

steps the Government can and should take to address the public's growing concern about the threat posed by these increasingly explicit messages.

In his comments, Judge Bork argued that this threat puts not only our children at risk, but our civil society as well. If the entertainment industry's standards continue to drop, he suggested, the Government would be well within its constitutional bounds to take more active steps to protect children by regulating lewd and indecent content. In making this argument, Judge Bork reminded the audience that the Government has regularly played the role of censor—albeit a limited one—for most of our history, and that in recent years the general notion of what forms of expression are fully protected by the first amendment has, in Judge Bork's eyes, become distorted. Judge Bork's comments remind us that our commitment to free expression must be balanced by our commitment to protect our children and the moral health of our Nation.

With that, Mr. President, I ask unanimous consent that the text of Judge Bork's statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEX AND HOLLYWOOD: WHAT SHOULD THE GOVERNMENT'S ROLE BE?

(Remarks at the Sexuality and American Social Policy Seminar, Washington, DC, Friday, September 29, 1995)

Lionel Chetwynd is surely correct in reminding us that motion pictures and television are not solely, perhaps not even primarily, responsible for the social pathologies that are rampant in America today.

An interesting fact that tends to bear out that conclusion is that in both the United States and the United Kingdom the rates of illegitimacy and violent crime, after long periods of stability, began rising in 1960. That was well before movies and television became as sex- and violence-drenched as they are today.

It is also true that Hollywood's selling of sex has to be seen in the context of all the sexual messages that flood our culture.

That said, it is impossible to believe that Hollywood's sexual messages have no significant impact on sexual behavior. I find persuasive Jane Brown's and Jeanne Steele's giving of a qualified "yes" to the questions whether the sexual messages being sent promote irresponsible sexual behavior, encourage unwanted pregnancies, and lead to teenagers having sex earlier, more frequently, and outside of marriage.

One of the most persuasive items of evidence is the effect movies and television have had on levels of violence. Why images and words would affect one form of activity and not the other is unclear, particularly since one who contemplates violence must also contemplate the possibility that he is the one who will be hurt. There is no such deterrent to one contemplating sex. The prospect of pregnancy is unlikely to deter teenagers with a short time horizon.

I am unpersuaded by the argument that the market will take care of the problem. We are told that there is more sex on prime time TV this year than ever before. As for the movies, we will have to wait to see whether "Showgirls" is commercially successful. If it is, the market will ensure that the floodgates open.

There is a major problem caused by the fact that Hollywood must compete with other modes of delivering sexual messages, messages that are increasingly perverted. Some of this is the material on cable channels, which are, I suppose, part of the generic term "Hollywood." But there is also Internet, which supplies prose and pictures of small boys and girls being kidnapped, mutilated, raped, and killed, and even supplies instructions on the best time of day to wait outside a girls' school, how best to bundle a girl into your van, and the rest that follows. Soon it will be possible to get digital films of such materials on home computers.

The market will not take care of that problem. We already have the evidence for that conclusion. The pornographic film business exploded in profitability when it was no longer necessary to go to an "adult" theater to see pornography. It has been possible for some time to avoid the embarrassment of being seen entering such a theater by renting pornographic video tapes. The business is making billions of dollars annually and is expanding rapidly.

But when pornographic and frequently perverted films are available on home computers, the customer will not even have to face a clerk in getting a videocassette or be seen browsing the X-rated film racks. What we have learned is that the more private viewing becomes, the more salacious and perverted the material will be. On Internet, people are downloading still pictures of pedophilia, sadomasochism, defecation, and worse. Among the most popular pictures are sex acts with a wide variety of animals, nude children, and incest.

I don't think there is any doubt that competition from pornographic digital films, which can be sent from anywhere in the world, will pull Hollywood in the direction of more and more shocking sexual films and television.

Is there a role for government? I think the answer is yes. It may be impossible to do anything about Internet and films on home computers. Technology, it is said, is on the side of anarchy. But it is possible to do something about movies, television, and rap music.

There are those who say the solution is to build a stable and decent public culture. How one does that when the institutions we have long relied on to maintain and transmit such a culture—the two-parent family, schools, churches, and popular entertainment itself—are all themselves in decline it is not easy to say.

It is also no answer to say, "If you don't like it, don't go to the offensive movies, use the remote to change the television channel, don't listen to rap." Whether or not you watch and listen, others will, and you and your family will be greatly affected by them. The aesthetic and moral environment in which you and your family live will be coarsened and degraded. Michael Medved put it well: "To say that if you don't like the popular culture to turn it off, is like saying, if you don't like the smog, stop breathing. . . . There are Amish kids in Pennsylvania who know about Madonna."

The cultural smog has several bad effects. I have mentioned the ugliness of the aesthetic and moral environment, which includes everything from the use in public of language that used to be confined to the barracks and was sometimes frowned upon there to attitudes about sexuality which must translate into attitudes about fidelity and preserving marriages.

