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Leadership Moves and Elections Unlikely to Change Conditions in Serbia

In late July, Slobodan Milosevic resigned as President of Serbia, a post he held for ten years, to become the new President of a Yugoslav federation which includes only Serbia and Montenegro of the six republics comprising the previous Yugoslav state. His move was much predicted and well orchestrated, as is his present effort to take his grip on power with him. Zoran Lilic, who has been the largely ceremonial Yugoslav President since 1993, is now the candidate of Milosevic's Socialist Party for President of Serbia in September 21 elections. Milosevic was compelled to take Lilic's seat, because the Serbian Constitution prohibits a person from serving as president for more than two terms.

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(l to r) CSCE Staff Advisor John Finerty, Keston Institute's Lawrence Uzzell and Commission Co-Chairman Rep. Christopher H. Smith (R-NJ) discuss Yeltsin's recent veto

Vetoed Russian Religion Law Subject of Commission Briefing

On July 28, Commission Co-Chairman Christopher H. Smith (R-NJ) chaired a public briefing on President Yeltsin's recent veto of legislation on religious organizations passed by the Duma and its implications for religious freedom in Russia. Mr. Lawrence Uzzell, Moscow representative of the Keston Institute, that studies religious life in Communist and post-Communist states, spoke on his observations of the developing situation in Russia.

In his opening statement, Mr. Smith emphasized that the Commission's support in this particular case for "minority faiths" should not be seen as antipathy toward, or a challenge to, the Russian Orthodox Church. "But I believe—and I know that many Russian Orthodox believers share this view—that when government becomes overly intrusive in matters of faith it eventually redounds to the detriment of all believers, and ultimately to the detriment to that society itself."

Mr. Uzzell noted that the 1993 Russian Constitution guarantees freedom of religion and mandates the separation of church and state. Nevertheless, religious freedom has come under increasing attack by elements within the Russian Orthodox Church hierarchy and hard-line nationalist

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The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901.

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Opposition to Milosevic exists, but it is fragmented to the point of ineffectiveness. Within Serbia, for example, the *Zajedno* coalition of three major opposition parties, which won control of councils for most major cities in local elections last November and rode high on the wave of popular protest against the regime earlier this year, has collapsed. The Democratic Party and the Civic Alliance of Serbia plan to boycott the upcoming elections due to conditions which prohibit a free and fair electoral process, but the larger Serbian Renewal Movement's leader, Vuk Draskovic, has been considering a run for president. A third candidate is ultranationalist Vojislav Seselj, who is currently leading in the polls, and his Radical Party. Seselj is currently mayor of the Belgrade suburb of Zemun, where local administration is known to be efficient but where Croat families have recently been expelled and a Jewish cemetery desecrated. Seselj also recently participated in the severe beating of a prominent human rights lawyer following a televised confrontation.

For now, the elections seem to be a farce. Twelve opposition parties have declared that five minimal conditions must be met before they will participate, including no gerrymandering of districts, openness in the control of the electoral process from beginning to end, and an impartial media, especially television. The Socialist majority has not conceded any ground in these areas. Meanwhile, the international community questions whether conditions are sufficient even to justify foreign observation of the elections by the OSCE, since the recommendations made last December by an OSCE Mission led by former Spanish Prime Minister Felipe Gonzalez, which go along the same lines as the opposition's demands, have not been implemented.

Elsewhere, the Kosovar Albanians continue to be severely repressed by Serbian authorities, and decided not to be engaged in the republic's political life. Instead, in 1997 some seem to have even rejected the passive approach of their own, present leadership by engaging in violent retribution against local Serbian officials. On the pretext of these acts, Serbian authorities have arrested and tried dozens, but the use of torture to obtain confessions and other improper judicial proceedings overshadow the question of their individual guilt. Other Albanian activists believe it better to strike some deal with the Serbian regime than to continue the current impasse. Despite efforts at dialogue, the Serbian opposition's own nationalist leanings preclude it from taking stands that could entice the Kosovar Albanians

to take the risk of joining them in opposing the existing Serbian regime.

The only other organized opposition to Milosevic is Montenegro, which balked at Milosevic's ascendancy to the federal presidency where he can more directly interfere in the republic's affairs. The Montenegrin opposition, generally more vibrant than in Serbia, has traditionally advocated that the small republic distance itself from its closely related but dominating neighbor. Even the ruling Democratic Socialist Party has now gone this route by ousting the pro-Milosevic President of Montenegro, Momir Bulatovic, from its ranks and calling for new elections on October 5. Supporters of Prime Minister Milo Djukanovic, who successfully fought an effort to oust him a few months ago, are opposing constitutional changes Milosevic might make to enhance his power at Montenegro's expense. While Montenegro is the most serious challenge to Milosevic, its dissidence, however, effectively stops at its own borders.

