMAN. It was not an argument I ever made.

Ambassador GALBRAITH. Nor was it an argument that I made.

Mr. SMITH. You are aware that Deputy Secretary Talbott made precisely that argument in a letter to Senator Warner dated May 4, 1994, are you not?

Ambassador REDMAN. I am not aware of that.

Ambassador GALBRAITH. I am not aware of that.

Mr. SMITH. You would agree, would you not, that in light of what we know today, the Administration's policy, the argument made by Mr. Talbott in that letter is, at best, disingenuous?

Ambassador REDMAN. I really can't comment on it. I haven't seen the letter, and I am not sure what is implied in there.

Mr. SMITH. Would you, after this hearing, review that letter and respond in written form to that?

Mr. REDMAN. Yes. Sure.

Mr. GALBRAITH. Yes.

[The information was supplied following the hearing.]

We have reviewed Acting Secretary Talbott's May 4, 1994 letter to Senator Warner and the enclosed response to specific questions regarding the potential consequences of unilaterally lifting the arms embargo against Bosnia.

The letter and attached responses lay out our concerns that unilaterally lifting the arms embargo would have jeopardized our cooperation with our allies aimed toward ending the war and would have undermined the authority of other U.N. Security Council resolutions. It was U.S. policy at that time to seek an end to the embargo against Bosnia through a decision by the U.N. Security Council. The Acting Secretary's letter provides a clear and accurate explanation of U.S. policy at that time.

Mr. SMITH. In lobbying against lifting the arms embargo, did you ever make the argument to Members of Congress or staff it was unnecessary to lift the U.S. arms embargo because arms from other countries, particularly Iran, were already getting through to Bosnia?

Ambassador REDMAN. No, sir.

Ambassador GALBRAITH. Yes. I mean, I am not sure—I cannot recall now how explicit I was, but I certainly—in having these discussions about unilateral lifting of the arms embargo, I did make it clear that arms were going through and we were not objecting, and, therefore, the result of enabling the Bosnians to defend themselves

was being achieved without all the adverse consequences of unilateral lift that I described in my opening statement.

Mr. SMITH. So Iran's providing those arms was used, indeed, as a way of trying to defeat the legislation?

Ambassador GALBRAITH. I pointed out that the Bosnians were receiving arms and that if in this way they were increasingly able to defend themselves and the adverse consequences of unilateral lift therefore could be avoided.

Mr. SMITH. Did either of you, in any contacts you had with Members of Congress during the spring or summer of 1994, ever reveal that the Administration had acquiesced in the establishment of an Iranian arms pipeline to Bosnia?

Ambassador REDMAN. No.

Ambassador GALBRAITH. Again, what I said was that arms were flowing into Bosnia and that we were not objecting.

Mr. SMITH. So you did reveal that in your lobbying?

Ambassador GALBRAITH. Well, I have described what I said, that arms were flowing into Bosnia, that we were not objecting. If people asked what countries, I would, of course, answer what countries were providing weapons.

Mr. SMITH. So far as you are aware, did anyone from the Administration reveal this fact to any Member of Congress during the spring or summer of 1994? You said you did, but did anyone else?

Ambassador GALBRAITH. I wouldn't know.

Ambassador REDMAN. Nor do I.

Mr. SMITH. Do you think that Members of Congress would have liked to know about that secret policy, that we would have considered it relevant to the debates that we were having on the arms embargo?

Ambassador REDMAN. The best we could do, from our perspective—

Mr. SMITH. I don't remember seeing it in any literature I got from the Administration during their lobbying effort. If we have to ask of the solicitors who may be breaching the arms embargo, if we are lucky enough to have such a consultation—I mean, I don't remember seeing it myself, coming across my desk, that one of the participants in the arms embargo pipeline was Iran.

Ambassador GALBRAITH. Again, all I can say on this subject is, there were numerous references to the fact that Iran was providing arms contained in intelligence documents that I know are available to the Congress.

Mr. SMITH. Did it ever occur to either of you at the time that the revelation of this secret policy to the Congress might have affected the outcome of the debates we were having on ending the U.S. arms embargo?

Look at the record. I mean, nobody was up there talking about it, so if you were revealing this to Members of Congress, it certainly was on a very selective basis.

Ambassador REDMAN. I can only say that wasn't really my goal. I was overseas negotiating, so I really wasn't functioning in that context.

Ambassador GALBRAITH. And it certainly wasn't my role. I was in Croatia, and any conversations I had were principally with people that came through Croatia.

Mr. SMITH. In your opinion, would the Congress have been more likely or less likely to vote to terminate the U.S. arms embargo of Bosnia in 1994 if it had known that the Administration's secret acquiescence in the establishment of an Iranian pipeline to Bosnia had been in effect? I am asking for your judgment.

Ambassador REDMAN. I really have no way to judge that, sir.

Ambassador GALBRAITH. Again, I wasn't involved in handling congressional issues; I was involved in the region.

Mr. SMITH. Mr. Rohrabacher.

Mr. ROHRABACHER. Thank you.

Of course, we are not saying that you two fellows are responsible for this policy, are we? This is the policy of the Administration we are talking about now. We are not saying whether you are responsible or you are responsible. We are saying, what was the policy of this Administration at what time, and was it being honest with the people of the United States? Was it consistent with the law? Was it being honest with our allies?

And what I am hearing is that the policy of the Administration was dishonest with our allies, it was not being honest with the people of the United States, was inconsistent, its policy sub rosa was inconsistent with its policy on the surface. Isn't that what we are being told here?

Ambassador REDMAN. I would not agree with that.

Mr. ROHRABACHER. You wouldn't. All right, tell me where I am wrong.

Ambassador REDMAN. I think we have been over a lot of that ground previously.

Mr. ROHRABACHER. I have been told this is the best thing to do. By doing this, by making this decision of noninterference, it made all the difference, I think was the phrase you used. Lifting the embargo, basically we were lifting the embargo unilaterally; but we can talk about that.

But the decision that was made made all the difference apparently, because it addressed the military imbalance—military imbalance is what you said there—and if it had not been made, the unarmed Bosnians would barely have survived, at best.

Now, all I can say is that certainly maybe the conditions called for some type of decision, but when we come down to it, all those things are justifying the lies that we told to our allies, the lies that were told to our people, and the inconsistency between our officially stated policy and the real policy that was being followed.

Ambassador REDMAN. I think the only point that one should continue to not lose sight of is that, in spite of what were obviously some discreet or secret diplomatic exchanges, the actual implementation of that policy was by no means a secret to anyone, neither to our allies or, in fact, to the American public through the media. It quickly became known.

We have gone over before the reaction of our various allies, and in fact our position turned out to be very much the same as that of our allies, which was not to object.

Mr. ROHRABACHER. Excuse me. You are saying our allies were aware that at one point, if we had spoken up, we could have stopped that pipeline of weapons?

Ambassador REDMAN. What I am saying is, our allies were aware there were arms flowing and were not objecting. I think that was an honest position.

Mr. ROHRABACHER. Well, I will tell you that this Congressman, who has been on this committee now for 4 years and have followed this issue for 8 years basically—ever since we started having trouble down there in the Balkans—I didn't know that this Administration's policy was basically not to interfere when we had a chance to interfere with an arms pipeline that was coming from Iran into the Bosnians.

I was one of the biggest backers of lifting the embargo. I was pounding on the desk. That is why earlier, when Ambassador Galbraith stated the policy of the Administration was to lift the embargo, that is why I was incredulous, because I can remember having the Secretary of State right where you are sitting, and I remember when I was begging and pleading for the lifting of the embargo, and it was a big negative on his part, and it was a big negative on the part of the President of the United States when it came to lifting the embargo. Well, there was an excuse: We have to all do it together with our allies or not do it at all.

There is always an excuse. There is always a way of having it both ways. It seems like the Administration is trying to have it both ways again. It is going to have it one way with our allies and with the American people, and with people like myself, who are elected to oversee foreign policy, and it is going to have it another way in the real policy that is going on sub rosa when we have a policy of no instructions, when we realize that "no instructions" means the establishment of a pipeline from Iran into Bosnia.

I don't call that honest government at all. I don't call that being truthful.

My friend from the other side of the aisle talked about the Iran-Contra affair. There was never any law, ever, about selling arms to Iran. That was not breaking the law. But President Reagan made a bad decision because the official policy of the Government was at that time that we weren't going to deal with Iran. So people were upset.

Don't you think the people have the same right to be upset with this total inconsistency?

Ambassador REDMAN. I think we have explained in some detail the background for this policy, the rationale for it, and, most importantly, why it worked.

Mr. ROHRABACHER. Let me just say that, first of all, having some experience in the executive branch as well as the legislative branch of government, my red flags go up whenever I hear people talking about, all the reporting was done orally and that no written reports were required.

Doesn't the fact that in all of your activity and all of the activity that was done that resulted in an arms pipeline, funneling arms from Iran into Bosnia, that all of the activity that we were engaged in that led to that result, that it is not in writing and that people did not want these things in writing—doesn't that indicate that the people themselves knew they were doing something wrong and that the Administration was actually doing something that was wrong?

Ambassador REDMAN. No, sir, not at all. The decisions were made by the competent and appropriate authorities, they were transmitted by the appropriate authorities, they were carried out in the appropriate manner, and they were reported back in a way—

Mr. ROHRABACHER. You say the appropriate manner is to leave no paper trail?

Ambassador REDMAN. That may be the case, yes, sir.

Mr. ROHRABACHER. That is not the case with a democratic government, that you don't leave a paper trail. In a democratic government, where you have a legislative and executive branch, you make sure you put things in writing like Mr. Galbraith did. He made sure he had a memo in his record when it looked like he might have to be a scapegoat when this was found out.

Paper trails are basically evidence to show who is doing what and when, so that people in a democratic government can determine who is making the policy and what the policy of a democratic government is.

You are talking as if our government is being run by people who just really don't trust the elected branch of government, and that is an acceptable behavior, and that we are left out in the dark.

Ambassador REDMAN. All I can refer to is the way diplomacy is practiced. I have served in many more Republican administrations than I have Democratic, and I will say that what happened in this case was not unusual.

Mr. ROHRABACHER. Well, I will say this then in answer to that: If this was a Republican administration, I believe that there would be a lot more problems in the press about this issue and there would be a lot more problems with our friends on the other side of the aisle, who now seem to be pooh-poohing this.

If you will indulge me one more moment, Mr. Chairman, look, some of us for years were pleading to lift the embargo, and when we hear Ambassador Galbraith talk about how it made all the difference and it addressed the military imbalance, we knew that.

We were pleading—as hundreds of thousands of people lost their lives, we were pleading with the Administration, this Administration and the one before it, to get rid of this stupid embargo that left the victims helpless in front of a well-armed aggressor.

Now, instead of changing the policy openly, like should be done by a democratic government, and stating to the world this is what our policy is, we are going to lift the embargo, which would have meant that moderate—perhaps moderate Islamic states, like Turkey and Pakistan, would have their influence in the Balkans—instead, we were basically conducting covert policy that left the Iranians, who are a terrorist nation, with basically influence in the Balkans that they shouldn't have had.

Again, you were not the ones that were making the policy, you were carrying out the policy, and I believe that what we are talking about is what happens when people at the highest levels of government do not have the integrity to make a decision, make it known, and stand by their decision, because it is the best course of action, even though there is some downside to it.

With that, thank you very much, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Rohrabacher.

Mr. Campbell.

Mr. CAMPBELL. Thank you, Mr. Chairman.

I would like to preface my remarks by a word of gratitude to these two gentlemen for giving their careers to the foreign service. I appreciate it, and I know the people of the United States do. It is a difficult task, and I applaud your having chosen that as a career.

I have two lines of inquiry. Let me state them in advance. The first would be the degree to which the present Bosnian Government may be grateful to the Iranian Government. The numbers of troops, you explained, or the numbers of revolutionary guards, you explained that they had diminished. But a debt of gratitude is one area I would like to hear explanation on.

The second is, sometimes people can change their mind, and it is the right thing. I have often. And at least in public life I know it is sometimes more painful than in private. I am really not sure whether the Administration changed its mind, in which case it could be fine; or whether the Administration, to the best of your ability to tell, was following a consistent policy; namely—and let me just try my best, and then I will ask for your response—namely, picking up from your testimony, that this Administration was against the embargo from the start but did not wish to remove it unilaterally, gave no instructions regarding the trickle, gave no instructions regarding the larger flow, though knowing that effectively was contravening the embargo, it was not doing so officially and hence not breaking faith with our allies.

If that was the policy, I think I can string together each pearl in the necklace and make it a whole, but I am not sure that is the policy.

So those are my two lines of inquiry. The first then would be: Is there not a debt of gratitude by the Bosnian Government to Iran for supplying them with arms as a result of this policy? And then the second: Do I have the consistent policy right, or was there a change in policy?

Ambassador REDMAN. I think on the second part—that is the simpler part—as I understood your explanation, that does hang together.

Mr. CAMPBELL. It is the best I could do to string it together.

Let me just ask if I might, Ambassador Galbraith, do you agree—you were there all the time—that that was the consistent policy on the Administration?

Ambassador GALBRAITH. Yes, I agree with that.

Mr. CAMPBELL. Thanks so much. Now on the second one regarding the debt of gratitude?

Ambassador GALBRAITH. I am the ambassador to Croatia, not to Bosnia, so I am not the foremost expert on Bosnia, although I am in the region. I can only speculate. I imagine that there are Bosnians who feel gratitude toward the Iranians. On the other hand, they have gone ahead and they have expelled the vast majority of the Iranians.

I will make one other point, which is: Bosnia is not at all fertile ground for Iran. The Bosnian Muslims have lived in a multi-ethnic, European society, and, indeed, I think many people felt that, of the three peoples in Bosnia—the Serbs, the Croats, and the Muslims—

that the Bosnian Muslims were really the most Western of the three peoples.

Second, Iran is a Shiite nation. That is a particular branch of Islam, as you know. I don't think there are hardly any Shiite, or perhaps none at all, in Bosnia. So it is really different, culturally and religiously.

So I don't think there is much opportunity there.

Mr. CAMPBELL. Because it is an amber light, I am sorry, I have to jump in.

Ambassador Redman, do you have anything to add on the question of indebtedness?

Ambassador REDMAN. No, I don't.

Mr. CAMPBELL. One last followup on that last point. I know I am putting a leading question, but that is not uncommon in this particular forum. There is more gratitude on behalf of the Bosnians to Iran because of the arms shipment than there would have been had the arms shipment not occurred. Is that not correct?

Ambassador REDMAN. That is really difficult for us to answer. It sounds like a logical construct, but obviously only the Bosnians could answer that question for you.

Mr. CAMPBELL. Of course. You are a better expert than I am. I admitted it is a leading question, but I think it is a fair question.

