



National Security Law Report

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U.S. Seeks to Stifle Megaweapons Trade

Assistant Secretary of Commerce Michael P. Galvin reported to a Standing Committee breakfast meeting in Washington on January 16 that the U.S. government has focused a heightened scrutiny on the trade in weapons of mass destruction. Galvin has directed the Commerce Department's Office of Export Administration since May 1990, and has just announced that he is leaving public service to become Vice Chairman of the Long-Term Strategic Planning Committee of CSIS.

Galvin confirmed that a high-level U.S. delegation is now visiting the Confederation of Independent States to determine how to control the disposition of weapons, experts and technology. Later, similar delegations will visit the constituent republics to promote non-proliferation regimes and accelerated schedules for the destruction of nuclear weapons.

The republics are also seeking to acquire sophisticated communication systems to upgrade and modernize their existing, rather primitive systems. Galvin cautioned that these acquisitions would greatly assist in the development of democratic institutions through enhanced freedom of communication, but they would also be important additions to military command and control capabilities. The world, he cautioned, has not progressed to the point of making this secondary use irrelevant to U.S. national security concerns. He stated that no decisions had been reached, but discussions are now underway as to the conditions on which these acquisitions can be completed, if at all.

Setting the larger context of the advisability of furnishing dual-use technology to parts of Eastern Europe and the former Soviet Union, Galvin outlined the new criteria imposed by the Bush Administration in recent years. Commerce now asks about such exports whether the strategic risks of denying newly emerging nations the benefit of exports that would assist in democratization are outweighed by the risks that such exports might become part of hostile weapons systems. Second, Commerce also asks whether the benefits of weapons export controls outweigh the detriments to U.S. competitiveness if, as a result

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Latin America and the Caribbean: Problems and Opportunities

With the end of the Cold War, the United States must now treat Latin America and the Caribbean in new ways, according to Ambler Moss, Director of the University of Miami's North-South Center and former Ambassador to Panama, speaking at a conference on "Strengthening Regional Security, Democracy and the Rule of Law in Latin America and the Caribbean." Held in Miami on January 6-7 and featuring over 40 speakers, the conference was co-sponsored by the Standing Committee and the North-South Center.

Many of the speakers at the conference agreed that the threats to the region's security are changing. El Salvador's Marxist guerrillas reached an accord with the government in January; Guatemala's guerrillas are engaged in talks with the government there; and one of Colombia's major insurgent groups (the M-19) now is participating in the political process.

Speakers pointed to Peru as a special case. The Shining Path guerrillas persist in their assault on the government. With U.S. help, Lima is attempting to strengthen the counterinsurgency

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of foregoing the export, leadership in the global marketplace is jeopardized. Application of these criteria has resulted in a 50% reduction of controlled products with respect to Eastern Europe and the former Soviet Union.

Galvin also forecasts that the U.S. will need to continue to address export control programs in other countries. Noting that the U.S. control program is only as strong as the weakest program among its trading partners, he said that even the narrowly targeted efforts to control exports of missile technology and chemical and biological weapons require additional work. The Iraq situation proves that even legal sales of lower-level 1940-era technology can produce substantial safety and health risks. Galvin reminded the audience that under new regulations, if American firms know that their products, even if not controlled, are going to foreign facilities that are engaged in the manufacture of weapons of mass destruction, export licenses are required.

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capabilities of the military and police, and trying to improve the human rights record of these forces. Some at the conference feared the total collapse of order in Peru.

President Bush's national drug strategy focuses major attention on cocaine trafficking in Peru, Colombia and Bolivia. Drew Arena, Director of the Office of International Affairs, Criminal Division, Department of Justice, said narcotics trafficking threatens democracy through creation of dependency in individuals which decreases their freedom of choice, and through corruption and violence which undermine democratic institutions. William Ratliff of the Hoover Institution noted that many Latin Americans are disappointed in the U.S. tendency to blame them about narco-trafficking, failing to deal instead with our consumption problem. Edwin Corr, former U.S. ambassador to El Salvador, Bolivia, and Peru, also does not think eradication or income substitution in the Andean nations will solve the problem.

