RUSSIA'S FALTERING DEMOCRACY

Mr. BIDEN. Mr. President, I rise today, regretfully, to discuss the faltering state of democracy in Russia. I say ''regretfully,'' because during my more than 31 years in the U.S. Senate, I have consistently striven to improve relations between our country and Russia.

For example, a few years ago, despite severe U.S. budgetary constraints and significant foreign policy differences with Moscow, I introduced legislation that when enacted substantially increased funding for Muskie Fellowships for graduate students from Russia.

During my time in the Senate—which has spanned the last decade of Brezhnev, the brief ruling periods of Andropov and Chernenko in the early 1980s, the lengthier and stormy tenures of Gorbachev and Yeltsin, and since 2000 the era of Vladimir Putin—I have always believed that a constructive relationship with Russia is in the best interest of that great country, and is a vital national interest of the United States.

During the Soviet period our ties were based overwhelmingly on strategic considerations. Moscow and Washington had huge, redundant nuclear arsenals that, if ever used, would have ''made the rubble bounce''—that is, would have gone a long way toward destroying life on this earth as we know it.

The focus of our diplomacy, particularly of our arms control negotiations, was to make that ultimate horror scenario impossible.

But we had no illusions about making the Soviet Union a genuine partner in anything more than in that narrow strategic sense. Whether or not one fully concurred with President Reagan's memorable description of the U.S.S.R. as an ''evil empire,'' no one could have asserted that it in any way resembled a democracy, anchored by the rule of law, with civil liberties and human rights for all its citizens.

In fact, after the signing of the Helsinki Final Act in 1975, the United States effectively utilized the so-called ''Basket Three'' of that document to publicly hold the Soviet Union accountable for its violations of human rights and civil liberties.

Great hopes for change accompanied the collapse of the Soviet Union at the end of 1991 and Boris Yeltsin's successor government in the Russian Federation. Although the lid did come off of the worst of state repression, Yeltsin's tenure was marred by widespread corruption, which discredited democratic reform in the eyes of many Russians.

Yet Yeltsin, for all his failings, did successfully make the difficult personal transition from communist to democrat. Given time, Russia's political system held—and still holds—the promise of evolving into a genuine democracy.

That potential, unfortunately, has not only not been utilized, it has been systematically stifled by Yeltsin's hand-picked successor, Vladimir Putin.

In his 4½ years in power, Mr. Putin, an intelligent and street-smart former agent of the KGB, has developed a system known as ''managed democracy.'' Aside from the unintended irony of this oxymoronic construct, in practice it is long on ''managed'' and short on ''democracy.'' In essence, Russians are witnessing a rollback of the civil liberties they enjoyed during the 1990s.

Both the 2003 parliamentary elections and the March 2004 presidential election were described as seriously flawed by international observers.

The Putin government has selectively and ruthlessly utilized its prosecutorial powers to silence incipient rivals and thereby intimidate other potential opponents. The most celebrated case is that of Mikhail Khodorkovsky, former head of Yukos Oil, Russia's most modern, Western-like private company. Mr. Khodorkovsky's principal sin appears to have been his belief that a wealthy man had the right to engage in Russian political life as a potential alternative to Putin by funding independent, non-governmental organizations.

The imprisonment and legal proceedings against Khodorkovsky have violated virtually every canon of fairness and legality. His trial on tax evasion charges, which opened on Wednesday in Moscow, was scheduled to be held in a cramped courtroom in a blatant move to restrict access to outside observers.

In a speech late in May, President Putin delivered an ominous warning to Russian organizations that defend democracy and human rights for allegedly serving ''dubious'' interests and receiving financial support from the West.

Putin has also used financial gimmicks to eliminate the major, independent national television stations in Russia, leaving only a handful with local audiences. Earlier this month the most popular and outspoken surviving Russian television journalist was fired.

As a result of this repressive media policy, Russian viewers have long since been denied objective coverage of world events, especially of the brutal war being waged by their army in Chechnya.

In that context, President Bush's answer last week to a question at a G–8 press conference in Sea Island, GA, is disturbing. The President said that the G–8 leaders were ''united by common values.'' He went on to explain: ''We do agree on a free press. We don't necessarily agree with everything the free press writes, but we agree on a free press.''

The ancient Greeks used irony as a rhetorical device by attributing a positive characteristic to negative reality. The Black Sea was called ''the peaceful sea'' precisely because, in actuality, it was so stormy. We moderns might call it ''the power of wishful thinking.''

I hope that is what President Bush was doing—subtly pushing Putin into behaving like a member of the G–8 club, to which Russia now belongs despite its mid-size economy, which, absent extraneous political criteria, would not qualify it for membership.

For although the Russian newspaper scene is still vibrant, as I have just described, its electronic media are anything but free. And, as in the majority of other countries, most citizens of the Russian Federation get their news from television, not from newspapers.

Some observers fear a crackdown on the print medium and perhaps even on foreign broadcaster journalists based in Russia.

As for supposed overall ''common values,'' the most recent report on Russia in ''Nations in Transit 2004,'' published by Freedom House, shows Russia slipping from poor to very poor during calendar year 2003 in 5 of 6 categories: electoral process; civil society; independent media; governance; and constitutional, legislative, and judicial framework. The only category in which it did not fall was corruption, and there it remained mired at an extremely poor level.

I hope, therefore, that Putin will not misconstrue President Bush's off-the-cuff answer in Sea Island as license to continue his own undemocratic domestic policies.

As several American commentators and newspaper editorials have discussed, Russia's inclusion in the G–8 since the late 1990s is not irreversible. Its economy certainly does not qualify it for membership, and if it persists in violating the ''common values'' to which it pays lip service, the United States and its democratic allies may decide to return to the G–7 format.

I hope it does not come to that.

I thank the Chair and yield the floor.

PLEDGE OF ALLEGIANCE CASE

Mr. BROWNBACK. Mr. President, I would like to applaud the decision by the Supreme Court yesterday dismissing the Pledge of Allegiance Case and affirming a student's right to say the pledge with the phrase ''One Nation Under God.'' The majority decision concluded that the Court lacked jurisdiction over Mr. Newdow's claim of injury since Mr. Newdow is merely a noncustodial parent with no decision-making authority over his daughter's education.

The Court, of course, chose to sidestep the larger issue presented by the case. If you recall, Mr. President, the Ninth Circuit's stunning decision was deeply troubling to many Americans when it was first announced in 2000. The Ninth Circuit, unable to legally address the issue of relationship between the father and the daughter, simply decided that Mr. Newdow had a fundamental right to have his child shielded in public school from religious views that differ from his own.

Never mind that such a right has not been articulated before, and certainly not within the context of a noncustodial relationship, but more importantly, a right of such magnitude has