I think you have been straightforward. I applaud your willingness to serve our country. I prefaced by that. I just have to say, they are going to be grateful. Maybe the guards are expelled. And if you would admit that, I would be grateful. If you don't feel you can admit it, I suppose I understand. I am just a little regretful.

Ambassador GALBRAITH. I think I answered your question to say that there were—I speculated, since I am not the ambassador to Bosnia, that there would be Bosnians, including perhaps some in the government, who would be grateful to Iran.

Mr. CAMPBELL. My concluding question was: Would not the Bosnian Government be more grateful than if we had not followed this policy?

Ambassador GALBRAITH. Well, again, I mean, it is a simple statement. Obviously, they would be grateful for the arms. My impression is, however, that—my impression and, indeed, my knowledge—and the facts bear this out—is that what the Bosnians really appreciate is the decisive role that was played by the United States in orchestrating the militarily decisive NATO air strikes that turned the tide and in conducting the negotiations that produced a peace agreement.

Mr. CAMPBELL. I regret you didn't answer my question directly, but maybe you couldn't.

Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Campbell.

Mr. Ballenger.

Mr. BALLENGER. Thank you, Mr. Chairman.

Fellows, I appreciate your situation; let's put it that way. At least we have been running around all this place and you having to sit there.

Ambassador Galbraith, I want to follow up on your response to Mr. Hyde's question. Is it true that neither you nor anyone else in our government went to the Croatians, the Bosnians, or the Ira-

nians, to suggest that they consider establishing an arms pipeline from Iran or to tell them that we would not object if such a thing were to happen? Is that correct?

Ambassador GALBRAITH. That is correct, to the best of my knowledge.

Mr. BALENGER. All right. Neither you nor anyone else within our Government ever approached a third party to suggest that they suggest to the Croatians, the Bosnians, or the Iranians that they consider establishing an arms pipeline from Iran or to tell them that we would not object if such a thing were to happen. Is that correct?

Ambassador GALBRAITH. As I understand your question, yes, I think that is correct.

Mr. BALENGER. That nobody suggested and so forth and so on. There has been a press report suggesting that you may have helped inspire the Croats to do this in a meeting you had with some Croatian Muslims. Can you comment on that allegation?

Ambassador GALBRAITH. I don't know of any press report. I can say that I did not, to the best of my knowledge, inspire this suggestion.

Mr. BALENGER. Ambassador Redman, as far as you know, is it true that no one within the U.S. Government helped inspire this idea or otherwise set in motion a chain of events leading to the Croatian request or the views of our Government on establishing an arms pipeline from Iran?

Ambassador REDMAN. As far as I know.

Mr. BALENGER. Let me quickly throw in one thing. It is really the dates and how it seems a little bit devious. But on April 27th—and this is according to the New York Times and the Washington Post—on the way back from Nixon's funeral in California, President Clinton, Assistant Secretary Lake, and Assistant Secretary Talbott decided that secretly facilitating arms shipments from Iran was within the letter of the law and decided to send instructions on no instructions implicitly condoning the operation. That was on April 27th.

On May 4, again—this was that letter that you have not read, I think, to Senator Warner—Secretary Talbott said that although the Administration believed the embargo punished the victim in the conflict, a number of serious problems would ensue if it was lifted.

Most importantly, we would jeopardize the chances of addressing the Bosnian crisis in concert with our allies and undermine the authority of the U.N. Security Council resolution.

Those two things occurred within 1 week of each other, which to some extent seems a little two-faced as far as the public is concerned.

I am not asking a question. I am just trying to make that statement that, to me, since we were here trying to vote on what we should do and what we shouldn't do, to have the Administration decide that having the arms come in was a positive effect but was within the law, but at the same time in a letter to a Senator, Secretary Talbott said that he thought it was wrong to do that, that, to my way of thinking, somehow just doesn't fly.

Thank you.

Chairman GILMAN. Thank you, Mr. Ballenger.

Mr. Funderburk.

Mr. FUNDERBURK. Thank you, Mr. Chairman.

Chairman GILMAN. I am sorry, Ms. Ros-Lehtinen.

I am trying to call them in order.

Ms. ROS-LEHTINEN. I withhold my time.

Mr. FUNDERBURK. Ambassador Galbraith, do you know why State Department South Asia Bureau Assistant Secretary Robin Rafael traveled to Pakistan, and with which officials did she meet, and what was the purpose of the visit?

I apologize for the fact that I have been in another committee, and these questions may have been asked before.

Ambassador GALBRAITH. That question was not asked, and I don't know anything about it.

Mr. FUNDERBURK. OK. Could you tell this committee if it was you who initially conceived of the Iranian arms deal and cabled the concept back to Washington, or if it was proposed by another party, and, if so, who was that party?

Ambassador GALBRAITH. I did not conceive of the Iranian arms deal, and if it was—presumably it was conceived by another party, that being, as best I know, the Bosnian Government and the Iranians.

Mr. FUNDERBURK. Did you endorse the idea? Did you support the idea?

Ambassador GALBRAITH. I supported, as I said in my opening statement, the instructions that I received to tell the Croatians that we had no instructions. That I supported.

Mr. FUNDERBURK. Thank you.

Chairman GILMAN. Thank you, Mr. Funderburk.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I also thank the gentlemen for their patience in being here with us at this very important topic.

As you will recall, there were some interesting press reports in 1995 about these phantom flights that were occurring into Tuzla in February 1995, and they were suspected at the time of delivering weapons to the Bosnian Muslims.

Those reports indicated that a number of our allies suspected at the time that these flights were part of a covert U.S. mission to supply arms to the Bosnians.

Were those flights, in fact, now looking back on those times, U.S.-orchestrated flights?

Ambassador REDMAN. I have no reason to believe that.

Ambassador GALBRAITH. And I have no reason to believe that is true either.

Ms. ROS-LEHTINEN. Do you have any knowledge about those flights and who was on those planes, what country these flights might have originated from?

Ambassador REDMAN. No, nothing at all.

Ambassador GALBRAITH. I am aware of the reports about them. This was in Bosnia, and, of course, I am the ambassador to Croatia. Although it was of some interest at the U.N. UNPROFOR headquarters, which was in Zagreb, to the best of my knowledge, I am not at all sure that the flights took place. It was a very murky

set of circumstances, and I don't think it has been determined at all that, in fact, flights went into Tuzla airfield.

Ms. ROS-LEHTINEN. Were either of you ever asked by other countries about these flights and who was behind these phantom flights, and what was your response then?

Ambassador REDMAN. I can only tell you what my response would have been, because I didn't know anything about them. I can't recall whether anybody ever raised them in some conversation. But by no means any formal demarche or formal conversation, no.

Ambassador GALBRAITH. There was certainly some discussion about it in the diplomatic community, but, again, nobody raised this formally with me, nor would they. If anybody was going to raise it, the demarche would have been made in Washington.

Ms. ROS-LEHTINEN. So you were aware of the press reports, but it never piqued your interest enough to find out if we were the one orchestrating them or if other countries were involved?

Ambassador GALBRAITH. I have no knowledge that the United States was involved, and I can't say that I conducted an investigation, but I inquired in a general way about what happened. I had some conversations with some of our people.

Ms. ROS-LEHTINEN. Do you suspect they might have been Iranian flights?

Ambassador GALBRAITH. Once again, the best that I can recall this situation is, there was great uncertainty as to whether there were flights at all. In fact, talking to our military people in Naples, they said to me that they didn't think there had been flights that had gone in there at all—that the people who had reported it had gotten it wrong.

As I recall this incident—and there are people who are much better experts on this than I—again, it was in Bosnia, and I am ambassador to Croatia, but as I recall the incident, nobody ever saw these planes on the ground. All the U.N. people who were reporting it heard was the sound of airplane engines on a foggy night.

Ms. ROS-LEHTINEN. Do you think they could have been Iranian flights?

Mr. GALBRAITH. Again, I don't have any idea. I don't know, in fact, there were flights.

Ms. ROS-LEHTINEN. Thank you.

Chairman GILMAN. I thank the gentlelady for her comments.

Mr. Berman.

Mr. BERMAN. Thank you very much, Mr. Chairman.

I would just like to cover a few issues as quickly as I can. First I would just like to read into the record the response of Deputy Secretary of State Talbott on the issue of reprimands and raps on the knuckles.

The question from Senator Specter: "Was there a reprimand to Ambassador Galbraith, which was really just a feigned or phony reprimand?"

I assume this is Secretary Talbott's testimony of last week in the Senate side.

Secretary Talbott: "I have heard reference to such, read reference to such. I do not, to the best of my own recollection, recall certainly myself ever reprimanding Ambassador Galbraith. I think Amba-

sador Galbraith is doing a good job in an extremely difficult circumstance. I can really only speak to the content, as best I can recall it, of my own conversations with him."

This is the No. 2 person in the State Department. This deals with the questions and issues raised by Congresswoman Meyers.

Second, I would like to ask Ambassador Redman. You are a veteran ambassador, diplomat. From your experience, would you say the manner in which the issues of the Croatian request for U.S. positions on a possible arms pipeline from Muslim countries, including Iran, were handled were part of normal diplomatic activity?

Ambassador REDMAN. It was definitely normal activity.

Mr. BERMAN. Pardon me?

Ambassador REDMAN. Yes.

Mr. BERMAN. Is a "no instructions" policy part of usual diplomatic discourse?

Ambassador REDMAN. It is a technique or tactic normally employed in diplomacy. Well, there may be various scenarios in which it may be appropriate, but it is a practice used.

Mr. BERMAN. Is the policy of not putting such discussions in writing a usual diplomatic practice in these circumstances?

Ambassador REDMAN. Again, it all depends on the circumstances. In my own experience as a special envoy in the former Yugoslavia, I think I said earlier I was most frequently receiving instructions orally and reporting orally. So there is that case that is a precedent at least.

Mr. BERMAN. I want to make a point about Iran. I think it is fair to say, and I don't think it is just a matter of reflexive desire to defend the Administration, but I think it is fair to say objectively that this Administration has done more to seek to isolate Iran diplomatically, militarily, and economically than any other administration has since the fall of the Shah.

We have not simply maintained the arms embargo, we have imposed an entire economic embargo on Iran. We have used our diplomatic resources to try to get other countries—not as successfully as I would like to—to do the same or at least discourage significant investment in Iran's energy sector. We have, I think, successfully dissuaded certain countries from rescheduling loans with Iran.

It is, at first instance, troubling that the result and the consequences of all these different considerations allowed us essentially to not object to an Iranian pipeline. But this is not the first time in our history where we have chosen to do something which puts us, in a sense, on the same side or allows that side to succeed, even though that side is obnoxious to us and represents everything we oppose.

In World War II we decided to form an alliance with Joseph Stalin and the Soviet Union, notwithstanding the clear evidence at the time of the millions of people murdered and the kind of system that he ran, because it was a higher urgency to defeat Nazi Germany.

I think both of you have made a compelling case under the circumstances, given the different constraints, given the Administration's decision about the cost of unilaterally lifting the embargo, why this "no instruction" policy emanated.

So I think this policy not only can be defended as legal, appropriate, pursuant to normal diplomatic activity, but I think on its

merits, given all of the circumstances, can probably be thought of as the wisest choice at the time, particularly in the hindsight of knowing what has happened and the loss of the Iranian foothold in Bosnia as a result of the Dayton accords.

Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Berman.

Mr. Smith.

Mr. SMITH. Thank you very much, Mr. Chairman.

Ambassador Redman, a number of members of this committee were conferees, as you probably can recall, in the fiscal year 1995 Defense Department authorization bill. That was the bill that included, at least in the House version of the bill, language that would require the United States to stop complying with the U.N. arms embargo of Bosnia.

The bill that emerged from conference did not contain that language. Instead, it contained very different language known as the Nunn-Mitchell amendment. The Nunn-Mitchell language was not contained in either the House nor was it in the Senate-passed version of the bill. It was new language that appeared for the first time in conference.

It essentially said the United States—meaning principally the Defense Department—could no longer enforce the arms embargo against third countries. The arms embargo would stay in place; we just wouldn't try and stop arms shipments to Bosnia from other countries that chose not to have their own arms embargoes.

You were the Administration's point man on the arms embargo in that conference committee, were you not?

Ambassador REDMAN. If it was the 1 day that I was up here, I was up here as a resource person. There were other Administration people here, if that is the day you are referring to.

Mr. SMITH. You were working on that Nunn-Mitchell language?

Ambassador REDMAN. I am not sure that I was so much involved in the Nunn-Mitchell language. I recall most of our discussion, in fact almost the totality of our discussion, was circling around the questions of timing—when should these various proposals take effect? How much time should the President be given before—to try multilateral lift before unilateral lift?—these kinds of questions which brought into discussion the effect on the negotiations. That was, as best I can recall it, by and large what we discussed that day.

Mr. SMITH. Can you tell the committee where the Nunn-Mitchell language idea originated? It is a very clever idea. Did it come from the Hill, or did it come from the Administration?

Ambassador REDMAN. I don't know. It didn't come from me. My recollection is that it came from Senator Nunn, but I really don't know.

Mr. SMITH. You don't know.

Ambassador REDMAN. It was already well in play before I ever came up here, is all I can say.

Mr. SMITH. When you discussed the idea with Senator Nunn—did you discuss it with him?

Ambassador REDMAN. I am not sure. If we had a discussion, it may have been in the corridor. Again, it seemed to me that the questions being posed to me were more concerning, what impact

will these have on your negotiations? Because, as you recall, we had a Contact Group proposal on the table. It was a new initiative. It had deadlines and incentives and disincentives built into it.

I think people were concerned that whatever they did up here would give, if at all possible, the President a chance to play out that diplomatic hand.

Mr. SMITH. Let me ask you, did the Administration support the Nunn-Mitchell language? Was it lobbying for it?

Ambassador REDMAN. I am sorry, I just don't know. You will have to check with our legislative affairs people. I was up here as a resource person. That was my one and only time. I just don't know the history of who was doing what on that particular amendment.

Mr. SMITH. Just let me ask you for the record, at the time when all of this was taking place in the fall of 1994, you were aware, were you not, that the effect of the Nunn-Mitchell amendment would be to legally prohibit the Administration from interdicting the Iranian arms shipments that were taking place as a result of the signal that you and Ambassador Galbraith had given to the Croats the preceding spring? You were aware that by doing this, that would give the nod and allow this to go on? I am thinking of the time juxtaposition here.

Ambassador REDMAN. I must say, in all honesty, it just didn't cross my mind to make this connection at that point. We were just in a different era at that point and talking about a different subject.

Mr. SMITH. Did you or anyone else, to your knowledge, ever reveal to Senator Nunn or any member of the conference committee that the legal effect of the amendment would be to ratify the Administration's secret policy of acquiescing in Iranian arms shipments to Bosnia?