Cuba remains unique. Jaime Suchlicki, Executive Director of the North-South Center, said there is a low probability of Castro's

permitting free elections, and a military coup or assassination is not very likely. There is a higher probability of food riots, demonstrations and strikes. But Castro can be expected to respond with a strong apparatus of repression. Dr. Constantine Menges, Director of the Transition to Democracy Program at George Washington University, called for creation of a free Cuban government in exile, and an international campaign to withdraw diplomatic recognition from Cuba.

Brigadier General James Harding, Director of Inter-American Affairs in the Office of the Secretary of Defense, said that other major security threats in the region are coups (as recently occurred in Haiti), and deep economic problems. Lesser threats include border disputes, unrestricted immigration and the spread of ballistic missile and nuclear technology.

The distrust between the military and civilians in Latin American nations presents a different kind of problem according to Major General Bernard Loeffke, Chairman of the Inter-American Defense Board. The U.S. military is attempting to foster improved civil-military relations through programs enhancing military professionalism, stressing the rule of law and human rights, and also training civilians about security policy management.

Dr. Norman Bailey, former Senior Director of National Security Planning for the National Security Council, said that narco-trafficking and illegal immigration are threats not just to individual states but to the whole continent. For example, while Colombia's Medellin cartel has decreased its narco-trafficking insofar as the United States is concerned (being replaced

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Book Review

By the Editor

Deadline: A Memoir

by James Reston
Random House, 1991

At the outset of his new book James "Scotty" Reston, long-time Washington correspondent and bureau chief of *The New York Times*, recounts that he started to write a political memoir, "but it got away from me and turned into a personal memoir of love and hope." It is all of that and more. A sparkling writing style and a wry Scottish wit make this inside story of his quite remarkable career in journalism irresistible.

Born in Clydebank, Scotland, emigrating with his family to the United States, attending public schools in Dayton, and then graduating from the University of Illinois in 1932, Reston began his career with a stint as travelling secretary and publicity director of the Cincinnati Reds. He then moved to the Associated Press in New York and soon thereafter joined the London staff of *The New York Times* in September, 1939, only days before the outbreak of World War II.

Reston came to Washington after the war, eventually succeeded Arthur Krock as Washington bureau chief of *The Times*, then became associate editor of the paper and finally executive editor. The winner of two Pulitzer prizes, he wrote a nationally syndicated column from 1953 until 1987.

Now over 80, Reston has some time for reflections, and some of these are of special interest to the student of national security law. As a leading newspaperman in Cold War Washington, Reston faced over and over again the dilemma of how much of the nation's security policies and actions were fair game for the reporter.

His earliest brush with the issue came in October 1939, when strict Admiralty censorship prevented any reporting about the sinking of the battleship *Royal Oak* at anchor in the Scappa Flow, and the cruiser *Belfast*, in the Firth of Forth. *The New York Times* managed to get the news out through subterfuge. Reston now regrets this clear violation of an agreement to abide by the rules of war-time censorship. His conclusion is especially interesting: "A newspaper gathers more information by trust than by tricks, and while in this case the tricks succeeded, we lost the confidence of officials on whom we had to rely for future information." The matter was resolved in a very British way: Reston

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significantly by the Cali cartel), it has diverted much of its attention to Europe and in the process has made Venezuela a major transit point.

Both Bailey and Clifford E. Griffin, Research Fellow at the Hoover Institution, said transnational problems, such as narco-trafficking and unrestricted immigration, all call for improved multilateral cooperation, especially through the Organization of American States (OAS). Griffin said the OAS is only as strong as its member governments allow. He encouraged the United States to play a major role in promoting OAS multilateral initiatives. The OAS received plaudits at the conference for its efforts to restore the elected president of Haiti.

