

order to be seen and witnessed by the Territorial Military Commander/Head of the Provincial Police/Regiment Commander/Commander of the Cendrawasih Special Army Force Command/Battalion Commander of 515/Head of the Directorate IPP Papuan Regional Police.

3. Third Alternative: It is the most possible scenario that has been proposed. Mr. X was shot to death before. Then Mr. X's dead body was brought and placed on the side of the road in order to "invite" the police investigator team to come and to investigate the location of the incident and at the same time to wait for the coming of the group that consisted of the Territorial Military Commander/Head of the Provincial Police/Regiment Commander/Commander of the Cendrawasih Special Army Force Command/Battalion Commander of 515/Head of the Directorate IPP Papuan Regional Police to witness that it is true that Mr. X was the attacker on August 31, 2002 and also the attacker on September 1, 2002.

4. Referring to the third alternative that it was the most possible scenario. In order to make the case more clear, 10 (ten) questions need to be asked:

- (1) Who is Mr. X?
- (2) Where is the exact location where Mr. X was picked up at?
- (3) Where is the exact location where Mr. X was shot before he was placed on the side of the road?
- (4) Who picked up Mr. X and who shot Mr. X?
- (5) Why did they create this kind of scenario for Mr. X?
- (6) Who are the parties that have worked together to develop this Mr. X scenario?
- (7) Is this Mr. X scenario known by the responsible security of PT. FI (OPS TEMBAGA-14)?
- (8) Who is the initiator (the first person) to create this plan or create this Mr. X scenario?
- (9) What kind of vehicle was used to pick up Mr. X and to drop Mr. X's dead body on the side of the road?
- (10) What is the background reason that had triggered the creation of this scenario for Mr. X?

#### *F. Closing*

This is all about the findings pertaining to Mr. X. It is supported by the data and the facts from:

1. The condition of Mr. X while he was still alive.
2. The condition of dead Mr. X at the location of the incident.
3. The condition of Mr. X when the autopsy was performed.
4. The condition of Mr. X after he was buried in the Timika public cemetery.

#### PAYING TRIBUTE TO JAMES HARLOW

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 16, 2004*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to James Harlow for his commitment to education and public service in his La Junta, Colorado, community. For nearly four decades, James has been teaching English at La Junta High School and, after a rewarding career, will be retiring next year. For his outstanding dedication and commitment to the youth of La Junta, I would like to thank James before this body of Congress and this nation today.

Those whose lives James have touched over the years know him to be a passionate, friendly, and fair teacher. His inspiration to become a teacher came from his own high school English teacher, and since graduating from Adams State College, he has taught and inspired countless youths in his own classroom. Since 1965, James has taught English classes at the high school, and since 1976, has coached the school's golf team.

Mr. Speaker, I am honored to bring the service of James Harlow to the attention of this body of Congress, and commend him for the manner in which he has served his La Junta, Colorado community. The dedication and enthusiasm he brings to teaching his students is admirable, and I would like to thank him for all he has done for La Junta, and wish him the best in his future endeavors.

#### PAYING TRIBUTE TO JOSIE LUJAN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 16, 2004*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to thank Josie Lujan for the remarkable work she has done over the years educating her students. Her career as an educator has been marked by high accolades, and her upcoming retirement from Monte Vista High School will most certainly bring more awards, as she has already received her school's Golden Apple Award this year. It is my privilege to pay tribute to Josie as she puts the finishing touches on an extraordinary career.

Lujan perhaps is best known for the 1978 Lujan Act, an act that bears her name in reference to the lawsuit in which she was named the lead plaintiff. The Lujan Act guaranteed equal educational funding from the State of Colorado for poor and rural schools, and her dedication in this cause earned her the Federico Pena Community Service Award in 1979.

Josie continued challenging long held inequities when she was appointed to a vacated seat on the previously all male Del Norte School Board, to which she was subsequently re-elected. Despite her many historical achievements, it is her work with her special education students at Monte Vista High School, beginning in 1979, which fills her with the most joy. Lujan has carried out the role of educating her students, not only in scholastic subjects, but also in life skills, with remarkable compassion and devotion. Although she is retiring, her work with special education students will continue through programs such as therapeutic riding.

Mr. Speaker, I am honored to pay tribute to the service of Josie Lujan before this body of Congress and this nation, and to congratulate her on an outstanding career. I would like to wish her the best in her retirement and sincerely thank her for her service.