Ambassador REDMAN. I don't know that this ever came up. I think, as has been made clear here several times today, by that point it was really not a question I would have expected anybody to pose, because it was so well known that Iranian arms had been flowing, that the United States had not been objecting, as a matter of fact, as opposed to, as you would put it, as a matter of information.

Mr. SMITH. We still had the Administration denying it was for that, as per that Washington Times article from June.

Ambassador REDMAN. Well, I think you asked earlier, and we said we didn't really know what the source of that was.

Mr. SMITH. Thank you, Mr. Chairman.

Chairman GILMAN. Thank you, Mr. Smith.

Mr. Moran.

Mr. MORAN. Thank you, Mr. Chairman.

You know, I just couldn't imagine that this hearing was still going on. This is what now? When did it start? About 1:30 or something? And you really have had these witnesses here all afternoon?

I don't know. We have got to ask these very same witnesses to come back for this special investigation committee that was set up, which I think again showed strange judgment on the part of the committee, to set up a special select subcommittee, particularly

when both our witnesses have been more than willing to answer every question on the record.

But I am kind of stunned that these witnesses have been kept all afternoon. I would hope that when the Democrats were in charge of this committee, that they would have issued an apology for keeping any member of another Administration for this long, particularly if they wanted to get them back again.

But my understanding is that everything that has been discussed has already been publicly reported in the newspapers. I know that Senator McCain said on the floor of the Senate back in, I think it was June 24th of 1994, that arms were being shipped through Croatia to Bosnia that were coming from Iran. The Majority Leader, now the Presidential candidate, was certainly fully aware of that. Members of the committee were aware of it. It was reported in the Washington Times. It was, prior to that, reported in the Washington Post.

Now, I guess the only point is, should the Administration have assumed that the Members of Congress and the Senate don't read the newspapers, are not as fully informed as most people inside the Beltway, and should be formally notified of this information?

The issue as to whether it was the right thing to do, I know in my heart it was the right thing. I know that I would have been sorely disappointed if the Administration attempted to block the means of enabling the Bosnians to defend themselves coming from any country.

In fact, I am going to be perfectly candid; I think that the Administration should have taken a more aggressive stance and helped the Bosnian people arm themselves and be trained to use those arms to defend themselves. I wish we had done the same thing in World War II during the Holocaust and that we in fact would enable people to defend themselves anywhere when they are the victims of genocide, which in many ways the Bosnian people were the victims.

So I don't think there is any moral issue. I guess there is an issue as to whether the Congress wants to stand on formality and be formally notified that we are not doing anything illegal, but that we are not taking any action to prevent other countries from acting in the way that they see fit.

There is no law that requires the Government, the Administration, to have notified the Congress, that I am aware of. I would like to see any language that required that. I am sure that the White House did not knowingly violate any such legislative requirement. The United States did not assist in any overt way in the provision of arms to the Bosnian people. This was a third country, and we did not, in fact, facilitate the provision of arms. If anything, we should be embarrassed that we did not.

But the gentlemen that are appearing before us acted in the most honorable way that I can imagine. In fact, they are two of the finest people that we have representing this country.

So with that, I am at a loss to understand why the majority on this committee feels it necessary to harass these witnesses for almost—well, for over 3 hours.

Let me just ask either of them—I will start with Ambassador Galbraith, because I know you need to be back in Croatia, don't

you? Don't you have things you need to be doing in Croatia rather than spending all afternoon here? Do you have responsibilities there, Mr. Ambassador?

Ambassador GALBRAITH. Yes, Congressman, I certainly do. Let me say I spent 14 years working for the Senate Foreign Relations Committee, so I certainly appreciate, respect, and believe in the important role that Congress has in the oversight and, indeed, the formulation of American foreign policy. So I am happy to come back and testify.

Mr. MORAN. This isn't the first time you have seen the harassment of witnesses then.

Ambassador GALBRAITH. I would not characterize that.

But if I could answer, I was, of course, here for a week a couple weeks ago, and now I am here for a week. This is an extremely sensitive time in the implementation of the Dayton and Eastern Slavonia peace agreements.

In Croatia, we are now dealing with the question of the amnesty law for the Serbs who live in eastern Slavonia, and we have some concerns that the proposed law that the Croatian Government has put forward is inadequate.

If the amnesty is inadequate, then the whole agreement could collapse, and this agreement was an essential element of Dayton. The Serbs need to know, except for those who committed war crimes, that they will not be prosecuted. The war criminals are in a separate category, but those who simply participated in the rebellion need to know they will not be prosecuted. Otherwise, they will leave, and then the whole basis of the agreement, which is to recreate the multi-ethnic character of this place, will vanish, and it would be a great tragedy.

So last week, I was the co-mediator of the Eastern Slavonia agreement with Thorvaldt Staltenberg. Because of the importance of this and because of my expertise, I had the lead role in orchestrating a joint demarche by the Contact Group about the amnesty law, which involved quite a number of technical issues.

We put the demarche together just before I left, getting agreement among the capitals, but then, of course, I couldn't be there actually to make the presentation. I am, of course, eager to get back to pursue the process.

But there are a number of things. Of course, the role of Congress is very important, and I really do believe in it.

Mr. MORAN. What you are telling us is, to some extent, the process of reconciliation is being jeopardized or at least delayed or, to some extent, undermined by the Congress' requiring you to come and testify on something that occurred more than 3 years ago, when you need to be—well, I guess 2 years ago—when you really need to be in the process of implementing these accords.

Isn't it true that after this inaction by the White House—alleged inaction by the White House—that the Congress actually legislated a lifting of the arms embargo that, in fact, would have required you to act just as you did, at least as you did, which was relatively passive, in order to comply with congressional intent?

Ambassador GALBRAITH. Well, the Congress passed legislation to prohibit the use of U.S. funds for the purpose of enforcement of the embargo.

I am not enough of a legal expert to know whether the statute would have applied to traditional diplomatic exchanges. But certainly the action of the Congress was identical to the decision that the Administration took in not seeking to enforce the embargo against Bosnia-Herzegovina.

Mr. MORAN. As I recall, that congressional action had actually been initiated before Senator McCain announced that arms were going into Bosnia. People had discussed it. I think that there had been some action taken; obviously, no passage.

But, in effect, for you to have done anything other than what you did would have been contrary to the legislative intent of the Congress. In other words, what I am saying is, we prohibited you in legislation immediately after this event occurred—prohibited you from doing anything other than what you did, which was to not interfere with arms going to Bosnia.

Ambassador GALBRAITH. Well, let me put it this way: Had the Croatian Government posed this question to me in November 1994 after the passage of Nunn-Mitchell rather than in April, and had I said no—obviously, I want instructions—had I said no, your obligation is to enforce the embargo and you should not do this, then I possibly would have been taking an illegal action, and I certainly would have been acting contrary to what the intent of Congress was.

Mr. MORAN. So then we really would have had cause to bring you up here and grill you for 3 hours, if you had acted differently.

Chairman GILMAN. The gentleman's time has expired.

Mr. MORAN. I gathered that. Thank you, Mr. Chairman.

Chairman GILMAN. Mr. Moran, you know, Iran, being the leading state sponsor of terrorism, is certainly a serious issue for all of us, and the safety of our Embassy people and safety of our personnel deserve a few hours of our attention, and that is why we are giving this our attention.

I thank you for your comments.

Gentlemen, we are on a vote. I will start some questions, and then I will probably have to run over to cast a vote. I regret having to delay you, but the voting is something we can't control.

After the initial round of conversations with the Croatians in which you signalled that the United States would not object to the establishment of an Iranian arms pipeline, did either of you ever have further conversations with the Croatians, the Bosnians, Iranians, or anyone else working for or with any of these countries about how well the Iranian pipeline was working?

Ambassador REDMAN. No.

Chairman GILMAN. Mr. Galbraith.

Ambassador GALBRAITH. I had conversations with the Croatians and I think Bosnians, a very few conversations, but that would have covered that subject.

Chairman GILMAN. And they gave you sort of a status report?

Ambassador GALBRAITH. No, I don't think they gave me a status report, but they provided some comments on it. This was not something that we dealt with very much at all. But there were some conversations where I think this came up.

Chairman GILMAN. But from time to time you did discuss the pipeline with them?

Ambassador GALBRAITH. From time to time, not very frequently, maybe three or four times—I can't say the number—over a couple of years, the subject of Iranian arms came up in discussions.

Chairman GILMAN. As far as you are aware, were there any other officials of our government that had any follow-up conversations with the Croatians, the Bosnians, Iranians, or anyone else working for or with any of these countries about the status of the Iranian pipeline?

Ambassador GALBRAITH. Let me state that these were not in any sense followup conversations. These were information-gathering conversations where a Bosnian or Croatian official might offer some information or where I might ask some questions and gain some information.

I have no idea as to whether other officials might have had similar conversations.

Chairman GILMAN. Were either of you ever asked by anyone whether the United States would object to a particular arms shipment, to additional arms shipments, or to some change in the policy that you had acquiesced in?

Ambassador REDMAN. No, sir.

Ambassador GALBRAITH. Where we would object to an—

Chairman GILMAN. A particular shipment.

Ambassador GALBRAITH. There is one issue which I would have to discuss in classified session.

Chairman GILMAN. All right. Were either of you or any other official of our Government at any time asked by anyone to help implement the Iranian arms pipeline or to help facilitate in any way the delivery of Iranian arms to Bosnia or Croatia?

Ambassador REDMAN. No, sir.

Ambassador GALBRAITH. No.

Chairman GILMAN. Ambassador Redman, on April 17th, in a story in the L.A. Times, it states that on at least one occasion you intervened with the Croatians to have them expedite the passage of a convoy that may have contained Iranian arms. Did you, in fact, urge the Croatians to let such a convoy go through?

Ambassador REDMAN. To answer that question, I have to give you just a few seconds of context, which is that from the very beginning of my involvement, and even from my predecessors, the effort to provide humanitarian relief to Bosnians was an ongoing effort. That included efforts to get water and natural gas into Sarajevo, to work on refugee and prisoner-of-war exchanges, and also humanitarian relief convoys. That was something for which a special office was established in the State Department to monitor the humanitarian relief efforts.

I intervened and helped out whenever I could, as did Mrs. Ogotta from the UNHCR, as did the European Union ministers. Almost anyone who could help tried to help.

So, for me, this was a very routine effort for Bosnians, for example, to bring to me a complaint that the Bosnian Croats were holding up a convoy, or sometimes for the Bosnian Croats to complain about something the Muslims were doing, or, in the case of the SOILS Foundation, to complain to me about something the Bosnian Government was doing.

In all of those cases, if I could be helpful, I tried to make a phone call or to say simply, "Could you help us?"

This particular convoy that has arisen in this context, I don't have any specific recollection of that. It apparently happened while we were in Vienna negotiating on some Federation matters. It was a recurring issue, convoys. So it may well have happened that the Bosnians raised a complaint.

If they did, for me, it was strictly in the humanitarian relief context, as were any and all requests that I ever acted on, and if there was such a request, I would imagine that in my next contact with Croats I would have passed on that complaint. But it was never drawn to my attention in any special or memorable way.

Chairman GILMAN. Ambassador, with regard to any of the convoys, did you have any suspicion that they contained Iranian arms?

Ambassador REDMAN. I never did. There was a whole process set up in the Balkans to monitor these convoys. There were hundreds, thousands and ultimately I am sure tens of thousands of convoys moving all the time. There were monitoring provisions set up to check for exactly this kind of abuse. And so I am sure that all of us who were acting to try to speed humanitarian relief on its way had to rely on those mechanisms to take care of any possible problems.

Chairman GILMAN. Ambassador Redman, did you at any time learn that any of the convoys contained Iranian weapons destined for Bosnia?

Ambassador REDMAN. I never did learn that as a fact. Even on this one in question, as I understand it, it still said "thought to have contained".

Chairman GILMAN. There also has been a press report that we arranged for military inspection of some missiles that were in transit from Iran to Bosnia to make certain that they didn't have a chemical weapons capability. Is that true?

Ambassador GALBRAITH. Mr. Chairman, this is a very sensitive matter that I could not discuss in open session.

If I could come back to the previous questions that you posed to me.

Chairman GILMAN. I am going to have to adjourn for the vote and we will come back. We will take a short recess at this time.

[Recess.]

Mr. SMITH. [Presiding.] The committee will reconvene. The gentleman from California is recognized.

Mr. CAMPBELL. Thank you, Mr. Chairman.

I am not going to ask that last question again, but if you want to volunteer, the correct answer is yes, and then we could proceed.

I would rather pursue a different line at the moment, and that is the relationship between the CIA and particularly Mr. Galbraith's station because of the news accounts report, I don't know how accurately, that you were surprised to learn that there had been CIA traffic uncovering the fact that you had issued a "no instruction" order, or somehow in another regard had been involved.

With that as my premise, my question is, is there something—that is the wrong way of putting the question. I think that the committee should be concerned if there is a lack of full and valuable communication between your station and the CIA operating in the

theater. Having said that, my question to you, first of all, is did you find there to be a lack of full and effective cooperation between the agency and your station?

Ambassador GALBRAITH. These are matters that I really can't discuss in open session. I am sorry.

Mr. CAMPBELL. I would say to the Chairman that this may be something to pursue in closed session, when and if we go into that. Similarly, if there is any question of suggestions for improvement, that would also be the committee's concern and certainly mine.

The second and last area of inquiry, I believe Ambassador Redman answered, but I don't believe that you did, Ambassador Galbraith, regarding the origin of the idea. So let me be clear and ask you if you were aware of any proposal to the Bosnians, to the Iranians, or to a third party suggesting the policy that actually occurred, emanating from any representative of the United States?

Ambassador GALBRAITH. I know of no such proposal.

Mr. CAMPBELL. I think that you answered my question, but just for the sake of being exceptionally careful, were you yourself involved in any degree, including simply knowing of as opposed to initiating, any suggestion to proceed with what eventually occurred in response to a proposed covert action not being approved? If you want to discuss that in closed session I would be understanding.

Ambassador GALBRAITH. Again, I know of no proposal that was made to the Bosnians, the Iranians or any third party that had any connection—sorry, let me state this clearly. I know of no U.S. Government proposal made to the Bosnians, to the Croatians, to the Iranians or to any third party that had to do with starting the flow of arms that we have been discussing in connection with April 29th.

Mr. CAMPBELL. One last question to which I will also very happily accept the answer that even if it is a denial you would rather make the denials in closed session; so that preface being clear, I ask you was there any discussion of a covert means of getting aid to the Bosnians given that our official policy was in favor of the embargo?

Ambassador GALBRAITH. I would have to discuss any possible covert issues, obviously, in closed session.

Mr. CAMPBELL. Fine. One last question to Ambassador Redman and to Ambassador Galbraith, as well. I have been able to hear almost all of today's testimony except for the votes, so I have heard 90 percent. I had to miss some to go out and vote. Are there any answers that you gave today that you believe would be helpfully augmented for the committee's purposes in executive session or closed session? Ambassador Redman.