If the United States does not make a concerted effort to strengthen hemispheric cooperation to deal with narcotics trafficking, terrorism and economic development, an historic opportunity will be lost, observed Allen Weinstein, President, Center for Democracy. Weinstein and other speakers also urged strong U.S. support of multilateral efforts in the trade area. The governments of the United States, Latin America and the Caribbean have a common concern about economic competitiveness, especially in view of efforts by the European Community and the East Asian nations to exercise their economic muscle. Thus, it makes great sense for the United States and its hemispheric friends to cooperate through the Enterprise for the Americas Initiative, the North American Free Trade Agreement, the Caribbean Basin Initiative, the OAS and other institutional arrangements to build up a much stronger economic region.

The prospects for successful region-wide collaboration are greatly heightened by what University of Southern Illinois Professor Richard Millett called an "unbelievable change in economic attitudes in Latin America in the last decade." There has been an almost 180-degree change to market principles from a previous focus on government-led development, economic nationalism and protectionism, and restrictions on foreign investment.

Nina Serafino, head of the Latin American Section of the Congressional Research Service, described the current situation as "a state of relative peace and growing obscurity." She said U.S. interest in Central America and the rest of

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the region has decreased sharply. Norman Bailey referred to the increasing "marginalization" of Latin America.

University of Virginia Law School Professor John Norton Moore urged the United States to continue the policy of "rule of law engagement." He argued that we should make democracy-building a major element and not an afterthought in U.S. foreign policy. The record proves that democracies protect human rights, do not invade their neighbors, and do not engage in terrorism. Accordingly, the U.S. should work closely with the OAS in a long-term concerted program to promote free and fair elections, the protection of human rights, the separation of powers, independent and strong judiciaries, and other rule of law institutions.

But a nation is not democratic just because its elections were certified "free" by observers. As Professor Abraham Lowenthal of the University of Southern California noted, one must also look at such factors as the existence and power of opposition parties, the percentage of persons voting, the ability of citizens to express genuinely diverse views, the status of human rights including freedom from torture, the degree of inequality based on different ethnicity or gender, the operation of the criminal justice system, the degree of independence of the judiciary, and whether those who govern are truly accountable to the people. Lowenthal said that while some say 90 percent of the Western Hemisphere is "democratic," a rigorous examination suggests that the correct percentage is "uncomfortably low."

Former U.S. ambassador to Peru David Jordan said it is difficult to institutionalize democracy in Latin America because despite free elections and changes in leadership, there remain in place centuries-old social, political and economic infrastructures and habits. Ambassador Corr said the process of building true democracy may take 20 years. To help the region's democracies to succeed, the United States must provide more assistance. He called for a bipartisan strategy to raise the region higher on the U.S. foreign policy agenda within a multilateral hemispheric strategy.

Democratization is not easy, agreed Paula Dobriansky, Associate Director of Programs, U.S. Information Agency. Key ingredients include education, a substantial middle class, a market

economy, and a democratic "culture." While the United States can help Latin Americans to deal with their legacy of oppression and economic deprivation, ultimately they themselves will have to take the primary responsibility.

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was approached by a secret intelligence agent in a Fleet Street pub who showed his official identification card and then said "We know exactly what happened. But it isn't done here. Understand? Never again!"

Reston was, of course, at the epicenter of several of the Cold War Washington furors over reporting on national security. In 1962, before any public announcement, he discovered the movement of planes and ships into southeastern ports in the United States, anticipating the blockade of Cuba. His call to the White House was first stone-walled, then immediately returned by President Kennedy himself. Not denying that a blockade was imminent, Kennedy asked Reston not to print what he knew, fearing an ultimatum from Khrushchev before he could get on the air to explain the seriousness of the crisis to the American people. In the end, *The Times* spiked the story, and Reston became an admirer of the President who was "calm and candid in a very sticky situation."