#### HONORING JAM PRODUCTIONS, LTD.

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 16, 2004*

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Jam Productions, Ltd. of Chicago after 33 years of excellence and dedication to their work in music promotions.

Jam Productions was co-founded in 1971 by Jerry Mickelson and Army Granat, and has since become one of the country's leading promoters of concerts and shows, including public concerts, theatrical performances and private and corporate events.

During this time, Jam Productions has made Chicago proud through its efforts working with organizations and businesses in the community. They have worked with top names in the music industry, like U2, Frank Sinatra and Paul McCartney.

They have produced meetings and events for Fortune 500 companies including Ameritech, Philip Morris Companies, Miller Brewing, Ford Motor Company and HBO Entertainment.

Jam has developed close relationships with their clients by working through the entire production process for each individual project. This determination has made them the preferred production house at both Soldier Field and the United Center in Chicago.

In addition, Jam Productions, Ltd. has been continuously involved with organizations and events such as the Illinois state Gubernatorial Inauguration, the Democratic National Convention, the Grand Opening of Chicago's Museum Campus, the Chicago's AIDS Foundation annual gala benefit, the 100th Anniversary of the Veterans of Foreign Wars and the Grand Opening of Chicago's Navy Pier.

The staff of Jam Productions is considered an expert at each process of design and logistics, pre-show planning and production. Their valuable experience working with audiences both large and small continues to be a model for both Chicago businesses and for the entertainment field.

Mr. Speaker, I join with the people of Chicago in congratulating Jam Productions, Inc. on their achievement, and wish them continued growth and accomplishment in the future.

#### PROVIDING FOR CONSIDERATION OF H.R. 3717, BROADCAST DECENTRY ENFORCEMENT ACT OF 2004

SPEECH OF

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 11, 2004*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3717) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language:

Mr. PAUL. Mr. Chairman, Americans are right to be outraged at much of the content of broadcast television and radio today. Too

many television and radio programs regularly mock the values of millions of Americans and feature lude, inappropriate conduct. It is totally legitimate and even praiseworthy for people to use market forces, such as boycotts of the sponsors of the offensive programs, to pressure networks to remove objectionable programming. However, it is not legitimate for Congress to censor broadcast programs.

The First Amendment says, "Congress shall make no law . . . abridging the freedom of speech. . . ." It does not make an exception for broadcast television. Some argue that broadcast speech is different because broadcasters are using the "people's airwaves." Of course, the "people" don't really control the airwaves anymore than the "people" control the government in the "People's Republic" of China! Instead, the "people's airwaves" is a euphemism for government control of the airwaves. Of course, government exceeded its Constitutional authority when it nationalized the broadcast industry.

Furthermore, there was no economic justification for Congress determining who is, and is not, allowed to access the broadcast spectrum. Instead of nationalizing the spectrum, the Federal Government should have allowed private parties to homestead parts of the broadcast spectrum and settle disputes over ownership and use through market processes, contracts, and, if necessary, application of the common law of contracts and torts. Such a market-based solution would have provided a more efficient allocation of the broadcast spectrum than has government regulation.

Congress used its unconstitutional and unjustified power-grab over the allocation of broadcast spectrum to justify imposing federal regulations on broadcasters. Thus, the Federal Government used one unconstitutional action to justify another seizing of regulatory control over the content of a means of communication in direct violation of the First Amendment.

Congress should reject H.R. 3717, the Broadcast Decency Enforcement Act, because, by increasing fines and making it easier for governments to revoke the licenses of broadcasters who violate federal standards, H.R. 3717 expands an unconstitutional exercise of federal power. H.R. 3717 also establishes new frontiers in censorship by levying fines on individual artists for violating FCC regulations.

Congress should also reject H.R. 3717 because the new powers granted to the FCC may be abused by a future administration to crack down on political speech. The bill applies to speech the agency has determined is "obscene" or "indecent." While this may not appear to include political speech, I would remind my colleagues that there is a serious political movement that believes that the expression of certain political opinions should be censored by the government because it is "hate speech." Proponents of these views would not hesitate to redefine indecency to include "hate speech." Ironically, many of the strongest proponents of H.R. 3717 also hold views that would likely be classified as "indecent hate speech."

