

FBI listen in on calls with the kidnapper, if those calls were carried in a digital mode. Or, that the FBI could not get a court order to wiretap the future John Gotti, if his communications were digital.

Many of us worked very hard over the last several years and, in particular, during the last Congress, with law enforcement and privacy advocates to craft a carefully balanced digital telephony law that increased privacy protections while allowing legitimate law enforcement wiretaps. That work will be undercut by the amendment. Our efforts to protect kids from online obscenity need not gut one of the most important tools the police have to catch crooks, including online criminals, their ability to effectuate court-ordered wiretaps.

The problem of policing the Internet is complex and involves many important issues. We need to protect copyrighted materials from illegal copying. We need to protect privacy. And we need to help parents protect their children.

I have asked a coalition of industry and civil liberties groups, called the Interactive Working Group, to address the legal and technical issues for policing electronic interactive services. Instead of rushing to regulate the content of information services with the Exon amendment, we should encourage the development of technology that gives parents and other consumers the ability to control the information that can be accessed over a modem.

Empowering parents to control what their kids access over the Internet and enabling creators to protect their intellectual property from copyright infringement with technology under their control is far preferable to criminalizing users or deputizing information service providers as smut police.

Let's see what this coalition comes up with before we start imposing liability in ways that could severely damage electronic communications systems, sweep away important constitutional rights, and undercut law enforcement at the same time.

We should avoid quick fixes today that would interrupt and limit the rapid evolution of electronic information systems—for the public benefit far exceeds the problems it invariably creates by the force of its momentum.

JENNIFER HARBURY

Mr. LEAHY. Mr. President, imagine a government, a democracy, whose officials withheld information about its involvement in the death of one of its citizens, and lied about its knowledge of the torture and death in a secret prison of the spouse of another of its citizens.

Imagine if at least one of the people connected to those atrocities had been trained by that government, paid by that government, and continued to receive payments of tens of thousands of tax dollars even after the government knew of his crime.

It would be bad enough if I were talking about a foreign government, but I am not. I am talking about the United States, where an American citizen, Jennifer Harbury, practically had to starve herself in order to get her government to admit that it had information about the fate of her husband, Efrain Bamaca, who disappeared in Guatemala in 1992.

Ms. Harbury fasted for 32 days before she was told that, contrary to what she, I and other Senators had been told by both the Guatemalan Government and the State Department, her husband had been captured by the Guatemalan army and tortured.

The Guatemalan army, many of whose members were trained in the United States at the School of the Americas, claimed Mr. Bamaca had shot himself. Then, when it turned out that someone else was in the grave where they said he was buried, they denied he had ever been captured.

Then they tried to discredit Ms. Harbury, who unfortunately for them was not intimidated. Two years ago a witness told her that her husband had been captured alive and tortured, but she could not prove it and the administration did little to find the truth until the press stories about her hunger strike became too embarrassing.

Even today, the Guatemalan army denies it captured Bamaca, and the Guatemalan Government says it has no information about his fate even though it has had the information for at least a month.

Mr. President, I was sickened, as were we all, by the murder of the Jesuit priests in El Salvador, by soldiers trained in the United States. Almost as bad was the attempt of the Salvadoran army, including the Minister of Defense who for years had been coddled by American officials, to cover up its involvement in that heinous crime and so many other atrocities there.

But here we have a situation where the CIA, presumably believing by some twisted logic that it was furthering some national interest, reportedly paid a Guatemalan colonel, probably one of many, who it believed was involved in torture and murder.

The CIA continued its payments to Colonel Alpirez even after it had information about his connection with the murder of an American citizen, Michael DeVine.

According to reports, the CIA sent millions of dollars to the Guatemalan military even after the Bush administration cut off military aid on account of the Guatemalan military's cover-up of the DeVine murder.

I remember that, Mr. President, because I was among those who urged the cut-off of aid, and I was assured by the State Department that it had been cut off. Now we learn that was false, because the CIA was secretly keeping the money flowing.