A very different impression emerges from Reston's recollections about Lyndon Johnson. LBJ is described as "shamelessly intimidating" and "by nature, a suspicious bully" who saw conspiracies everywhere, and in the end lost his "caution about drinking and smoking, and apparently even his will to live." Nevertheless, Reston feels sorry for him and amply describes his immense achievements. Reston was, of course, among those whom Johnson blamed when the country seemed to turn against him on the issue of Vietnam, remarking that Reston sought Pulitzer Prizes in denouncing the Vietnam War and was assisted in that effort by Soviet Ambassador Dobrynin.

It is clear that Reston was no fan of the Vietnam War, and he greatly admires the reporters for his newspaper -- David Halberstam, Neil Sheehan, R. W. "Johnny" Apple and Charles Mohr -- who covered it, crediting their "negative reporting" out of Saigon with helping to bring an end to the war. Interestingly, the Vietnam policy Reston came to distrust was foreshadowed for him after President Kennedy's

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disquieting meeting with Khrushchev in Vienna in the spring of 1961. Kennedy, shaken and angry, described the session as rougher than expected. Concluding that Khrushchev's hard-line on Berlin suggested the Russians believed the American president had no guts, Kennedy realized it was essential to demonstrate firmness: the place to do it, he remarked -- to Reston's astonishment -- was Vietnam. Baffled, Reston sought elaboration. None was forthcoming.

On occasion, *The Times* withheld sensitive news on the theory that important national security interests or the fates of individual Americans would otherwise be jeopardized. *The Times* knew for months about the U-2 flights over the USSR, but never printed a word about it before Gary Powers was shot down. While *The Times* reported the fact that the CIA was training anti-Castro Cubans in Guatemala in January of 1961, a serious question arose in April when Tad Szulc filed a long story saying that the invasion of Cuba was "imminent." Risking the fury of reporters and editors alike, *The Times'* managing editor Turner Catledge rewrote the story, eliminating any reference to timing. While disapproving the entire guerrilla exercise -- Reston had written and *The Times* had published columns well before the invasion denouncing the plans -- Reston still believes that the Catledge decision was proper and that the paper's "reputation for accuracy and responsibility would have been harmed by informing Castro of the timing of the invasion."

Reston recounts in detail the story of the publishing of the Pentagon papers. Faced with conflicting advice from lawyers on the balance between national security and the First Amendment,

The Times' publisher called lawyers and editors together to poll them. Reston writes that when his turn came, he said he was for printing everything, "that if we didn't, somebody else would, and if nobody else did, then I would print them myself in our little family weekly, *The Vineyard Gazette*."

In the wake of all these controversies, Reston seems willing to admit that military security is indeed entitled to some special protection. But he is plainly unhappy about the extent to which the term "national security" was used as an "all-purpose excuse for trickery, lies, deceptions and broken promises." For him there was no greater threat to national security than the atmosphere of distrust that increased during and after the Vietnam War. Reston is equally tough on the press, which, he says, utterly missed the housing and savings and loans scandals of the late 1980's, resulting in the thefts of hundreds of millions of dollars.

One comes away from this book both liking and admiring Scotty Reston. His charm, his gift for recounting a good story, more impressively his active and lively intelligence all make him an ideal companion for a reader of memoirs.

One also admires him for the strong sense of character that comes through in these pages. He believes in the correctness of *The Times'* policy that the honor of a human being always comes before the competitive interests of *The Times*. Moreover, he was willing to pursue a profession that kept him away from his family more than he would have preferred. He did so because he thought he could make a contribution to his adopted country. On this he concludes, "I don't want the press to be popular, just to deserve to be believed, and in the past 50 years I have come to the not wholly objective conclusion that it has earned more respect than it gets."

Calendar of Events

February 20

Breakfast Meeting, University Club, Washington, D.C.

March 19

Breakfast Meeting, University Club, Washington, D.C.

April 16

Breakfast Meeting, University Club, Washington, D.C.

April 30 - May 1

Conference on Intelligence in a Post-Cold War World, International Club, Washington, D.C.

For further information on these events, please contact the Standing Committee office at 703-242-0629.