Milosevic, therefore, appears safely entrenched in his new position. Probably the chief threat to his power is not any organized opposition, but the more nebulous public frustration over social and economic conditions which gave rise to the massive demonstrations earlier this year. The regime's awareness of its vulnerability to popular dissatisfaction was evident in the late-July shutdown of over 50 independent broadcast media outlets across Serbia on grounds that they had no licenses to operate. While Milosevic permitted some to resume operations, his point regarding the degree to which free expression will be tolerated had already been made. Concern over his own popularity also seems to prompt his oscillation between neo-Communist and nationalist positions. Currently, he is taking a more nationalist line, evident in his role in the struggle between Momcilo Krajisnik and Biljana Plavsic for control of Republika Srpska in neighboring Bosnia-Herzegovina, as well as in trials taking place in Kosovo. Ultimately, however, he is unable to deliver the Greater Serbia that nationalists want, and must move back toward the leftists represented by his own wife, Mirjana Markovic, to undercut his growing rivals on the right. This, in turn, makes him a target for widespread complaints about the lack of reform, as well as the corruption of those who serve under him. He can then be expected again to return to nationalism, where public outcry is weaker, repeating the cycle he has taken since coming to power.

☞ Bob Hand



The Parliament Building of the Slovak Republic

Another Constitutional Issue in Slovakia

On July 25, the Slovak Constitutional Court announced its ruling regarding the case of Frantisek Gaulieder. Gaulieder is a member of the Slovak parliament who was stripped of his mandate after he renounced his membership in Prime Minister Vladimir Meciar's party, the Movement for a Democratic Slovakia. The Constitutional Court decided that parliament's decision to strip Gaulieder of his mandate was unconstitutional and violated Gaulieder's rights.

The Movement for a Democratic Slovakia won a plurality in Slovakia's 1994 election, but failed to obtain a majority of seats in parliament. Shunned by more moderate parties, Prime Minister Meciar ultimately formed a coalition with the far-right-wing Slovak National Party and the far-left-wing Association of Slovak Workers. With only eighty-one seats in the 150-seat unicameral legislature, the coalition lacks the necessary number of votes (a three-fifths majority, i.e., ninety votes) to change the

Constitution, pass constitutional laws, to elect or recall the President.

Late last November, Frantisek Gaulieder announced he was resigning from the Movement for a Democratic Slovakia because it was not fulfilling its campaign promises. Shortly thereafter, parliament's Mandate and Immunity Committee voted to strip Gaulieder of his mandate based on a letter of resignation it had allegedly received. Gaulieder, however, consistently maintained that the letter had been falsified and, in letters and statements

to the Slovak parliament, repeated his intention to remain a Deputy. At about the same time that Gaulieder was stripped of his mandate, he began to receive death threats and a bomb exploded outside his home (while his five-year-old child was present); no one was injured.

The matter has been complicated by the revelation that some members of the Movement for a Democratic Slovakia, including Gaulieder, signed

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According to a public opinion poll released in July, the Slovak Constitutional Court is the most trusted public institution in that country, earning the support of 58 percent of the respondents; the government came in fourth, trusted by only 39 percent of the respondents. Prime Minister Meciar, nonetheless, remains the most trusted individual leader in the country, with 21.8 percent of the respondents trusting him more than any other politician.

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legislators urging protection of Russia from “foreign sects.” The most recent attack on the national level was a law passed by overwhelming majorities in both chambers of the Russian parliament that would have placed tight restrictions on religious groups not registered with the government within the previous fifteen years. The law would have denied such groups the right to perform many activities, including renting and owning property, publishing and disseminating religious literature, employing religious workers, and maintaining bank accounts. The legislation would have established a special status for Russian Orthodoxy, Islam, Judaism, Buddhism, and “other religions traditionally existing in the Russian Federation.” The law would have adversely affected such groups as recently established Roman Catholic parishes, some Baptist groups, Jehovah’s Witnesses (who have existed in Russia for decades, but have only been able to practice openly since the fall of communism), Mormons, and other denominations which either entered Russia after the collapse of communism or refused to register with the government during the Soviet era. On July 22, after strong appeals from the international community and human rights activists within Russia, President Yeltsin vetoed the law. The Russian Constitution allows for this veto to be overridden by a two-thirds vote of both chambers of the parliament.