Ambassador REDMAN. For me no.

Mr. CAMPBELL. Ambassador Galbraith, with the exception of the two questions to which you gave the answer just now, is that your answer as well?

Ambassador GALBRAITH. And what I previously said to the Chairman, the answer would be, no. Perhaps I should wait for the Chairman to return because I think I can handle this question in open session.

Mr. CAMPBELL. And my two as well?

Ambassador GALBRAITH. No, I can't handle those.

Mr. CAMPBELL. OK. We will wait for Chairman Gilman's return. Chairman Smith, a chairman in his own right, is entitled to the title; Mr. Chairman, I am done. Thank you so much.

Mr. SMITH. Let me ask some final questions and Mr. Gilman will be back momentarily.

Ambassador Galbraith, you testified that the Iranian pipeline idea didn't originate within or from the U.S. Government. Did it originate with any of our allies?

Ambassador GALBRAITH. So far as I know, no.

Mr. SMITH. U.N. Resolution 740 requires notification of all known violations of the arms embargo. Did the United States notify the U.N. Sanctions Committee of any of the violations to which we had acquiesced?

Ambassador REDMAN. Again, that wasn't my area of direct responsibility, but I can simply tell you that my understanding is that resolution calls on States to do such notification, does not require one to do so. So I do not know, in fact, whether or not that kind of information was flowing to the United Nations or not.

Mr. SMITH. I would ask that the Administration respond in writing to that request as to whether or not they provided that notification.

[The information was supplied following the hearing.]

The United States did not violate any obligations under this resolution. Resolution 740 contained a number of provisions, one of which "call[ed] upon" states to cooperate with the Yugoslavia Sanctions Committee, "including reporting any information brought to their attention concerning violations of the embargo." By this resolution, the Council did not impose a legally binding obligation on member states to submit particular information, as is evidenced by the lack of a reference in the resolution to Chapter VII of the U.N. charter.

Mr. SMITH. As a followup to my question earlier, Ambassador Redman, about the Nunn-Mitchell amendment, could you provide an answer for the record? My question was this: Where did the idea behind the Nunn-Mitchell amendment originate? Was it something that emerged within the Administration or on Capitol Hill, and by this I mean the concept of legislating a prohibition of U.S. enforcement of the U.N. arms embargo against third countries. Was this an idea that was suggested to the Congress? Did it come from the Congress or from the Administration?

Ambassador REDMAN. I am sorry, Mr. Chairman. I have no idea of where that idea originated.

Mr. SMITH. From the Administration to us.

Ambassador REDMAN. From the Administration?

Mr. SMITH. Yes. We would appreciate that.

[The information was supplied following the hearing.]

From January of 1993, the Administration sought a multilateral lifting of the embargo because unilateral lifting would weaken other multilateral sanctions regimes. The Nunn-Mitchell amendment was part of a negotiated solution between the Administration and the Senate on the embargo issue.

Mr. SMITH. [Presiding.] Mr. Gilman will be here momentarily. Let me ask if either of you would like to elaborate upon anything you have said today.

Ambassador REDMAN. No, sir.

Mr. SMITH. Mr. Campbell, do you have any—

Mr. CAMPBELL. Come on, you can answer, yes. Was the Bosnian Government more grateful for the arms shipment than if it hadn't

happened? The correct answer is, yes, and it would show such incredible willingness to accommodate and be open minded. It is almost a tautology. Now, that is really leading a witness.

Ambassador REDMAN. An honest answer. There was already a very strong connection, as we know, from even the very early days of the war. Your question is whether or not it strengthened it, and I don't know how to make that kind of a value judgment.

Ambassador GALBRAITH. Let me come back to what I said before which is that the fundamental relationship for the Bosnians was with the United States of America. That was the country that they look to. That is why you saw Prime Minister Silajdzic and Foreign Minister Sacirbey and President Izetbegovic all of them here. That was their connection and we were the country that really counted.

Mr. CAMPBELL. But you are not answering my question which was regarding Bosnia. It seems to me a reasonable answer would be there was some debt of gratitude. It was, however, a risk worth taking because we saved lives by the policy. I would understand that answer. It seems to me it is also a correct answer.

Ambassador GALBRAITH. I think we said that. I said to you that certainly some Bosnians felt grateful to the Iranians, and I said to you that the policy saved lives and it was definitely worth doing.

Mr. CAMPBELL. You said "some Bosnians". You seem to be resistant to say the Bosnian Government.

Ambassador GALBRAITH. I said including some in the Bosnian Government. Again, it is hard for me to know—I have interacted with some people in the Bosnian Government, but I am not the ambassador to Bosnia-Herzegovina so I don't have the expertise on what their current thinking is.

Mr. CAMPBELL. I have higher regard for you than your own last statement suggests. I think you have a lot to contribute, and I appreciate your testimony. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Moran.

Mr. MORAN. Thank you, Mr. Chairman. There were a number of reasons why many of us felt that the Western powers should have responded earlier and more responsibly with regard to the situation in Bosnia. One of them was because we knew that if the Western powers did not respond to this situation of 200,000 people being killed, largely in a genocidal-type war, that the Bosnian Muslims would have no choice but to go to those Muslim countries, many of whom harbored extremists, and, in fact, appeal to some of the Bosnian extremist elements, that the only way that you can find justice and fairness in this global arena is by siding with those who have declared war against the Western powers, if you will. We did not want that to happen.

We understood that Bosnia was a secular, multiethnic democracy and intent on staying that way. That is one of the reasons why what happened was so horrible; what we let happen was so irresponsible.

And sure enough, eventually the Bosnian Government did receive the assistance that they found available. In essence, when you are in the middle of a storm you go to the nearest port or whatever port you can find entry in. And so the Iranian Government did, in fact, provide some arms to Bosnia.

Now, when the Chairman returns I want to respond to the Chairman's comment that this near 4-hour hearing was justified by the fact that the White House allowed Iran to ship arms to Bosnia. I want to respond by reminding the Chairman that the Reagan administration sold arms to Iran in direct violation of law. So I think that that is a questionable, and somewhat from a political standpoint, a risky strategy to justify this kind of hearing and focus and harassment of witnesses over this issue.

Now, what I would like to ask Mr. Galbraith and Mr. Redman is questions related to the resultant effect of this policy. The fact is the White House did let Iran provide arms, did not interfere, they didn't take any action, but did not directly interfere with what I think was consistent with congressional intent, but did not interfere. So the worst scenario from the standpoint of the Chairman and others who are focusing on this issue, the worst scenario occurred.

What is the result? Is there, in fact, a beachhead in Iran? Did the Iranians turn Bosnia into a fundamentalist state? Is there erosion of secular multiethnic democratic purpose in Iran. Or, in fact, is it possible that if there was such a strategy that it worked, that in fact the Bosnian people were able to defend themselves, that in fact such a policy of noninterference actually enabled the Dayton accords to occur? And in fact are we not on the road to peace because the Bosnian people were finally able to at least marginally be able to defend themselves?

I think that both Mr. Galbraith and Mr. Redman would be expert witnesses in terms of describing to us whether Iran has a substantial presence in Bosnia, whether any of these allegations as to what could occur did occur. In other words, what was the resultant impact of this alleged strategy? Does Iran have a substantial presence in Bosnia today, Mr. Redman?

Ambassador REDMAN. To be brief, because I think we answered this in part, perhaps, when you weren't here—

Mr. MORAN. I understand. I thought it might bear repeating.

Ambassador REDMAN. All right. Because of our success in negotiating the Dayton peace agreement we have in place a very strong effort to reduce if not eliminate the Iranian presence. At this stage from what I know, but I am not the world's leading expert any longer on this issue, the number of Iranians has been dramatically reduced and is still going down. So I think it is fair to say that there has been considerable success at this stage in reducing a presence that we do deem undesirable.

I would add finally, that this was, as I said in my testimony again, one of the risks. It was recognized as such and it was never forgotten. I think as someone else pointed out, I don't know that anyone has done more than this Administration to really combat Iranian influence around the world, wherever it is. We found ourselves in a very unusual situation in this case. It was a difficult decision, and now we are working the issue, and I think with success.

Mr. MORAN. I thank you, Mr. Redman. I can see what benefits were achieved, namely peace through the Dayton accords. But I am having trouble understanding what harm was done. That is what I am getting at. It seems to me that if there was harm done to the

peace process or to the Bosnian people or to the cause of justice throughout the world, then that would be a legitimate point of inquiry.

Ambassador Galbraith, are you aware of any harm having been done by the situation that these hearings are focusing on?

Ambassador GALBRAITH. Let me state succinctly what the end result of the "no instructions" instruction was. It contributed to peace and to the very significant reduction of the Iranian influence. And let me reiterate, Bosnia-Herzegovina is not fertile ground for Iran. It is a secular, multiethnic, Western-oriented European country.

Now the war, the war, of course, did damage to the multiethnic nature of Bosnia. It strengthened the nationalists. But that is now what we are trying to reverse in the peace, and there are critically important issues with regard to peace implementation, getting a free media going, rebuilding multiethnicity, and we are in the critical phase of civilian implementation in Dayton. That is really the important question in Bosnia today.

Mr. MORAN. It just troubles me greatly that one of the few countries that actually took the initiative on Bosnia's behalf was a Muslim country, out of perhaps some commonality with regard to culture and religion, when the Western powers really did not face up to address in a responsible manner the presence of genocide.

I am afraid that is what, if anything, we ought to be having hearings about, because the reason we review history is so that we don't repeat the same mistakes that we learn from history and move forward in a progressive manner. I think there are a lot of mistakes we played in Bosnia, but enabling people to defend themselves in the face of genocide is not one of them.

Mr. SMITH. Thank you, Mr. Moran. I think it bears repeating for the record, I said this earlier, first of all, the inquiry here is absolutely legitimate and I would take issue with the gentleman from Virginia, who is certainly entitled to his opinion, in suggesting that somehow we are harassing witnesses. There are real and compelling questions about this entire operation that have not been answered and are in the process of being answered which is why this inquiry has been embarked upon.

I have been in this Congress for 16 years. I have seen witnesses harassed on occasion. I don't think for a moment that our two distinguished witnesses today have been harassed. They have been asked very legitimate questions, some of which they knew the answers to; others that they will get back to us about. Perhaps you two gentlemen could be candid. If you feel you have been harassed, I would appreciate knowing that.

Mr. MORAN. Mr. Chairman, I think it is appropriate for me to say at this point that I have not been here through most of the course of this hearing. It was my assumption that the length of the hearing constituted harassment. I think that was hyperbole on my part, and I would retract that. I think that was too strong a statement and I retract that.

Mr. SMITH. I appreciate that. This is an honest line of inquiry. We are trying to get facts on the record. We are trying to get opinions. We are trying to get a snapshot of what the rationalizations were at the time because some of us do disagree with the policy

and we do it with respect, and I think that is the way we ought to continue this discourse.

There is a recorded vote under way. Mr. Gilman wants to conclude with some final questions. Here he is. I would yield to the gentleman from New York, Mr. Gilman.

Mr. CAMPBELL. Would the Chairman yield for a quick point?

Chairman GILMAN. [Presiding.] I would be pleased to yield to the gentleman.

Mr. CAMPBELL. Two things. First of all, I really respect my colleague from Virginia. Well done. Second, I respect you, nicely done. (To the ambassadors). Would you kindly respond to the questions that I gave you in writing so that we don't have the question of executive session, even if it is a short answer. If you need to be refreshed, I will restate them now. If not, go back to the record. Are you OK on what they are?

Ambassador GALBRAITH. I am OK.

Mr. CAMPBELL. I will appreciate that answer and then I won't be requesting an executive session.

Chairman GILMAN. Gentlemen, we have one or two questions and we will let you go on your way. You were commenting, Mr. Galbraith, on the missiles that were in transit from Iran to Bosnia. Did you want to comment?

Ambassador GALBRAITH. No. I wasn't commenting on that. But I wanted to come back to your previous question in which you had asked whether there had been a request to us, as I recall, to facilitate the transit of a particular Iranian arms shipment.

Let me say that there was a request to facilitate a particular shipment. I do not know if it was an Iranian shipment, but I can tell you, this was in 1994, that we did not do it. If you want to know a bit more I could just tell you afterwards.

Chairman GILMAN. I appreciate that. Was there any doubt at the time within our government that missiles in question that were being shipped had originated in Iran?

Ambassador GALBRAITH. If you are talking about what was in the press, I can't talk about that in the open session.

Chairman GILMAN. Was there any information that you had that missiles were coming from Iran into Bosnia?

Ambassador GALBRAITH. Again, this goes to an issue that I can't discuss in open session. I covered it with the intelligence committees, and perhaps we could have a brief colloquy and I could cover it for you very quickly, but I can't do it in open session.

Chairman GILMAN. Mr. Redman, do you have information about missiles being shipped from Iran?

Ambassador REDMAN. No, sir.

Chairman GILMAN. Do we have assurances from both of you that, apart from conversations with the Croats that have been reported in the press and have been discussed here today, our Nation did nothing else to facilitate the delivery of Iranian arms to Bosnia and Croatia?

Ambassador REDMAN. I don't have any other information to that effect.

Ambassador GALBRAITH. To the best of my knowledge we did nothing at all to facilitate the delivery of Iranian arms to Bosnia.

Chairman GILMAN. We didn't help expedite some convoys or anything of that nature?

Ambassador GALBRAITH. To the best of my knowledge, we did nothing at all to help expedite delivery of Iranian arms to Bosnia.

Chairman GILMAN. We never lifted a finger to help get the Iranian arms into Bosnia; is that correct?

Ambassador GALBRAITH. To the best of my knowledge, we never did.

Chairman GILMAN. Mr. Redman.

Ambassador REDMAN. No, sir.

Chairman GILMAN. And we didn't pass along intelligence information to anyone that would be useful with regard to the arms pipeline?

Ambassador REDMAN. What does that mean—

Chairman GILMAN. Did we pass along any intelligence information to anyone that would help with regard to the arms pipeline?

Ambassador REDMAN. Not to my knowledge.

Ambassador GALBRAITH. Not to my knowledge either.

Chairman GILMAN. Did we withhold any information that would affect the arms pipeline?

Ambassador REDMAN. Again, not to my knowledge, but you are in areas which we weren't in a position to monitor.

Ambassador GALBRAITH. Not to my knowledge, but if I could add after Congress passed Nunn-Mitchell, I believe we were in the position of withholding intelligence because we were required by law to do so. But I am not really an expert on that.

Chairman GILMAN. Did we arrange for any gaps in international arms interdiction efforts to facilitate particular arms deliveries?

Ambassador REDMAN. Not to my knowledge.

Ambassador GALBRAITH. Again, not to my knowledge.

Chairman GILMAN. And we didn't coordinate any of the shipments?

