consensus within the United States that once saw covert action as a regular, legitimate means of bolstering the realization of foreign policy objectives. It must not be seen, nor used, as a last resort, panacea, or substitute for policy. Rather, covert action should be employed as a normal tool of U.S. statecraft, designed to work in support of and in conjunction with government's other diplomatic, military, and economic efforts both against traditional and nontraditional targets.

CONGRESSIONAL OVERSIGHT OF INTELLIGENCE ACTIVITIES

Congress obviously must play a very substantial role in any proposal to restructure and oversee the U.S. intelligence community. In this regard, I first introduced a joint intelligence committee bill in 1984 and a congressional oath of secrecy proposal in 1987 that was inspired by a similar oath taken by Ben Franklin and four other members on the Committee of Secret Correspondence of the Second Continental Congress. The latter has now been adopted in the House, thanks to the efforts of one of my congressional colleagues, PORTER GOSS of Florida.

What prompted these confidence building measures was a desire to make congressional oversight more secure and effective. That can only be accomplished if the membership of the congressional panels trust the intelligence agencies and vice versa. If they trust each other, then both sides can be candid with each other. As former advisor to President Eisenhower, Bryce Harlow, reportedly once said, ''Trust is the coin of the realm.'' Leaks destroy that trust and do great damage to the whole oversight process. Moreover, they can jeopardize lives, as well as vital relationships with foreign agents and friendly intelligence services.

A joint intelligence committee, composed of a small number of key Members from both Chambers of Congress, would substantially reduce the risks of leaks. The fewer people in the loop, the less likelihood of damaging disclosures. Our forefathers clearly recognized this fact of life as they limited knowledge of Revolutionary War secrets to only five Members. Moreover, each of those individuals took his oath of secrecy very seriously. None other than Thomas Paine, the author of ''Common Sense,'' was fired as a staffer of the Secret Correspondence Committee for leaking information concerning France's covert help to our Revolutionary War effort. We should not hesitate to emulate our forefathers and punish those who violate their secrecy pledges and betray the trust bestowed upon them.

INTELLIGENCE PURITY

Periodically during my tenure on the House Intelligence Committee, there were assertions that intelligence assessments were cooked to buttress certain foreign policy objectives. Immunizing the integrity of intelligence is of paramount importance. Thus, I am opposed to any measures that would even smack of tainting objective intelligence. In this connection, two things come to mind. First, is the proposal to abolish the CIA and fold its functions into the Department of State. That is a recipe for cooking intelligence if I ever saw one. Inevitably, there will come a time when the diplomats will pressure their intelligence colleagues down the hall to color an intelligence assessment to justify a foreign policy initiative. Moreover, the more controversial the policy, the greater the risk of politicized intelligence. Second, and related to the question of cooked intelligence, the Director of Central Intelligence [DCI] must not be viewed as essentially a political operative. Clearly, it is beneficial to the intelligence community if the DCI has the President's confidence, but he or she should not be a policy maker, as are Cabinet members. Rather, he or she should be the President's ultimate intelligence advisor. In short, there must be a firewall erected between intelligence and policy which often is driven by political considerations.

INTELLIGENCE SUPPORT TO LAW ENFORCEMENT

As chairman of the House Judiciary Committee, I am cognizant of the significant role intelligence plays in supporting law enforcement efforts. I am also very much aware of the tension that often develops between intelligence and law enforcement officials as to how and when intelligence can be used.

Protecting sources and methods is the transcendent concern of every intelligence officer. Prosecutors, however, are looking for information that can be used at trial. If security reasons preclude the use of relevant intelligence, then the prosecutor is left with something that is, at best, of marginal utility. Moreover, constitutional standards of due process and the right to confront one's accusers further complicate the relationship between the intelligence community and law enforcement.

Prosecutors are constitutionally bound, in a criminal trial, to provide all exculpatory evidence and any other evidence that might tend to diminish the government witnesses' credibility. Any information given to law enforcement by the intelligence community is subject to disclosure, for these very reasons. The Classified Information Procedures Act [CIPA] model works quite well for criminal cases countenancing the government's Hobson's choice between prosecution for criminal misdeeds and the protection of sources and methods of confidential national security information. In that context, the difficult choice is rightfully upon the government. But, in nonpunitive circumstances, such as with deportation of individuals shown through classified information to be a threat to the national security if they remain in the country, the same tension exists under current law.

How to reconcile the competing needs and concerns in a deportation matter is a real challenge and one I have attempted to address in the ''Comprehensive Antiterrorism Act of 1995'' (H.R. 1710). In that bill, we address the frustrating situation where the intelligence community has identified an alien as engaging in terrorist activities while in the United States, but because of the current deportation laws, we cannot expel the alien from the United States without disclosing sensitive information—which could jeopardize lives and the security of this Nation.