Letter to the Editor

Yugoslavia — Another View

Sir:

David Martin's piece on Yugoslavia leaves the unwary reader with the impression that Serbia is getting a bad rap because it only wants Serb areas of Croatia under Belgrade's rule. He states that Serbia's demand is valid, but does not support his statement with any hard facts. Why? Because there is no legal, statistical or geographical justification for internal border changes within what is now a defunct Yugoslavia.

First, some argue that the Tito-created post-war borders are merely administrative borders and unfair to Serbia. But the post-war border commission was chaired by a Montenegrin, Milovan Djilas, and run by Aleksandar Rankovic, a Serbian, and Mose Pijade, a Serb of Jewish origin. In fact, Djilas recalled in an interview in the September 19, 1991 *Chicago Tribune*, that "nobody at the time demanded a different border." Djilas' opinion is that "Serbia and the Federal Army are engaged in a war of conquest in Croatia; they are simply trying to take a chunk of Croatian territory."

Second, Martin omitted the fact that the internal boundaries of former Yugoslavia were ratified by all republics in 1974. Yet if one looks at the present map of Croatia in comparison to any of the other republics and provinces of the former Yugoslavia, only Croatia looks like a gerrymandered congressional district. Tito took the heart of Croatia away and named it Bosnia-Herzegovina. Thus, to the extent that the Serbs feel they were disadvantaged in 1945, the Croatians were disadvantaged even more.

Third, Yugoslavia was a signator to the 1975 Helsinki Final Act which mandated that there be no internal border changes by force. Since the Yugoslav Army and the Republic of Serbia have flouted the Helsinki Final Act, it is no wonder that the European Community and those close to the conflict have taken the actions that they have.

Fourth, in the areas in Croatia that are inhabited by Serbs, according to the Yugoslav censuses of both 1981 and 1991, the vast majority of the Serb minority live in the large cities. In Eastern Croatia, the Serb population overall is less than 17 percent. In not one county in Eastern Croatia do the Serbs comprise a majority.

Fifth, the Croatian government, in its new constitution, made a special point of assuring the

protection of the rights of all, regardless of race, religion or national origin. Article 15 of the Croatian constitution states: "Members of all nations and minorities shall have equal rights in the Republic of Croatia. Members of all nations and minorities shall be guaranteed freedom to express their nationality, freedom to use their language and script, and cultural autonomy." Article 12 states: "The Croatian language and the Latin script shall be in official use in the Republic of Croatia. In individual local units another language and the Cyrillic or some other script, along with the Croatian language and the Latin script, shall be introduced into official use under conditions specified by law."

Sixth, the Serbs were the primary beneficiaries of the earlier communist rule. In Zagreb, the Croatian capital where Serbs comprise four percent of the population, over 80 percent of the police force was Serb. At the all-important media center of Croatia, all of the directors were Serbs, not one was Croatian. In the secret police, over 75 percent were Serbs. It is obvious, then, that when democracy replaced totalitarianism, there would be radical changes. This dislocation has been misnamed ethnic discrimination, when in fact, it is replacing the discrimination that was part and parcel of the old communist system.

Then there is the issue of whether the fate of the Serbs during World War II justifies the present aggression. Croatians are branded as Nazis and fascists, and Serbs as victims. That some Croatians found an alliance with fascism and Nazism as a lesser evil of three choices given to them in 1941, the other two being Serbian royal dictatorship or communism, is not a proxy for all of Croatia. Croatians have arrived at their solution to get out of Yugoslavia in a democratic fashion. It is their right under the Yugoslav constitution.

There is a practical solution. The United States must recognize Croatia and the other republics that desire to secede. The Croatian people have democratically voted for independence by a ninety-five percent mandate. Continued inaction puts Croatia in a more desperate position and threatens the stability of the democratically elected Tudjman government. The failure of the United States to recognize Croatia is nothing less than a moral abandonment.

Tomislav Z. Kuzmanovic

Mr. Kuzmanovic is with the Milwaukee law firm of Hinshaw & Culbertson, and is a board member of the Croatian American Association (Milwaukee).