Ambassador REDMAN. No, sir.

Ambassador GALBRAITH. Again, not to my knowledge.

Chairman GILMAN. Did the Iranian presence increase in Croatia and in the region after the April 1994 green light?

Ambassador GALBRAITH. To the best of my understanding, it may have increased slightly, but not significantly. And I would not say that it was connected necessarily to the conversations that occurred at the end of April 1994. Again, it was the war that brought the Iranians and their allies into the region.

Chairman GILMAN. The Iranians didn't come in because of any arms shipments?

Ambassador GALBRAITH. Well, there may have been some, but I am not sure that there was—again, I am not sure that there was any significant increase in the number of Iranians. Also, to the best of my knowledge, the Croatians were very sensitive to that point. They were not eager to have lots of Iranians come into the region and neither were we.

Chairman GILMAN. I would hope so. What about Bosnia?

Ambassador REDMAN. The only numbers that I have are those that represent the overall evaluation of the community, which would indicate that the number was already in the hundreds in 1993, that the maximum at any point was probably 500, so that

whatever increase we could be talking about would have to be in that range. But I don't have any more accurate answer.

Chairman GILMAN. I have read some figures along the way, and I am not certain of what the basis was, that there were up to a thousand Iranians in Bosnia at one time. Is that accurate?

Ambassador REDMAN. That is not accurate according to what I have seen on analysis of the community.

Chairman GILMAN. How many Iranians are there now?

Ambassador REDMAN. I think that question came up earlier and neither of us were in a position to give you a precise number, but I am sure that can be obtained.

Chairman GILMAN. Do you have any estimate? Mr. Galbraith.

Ambassador GALBRAITH. Again, I don't think Ambassador Redman and I are in a position to give you an estimate, but there are people in the intelligence community who are capable of doing so. It is a small number.

Chairman GILMAN. Were some of the Iranians that were brought in to Bosnia there for training purposes—for arms training?

Ambassador REDMAN. We know that there were revolutionary guards in Bosnia in 1992 and 1993 before this decision for the purposes of training. Whether or not others were there afterwards, I don't know the answer.

Chairman GILMAN. Is there any Iranian presence in Croatia at the present time, Ambassador Galbraith?

Ambassador GALBRAITH. Yes. There is a diplomatic presence, and I think there are also others.

Chairman GILMAN. Do you have any estimation of how many are in Croatia at this time?

Ambassador GALBRAITH. I don't have an estimate.

Chairman GILMAN. Did the threat level to U.S. personnel increase after April 1994?

Ambassador GALBRAITH. The threat level to U.S. personnel was significant from 1993 on, and there was an increase, but at a point in time significantly after April 1994, and as I said in my opening statement, these are not things that I can comfortably discuss in open session.

Chairman GILMAN. Mr. Moran.

Mr. MORAN. Thank you, Mr. Chairman. Mr. Chairman, I want to address your well taken point that the import and the length of these hearings is directly related to the fact that we are discussing Iranian arms transfers rather than apparently generic arms transfers, but I think as the only Democrat on this committee it is incumbent upon me to underscore the historical record that the Reagan administration sold arms to Iran in direct violation of law.

So you know, while we my agree that Iran is not a nation that we want to be working with or enabling to distribute arms, it just doesn't seem to me that this is an issue that the Majority would want to focus a lot on in terms of our relationship to arms transfers to or from Iran.

Thank you, Mr. Chairman.

Chairman GILMAN. If the gentleman would yield, in response to the suggestion the Reagan administration sold arms to Iran, let the record reflect that the Reagan administration didn't give Iran a

beachhead in Europe or expose U.S. personnel to Iranian terrorists. I thank you for your comments.

Gentlemen, there may be some other questions that we might want to submit for your response and I would like to request your cooperation if we submit some questions in writing to respond as expeditiously as possible. I want to thank you for your patience and time and for appearing before our committee.

The committee stands adjourned.

[Whereupon, at 5:30 p.m., the committee was adjourned.]

APPENDIX

IV

104TH CONGRESS
2D SESSION

H. CON. RES. 160

Congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1996

Mr. HOUGHTON (for himself, Mr. WATT of North Carolina, Mr. CHABOT, Mr. ACKERMAN, Mr. PAYNE of New Jersey, Mr. HASTINGS of Florida, Mr. ENGEL, and Mr. FRAZER) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

Whereas since 1991 the people of the Republic of Sierra Leone have endured a horrific civil war that has killed thousands of individuals and displaced more than half the population of the country;

Whereas for the first time in almost 30 years, the Republic of Sierra Leone held its first truly democratic multiparty elections to elect a president and parliament and put an end to military rule;

Whereas the elections held on February 26, 1996, and the subsequent runoff election held on March 15, 1996, were deemed by international and domestic observers to be

free and fair and legitimate expressions of the will of the people of the Republic of Sierra Leone;

Whereas success of the newly elected democratic government led by President Ahmad Tejan Kabbah could have a positive effect on the West African neighbors of the Republic of Sierra Leone; and

Whereas the historic event of democratic multiparty elections in the Republic of Sierra Leone should be honored: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That the Congress—*

3 (1) congratulates the people of the Republic of
4 Sierra Leone for holding their first democratic
5 multiparty presidential and parliamentary elections
6 in nearly 30 years;

7 (2) encourages all people of the Republic of Si-
8 erra Leone to continue to negotiate an end to the
9 civil war and to work together after taking the criti-
10 cal first step of holding democratic elections in that
11 country;

12 (3) reaffirms the commitment of the United
13 States to help nations move toward freedom and de-
14 moeracy; and

15 (4) further reaffirms that the United States is
16 committed to encouraging peace, democracy, and
17 economic development on the African continent.

104TH CONGRESS
2D SESSION

H. CON. RES. 165

Saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 1996

Mr. QUINN (for himself, Mr. BORKSI, Mr. FLANAGAN, Mr. KLECZKA, Mr. HOKE, and Mrs. JOHNSON of Connecticut) submitted the following concurrent resolution; which was referred to the Committee on International Relations, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

CONCURRENT RESOLUTION

Saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

Whereas, on May 3, 1996, Polish people around the world, including Americans of Polish descent, will celebrate the 205th anniversary of the adoption of the first Polish constitution;

Whereas American Revolutionary War hero Thaddeus Kosciuszko introduced the concept of constitutional democracy to his native country of Poland;

Whereas the Polish constitution of 1791 was the first liberal constitution in Europe and represented Central-Eastern Europe's first attempt to end the feudal system of government;

Whereas this Polish constitution was designed to protect Poland's sovereignty and national unity and to create a progressive constitutional monarchy;

Whereas this Polish constitution was the first constitution in Central-Eastern Europe to secure individual and religious freedom for all persons in Poland;

Whereas this Polish constitution formed a government composed of distinct legislative, executive, and judicial powers;

Whereas this Polish constitution declared that "all power in civil society should be derived from the will of the people";

Whereas this Polish constitution revitalized the parliamentary system by placing preeminent lawmaking power in the House of Deputies, by subjecting the Sejm to majority rule, and by granting the Sejm the power to remove ministers, appoint commissars, and choose magistrates;

Whereas this Polish constitution provided for significant economic, social, and political reforms by removing inequalities between the nobility and the bourgeoisie, by recognizing town residents as "freemen" who had judicial autonomy and expanded rights, and by extending the protection of the law to the peasantry who previously had no recourse against the arbitrary actions of feudal lords;

Whereas, although this Polish constitution was in effect for less than 2 years, its principles endured and it became the symbol around which a powerful new national con-

sciousness was born, helping Poland to survive long periods of misfortune over the following 2 centuries; and

Whereas, in only the last 5 years, Poland has realized the promise held in the Polish constitution of 1791, has emerged as an independent nation after its people led the movement that resulted in historic changes in Central-Eastern Europe, and is moving toward full integration with the Euro-Atlantic community of nations: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That—*

3 (1) the people of the United States salute and
4 congratulate Polish people around the world, includ-
5 ing Americans of Polish descent, on the adoption of
6 the first Polish constitution;

7 (2) the people of the United States recognize
8 Poland's rebirth as a free and independent nation in
9 the spirit of the legacy of the Polish constitution of
10 1791; and

11 (3) the Congress authorizes and urges the
12 President of the United States to call upon the Gov-
13 ernors of the States, the leaders of local govern-
14 ments, and the people of the United States to join
15 in this recognition with appropriate ceremonies and
16 activities.

○

104TH CONGRESS
2D SESSION

H. CON. RES. 167

Recognizing the tenth anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1996

Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. WOLF, Mr. CARDIN, Mr. MARKEY, Mr. SALMON, Mr. TORRICELLI, Mr. LEVIN, Mr. BONIOR, Mr. DURBIN, and Mr. GUTIERREZ) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Recognizing the tenth anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant.

Whereas April 26, 1996, marks the tenth anniversary of the Chernobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International Day Commemorating the Tenth Anniversary of the Chernobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and

Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chernobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chernobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chernobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G-7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chernobyl nuclear power plant by the year 2000 with adequate support from the G-7 countries and international financial institutions;

Whereas the United States strongly supports the closing of the Chernobyl nuclear power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G-7 countries, and international financial institutions will meet at least annually to monitor implementation of the program to close Chernobyl: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That the Congress—

3 (1) recognizes April 26, 1996, as the tenth an-
4 niversary of the Chernobyl nuclear power plant dis-
5 aster;

6 (2) urges the Government of Ukraine to con-
7 tinue its negotiations with the G-7 countries to im-
8 plement the December 20, 1995, memorandum of
9 understanding which calls for all nuclear reactors at
10 Chernobyl to be shut down in a safe and expeditious
11 manner; and

12 (3) calls upon the President—

13 (A) to support continued and enhanced
14 United States assistance to provide medical re-
15 lief, humanitarian assistance, social impact
16 planning, and hospital development for
17 Ukraine, Belarus, Russia, and other nations
18 most heavily afflicted by Chernobyl's aftermath;

19 (B) to encourage national and inter-
20 national health organizations to expand the

4

1 scope of research into the public health con-
2 sequences of Chernobyl, so that the global com-
3 munity can benefit from the findings of such re-
4 search;

5 (C) to support the process of closing the
6 Chernobyl nuclear power plant in an expedi-
7 tious manner as envisioned by the December
8 20, 1995, memorandum of understanding; and

9 (D) to support the broadening of Ukraine's
10 regional energy sources which will reduce its de-
11 pendence on any individual country.

○

Statement by Congressman Jack Quinn
Submitted for the Record
House International Relations Committee
May 8, 1996

In Honor of the Polish Constitution and to Promote Democracy in Eastern Europe

I am pleased that the International Relations Committee will today consider H.Con.Res. 165, honoring an important event in the development of democracy in Central-Eastern Europe and the world: the 205th Anniversary of Poland's first Constitution of 1791.

On the third day of May, 1996, Polish people and Americans of Polish descent around the world celebrated the 205th anniversary of Poland's first Constitution. The first liberal Constitution in Europe was preceded only by our own Constitution in 1787. Like the Constitution of the United States, it established three independent branches of government.

Unfortunately, it survived for less than two years as this expression of the democratic tradition of Polish political culture, embodying liberal to all people, rule by the majority and religious freedom, became a moral threat to the absolute monarchies of its neighbors.

Poland paid dearly for its democratic ideas, with the loss of its independence and the abolition of its Constitution, when Imperial Russia and Prussia partitioned Poland in 1793. It is only in the last five years that Poland again emerged as an independent nation after her people led the movement that resulted in the historical changes in Central-Eastern Europe.

Today, a free Poland has experienced its first "free" elections in several generations and the positive economic successes it has experienced are unparalleled in its history.

The eventual democratic goals of Poland include its hopeful inclusion in the North Atlantic Treaty Organization (NATO) and complete inclusion in the Western Community.

In the House, we have nearly 30 co-sponsors and the Senate passed a similar resolution by Senator Dole on Wednesday, May 1, 1996.

I hope that the Committee will join us in saluting and congratulating the people of Poland and Americans of Polish origin, for realizing the fulfillment of the spirit of the May 3 Constitution, by supporting a resolution honoring the advancement of democracy in Central-Eastern Europe and the entire world.

Statement of Congresswoman Ileana Ros-Lehtinen
on the Markup of H.Con.Res. 160
before the House International Relations Committee
May 8, 1996

Thank you Mr. Chairman. I would like to commend my colleague for his depth of knowledge and his commitment to Africa.

I support H.Con.Res. 160, sponsored by Amo Houghton, from New York. I want to also congratulate the people of Sierra Leone on their democratic elections held on the 26th and the 27th of February of this year in that this was the first time in almost thirty years the people were able to vote.

Groups of international and domestic election monitors reported that the elections of this year were transparent, open and fair. Despite deadly conflicts between citizens and those seeking to disrupt the election in Bo and Kenema, the electoral process was largely peaceful with no frauds or irregularities.

One citizen who watched the elections as a member of an observer group in the south-eastern town of Kenema said that on election day the citizens of that town, who for five years have lived on the edge of a "no-go" area that stretches the Liberian border of 30 miles, ran into the streets with defiance of a fight with fire that had been raging in the town for two and a half hours.

The rebels had launched a massive pre-dawn attack to scare voters away from the polls, but the people of Kenema were determined. They shouted--"we want to vote!" And vote they did.

We know that these elections are vital to West Africa because of its influence on other countries in the region such as Nigeria, and Liberia and to foster democracy in Africa.

Let me just say once again that I would like to join in the celebration of democracy for the people of Sierra Leone and congratulate Mr. Houghton for this resolution.

Thank You.

STATEMENT ON H. CON. RES. 160

Honorable Doug Bereuter, M.C.

May 8, 1996

I want to thank the gentleman from New York, Mr. Houghton, for introducing this resolution, of which I am a co-sponsor. The situation in Sierra Leone looked bleak indeed after a coup just several months ago. In a deviation from the conditions that usually follow such an occurrence, the leaders agreed to elections that were judged to be free and fair. Now Sierra Leone stands as a commendable recent example of democracy on a continent that desperately needs such role models. A pivotal force behind this transition was James Jonah, a former senior United Nations official from Sierra Leone. Mr. Jonah was appointed head of an electoral commission and was able to compel the military to abide by its promise to hold fair elections even when it tried to slip out of its commitments. I urge my colleagues to take this opportunity to offer our support to Sierra Leone, to newly elected President Ahmad Tejan Kabbah, and to Mr. Jonah.

NEW YORK TIMES

SUNDAY, MAY 5, 1996

West African Surprise: Suddenly, Peace Takes Root in Sierra Leone

By HOWARD W. FRENCH

FREETOWN, Sierra Leone, April 28 — Six months ago, while neighboring Liberia seemed well on its way to ending its catastrophic civil war, Sierra Leone stood out in the minds of many in this region as the most hopeless case in West Africa.