Stanley Brubaker argues that in a republican form of government, where the people rule, it is crucial that the character of the citizenry not be debased. The late Christopher Lasch pointed out that democracy

cannot dispense with virtue. He said that we forget "the degree to which liberal democracy has lived off the borrowed capital of moral and religious traditions antedating the rise of liberalism." Those traditions are dissipated by the kinds of entertainments we have been discussing.

There is, however, a third point. The attitudes and actions expressed in rap lyrics, on Internet, and soon on home computer movies are incitements to action. Do we really think that a heavy diet of pornography, of rape scenes, of coercing children to have sex cannot ever trigger action? If we do not think that, then some form of regulation is called for. The pleasure that a million addicts get from a thousand depictions of rape is not worth one actual rape.

What, then, can government do? This brings us to the topic of censorship. Almost everybody has been so influenced by liberal ideology that censorship is considered unthinkable. Irving Kristol, who also favors censorship, says it might be more palatable if we spoke of the regulation of public morals, but I don't think anybody would be fooled.

Somebody is bound to say that any regulation of pornography would violate the First Amendment. That view is a recent development and ignores the historical understanding. Until very recently, not even pornographers thought the First Amendment was relevant in prosecutions for producing and selling the stuff. They raised no such defense.

As recently as 1942, a unanimous Supreme Court said in *Chaplinsky v. New Hampshire*: "There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. I have been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."

That Supreme Court understood that the Amendment intended to protect the expression of ideas and that lewd and obscene were no necessary part of such expression.

We don't have to imagine what censorship would be like. We lived with it for over three hundred years on this continent and for about 175 years as a nation. And we had a far healthier public culture. Ratings systems for recordings and movies have proved a farce. The era of the Hayes office in Hollywood was also the golden age of the motion pictures. And maybe something like the Hayes office would be the way to start. Government could encourage the producers of movies, television, and music to set up such self-policing bodies. We could see if those industries would comply. If not, or if the modern version of Hayes offices proved ineffective, we could contemplate the next step. That next step would be direct government action, which is what we used to have.

One thing seems clear, however, if the depravity of popular culture continues and worsens, we must either attempt one or another form of censorship or resign ourselves to an increasingly ugly and dangerous society.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, October 26, the federal debt stood at

\$4,973,674,803,905.53. We are still about \$27 billion away from the \$5 trillion mark, unfortunately, we anticipate hitting this mark sometime later this year or early next year.

On a per capita basis, every man, woman, and child in America owes \$18,880.15 as his or her share of that debt.

#### ORIGINAL COSPONSORS OF THE LIBERTAD ACT

Mr. HELMS. Mr. President, the printed record of the October 11 debate contains an error in the listing of original cosponsors of amendment number 2898 to H.R. 927, the Senate substitute version of the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1995. For the information of my colleagues, the original cosponsors of the amendment are as follows: Senators DOLE, HELMS, MACK, COVERDELL, GRAHAM, D'AMATO, HATCH, GRAMM, THURMOND, FAIRCLOTH, GREGG, INHOFE, HOLLINGS, SNOWE, KYL, THOMAS, SMITH, LIEBERMAN, WARNER, NICKLES, ROBB, CRAIG, COHEN, BURNS, REID, LOTT, STEVENS, SPECTER, SHELBY, and PRESSLER.

#### SENATOR CHARLES GRASSLEY

Mr. THURMOND. Mr. President, Senator GRASSLEY is not only an able and dedicated U.S. Senator, but he is also a progressive, scientific, and outstanding farmer. His colleagues in the Senate hold him in high esteem, not only for these qualities but also for his integrity, courage, and ability. We are proud of him and the great service he is rendering our country.

I ask unanimous consent that the article contained in the Hill be printed in the RECORD so that others will learn more about this fine American.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hill, Oct. 25, 1995]

SENATOR CHARLES GRASSLEY

(By Albert Eisele)

You can't get much more grassroots than Sen. Charles Grassley (R-Iowa).

Early this month, the 62-year-old crusader against federal waste was at the wheel of an International Harvester 1450 tractor, hauling a load of soybeans to a grain elevator near his family farm in northeastern Iowa.

The only working farmer in the Senate, Grassley interrupted his farming chores to issue a press release informing his constituents he had regained his Agriculture Committee seat, which he was forced to give up in January when committee assignments were redistributed after Republicans took control of the Senate.

But last week, Grassley was back in the Senate, behind the closed doors of the Finance Committee helping Republicans work out disagreements over their controversial \$245-billion tax cut package, and then defending that package from Democratic criticism in full committee.

"If you're concerned about balancing the budget, you'll be for this program," Grassley declared as he and his GOP colleagues sent their historic tax package to the Senate floor as part of the even more historic budget reconciliation bill.

Then, using a metaphor appropriate to his Iowa origins and his parochial view of his role in the Senate, once described by Congressional Quarterly as "pigs and pork," Grassley said, "The people of this country are tired of living high on the hog, and not worrying about our children or grandchildren paying for it."

For the man who is the philosophical heir of the late Rep. H. R. Gross (R), the quintessential penny-pinching legislator whom Grassley succeeded in the House in 1974, it was a characteristic moment.