In response to this dilemma, a procedure has been developed whereby the alien would get only a declassified summary of the classified evidence against him. All other non-classified evidence is, of course, discoverable.

Unlike CIPA cases, when a situation exists where the provision of a summary to the alien would risk irreparable and significant harm to others, or to the United States, no summary is required and the deportation procedure of the terrorist alien can proceed. The classified evidence, without disclosure to the alien, can be utilized. Because this is not a criminal case, we allow the Government action to proceed without disclosure of the classified evidence. The liberty interests of the alien are significantly less than those of a criminal defendant, and the national security interests of the United States must be superior to the interests of any noncitizen.

In criminal cases, the defendant stands to be punished—to lose either his life or his freedom for a period of time. The result of a deportation is simply explusion from the United States—to continue one's life freely and unencumbered, elsewhere. To Americans, life outside the United States may seem oppressive, or certainly less than optimal; but, it is not punishment.

A greater tension exists, however, when the United States is faced with a classified allegation that a legal permanent resident alien is engaging in terrorist activities, and a declassified summary cannot be provided without creating larger risks of harm to others or to the United States. These aliens, as recognized by the Supreme Court, have a greater liberty interest in remaining in the United States than do other nonpermanent aliens. Thus, additional procedures to safeguard the accuracy of the outcome, and the fairness of the procedure, must be established. To that end, in our antiterrorism bill, we established a special panel of cleared attorneys who will be given access to the classified information supporting the terrorism allegation so that they can challenge the reliability of that evidence. This is done to help the court in its determination of whether it should ultimately order the alien's deportation based on the classified information. The cleared attorney would be subject to a 10-year prison term for disclosure of the classified information. Hopefully, this new procedure, when enacted, will facilitate greater sharing of classified information between our intelligence and law enforcement officials, without unduly risking disclosure of sensitive information.

In summary, the world remains a treacherous place in this post-cold-war era. The increasing threat of terrorism, especially against U.S. targets both home and abroad, is just one very important reason for maintaining a robust intelligence capability around the world. To do less ignores the lessons of Pearl Harbor, and all that implies for the security of this great nation.

THANKS TO MAYOR WILLIAM LYON

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 1995

Mr. DICKEY. Mr. Speaker, when the Government shut down the first time this year, all of us heard from our constituents about the effects upon them. Let me take this opportunity to recognize a local hero in my district who responded to the shutdown with swift professionalism.

Knowing the shutdown would affect hunters in the region by keeping them from hunting in the Felsenthal Wildlife Refuge, Mayor William Lyon of Fordycek, AK, responded with swift professionalism.

A November 18, 1995, article from the Arkansas Democrat-Gazette highlights well the work of Mayor Lyons:

TAKE A STAND NEAR FORDYCE, HUNTERS TOLD

Need a place to hunt after being tossed out of your stand on a federal wildlife refuge?

Mayor William Lyon of Fordyce has just the place for you.

Call Fordyce City Hall at 352–2198 and a friendly employee will arrange for you to hunt at one of the many deer camps operating in Dallas County. There's no charge for the service.

Lyon said Friday there are an estimated 1,000 deer camps within 50 miles of Fordyce.

''I read in the Democrat-Gazette about what they had done to those people,'' Lyon said of an article in Wednesday's newspaper about hunters being told to leave the federal refuges. ''I thought how I would feel if I was a teen-ager going hunting with my father. I thought about how my grandsons would feel.''

The partial shutdown of the federal government has resulted in the closings of seven national wildlife refuge in the state and the displacement of many hunters.

Lyons said he knows most of the people running deer camps in the county and can easily put hunters in touch with them.

It's probably going to create some problems with a lot of moving around, but we are willing to help,'' Lyon said. It's possible we might find some good people that would like to come back and pull some industries down here.''

Joe Pennington, 55 of Fordyce leases land for his deer camp and said he mainly hunts within a five-mile radius of town.

''There's not room for a whole abundance of people,'' he said. ''But I have some spots where I can put a few people. There are a few others that will take a few for a day or two.

''It's a goodwill gesture,'' Pennington said. ''Most sportsmen try to get along.''

''We think it's very generous what the mayor has done,'' said Joe Mosby, spokesman for the Arkansas Game and Fish Commission. ''We're tickled to death by it.''

Mosby said the closing of federal refugees will not affect the majority of hunters in the state. ''But the refuges are very popular,'' he said. ''Those hunters have a real good chance of getting a deer in the refuges.''

Lyon said his offer is a result of local officials trying to build on the momentum of their successful Fall Hunting Festival, held Oct. 27. Fordyce Chamber of Commerce President Jim Philips, County Judge Troy Bradley and Lyon have been meeting to discuss ways to promote Fordyce as ''the Hunting Capital of Arkansas,'' Lyon said.