Army officers who had seized power ruled over the capital, Freetown, enriching themselves in the clandestine diamond trade. South African mercenaries bloodily prosecuted a seemingly unwinnable bush war against one of the continent's most vicious guerrilla movements.

With the rebels burning villages and hacking peasants to death without any apparent provocation or explanation, talk of holding democratic elections this year was greeted with deep skepticism by foreign donors and, for a time, indifference by the country's war-weary people.

But in one of the most remarkable changes of fortune this continent has seen since the dawn of independence from European colonialism nearly 40 years ago, Sierra Leone carried out its most peaceful and democratic national elections ever in March, replacing its young military dictators with a civilian Government.

In recent weeks, the new Government has concluded a cease-fire with

the rebels, and the country now seems well on its way to peace.

The turnabout can be attributed a number of factors, foremost among them war fatigue among the rebels and a growing sense of isolation as neighboring countries have declined to give them a sympathetic hearing.

And when Sierra Leone's military leaders repeatedly sought to back out of the elections, Western donors sent sharp warnings of consequences ranging from a cutoff of badly needed aid to diplomatic isolation.

Now Freetown, a city with a dilapidated charm, is suddenly abuzz with development consultants, aid donor delegations and relief experts.

No one predicts that the road ahead will be easy, or that a country that has been as unstable as this one is immune from setbacks. But where foreign diplomats and aid officials only recently saw hopelessness for what is by some measures the world's poorest country, many now see a tremendous opportunity for a mineral-rich and sparsely populated land to have another crack at building a modern state.

"Africa never runs out of surprises," said Berhanu Dinka, the

Continued on Page 12, Column 1

Peace Is Now Taking Root in Sierra Leone

Continued From Page 1

United Nations special representative to Sierra Leone, who played a key role in holding the military to its election schedule and helped draw the rebels into peace talks. "The lesson here is that things can always change for the better, and it is never too late to save a situation."

The story of how Sierra Leone was able to hold its improbably successful elections and advance toward peace is a story of personal and collective heroism. It is a striking example of what can happen when a devastated country's international partners pull determinedly, if only briefly, in the same direction.

At the center of this story stands the unshakable will of one man, James Jonah, 62, a former senior United Nations official from Sierra Leone. He returned home at the military's invitation to head an electoral commission, and surprised the army by taking its promises of holding honest elections seriously.

By all accounts, Mr. Jonah then proceeded to deftly outmaneuver the military leadership each time it tried to slip out of its commitments.

More than once, Mr. Jonah's determination nearly cost him his life. When he refused a request to raise the minimum age required for presidential candidates so that the 30-year-old military ruler, Capt. Valentine Strasser, could run, Mr. Jonah's home and office were bombed.

When Captain Strasser was overthrown in January by his deputy, Brig. Julius Maada Bio, Mr. Jonah pressed ahead with his election plans as if nothing had changed. The military responded by stepping up its peace feelers toward the rebels, and urged that with peace within reach it would be irresponsible to rush into elections.

Unmoved by those arguments, and initially backed by few, Mr. Jonah pressed ahead.

"Those of us who have had the privilege of living in open societies as I have for 40 years have a special obligation to promote the idea of democracy to our brothers and sisters," Mr. Jonah said. "A lot of people told me I was crazy, or that I was importing European ideas that didn't apply here. But I was convinced that if the people got a chance to have a say in how their country was being run for once, they would seize it."

Seize it they did. Turnout in the first round of voting, on Feb. 26, was 65 percent. In the final round, which produced a new President, Ahmad Tejan Kabbah, turnout rose to 75 percent despite threats by the rebels



James Jonah, a crucial figure in Sierra Leone's successful vote.



International aid has poured into Freetown since elections in March.

to disrupt the vote and maneuvers by the army to panic voters.

Mr. Jonah plays down suggestions of his own heroism, preferring to talk of that of the citizens, led in many instances by women's groups, who withstood weeks of intimidation.

When Mr. Jonah told Brigadier Bio that he would hold the vote as scheduled, regardless of the results of the peace talks, the military leader challenged Mr. Jonah to prove that the people really wanted elections. So two weeks before the vote, Mr. Jonah convened a meeting of civic groups, from religious organizations to student and labor unions, in which each was invited to express its view on the subject.

To discourage turnout, the army

lined the route to the meeting place with the most impressive display of weapons ever seen in the capital. Still, hundreds showed up, and their verdict — elections now — was so overwhelming that the military walked out of the conference center.

Once-skeptical diplomats began to throw their full weight behind the elections, warning the army at every turn of the consequences — from international isolation and arms embargoes to trade sanctions — should the military interfere with the vote.

On the day of the second round of voting, March 15, with citizens waiting in long lines, diplomats say the military engineered a series of loud explosions in the capital to create the impression of a rebel attack.

But instead of fleeing for shelter, people defiantly held their ground, chanting: "We must vote! We must vote! Jonah, Jonah, we must vote!"

Rather than fight, the country's military leadership, including Brigadier Bio, finally took its cue and has begun taking up foreign offers of assistance in arranging scholarships abroad.

"This was an extraordinary moment for the forces of democracy in Sierra Leone and an extraordinary moment for the forces of democracy in Africa," said John L. Hirsch, the United States Ambassador.

Responsibility for fulfilling this opportunity now rests largely on the shoulders of the new President, Mr. Kabbah, 64, a lawyer and former United Nations Development Program official, who took office last month.

"We have decided to embark on fully open government," Mr. Kabbah said in an interview at his home in Juba Hills, a mountainside suburb overlooking a broad azure bay. "Everything that this Government does will be fully explained to the people, and public accountability will become the rule, not the exception."

Mr. Kabbah's first order of business was to consolidate a tentative peace agreement with the rebels. He traveled almost immediately to the neighboring Ivory Coast to meet with the rebel leader, Foday Sankoh, hitting it off well enough to get Mr. Sankoh to agree to an "indefinite" truce.

Mr. Kabbah said that when Mr. Sankoh, an enigmatic former army photographer and corporal who has spent the last five years in the bush, expressed wonder over the gleaming high-rises and smoothly paved roads of the Ivory Coast, he told him, "Yes, there are many nice things here, and with peace there is no reason we shouldn't have all this and more."

Sierra Leone at Peace, Not at Ease



AT A GLANCE

POPULATION

Estimated at 4.7 million, with 500,000 in the capital, Freetown.

HISTORY

Sierra Leone was one of the first British colonies in Africa. In 1787 it became the site of resettlement of slaves freed by the empire—the first of thousands arriving in what became Freetown.

Several revolts by the natives against the British and the returns failed and early in this century Sierra Leone became a regional center of British West Africa.

Decolonization began in 1951, leading to independence in 1961. Turbulent rule followed, with Saka Stevens becoming president in 1968 and serving until 1985.

RECENT RULE

The latest turbulence is closely related to that in neighboring Liberia, with the rebel Revolutionary United Front described as an offshoot of Charles Taylor's Liberian front. In 1992, Sierra Leone's then military ruler accused the rebels opposing him of fighting on behalf of Taylor—who was angered by Sierra Leone having taken a role in peacemaking efforts in Liberia.

The military ruler, Capt. Valentine Strasser, began negotiations with the rebels in late 1994 in the midst of a rebel campaign that included the kidnapping of 16 foreigners. An uneasy truce eventually was reached and elections were held early this year.

After 5-Year Civil War, And Vigorous Election, Nation Warily Looks Up

By Jonathan C. Randall
Washington Post Foreign Service

Scarcely a year ago, rebels were almost at the gates of Freetown. The capital was swollen with panicky refugees. Well-heeled foreigners and Sierra Leoneans alike had fled abroad or were about to do so.

But today, a civilian government, born of the country's first free and fair multi-party elections in a quarter century, boasts it has faced down both rebels and the military. It predicts that peace is around the corner after a five-year civil war that diplomats say has cost 20,000 lives. The American and British governments, the European Union, the World Bank and the International Monetary Fund are providing aid or planning to do so.

Such success stories are few and far between in Africa these days.

In fact, the optimism of President Ahmad Tejan Kabbah's recently elected government at times sounds too good to be true—and may be just that. The government's success is underpinned by Executive Outcomes, a South African security company that fields about 100 well-equipped veterans of South Africa's attacks against Angolan forces in the 1980s.

In their first year in this South Carolina-size West African nation, these mercenaries made Freetown and its environs safe, recaptured the interior region, which contains some of the world's best gem diamonds, and killed hundreds of rebels of the shadowy Revolutionary United Front. Now plans are afoot for Executive Outcomes to secure foreign-owned titanium dioxide and bauxite deposits, and for mining operations to resume next year.

But the South Africans' contract, which includes training the army in Freetown and protecting the diamond industry inland around Koidu, is up for renewal. The group is owed millions of dollars by a basically bankrupt government.

Around Bo, about 150 miles to the southeast and once Sierra Leone's second city, a British delegation visiting the top civilian official last week was told the national army has lost motivation since the end of military rule in March. The official said it could not be counted on to provide protection and was preventing the local home guard from doing so.

In defiance of a formal cease-fire, armed men roam seemingly at will, stopping trucks and buses and robbing already impoverished travelers of cash and possessions. Elsewhere in the bush, armed men recently have padlocked lips or sewn up female genitalia in a grotesque echo of the reign of terror that preceded the first round of elections in February.

At that time, lips, arms, hands or fingers were chopped off to discourage voting.

No one seems to know for sure if these acts were perpetrated by rebels or soldiers. They often wear the same uniforms and use similar weapons and ammunition. Sierra Leoneans have coined the word *sobel*—part-soldier, part-rebel—to describe the freelance marauders who prey on the countryside and have a vested interest in continuing violence.

Ambiguity long also surrounded the rebellion's leadership. Until last year, no one knew if the rebel leader, an ex-corporal in his fifties named Foday Sankoh, really existed. Then his photograph was taken with Western hostages he had kidnapped.

Originally helped by Libya and factional leader Charles Taylor next door in Liberia, Sankoh remains influenced by Libyan Col. Moammar Gadhafi's "Green Book," a sort of political charter with emphasis on free education, housing and health services. Even before the fighting here began in March 1991, such goals were beyond the reach of such an impoverished country as Sierra Leone. But they struck a chord with many of its 4.7 million inhabitants, fed up with the institutional collapse of the state since the former British colony was granted independence in 1961.

Sierra Leone has mineral wealth on shore and rich fisheries and offshore diamond deposits. But its foreign debt is massive, illiteracy is 80 percent and various U.N. studies list it as the poorest member. The

fighting has displaced an estimated 1.8 million Sierra Leoneans, 300,000 of them abroad, mostly in neighboring Guinea.

Joseph A. Opala, an American anthropologist who first came to Sierra Leone with the Peace Corps 21 years ago, has characterized the succession of rulers as a "kleptocracy, a government of thieves in which looting the country's assets became the state's raison d'être.

Saka Stevens, president from 1968 to 1985, "corrupted the entire political class to the point it was impossible to believe what any politician said," Opala declared in an interview. "He dismantled all the country's institutions, totally destroyed the civil service and the army and ruled over a one-party state."

A series of military regimes ensued, often ushered into office amid genuine popular support only to disappoint their backers. Sierra Leone's stab at resurrection began in earnest last year with a bootstrap effort by concerned citizens, backed by Britain and the United States, to force young officers in power since April 1992 to keep their word to return the country to civilian rule. In the process, one officer staged a coup against another in mid-January to ensure that elections would go ahead on schedule.

James Jonah, long a senior official in the U.N. Secretariat, played a key role in what he described as a political "steepclimb in which each obstacle was higher than the last." So did Zainab Bangura, an energetic, British-educated woman who rallied women's organizations into a powerful grass-roots force for elections.

Braving both rebel and army violence designed to sabotage the first round of elections in late February, both illiterate and elite Sierra Leoneans risked their lives to vote. More than two dozen civilians died in shooting incidents on election day alone. In Bo, civilians overcame initial panic at the deliberately caused disorders, rallied and killed suspected army and rebel troublemakers.

But this fierce grass-roots determination and military rule does not mean that Sierra Leoneans have given carte blanche to Kabbah. Old-timers remember his involvement in the country's unsavory politics of the 1960s, before he studied law in Britain and served overseas as a U.N. civil servant.

Bangura, as head of the pressure group Women for a Morally Engaged Nation, warned the president to his face at his inaugural ball in March. "If you do not perform we will kick you out, too."

Already she and other self-appointed watchdogs fret about the bloated government of nearly four dozen ministers and deputies, which includes all major tendencies of the old, discredited political system.

"This system wants to reward everyone and that's what we've learned we cannot afford," she said in an interview. "We need a very strong leader with a clear vision of where he is going and I see no one who fits that bill."

Kabbah met for two days of inconclusive talks in the Ivory Coast with Sankoh, who recently emerged from the bush for the first time since the rebellion began. Kabbah said afterward that Sankoh, battered in recent battle by Executive Outcomes and caught off balance by Kabbah's election victory, is ready to negotiate.

STATEMENT OF THE INTERNATIONAL OBSERVER DELEGATION OF THE
AFRICAN-AMERICAN INSTITUTE

FOR IMMEDIATE RELEASE

FREETOWN (29 February, 1996) - The African-American Institute, (AAI), has spent the last three weeks preparing for and conducting an observation of the presidential and parliamentary elections of Sierra Leone. The AAI delegation feels that the elections of 26-27 February, 1996 were transparent, open, and substantially fair. Despite certain irregularities and disruptions due to breaches of security, the delegation is convinced these elections reflect the freely expressed choices of the people of Sierra Leone.

Working in affiliation with the United Nations Joint International Observer Group and funded by the United States Agency for International Development, the 17-member AAI delegation was deployed throughout Freetown and its environs, Lungi, Bo, Kencma, Makeni and Kono. The AAI team observed two crucial phases of the elections which were held on 26-27 February, 1996.

During the first phase, the delegation met throughout the country with government officials, the staff of the Interim National Electoral Commission, leaders of political parties and major civic organizations, representatives of the media, government officials, and other sections of civil society including organized labor. The delegation also carefully studied the electoral laws, examined the relevance of several training materials, scrutinized the voter registration process and samples of voter registers, observed training of electoral staff and domestic monitors, and attended civic education programs in many parts of the country.

During the second phase, the delegation observed the electoral campaigning, the voting which began on 26 February and was extended through 27 February, and the counting process on 27-28 February, 1996. In the areas of their deployment, AAI observers visited over 250 polling places nationwide.

AAI found that the elections were held under a cloud of uncertainty and substantial logistical difficulty caused by a lack of adequate infrastructure, minimal election experience and training, and the displacement of sectors of the population due to hostile military actions on or just prior to the date of the elections. This situation often led to the late opening and numerical overtaxing of many polling stations and, in some areas, disruption of the vote and count. Still, in the majority of the areas observed by AAI delegates, the vote went forward in a procedurally correct manner, with materials provided and correctly utilized. Polling station officials, political party representatives and domestic observers, in most cases, were adequately prepared and conducted their duties in an exemplary manner. In the areas of the country observed by AAI delegates, the difficulties cited above were overcome by the fierce determination of an overwhelming majority of the population to hold the elections on schedule, even in the face of serious attempts to obstruct and disrupt the process.