While Uzzell complemented the Americans (“The U.S. Embassy was sterling.”), the British, and the Europeans for their articulate opposition to the legislation, he emphasized that the ultimate credit for the veto rests with President Yeltsin in that “Yeltsin’s firm and succinct veto message indicated that he genuinely believes in freedom of religion, and the international appeals merely reinforced his determination to act according to his conscience.” Mr. Uzzell warned against “American triumphalism” in this matter, as well as against pushing the U.S. model of church-state separation on the Russians, reminding everyone that many European countries that guarantee freedom of religion also have state churches. “The West should not oppose—nor be surprised at—the establishment of the Russian Orthodox Church as the State Church of Russia,” he said, noting that, “in order to be lawful, such an action would require an amendment to the Russian Constitution, which currently stipulates that Russia is a secular state.”

Mr. Uzzell predicted that the parliament would not override Yeltsin’s veto, that he will be able to use his influence to persuade centrist parliamentarians from fac-

tions such as “Our Home is Russia” and groups loyal to Prime Minister Viktor Chernomyrdin to change their votes and support the presidential veto. “In the unlikely case of an override,” said Uzzell, “the Constitutional Court generally supports the Russian President and in a conflict with the parliament would support the former.”

On a more pessimistic note, Mr. Uzzell predicted that religious freedom in Russia will decline over the next year, and that “Russians will never have as much religious freedom as they have had from 1991 to 1997”. He concluded this based on his observation of the conservatism of Russia’s regions and the increasing power those regions are acquiring as Russia becomes a ‘real federation.’ “A quarter of the regions have already passed laws curtailing religious freedom,” he said, “and even in Moscow there is some support for a ‘Concordat System’ requiring religious groups to register with the city government.”

Mr. Uzzell opined that “the Russian Orthodox Church is the most unreformed entity in post-Soviet Russia, with an official of the notorious Soviet-era Council on Religious Affairs serving as one of Patriarch Alexii’s chief advisors. While the Moscow Patriarchate has been leading a campaign of disinformation regarding the religion law, the Patriarchate is equally interested in using legislation against other Orthodox denominations that exist in Russia, such as the Old Believers or the Russian Orthodox Church Abroad.”

While pointing out that a majority of Russians would have supported the vetoed law, Uzzell averred that “religion is not a burning issue in the minds of the Russian people. In order to strengthen the constituency for religious freedom, members of the U.S. Congress should build up their personal relationships with Russian parliamentarians as members of the U.S. executive branch have done with their Russian counterparts. These U.S. Government representatives should stress the importance of the rule of law, as the proposed restrictions on religion violate not only numerous international agreements to which Russia is a signatory, but Russia’s own constitution.”

“There is some cause for optimism in the long term,” he said. “First, the vetoed law addressed ‘yesterday’s issue.’ While American Protestantism and foreign groups benefited from the mystique attached to everything Western immediately following the Soviet collapse, their popularity has fallen as the excitement has faded. While the indigenous Baptist churches in Russia are growing, those

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Belarus Suspends Negotiations on OSCE Office in Miensk; Human Rights Situation Continues to Deteriorate

The Government of Belarus has suspended indefinitely negotiations on the opening of an OSCE office in Miensk which would have assisted and advised in the promotion of democracy. According to RFE/RL, the reason given was that the OSCE Parliamentary Assembly, which met in Warsaw in early July, invited only a delegation from the parliament which had been disbanded by Belarusian strongman Alyaksandr Lukashenka, and not a delegation from Lukashenka's loyalist post-November referendum parliament. Earlier, on June 20, Belarus had agreed in principle to open up the OSCE office. On July 23, despite earlier indications to the contrary, Lukashenka asserted to foreign reporters that there will be no early elections in Belarus, stating: "The idea of holding early elections, planted by Belarusian emigrants in the United States, is being imposed on Miensk by officials from the European Union and the OSCE."

Meanwhile, the human rights situation in Belarus continues to deteriorate. On July 17, police in Miensk beat and detained parents protesting plans by Lukashenka to transfer management of the building housing their high school to the president's office. The high school, which has an outstanding reputation and whose curriculum stresses democratic ideals, is one of 22 buildings housing cultural and educational entities that are being transferred—as a result of a Lukashenka decree—to the president's office.