Never hailed as an intellectual giant or an inspiring orator, the easy-going third-term senator has made his name, and compiled a truly imposing campaign record, by balancing the needs of Iowa farmers and small businesses with the national yearning for fiscal discipline in government.

Despite one of the lowest profiles in the Senate, Grassley has managed, by stint of sheer hard work, country-bred political smarts and a low-octane ego, to place himself in the middle of the Senate debate over the big ticket issues of tax cuts, budget balancing and welfare reform at the heart of the Republican revolution.

As a member of the Finance Committee, the number two Republican on the Budget Committee behind Chairman Pete Domenici (R-N.M.), and a member of the House-Senate conference committee on welfare reform which holds its first meeting today, Grassley is perfectly positioned to add to his already impressive electoral achievements in Iowa, where he has never lost a race.

Elected to the state legislature while studying for a doctorate at the University of Iowa—he left school after he was elected and never returned—Grassley took over his family farm after his father died in 1960.

By 1974, when he won a narrow victory over a Democratic opponent to replace the retiring Rep. Gross, Grassley had bought additional acreage—It's now just under 600 acres—and turned the farm over to his son Robin, who still farms it, with weekend help from his father in the fall and spring.

Then, in 1980, after Iowa voters dumped liberal Democratic Sen. Dick Clark in favor of conservative Republican Roger Jepson two years earlier, Grassley took on Clark's liberal Democratic colleague, John Culver, after winning 90 of the state's 99 counties in the GOP primary.

His emphasis on pocketbook issues and his earnest demeanor, which belied Culver's charges that he was a tool of the Moral Majority and New Right, earned Grassley an unexpectedly comfortable victory with 54 percent of the vote.

Amazingly, for someone whose name and accomplishments are little-known outside of Iowa, and widely discounted inside the Washington Beltway, Grassley has one of the best records as a campaigner of anyone in the Senate. Of the 43 senators who have run for three or more terms, Grassley is the only one, other than John Warner (R-Va.) and two others who ran unopposed, who has significantly improved his electoral margin in each of the last three elections.

After winning 54 percent of the vote in 1980, he easily disposed of his Democratic challenger in 1986 by taking 66 percent of the vote, and crushed his opponent in 1992, highly touted state Sen. Jean Lloyd-Jones, by winning 70 percent of the vote.

The latter victory was one of historic proportions as he carried every single county while winning by the largest statewide margin in the country, and winning more votes than any candidate in the history of the state—President Eisenhower had the old record.

Grassley has an uncanny ability to translate national issues, such as defense fraud,

tax reform, out-of-control government spending, congressional accountability, and international trade—especially for Iowa farm and manufacturing products—into issues of local appeal.

Grassley scored one of his major successes earlier this year when the 104th Congress enacted its first piece of legislation, the Congressional Accountability Act that made Congress subject to the same labor and anti-discrimination laws that apply to all Americans. Grassley has been pushing for such a law since 1989.

But it was his attack on government waste and fraud that first brought him public attention. In 1984, as chairman of the Judiciary Subcommittee on Administrative Practices, he publicized the notorious \$47,600 coffee maker bought by the Air Force. Then, in 1990, he won headlines by uncovering Pentagon purchases of \$999 screwdrivers and \$1,868 toilet seats.

Grassley is proudest of two major achievements, passage of the Congressional Accountability Act and his work with Rep. Howard Berman (D-Calif.) in promoting the 1986 "whistle blower" provisions, known as the "qui tam" amendments to the False Claims Act, which enabled the Justice Department to recover more than \$1 billion in civil fraud cases since 1986.

Over breakfast in the Senate Dining Room last week, Grassley, who had a very unIowa-like breakfast—a grapefruit with honey and black coffee—commented, almost apologetically, on the fact that very little major legislation bears his name.

"Sometimes I think the passage of legislation might not necessarily be the best way to measure a person's most important accomplishments," he said. "Sometimes, it's what you might do to stop a bad administrative action or get an amicus brief before the Supreme Court on child pornography."

Grassley has already signed on to Senate Majority Leader Bob Dole's (Kan.) presidential bandwagon, so it's no surprise he predicts Dole will win the bellwether Iowa caucuses next February. But he concedes that Dole will have to beat the 38-percent figure he got in 1986.

And for those who want to bet a long shot, the most successful politician in Iowa history offers this startling advice: "Keep an eye on Phil Gramm [R-Texas]. He's the one to watch."

#### GAMBLING IMPACT STUDY COMMISSION ACT

Mr. WARNER. Mr. President, legalized gambling in this country is growing at a phenomenal rate. In 1975, only one State allowed casino gambling. Today, 20 years later, 23 States have legal casino gambling. Forty-eight States have legal gambling in some form. Gambling is a huge industry, but we know very little about its economic and social impacts.

As a result of my deep concerns, I have become a cosponsor of S. 704, the Gambling Impact Study Commission Act. This bill, sponsored by Senators SIMON and LUGAR, will establish an 18-month commission to study the effects of legalized gambling and its impact on local communities. The commission would report its findings to the President and Congress, providing administrative recommendations and proposals for legislation, if called for.

Mr. President, I am a strong believer in the free market and I believe the