Despite these administrative inadequacies and certain instances of violence and intimidation in Freetown, as well as deadly conflicts between citizens and those seeking to disrupt the election in Bo and Kencma, the electoral process was largely peaceful and free of threats and confrontations. Voting took place in an orderly fashion in most polling stations. There was little evidence of fraud or irregularity.

The AAI delegation wishes to salute the people of Sierra Leone for their strong commitment to democratic practices and their determination to hold elections on schedule. This unflinching commitment to democratic values and procedures, as well as the courage that the citizens demonstrated in the face of great danger, augurs well for the future of democracy in this country.

The AAI delegation also wishes to congratulate the Chairman of the Interim National Electoral Commission, Dr. James Jonah, and his colleagues for their impartiality and inspiring and tenacious leadership under difficult conditions.

Finally, the AAI delegation thanks the people of Sierra Leone for their hospitality and warm welcome.

STATEMENTTHE JOINT INTERNATIONAL OBSERVER GROUP
SIERRA LEONE

The Joint International Observer Group (JIOG), under the auspices of the United Nations Electoral Assistance Secretariat, fielded a total of 65 international observers to the national presidential and parliamentary elections in Sierra Leone on February 26 and 27, 1996. The observer teams included the African-American Institute, the African American Labor Center, the Commonwealth Trade Union Council, some members of the diplomatic community accredited to Sierra Leone, the Organization of African Unity, the United Kingdom, the United Nations, and the World Council of Churches.

In the weeks before the elections, some JIOG members observed the election preparations and campaign activities throughout the accessible areas of the country. Although the security situation hindered the registration process, the Interim National Electoral Commission (INEC) and the political parties strove valiantly to promote the democratic process in order to enable the Sierra Leonean people to express their will. On election day and the subsequent extension on February 27, team members observed the polls and, where possible, the count, in the following districts: Western Area (including Freetown), Bo, Bombali, Kenema, Koinadugu, Port Loko, and Kono.

In general, the JIOG was impressed with the overwhelming desire on the part of the people of Sierra Leone to exercise their democratic rights in casting a ballot for the parties and candidates of their choice, marking a return to a multi-party system. The people of Sierra Leone were determined to exercise their rights as citizens despite attempts at intimidation by armed elements, witnessed by some observers in Freetown, Bo, Kenema, and Makeni. These violent incidents did not deter the will of the people to continue the elections.

In the majority of the polling places that the JIOG observed, the elections were conducted in a procedurally correct manner. We regret that because of the security situation observers were not able to witness polling in certain rural parts mainly in the southern and eastern regions. In general, voting materials were supplied and properly utilized; polling officials generally understood their mandates and conducted the polls in an unbiased manner; party representatives and domestic poll monitors were present in most locales; and the count, where completed in the presence of international observers, proceeded in a transparent fashion.

The massive turnout of voters, procedural difficulties and security incidents that led to late openings and disruptions of the vote tended to overwhelm the polling stations and required the extension of the polls for an extra day. This caused some difficulties in securing ballot boxes and transmitting voting results.

Despite these setbacks, the JIOG witnessed a remarkably peaceful, orderly, and transparent conduct of the vote, which leads it to conclude that the results will genuinely reflect the will of the people of Sierra Leone, and usher in an era of democracy.

The JIOG would like to thank the government of Sierra Leone for their invitation to observe the election. The JIOG congratulates the people of Sierra Leone for their patience and determination, and would like to pay a special tribute to Dr. James Jonah and the staff of INEC for its remarkable achievements in conducting these elections under trying circumstances.

February 29, 1996

JOINT INTERNATIONAL OBSERVER GROUP
 PARLIAMENTARY AND PRESIDENTIAL ELECTIONS
 FEBRUARY 26 AND 27, 1996
 SIERRA LEONE

Organizations and Countries participating in the Observation and the Statement of the Joint International Observer Group:

African American Institute	17 observers
African American Labor Center	6 observers
Commonwealth Trade Union Council	2 observers
Members of Diplomatic Missions (Sweden, EC, Canada, Nigeria, Ghana, Switzerland)	10 observers
Organization of African Unity	6 observers
United Kingdom	5 observers
United Nations	8 observers
World Council of Churches/Council of Churches of Sierra Leone	10 observers
Total	65 observers

Testimony of Ambassador Charles Redman
before the House International Relations Committee
May 30, 1996

Thank you, Mr. Chairman. I welcome this opportunity to discuss with you and your colleagues the situation in the Balkans in spring 1994, especially the decision neither to oppose nor to approve the trans-shipment of third-country arms through Croatia to the Bosnian government.

If I might, I would like to set the context with a very brief description of my activities prior to the events of April 29th. I had negotiated the Federation agreement in March which ended the war between the Muslims and Croats and made possible a new strategic alliance between the two former enemies. The next step was to be a territorial proposal which, in combination with the political institutions of the Federation, would form the basis for further negotiations with the Bosnian Serbs.

I went to Sarajevo on April 8 where I met with senior Bosnian government officials to discuss next steps on the territorial proposal. Unfortunately, before that step could be taken, the Serbs launched a major attack on the Gorazde enclave. As you know, the Bosnian defenders were overwhelmed by Serb tanks and artillery, firing at point blank range into the heart of the city. The UN was willing to authorize only the most limited use of NATO air power. I remained in Sarajevo throughout the Gorazde assault, returning to Washington on April 19.

As a result of this Serb aggression, the negotiating process was back to square one. I left for London on April 24 to join with Secretary Christopher for talks with key Allied ministers, a meeting which led to creation of the Contact Group. As the U.S. representative, I spent April 26-27 with the Contact Group in Geneva preparing our common position, before flying from Frankfurt into Sarajevo on April 28. After meeting with the Bosnian government on April 28 and travelling to Pale to meet with the Bosnian Serbs on April 29, I flew to Zagreb on the evening of April 29. I planned to brief Croatian government officials that evening on the activities of the Contact Group, before departing for Washington early on April 30.

When I arrived in Zagreb, Ambassador Galbraith asked that I come to the Residence before going on to the meeting with Croatian officials. He briefed me on the question that had been posed by Croatian government officials concerning the trans-shipment of arms for the Bosnian government and then placed a call to Washington to ascertain the response to that question. The responsible Washington official provided the "no instructions" guidance. I spoke to the same official to pass on a short debriefing on the work of the Contract Group in Sarajevo and Pale, but did not discuss the arms issue with which I had not been involved.

We then proceeded to our meeting with Croatian officials, where I provided a full briefing on the purpose of the newly formed Contact Group and its initial consultations in Sarajevo. Near the end of the formal meeting, the Croatians asked, as expected, if Ambassador Galbraith had an answer to their question. He used the "no instructions" guidance. Still not completely sure what "no instructions" was intended to mean, a senior Croatian official asked me for further clarification as we walked into the dining room. I replied that the decision was one for the Croatians themselves to make and that the U.S. did not want to be put in the position of saying no. That was the full extent of my one and only exchange on this issue.

After dinner, Ambassador Galbraith and I discussed how to proceed in informing Washington of the results of the meeting. We both felt that Croatian intentions were quite clear and that they would in all likelihood proceed with their plans to assist the Bosnian government. Because the instructions had been relayed orally, I suggested that I could provide an oral debrief in Washington and determine if any other written follow-up would be necessary.

I returned to Washington on April 30. I arranged to debrief a senior White House official on the work of the Contact Group and used that same meeting to pass on the report of our conversation with the Croatians. I noted our expectation that the transshipments would go forward. The White House official confirmed that he understood that expectation. He also said that no written reporting was required. I relayed that message to Ambassador Galbraith on May 2.

I had no further involvement with the issue after that time. I spent most of May, June, July and August in Europe in pursuit of Contact Group consultations.

In retrospect, I believe that the decision not to oppose the Croatian initiative was crucial to all that followed in the Balkans. The Bosnian government was in dire straits; the Serbs had overrun Gorazde in the most brutal fashion. The UN was not willing to engage NATO airpower, even in the most compelling situation. The Federation had changed the strategic equation in Bosnia, with the Croatian initiative one of the first results of that new alliance. If we had attempted to block that initiative and succeeded, it very likely would have doomed the Federation and exacerbated an already desperate military situation for the Bosnians. Instead, the Bosnia armed forces held on and began to counterattack. The Federation survived, UNPROFOR remained in place helping the Bosnians through another difficult winter and we bought time for a combination of American diplomacy, NATO air power and Croatian and Bosnian military victories to reach an historic peace agreement in Dayton.

Testimony before the House International Relations Committee
of
Peter W. Galbraith
U.S. Ambassador to Croatia

May 30, 1996

Two years ago the Bosnian Government asked the Croatian government to permit the transit through Croatia of weapons to its beleaguered army. A principal supplier of these arms would be Iran. The Croatian government asked for our reaction. The Administration decided we would not answer and I told the Croatians I had no instructions.

The Croatians understood this response, and a subsequent colloquy described to you by Ambassador Redman, to mean that we would not object to their role in helping the Bosnians.

I believed then, and even more strongly today, that the Administration made the right decision. Because of the arms, the Bosnians were able to survive. Eventually, the outside arms, -- which also came from countries other than Iran -- enabled the Bosnians to redress the military imbalance with the Serbs, recover some territory, and thus

help pave the way to Dayton.

To reiterate what Ambassador Redman has already told you, the Bosnian government and people were in desperate straits at the time the Croatians posed their question. The Bosnian Serbs, armed with the weapons of the old Yugoslav army (JNA), had seized 70% of Bosnia's territory. The Serbs had brutally "cleansed" this territory of its Muslim and Croat populations. Already more than 100,000 people, overwhelmingly civilians, had been killed. Gorazde, with 40,000 people, was under brutal assault, and essentially defenseless. Equally threatened were the other enclaves: Srebrenica with 30,000 people, Zepa with 16,000, Bihac with 160,000, and Sarajevo with 320,000.

To make matters worse, if that were possible, the Muslims and Croats had just fought a vicious year-long war over the remaining 30% of Bosnian territory not held by the Serbs. In the first diplomatic success of any kind since the start of the Balkan war, American diplomacy, led by Ambassador Redman, had produced a new political arrangement between the Croats and the Muslims -- the Federation of Bosnia-Herzegovina -- that had ended this awful war.

The Bosnian people, left unarmed against the Serb aggressors, had barely survived the winter of 1993-94. Without help we doubted they could survive another year. This then was the context for our decision. Let me explore for a minute the consequences if we had said no. Under these circumstances, I think the very fragile Muslim-Croat Federation would have collapsed as the Bosnians would have doubted the sincerity of their Croatian allies. undefended I believe the enclaves, including possibly Sarajevo, would have fallen either to the Serbs or to hunger and cold, or both. The death toll could have been in the hundreds of thousands.

I realize many members of Congress favored a third alternative: unilaterally lifting the arms embargo. I will not rehash the familiar and, in my view, valid arguments about how such an action would have affected our other international obligations, other sanctions regimes, and our relations with our allies. I do believe a unilateral lift would have provoked the Bosnian Serbs to move against the essentially undefended enclaves. I do not believe any program to train and equip the Bosnian army could have been in place quickly enough to save the enclaves. Therefore, unilateral lifting of the arms embargo would have forced us

to choose between sending in American combat troops to save the enclaves and rescue the U.N., or, standing aside as the enclaves fell and our allies in UNPROFOR were attacked. Neither option in my view was tenable.

Let me reiterate my belief that our decision was the right decision. This does not mean it was an easy decision.

Iran, one of the principal suppliers of the arms, is an international menace, sponsoring terrorism around the world. Potential targets included the American diplomats in Zagreb, people for whose safety I am personally responsible.

The Iranians and their terrorist allies were present on the Bosnia/Croatia scene two years before the April 1994 conversations that are the subject of your inquiry. It was the war, not the arms pipeline, that gave the Iranians the opportunity to fish in the troubled Balkan waters. It was the ability of the Bosnians to resist Serbian aggression -- a resistance made possible in part by the arms -- that created the military conditions on the ground that led to Dayton. And it is the Dayton Agreement, and the peace itself, that is forcing the Iranians and their allies to leave the area.

- 5 -

Before answering your questions I would like to make two brief final points:

First, in spite of the attention now focused on the arms question, this was only an infinitesimal fraction of U.S. diplomatic efforts in Croatia. The conversations Ambassador Redman and I have described consumed all of three minutes. The great bulk of my time, and that of our embassy, was devoted to the search for peace -- by building the Muslim-Croat Federation, as the lead U.S. negotiator in the Z-4 talks aimed at finding a peaceful settlement between Zagreb and rebel Serbs in Knin, and as the co-mediator of the Eastern Slavonia Agreement which when it was signed on November 12, 1995, not only set the stage for the peaceful reintegration of the last bit of Serb-held Croatian territory but also pave the way for Dayton.

Second, some of the issues under discussion today, including those relating to terrorist threats to the embassy, involve very sensitive intelligence and security considerations. I hope you will understand if I prefer to discuss these in close session. Also, I am a currently-serving ambassador. Croatian officials expect that conversations with me will be confidential. In some cases, I may not be able to discuss publicly issues that other officials would feel free to so discuss. Once again, I ask your understanding.

Statement of the Honorable Christopher H. Smith
House Committee on International Relations
May 30, 1996

During his April 30th weekly radio address, President Clinton stressed the importance of American engagement in the former Yugoslavia and U.S. interest in maintaining the credibility and effectiveness of NATO as a force for peace. Turning to other threats demanding active American involvement, the President cited "the efforts of Iran and other backlash states to sponsor terrorism," while reassuredly concluding that "we're meeting those threats with steadiness and resolve."

Steadiness and resolve, indeed. That statement was delivered in April of 1994, just days after the President authorized a duplicitous policy amounting to turning a blind eye to arms shipments to the former Yugoslavia from Iran -- a backlash terrorist state which the President himself has acknowledged poses a threat to the national security, foreign policy, and the economy of the United States.

A report on global terrorism issued by the State Department in April of this year characterized Iran as the "premier state sponsor of international terrorism." By default at best, and with U.S. acquiescence at worst, Teheran -- a rogue regime determined to undermine the Middle East peace process and bent on the destruction of Israel -- was allowed to fill in the gap resulting from the failure of the Clinton administration to act and to lead.

By turning a blind eye in this instance, President Clinton has unwittingly strengthened a small nationalist minority in Bosnia at the expense of those truly committed to the preservation of a multi-ethnic state; damaged our position in the United Nations, and potentially exposed the 20,000 American troops he ordered to Bosnia to even greater danger.