For this effort, we congratulate and honor Mayor Lyons. Perhaps many of us in Congress can learn from his dedication and ability to ensure—despite bureaucratic obstacles—that our constituents are well-served.

MEDICARE REFORM

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 19, 1995

Mr. HASTERT. Mr. Speaker, the following op-ed by Pamela G. Bailey ran in the Wall Street Journal on December 19, 1995. As the debate over Medicare intensifies, I commend Ms. Bailey's op-ed to my colleagues:

SEVEN DOLLARS OF SEPARATION

(By Pamela G. Bailey)

The Medicare debate reached a new low last week, if such a thing is any longer possible, as the AFL-CIO uncorked a giant media and grassroots campaign to attack 55 House members who support the Republican on Draconian GOP ''cuts'' in Medicare and suggest that there is a huge difference between the Republican plan and the one supported by President Clinton.

What you would never guess from the AFL-CIO campaign is that the division between the two sides comes down to roughly $7 a month in Medicare premiums. Combined with other reforms, the higher premium for seniors proposed by Republicans will save today's average seven-year-old more than $140,000 in income taxes over the course of this working life. Congress wants to protect our children from this additional tax hit—after all, they'll already be paying $300,000 in Medicare payroll taxes over their lifetime. But the president is willing to trade these taxes on our children for a $7-per-month break for seniors.

Despite this superficial difference, the president's new budget has moved to a near embrace of the Republican position on Medicare. Like the Republicans, Mr. Clinton wants to open a failed government program to the choices of the marketplace. And with notable exceptions, his overall budget numbers are within talking distance of the GOP's. It couldn't have come a moment too soon.

As most people have heard, Medicare Part A—the mandatory, payroll-tax-funded program that pays insurance costs for retirees' hospital, home health, nursing and hospice services—is hurtling toward insolvency and effective shutdown by 2002. And costs for Medicare Part B—the voluntary insurance program that pays doctor, lab, and equipment fees out of general federal revenues and beneficiary premiums—have been rising far faster than the rate of inflation for many years. In its present form, Medicare is quite simply unsustainable, either for the taxpayers who finance it or for the elderly Americans who depend on it. Not much controversy there. And neither, despite all the political noise, is there much controversy over what to do about it.

Congress's plan to preserve Medicare and restrain its costs involves $1.65 trillion in spending over the next seven years. The president's current plan forecasts $1.68 trillion in spending during the same period—a $30 billion, or less than 2%, difference. Both proposals involve better-than-inflation increase in Medicare spending on every enrolled retiree; the Republican budget allows a 62% jump in total spending (to $7,101 per beneficiary per year), for example. And where the basic structure of the program is concerned, the White House and congressional budgets mirror one another in nearly every essential respect. Except one.

Congress spreads its necessary Medicare savings across every category of program expenditure. The Republican plan brakes projected spending growth on hospitals, doctors, home health providers, nursing homes, lab tests, and medical equipment. And it asks retirees—America's wealthiest age group—to make their own, modest contribution, in the national interest, to the program that benefits them alone. How modest? In the year 2002, at the point where the two competing Medicare proposals most sharply diverge, Congress would have beneficiaries pay a monthly Part B premium $7 higher than the administration plan envisions.

This is a very small amount of money with very large potential consequences. If the president's current veto holds, and Medicare's structure is left unreformed, its Board of Trustees reports that a steep payroll tax increase will be required to pay for future medical services. The current rate, 2.9%, shared evenly between employees and their companies, will necessarily more than double.

Today's first or second-grader, who enters the labor force in 2010 at age 22, and earns average wages until retiring in 2053, will pay $450,314 over his working lifetime in Medicare payroll taxes. And by the same accounting assuming revenues needed to keep Medicare in long-term balance, this hypothetical worker will pay over $200,000 more in lifetime payroll and income taxes under the president's plan—taxes that are unnecessary under the Medicare reform endorsed by Congress. More than two-thirds of this tax difference, or $140,691, is directly attributable to that $7 monthly Part B premium increase.

Undeterred by these undeniable facts, the AFL-CIO is sending a million pieces of mail into the districts of its 55 targeted congressmen, placing 500,000 phone calls, handing out leaflets and staging rallies—all designed to punish these elected officials for approving fictitious ''massive cuts in Medicare'' when they voted for the Republican budget. The labor federation has spent more than $1 million to put individualized television ads on the air against 22 of these House members. Each spot, over video of a worried elderly woman, ominously (and dishonestly) reports that ''he voted to cut Medicare.'' But no one has voted to cut Medicare this year.

With a provision entirely unrelated to the push for a balanced budget—this treasured program must be fixed and saved whether the budget is balanced or not—Congress has voted to spare the grandchildren of current and future Medicare beneficiaries enough money in taxes to pay for four expensive years of college, or purchase a first home. Is there a grandparent in America who would not pay $7 a month for that?

Find me one, and I'll eat my hat.