On July 18, the International Helsinki Federation and Belarusian Helsinki Committee issued a report to the OSCE on human rights violations in Belarus. Among their findings: the "separation of powers" established by the 1994 Belarusian Constitution "has virtually ceased to exist in Belarus"; in areas covered by a presidential decree (Lukashenka has issued numerous decrees in the past several months), "the appointed lawmakers now have the task to bring existing legislation into conformity with the decree, which thus transcends the law"; and with respect to the judiciary, judges routinely make decisions only after receiving telephone calls with instructions, and in many trials, judges have not allowed defense lawyers and not even testimony by defense witnesses. Furthermore, the state is restoring its control over the legal profession as legal defense can now only be undertaken by lawyers' collegiums, which are, in effect, state law firms. These measures, according to the re-

port, "make it virtually impossible for individuals to be assisted and represented in court in cases where they are in conflict with the authorities."

The report also addresses violations of political rights and freedoms, charging that "... there have been reports of ill-treatment and starvation in detention of those charged with participating in demonstrations that occurred in March 1997;" "... critics of the regime have continued to be imprisoned, fined, dismissed from their positions, intimidated, unjustifiably held responsible for the actions of colleagues, denounced on national television, provoked and entrapped, and subjected to violations of privacy." Moreover, the Belarusian Government has "tried to cripple the political opposition economically by threatening and harassing private business firms whose leaders or workers are not politically loyal."

In Lukashenka's continuing assault on the media, the accreditation of Russian Public Television (ORT) Miensk bureau chief Pavel Sheremet was annulled in early July. Sheremet had been critical of Lukashenka and the Belarusian Government. In a July 22 letter to Lukashenka protesting the action against Sheremet, Human Rights Watch/Helsinki states: "The withdrawal of Sheremet's accreditation is but the latest incident in an indisputable pattern of harassment and intimidation—both physical and administrative—against the critical or independent mass media and its personnel in the name of suppressing an alternative to pro-government information." On July 27, Belarusian authorities detained a three-person ORT crew, including Mr. Sheremet, allegedly for illegally crossing the Lithuanian-Belarusian border. Since then, security officials have searched the Miensk offices of ORT on several occasions. On July 30, Russian President Boris Yeltsin expressed indignation over the ORT arrests, and threatened to reconsider the Russian-Belarusian union charter if the matter is not settled. Lukashenka reacted angrily, blaming Yeltsin's comments on alleged misinformation by Russian liberals, principally Russian First Deputy Prime Minister Anatoly Chubais, who, according to the Belarussian president, are trying to derail Belarussian-Russian integration. Fourteen journalists who protested the ORT arrests were either fined or received warnings for taking

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undated letters of resignation from parliament during the 1994 election campaign. These letters, it was reasoned, were a form of insurance for the Movement against party defections (i.e., if someone resigned from the party, this letter would be used to remove them from parliament). The Slovak Constitution, however, states that parliamentary mandates are held individually (not by virtue of party membership) and members of parliament from other parties have been permitted to change party affiliation without facing expulsion. Gaulieder, however, is the first member of the Prime Minister's party to seek to do so.

In fact, there is widespread speculation that other members of the Movement for a Democratic Slovakia would also like to resign from their party, but not parliament. If Gaulieder is successful in his bid to be reinstated, it is believed that other Deputies would renounce their membership in the Prime Minister's party and stay on in the parliament as independents. This would be an especially damaging blow for the Prime Minister in light of the campaign for next year's elections, expected to be held by the fall of 1998, which has already begun.

The wrongful removal of Gaulieder in December was immediately protested by the European Union and the United States at OSCE meetings in Vienna. In addition, in December 1996, the European Union's parliament passed a resolution calling on Slovakia to reinstate Gaulieder; in January, the Chairman, Co-Chairman, and

Ranking Members of the Commission wrote to the Speaker of the Slovak parliament, Ivan Gasparovic, urging that Gaulieder's mandate be restored.

At a meeting in Washington in June, Mr. Gasparovic informed Members of Congress, including the Commission's Ranking House Member, that he would

have no comment on the matter until the Constitutional Court had reached a decision. Dusan Slobonik, the Chairman of the Slovak parliament's Foreign Affairs Committee, and Jan Cuper, another Slovak Deputy from the Prime Minister's party, also gave their assurances to the Commission's Ranking House Member, another Commissioner, and two other Members of Congress during a meeting at the OSCE Parliamentary Assembly in July that the Constitutional Court's decision in the Gaulieder case would be respected.