The new FCC powers contained in H.R. 3717 could even be used to censor religious speech. Just this week, a group filed a petition with the United States Department of Justice asking the agency to use federal hate crimes laws against the directors, producers, and screenwriters of the popular movie, "The Pas-

sion of the Christ." Can anyone doubt that, if H.R. 3717 passes, any broadcaster who dares show "The Passion" or similar material will risk facing indecency charges? Our founders recognized the interdependence of free speech and religious liberty; this is why they are protected together in the First Amendment. The more the Federal Government restricts free speech, the more our religious liberties are endangered.

The reason we are considering H.R. 3717 is not unrelated to questions regarding state censorship of political speech. Many of this bill's most rabid supporters appear to be motivated by the attacks on a member of Congress, and other statements critical of the current administration and violating the standards of political correctness, by "shock jock" Howard Stern. I have heard descriptions of Stern's radio program that suggest this is a despicable program. However, I find even more troubling the idea that the Federal Government should censor anyone because of his comments about a member of Congress. Such behavior is more suited for members of a Soviet politburo than members of a representative body in a constitutional republic.

The nation's leading conservative radio broadcaster, Rush Limbaugh, has expressed opposition to a federal crackdown on radio broadcast speech that offends politicians and bureaucrats:

If the government is going to 'censor' what they think is right and wrong . . . what happens if a whole bunch of John Kerrys, or Terry McAliffes start running this country. And decide conservative views are leading to violence?

I am in the free speech business. It's one thing for a company to determine if they are going to be party to it. It's another thing for the government to do it.

Mr. Chairman, I am also concerned that the new powers H.R. 3717 creates will be applied in a manner that gives an unfair advantage to large media conglomerates. While the FCC will occasionally go after one of the major media conglomerates when it does something especially outrageous, the agency will likely spend most of its energies going after smaller outlets such as college and independent radio stations. Because college and independent stations lack the political clout of the large media companies, the FCC can prosecute them without incurring the wrath of powerful politicians. In addition, because these stations often cater to a small, niche audience, FCC actions against them would not incur the public opposition it would if the agency tried to kick "Survivor" off the air. Most significantly, college and independent stations lack the financial and technical resources to absolutely guarantee that no violations of ambiguous FCC regulations occur and to defend themselves adequately if the FCC attempts to revoke their licenses. Thus, college and independent radio stations make tempting targets for the FCC. My colleagues who are concerned about media concentration should consider how giving the FCC extended power to revoke licenses might increase media concentration.

H.R. 3717 should also be rejected because it is unnecessary. Major broadcasters' profits depend on their ability to please their audiences and thus attract advertisers. Advertisers are oftentimes "risk adverse," that is, afraid to sponsor anything that might offend a substantial portion of the viewing audience, who they

hope to turn into customers. Therefore, networks have a market incentive to avoid offending the audience. It was fear of alienating the audience, and thus losing advertising revenue, that led to CBS's quick attempt at "damage control" after the Super Bowl. Last year, we witnessed a remarkable demonstration of the power of private citizens when public pressure convinced CBS to change plans to air the movie "The Reagans," which outraged conservatives concerned about its distortion of the life of Ronald Reagan.

Clearly, the American people do not need the government to protect them from "indecent" broadcasts. In fact, the unacknowledged root of the problem is that a large segment of the American people has chosen to watch material that fellow citizens find indecent. Once again, I sympathize with those who are offended by the choices of their fellow citizens. I do not watch or listen to the lewd material that predominates on the airwaves today, and I am puzzled that anyone could find that sort of thing entertaining. However, my colleagues should remember that government action cannot improve the people's morals; it can only reduce liberty.

Mr. Chairman, H.R. 3717 is the latest in an increasing number of attacks on free speech. For years, those who wanted to regulate and restrict speech in the commercial marketplace relied on the commercial speech doctrine that provides a lower level of protection to speech designed to provide a profit to the speaker. However, this doctrine has no Constitutional authority because the plain language of the First Amendment does not make any exceptions for commercial speech!

Even the proponents of the commercial speech doctrine agreed that the Federal Government should never restrict political speech. Yet, this Congress, this administration, and this Supreme Court have restricted political speech with the recently enacted campaign finance reform law. Meanwhile, the Department of Justice has indicated it will use the war against terrorism to monitor critics of the administration's foreign policy, thus chilling anti-war political speech. Of course, on many college campuses students have to watch what they say lest they run afoul of the rules of "political correctness." Even telling a "politically incorrect" joke can bring a student up on charges before the thought police! Now, self-proclaimed opponents of political correctness want to use federal power to punish colleges that allows the expression of views they consider "unpatriotic" and/or punish colleges when the composition of the facility does not meet their definition of diversity.