The Wall Street Journal got it right in an editorial entitled "Don't Ask, Don't Tell Leadership" which appeared shortly after the first revelations of the Clinton administration's duplicitous policy on Iranian arms shipments. As the piece poignantly points out, "Don't ask, don't tell is beginning to look like Bill Clinton's philosophy of life."

Unquestionably, Iran's increased influence in Bosnia is anathema to the kind of multi-ethnic society which we hope to encourage in that war-torn country. From a practical stand point, it has seriously complicated the crucial rebuilding process as well as efforts to enhance Bosnia's self-defense capabilities which could, in turn, have a direct impact on the timetable for the withdrawal of U.S. forces by year's end as promised by President Clinton.

Given the gravity of this matter, it is of the utmost importance that we piece together the details of decisions made by officials inside the Clinton administration, which constituted a green light to the Iranian arms shipments. Mr. Chairman, I appreciate your leadership to this end and look forward to the testimony of our two witnesses today who were intimately involved in this process.

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May 30, 1996

Mr. Chairman:

How soon we forget: the Clinton Administration inherited a very difficult situation in the Balkans. In the spring of 1994: People were dying because of bombardments and threatened with starvation. Allied unity was threatened. The Balkan war threatened to spread. Thousands were being made homeless and were becoming refugees.

The Administration's skilled and far-sighted policy - which included not blocking Bosnian efforts to arm themselves-enabled the Bosnian Federation to survive, saved the lives of hundreds if not thousands of Bosnian men, women and children, preserved Allied unity, and made possible conditions which led to the Dayton Peace Accords - which offers the best chance for a lasting peace in the Balkans.

The Members of the Committee who called this unnecessary hearing are now professing opposition to the Administration's decision not to oppose arms transfers to the fledgling Bosnian Federation in the Spring of 1994 .

These same Members knew about those transfers at the time but did not speak out. Indeed, many Members of Congress were urging the Administration to violate unilaterally the UN embargo. Some Members were opposing funds to enforce the UN embargo.

Were it not for partisan politics, in an election year, this Committee might well be convening to commend the Administration for its unusually skilled diplomacy. - which is exactly what we should be doing.

Normally, politicians like to claim credit for successful policies - even when they do not deserve credit - and even when it means sharing credit with their political rivals. Indeed, some Members of the opposition may deserve some credit for US successes in the Balkans. But this afternoon they apparently do not feel free to share in this success.

QUESTIONS FOR THE RECORD SUBMITTED TO
CHARLES E. REDMAN
HOUSE INTERNATIONAL RELATIONS COMMITTEE
MAY 30, 1996

3. Did Ambassador Galbraith or Ambassador Redman have any conversations with U.S. officials in Washington subsequent to their April 29, 1994, meeting with senior Croatia officials in which they discussed with U. S. officials in Washington what had happened at the April 29th meeting, or in which they received further instructions on how to proceed? If so, please describe in detail those conversations or instructions.

Mr. Redman described his meeting with the National Security Advisor during the May 30, 1996 hearing, including his report on the meeting with Tudjman, his query as to further reporting requirements and his call back to Amb. Galbraith with that information. He recalls no other conversations in Washington with other officials.

QUESTIONS FOR THE RECORD SUBMITTED TO
CHARLES E. REDMAN
HOUSE INTERNATIONAL RELATIONS COMMITTEE
MAY 30, 1996

4. When Ambassador Galbraith and Ambassador Redman met with senior Croatian officials on April 29, 1994, and conveyed the U.S. position on the establishment of an arms pipeline from Iran to Bosnia, was it their understanding that their instructions had been approved by the President of the United States? If not, who did they believe was the most senior U.S. official who had approved their instructions?

Mr. Redman does not recall being aware of this issue until he arrived in Zabreb on April 29. On the basis of the Galbraith/Walker telephone conversation at Amb. Galbraith's residence on that day, he understood the instructions had come from Ms. Walker at the NSC, acting on behalf of Mr. Lake.

QUESTIONS FOR THE RECORD SUBMITTED TO
CHARLES E. REDMAN
HOUSE INTERNATIONAL RELATIONS COMMITTEE
MAY 30, 1996

5. After having read Deputy Secretary Talbott's letter to Senator Warner and attachments thereto dated May 4, 1994, does Ambassador Redman agree that Deputy Secretary Talbott's argument that ending the U.S. arms embargo of Bosnia could give Iran a foothold in Bosnia was disingenuous in light of the "no instructions" policy?

Mr. Redman has reviewed Acting Secretary Talbott's May 4, 1994 letter to Senator Warner and the enclosed responses to specific questions regarding the potential consequences of unilaterally lifting the arms embargo against Bosnia. The letter and attached responses lay out the Department's concerns that unilaterally lifting the arms embargo would have jeopardized our cooperation with our allies aimed toward ending the war and would have undermined the authority of other U. N. Security Council resolutions. It was U.S. policy at that time to seek an end to the embargo against Bosnia through a decision by the U. N. Security Council. The Acting Secretary's letter provides a clear and accurate explanation of that policy.

QUESTIONS FOR THE RECORD SUBMITTED TO
AMBASSADOR GALBRAITH: MR. REDMAN
HOUSE INTERNATIONAL RELATIONS COMMITTEE
MAY 30, 1996

6. Did the United States notify the U. N. Sanctions Committee of any Iranian arms transfers to Bosnia in violation of the international arms embargo? Was the United States required to provide notice of such transfers of which it was aware by U. N. Security Council Resolution 740 or by any other U. N. Security Council resolution?

The United States did not violate any obligations under this resolution. Resolution 740 contained a number of provisions, one of which "call(ed) upon" states to cooperate with the Yugoslavia Sanctions Committee, "including reporting any information brought to their attention concerning violations of the embargo." By this resolution, the Council did not impose a legally binding obligation on member states to submit particular information, as is evidenced by the lack of a reference in the resolution to Chapter VII of the UN Charter.

QUESTIONS FOR THE RECORD SUBMITTED TO
AMBASSADOR GALBRAITH: MR. REDMAN
HOUSE INTERNATIONAL RELATIONS COMMITTEE
MAY 30, 1996

7. What was the origin of the idea behind the Nunn-Mitchell amendment -- the concept of legislating the prohibition of U. S. enforcement of the U. N. arms embargo against third countries: Was it something that originated in the Administration or on Capital Hill: Was it directly or indirectly suggested to the Congress by someone in the Administration?

The Department is unable to pinpoint the precise origin of this idea. From January of 1993, the Administration sought a multilateral lifting of the embargo because unilateral lifting would weaken other multilateral sanctions regimes. The Nunn-Mitchell amendment was part of a negotiated solution between the Administration and the Senate on the embargo issue.

QUESTIONS FOR THE RECORD SUBMITTED TO
CHARLES E. REDMAN
HOUSE INTERNATIONAL RELATIONS COMMITTEE
MAY 30, 1996

8. In discussing with more senior U. S. officials how to respond to the request from the Croation Government for the U. S. position on establishing an arms pipeline from Iran, did Ambassador Galbraith or Ambassador Redman ever pass along any advice on how the United States should respond? If so, what was that advice, and to whom was it passed?

Mr. Redman, does recall being aware of the Croation request until after the decision had been made on the U. S. response and thus provided no advice on the issue.

Question: If the arms embargo were lifted, what types of weapons would the Bosnian government forces need to achieve a degree of weapon equivalence with the Bosnian Serb forces? Which nations would train the Bosnian forces with these new weapons?

Answer: We presume that the Bosnian government would require large-caliber heavy weapons to match the capabilities of the Bosnian Serbs. This could include medium and heavy artillery, medium tanks, and long-range anti-tank weapons such as the Tube Launched, Optically Tracked, Anti-Tank Weapons (TOW) System. Personnel familiar with weapons provided, usually the supplier (government or industry), generally train recipients in the use, tactical employment, and maintenance of systems procured. Potential suppliers/trainers span the globe.

Question: How long would it take to effectively train the Bosnian government forces to use heavy weapons? Would this training require the presence of U.S. military personnel in Bosnia, or are other nations capable of training Bosnians on the U.S. military equipment that may be provided if the embargo is lifted? Should this training take place in Bosnia or out of country?

Answer: Estimating the time required to train a force to use, tactically employ and maintain sophisticated weapons is difficult without exact knowledge of the capabilities of the force to be trained. As a rough estimate, DoD notes that training time of one to six months is required to train soldiers to survive on the battlefield and properly use rudimentary weapons. Until there is a definitive plan to train a particular force, it is not possible to estimate where the training might take place.

Question: How would the Serbs (or other belligerents) react in that interim period between announcement of lifting and adequate training?

Answer: Any formal lifting of the arms embargo by the UN prior to a peace settlement would give the Serbs an obvious incentive to exploit their current military superiority before foreign arms began to be used effectively by Bosnian forces. Assuming that UNPROFOR stayed in place, its soldiers could face attack by Bosnian Serb forces. The Serbs could also be expected to halt the humanitarian relief effort. While relief could still flow into central Bosnia from the Adriatic coast through Croatia, the Serbs are currently capable of cutting off all land routes into Sarajevo, Gorazde, Zepa and Srebrenica. They could also close Sarajevo and Tuzla airports. The only possibility of supply to these areas would be through air drops. While these might sustain some of the outlying enclaves, they would be insufficient for a city the size of Sarajevo, which has at most a three-week supply of food on hand. In addition, air drop aircraft would be susceptible to anti-aircraft fire. The eastern enclaves and other isolated areas like Maglaj and Bihac would probably fall and Sarajevo would be at serious risk even if the population did not face starvation.

Question: Would UNPROFOR troops have to be withdrawn prior to the lifting of the arms embargo? How long would such a withdrawal take and what are the risks involved? Would the Serbs intercept the withdrawal and endeavor to take hostages?

Answer: Our understanding is that the key UNPROFOR contributors, most of whom are NATO Allies, would not be prepared to stay in Bosnia if the arms embargo were lifted. If UNPROFOR's departure were unopposed by the Bosnian Serbs, all UNPROFOR forces could probably leave within several weeks. The primary impediments would be logistical. If the Bosnian Serbs retaliated for a formal or unilateral lifting of the arms embargo by targeting UNPROFOR, the departure of the troops might be difficult or impossible. UNPROFOR troops, civil affairs officers and military observers are deployed widely and could not defend themselves against concerted attack. Allies might call on the U.S. to join them in sending ground forces in to rescue their troops or to launch a massive bombing campaign aimed at getting the Serbs to stop impeding UNPROFOR's departure.

Question: If the arms embargo were lifted against Bosnia, would it also have to be lifted against Croatia since Croatian cooperation is essential for transporting weapons to the Bosnians? What impact would lifting the arms embargo against Croatia have on the situation in Krajina? What is the likely Serb reaction?

Answer: The only reliable way to deliver heavy weapons to Bosnia in large quantities is through Croatia. If the UN Security Council lifted the arms embargo against Bosnia alone, Croatia might be permitted (by resolution) to have arms transit its territory. Thanks to the Federation agreement signed in March, relations between the Croatian and Bosnian governments are relatively good. Still, it is likely that weapons bound for Bosnia through Croatia would only reach their final destination if Croatia also received arms either openly or covertly. If the arms embargo were also lifted against Croatia, and the Croats used these weapons against the Krajina Serbs (who currently control almost one third of Croatian territory) it is possible, and perhaps likely, that Serbia proper would intervene, leading to an outbreak of war between Croatia and Serbia. Lifting the embargo against Croatia would also raise questions on whether the embargo should remain in effect against Slovenia and FYROM.



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Question: Would the lifting of the arms embargo help or hinder efforts to achieve a negotiated settlement to the conflict? Is it an option for future consideration? Under what circumstances?

Answer: Unilateral U.S. lifting of the arms embargo would probably have a chilling effect on the negotiating process. The Bosnian government might feel less inclined to seek a negotiated solution in the hope that it could achieve a better solution on the battlefield. The Bosnian Serbs, for their part, would be less inclined than ever to accept a U.S. mediating role in the conflict, depriving us of the ability to serve as an honest broker for a settlement. If the Serbs perceived an immediate physical threat to themselves as a result of the U.S. decision, they could attack the Bosnian government or UNPROFOR forces or close down the humanitarian relief supply to Sarajevo and the eastern enclaves, thus making a negotiated settlement even more remote.

S/S 9410445

DEPARTMENT OF STATE
WASHINGTON

May 4, 1994

Dear Senator Warner:

Thank you for your letter of April 29 to Secretary Christopher regarding the United Nations imposed arms embargo as it applies to Bosnia. I hope the attached information, which the State and Defense Departments have prepared in response to your questions, will be useful to you.

As you know, the Administration believes that maintaining the arms embargo against Bosnia punishes the victim in the conflict. But it is also our view that if the embargo were to be lifted at this time, and particularly if it were lifted unilaterally, a number of serious practical problems would ensue. Most importantly, we would jeopardize the chances of addressing the Bosnian crisis in concert with our Allies and undermine the authority of other U.N. Security Council resolutions.

Thank you for sharing your concerns with us. We look forward to working with you on this important issue.

Sincerely,

Strobe Talbott
Acting SecretaryEnclosure:
Responses to your questionsThe Honorable
John W. Warner,
United States Senate.

Question: Some have argued that the arms embargo against Bosnia is not legally binding, since the embargo was imposed against the former Yugoslavia and Bosnia is not a successor state; and because the embargo violates Bosnia's right of self-defense under Article 51 of the UN Charter. What is the Administration's legal opinion on this issue?

Answer: The arms embargo was imposed on the territory of the former Yugoslavia by UN Security Council Resolution 713 (1991) and reaffirmed in later resolutions (e.g., Resolutions 724, 727, 740, 743, and 787). Resolution 713 is a mandatory decision under Chapter VII of the UN Charter and expressly provides that the embargo will remain in effect "until the Security Council decides otherwise." The Council has also made clear that the embargo applies throughout the territory of the former Yugoslavia, notwithstanding its breakup into separate states (see Resolution 727 (1992)). Thus it applies to Bosnia.

The embargo does not violate Bosnia's right of self-defense under Article 51 of the UN Charter. Any self-defense right that may exist to receive arms from other states under Article 51 is subject to the authority of the Security Council, which may take action affecting it. Thus, under Article 51, measures taken in self-defense "shall not in any way affect the authority and responsibility of the Security Council under the [UN] Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

The Security Council may take various actions -- imposition of cease-fires, limits on armaments, and establishment of protected or demilitarized zones -- that affect a state's right of self-defense. For example, the Council may impose a cease-fire even though its immediate effect may leave an aggressor in temporary occupation of part of the defender's territory. Article 51 takes as its premise the principle that the Security Council may impose such sanctions when it judges them to be necessary, and this is an essential part of the Council's authorities to maintain and restore peace.

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ISBN 0-16-054046-1



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