So far, however, representatives of the Movement for a Democratic Slovakia (Olga Keltosova and Peter Brnak) and from the Slovak National Party (Marian Andel) have publicly stated they do not intend to respect the Court's ruling by reinstating Gaulieder. Following on the heels of the Ministry of Interior's refusal to implement a Constitutional Court ruling regarding the administration of a national referendum in May, a refusal by parliament to implement the Court's ruling in the Gaulieder case is likely to cement international public opinion that views the current Slovak regime as anti-democratic.

☞ Erika Schlager



*Prof. JUDr. Milan Cic, DrSc.,
President of the Constitutional
Court of the Slovak Republic*

“[The participating States will:] ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures.”

-- Para. 7(9) of the 1990 Copenhagen Document, which Slovakia adopted upon joining the OSCE as an independent state on January 1, 1993.

Moscow-Chechnya Reconstruction Negotiations Stall

At the end of July, Chechen authorities had suspended negotiations with Moscow on the reconstruction of Chechnya following the latter's two-year war for independence. The *Financial Times* (July 30, 1997) reported that Chechen leaders alleged that Russian authorities are renegeing on agreements to reconstruct the Caucasian region in the wake of its 21-month conflict. A halt in reconstruction could affect the flow of Caspian Sea oil through Chechnya to the Black Sea, which is supposed to begin in the fall of this year. Both sides had previously agreed earlier this month to help restore the pipeline, which had been damaged during the fighting.

Meanwhile, the Kremlin announced on August 7 that "practical steps are being taken to lay the groundwork" for a meeting of the Russian and Chechen presidents in the near future. After meeting in Grozny with Chechen officials to work out details for the meeting, Security Council Secretary Ivan Rybkin stated that "implementation of the previously signed agreements is proceeding at an extremely slow rate, which is causing profound concern on both sides."

Maskhadov has proposed the establishment of formal diplomatic relations between Grozny and Moscow. *Interfax* also reports that Chechnya plans to propose concluding a "large-scale" bi-lateral treaty in August. Yeltsin has endorsed the possibility of signing a "Tatarstan-type" power-sharing agreement, but not a comprehensive treaty giving Chechnya the status of a foreign country. ☞ John Finerty

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organized by foreign missionaries are not. Therefore, supporters of restrictions on religious groups soon will not be able to argue that indigenous Russian religions are threatened by foreign intruders."

"Second, an even greater cause for optimism is indicated by the results of a court case in Udmurtia, which earlier passed a law restricting religious activities. Observers were shocked when the regional Supreme Court overturned the law, citing its numerous violations of the Russian Constitution. This unexpected action, along with Yeltsin's veto, prove that there is indeed a faction in Russia which, regardless of its attitude toward Western governments, genuinely believes in and supports human rights. Accordingly, we must remember that one does not have to be pro-Washington to be pro-freedom."

☞ John Finerty

Russian Prison System to Justice Ministry?

The Russian *Interfax* news service reports that Russia's Minister of Justice Sergei Stepashin has indicated that the Russian government plans to transfer control of the penitentiary system from the Ministry of Interior to the Ministry of Justice.

As the basis for the possible move, Stepashin referred to the recommendation of the Council of Europe, which Russia joined in February. The inhumane conditions in Russian prisons and the abuse of prisoners have been major concerns for both domestic and international human rights organizations.

Stepashin announced the creation of a working group from the Interior Ministry, Attorney General's office, and Ministry of Justice to make proposals regarding the transfer. However, neither the announcement of the transfer of control nor the creation of the working group necessarily means that the plan will succeed.

In a related story, the Center for Reform of the Criminal Justice System, headed by former political prisoner Valery Abramkin, has issued a report describing an increase in instances of police "crimes and other violations" from 10,000 in 1994 to more than 12,000 in 1996.

☞ John Finerty

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part in an unauthorized demonstration in front of President Lukashenka's home on August 1.

Within the last few weeks, authorities have apparently renewed efforts against the democratic opposition, conducting a search of the office of the opposition Belarusian Popular Front, ostensibly to search for weapons. Instead, they took away four flagstaffs. At the same time, the opposition appears to be determined in its advocacy of democracy, human rights, and the promotion of Belarusian national culture. At a July 27 congress of the Belarusian diaspora in Minsk, participants criticized the Belarusian Government for consciously planning to eliminate the Belarusian language and culture. Also that day, some 20 people were arrested after a 7,000-person-strong rally marking the declaration of Belarusian independence.

☞ Orest Deychakiwsky

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