Just this week, there was a full-page ad in Roll Call, the daily paper distributed to House members, from people who want Congress to impose new regulations on movies featuring smoking. No doubt the sponsors of this ads are drooling over the prospect of fining stations that show Humphrey Bogart movies for indecent broadcasts.

These assaults on speech show a trend away from allowing the free and open expression of all ideas and points of view toward censoring those ideas that may offend some politically powerful group or upset those currently holding government power. Since censorship of speech invariably leads to censorship of ideas, this trend does not bode well for the future of personal liberty in America.

In conclusion, Mr. Chairman, because H.R. 3717 is the latest assault in a disturbing pattern of attacks on the First Amendment, I must vote against it and urge my colleagues to do the same.

PAYING TRIBUTE TO THE  
AMERICAN LUNG ASSOCIATION

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 16, 2004*

Mr. McINNIS. Mr. Speaker, it is an honor to rise and pay tribute today to the American Lung Association on their 100th Anniversary. As the oldest voluntary health organization in the nation, its mission to combat tuberculosis and other lung diseases has done much to improve the health of our citizens. I would like to congratulate the Association for its one hundred years of service to America and commend their ongoing efforts in fighting lung diseases.

The American Lung Association was founded in 1904 as the National Association for the Study and Prevention of Tuberculosis by a group of dedicated doctors, nurses and volunteers to fight the tuberculosis epidemic. Since its founding, it has expanded its focus to include research, education, and advocacy programs for fighting all types of lung ailments. With the decline of tuberculosis related illnesses in the 1960s, the Association led education campaigns on the hazards of smoking and on chronic respiratory disease, which it continues to this day. The Association also played a major role in sponsoring progressive programs on asthma control, targeting our nation's youth.

Mr. Speaker, it is my privilege to recognize the American Lung Association and its numerous volunteers and staff for their work over the last hundred years. Its laudable goal of eradicating all types of lung diseases is an ever-continuing effort, and it is an honor to pay tribute to the Association before this body of Congress and this nation today. I wish them all the best in their continuing endeavors, and thank them for their 100 years of service to our nation's health.

HONORING 50 YEARS OF SERVICE  
OF PHILIP E. BARRINGER, A CA-  
REER DIPLOMAT AND PUBLIC  
SERVANT

**HON. CHRISTOPHER COX**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 16, 2004*

Mr. COX. Mr. Speaker, friends, colleagues, and a grateful nation will honor Philip E. Barringer in a memorial service this Friday. Mr. Barringer served half a century negotiating the arrangements that protect the interests of the United States and our Service personnel around the world. His negotiating career began with one of the twentieth century's historic diplomatic tasks: negotiating for governance of post-war Germany between the United States, the Soviet Union, France, and the United Kingdom. From the time of the signing of the North Atlantic Treaty in 1949 until his

retirement in 1999, he served in a civilian capacity in the Pentagon negotiating agreements on stationing, access rights, and the legal status of United States military forces based in friendly foreign countries. For the majority of that long and distinguished period of public service, he was Director of Foreign Military Rights Affairs, an office under the Assistant Secretary for International Security Affairs.

The United States has been fortunate that a man of Mr. Barringer's consummate skill had educational opportunities that uniquely prepared him for a life of negotiating on behalf of his nation. Born in Haverford, Pennsylvania, in 1916, he graduated from the Episcopal Academy with highest honors in 1933. He studied for a year in Heidelberg College, Germany in 1934, gaining insight into the crucial events taking place in Germany during Hitler's rise. He returned to the United States and attended Princeton University, graduating in 1938 with honors in European history. Subsequent law studies at the University of Pennsylvania were interrupted by the mobilization of the Pennsylvania National Guard in 1941. During and following World War II, he served with the 28th Division Artillery; in Headquarters Army Ground Forces; and as Secretary of the Legal Division of the Allied Control Council for Germany. In 1945 he helped develop the quadripartite arrangements for occupied Germany.

He served 50 years in the Pentagon. Among his early assignments were an effort to stimulate Latin America to contribute to the Korean War, participating in negotiation of the NATO Status of Forces Agreement, and negotiating a leasing agreement for U.S. forces in Iceland.

After attending the National War College in 1950–51, Mr. Barringer was assigned to the West Germany, Berlin and Eastern Europe Programs at the Pentagon. In that capacity, he was a member of the U.S. Delegation to the 1954 Berlin Conference on Germany and Austria, and the ensuing Geneva Convention on Korea and Indo-China. His primary responsibility was to coordinate the West German defense contribution to NATO; this was enlarged in 1956 to assisting western European nations in meeting their military contributions to NATO.

Between 1964 and 1966, he served as politico-military attaché at the American Embassy in London. Here he worked with the British Foreign and Defense ministries to lay the political foundation for the military use arrangements for Diego Garcia. As Congress reflects on America's victory in Iraq, especially during this anniversary week, it is important to recognize how many efforts, over so long a period of time, have contributed to America's strength. Mr. Barringer's contribution to this matter alone was critical to permitting Diego Garcia to serve its very valuable role in supporting our forces in operations against Saddam Hussein in 1990–91 and again in 2003.

On returning to Washington in 1967, he served 1 year as Deputy Director of Near East and South Asian Affairs, during the Arab-Israeli war. He then became Director of Foreign Military Rights Affairs, and served as Defense representative in the continuing negotiation of basing, access and status of forces agreements, covering 25 countries and areas worldwide. By the end of his career, these had included: US Forces in NATO, 1951; Diego Garcia, 1964–76; Japan, 1967; Spain, 1970–88; Bahamas, 1973; Iceland, 1973–74; Panama, 1974–77 and 1997; Turkey, 1975; Phil-

ippines, 1976–90; Micronesia, 1978–89; Israel, 1979–89; Oman, 1980–86; Somalia, 1980; Morocco, 1982; Northern Marianas, 1982; Portugal, 1983–84 and 1991; Honduras, 1985–86; Thailand, 1986; Korea, 1989; Australia, 1991; Germany, 1991–92, United Arab Emirates, 1992; Guam 1993–95; Partners for Peace, 1994–95; Russia, 1998; and for German forces in the US, 1970 and 1995–96. The Pentagon awarded Mr. Barringer the Secretary of Defense Meritorious Civilian Service Medal, 1975 and 1981; Distinguished Service Medal, 1989; Meritorious Executive, Senior Executive Service, 1990, and the Paul H. Nitze award, 1998.

That list of accomplishments does not begin to speak of the full impact Mr. Barringer had on his colleagues in the Federal service, his family, or his friends. His influence will be felt by many, in very personal ways.

As a Member of Congress, I am grateful to recall a point Mr. Barringer repeatedly made in meetings before negotiations: "The Congress of the United States demands that the legal rights of American service members sent abroad be protected." For many years, under Mr. Barringer's careful watch, that principle guided the negotiation of Status of Forces Agreements governing U.S. forces serving in places as distant as Korea and Bahrain. I appreciate the opportunity to take a moment this week to remember the fine service of this talented and dedicated civil servant and recall the value of his efforts to protect the rights of our military service members serving our nation abroad.

HONORING GERALD E. BAKER

**HON. RAHM EMANUEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 16, 2004*

Mr. EMANUEL. Mr. Speaker, I rise to congratulate Gerald E. Baker on his recent retirement from the Airline Pilots Association.

Jerry Baker is a graduate of North Park College, now North Park University, located here in Chicago's Fifth Congressional District. He received an M.A.T. from Northwestern University and a J.D. from the National Law Center at George Washington University before embarking on a distinguished career spanning 35 years promoting the airline industry, its workers and their important interests before the U.S. Congress.

From 1968 to 1976, Jerry served as the legislative representative for American Airlines, and has served as the legislative counsel for the Airline Pilots Association since 1976. During his 28-year tenure with ALPA, Jerry has been involved in virtually every piece of legislation that affects the professional interests of commercial airline pilots.

From the deregulation of the airline industry in the 1970's, the turbulence of the 1980's, the relative prosperity of the 1990's, and the devastating events of September 11th, Jerry Baker has served the airline industry with competence and professionalism.

Jerry also enjoys a solid reputation for developing personal relationships that he has fostered on both sides of the aisle. Leaders in both the House and Senate look to Jerry for his experience, diligence and his bipartisan approach toward advancing the interests of the airline industry.