The CIA withheld information about Colonel Alpirez' involvement in the DeVine and Bamaca murders, even

while President Clinton and State Department officials were saying publicly that the U.S. Government had no information.

And now we have reports that the U.S. Army and the National Security Agency not only may have known about those murders, but may have recently tried to conceal their involvement by shredding documents.

Mr. President, that is deplorable. What national interest does that serve? What is served by the CIA withholding information from the President of the United States? What message does it send, for our Ambassador to be telling the Guatemalan army how much we value democracy and human rights, when the CIA is paying them to commit torture and murder, and to betray their own Government?

Those soldiers knew there were criminals in their own ranks who were on our payroll, while our Ambassador was making lofty speeches about human rights.

The State Department said it had stopped aid to the Guatemalan military to send a message about the murder of Michael DeVine, while the CIA was subverting that policy by paying them under the table. What national interest did that serve?

You would have thought we learned our lesson after so many similar episodes during the 1980's in Central America, but obviously the CIA never did. It orchestrated the overthrow of the Guatemalan Government in 1954. During the Reagan years, the CIA repeatedly behaved like it was above the law, and apparently little has changed. Even when the sordid truth came out, the CIA's response was that it had not known about Colonel Alpirez' involvement at the time the crimes occurred. What a typical, feeble attempt to hide its own responsibility during the years since.

Mr. President, our goals in Central America today should be unambiguous. They are democracy, human rights, civilian control of the armed forces, and economic development for all people. Absolutely no national interest is served by subverting those goals.

Before we lecture the Guatemalans about democracy and human rights, maybe we should pay attention to what is going on in our own country. I am very encouraged by reports that President Clinton has a governmentwide review of these allegations, and has said that anyone who intentionally withheld information will be dismissed. That would send a strong message that there is a price for this kind of outrageous behavior.

I am also pleased that the White House has ordered that all documents relating to these allegations be preserved. I only wish someone had thought to do that weeks or months ago.

Jennifer Harbury has been trying to get the facts about her husband ever since she learned for sure that he was captured alive. She still does not know when her husband died, how he died, who killed him and what was done with his body. She is like the widows and mothers of tens of thousands of other Guatemalan victims of the army's brutality and impunity, but at least one would hope that her own Government would give her whatever information it has that might lead to answers.

Any information concerning the fate of Ms. Harbury's husband should be promptly turned over to her.

Mr. President, the deaths of Michael DeVine and Efrain Bamaca are but two examples of the tragic consequences of many disgraceful relationships our intelligence agencies have cultivated in Central America. They have given money and protection to the worst criminals. They have withheld information from the White House, the State Department and the Congress, and from American citizens who are the victims of their intrigues. They have even behaved like criminals themselves.

What is this intelligence for? It causes the murder of innocent people. It corrupts. It obstructs justice. It is contrary to our policy. There is no national interest in that.

Mr. President, with a new director of intelligence about to take office, it is long past time to take whatever steps are necessary, and I mean whatever steps, to ensure that this kind of activity stops once and for all. People paid by the CIA should be warned that they will not be shielded if they commit murder or other gross violations of human rights. And the Congress should have prompt access to information from any government agency about the fate of American citizens or their relatives. If the law needs to be changed to make that happen, then let us change the law.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider Executive Calendar No. 50, the nomination of Daniel Robert Glickman to be Secretary of Agriculture.

The clerk will report the nomination.

The legislative clerk read the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided in the usual form.

The Chair recognizes the Senator from Indiana.

Mr. LUGAR. I thank the Chair.

Mr. President, I support the nomination of Dan Glickman to be Secretary of Agriculture. Mr. Glickman is a former chairman of the House Intelligence Committee and was, for 18 years a highly respected member of the House Agriculture Committee. Senators involved in agricultural debates and conferences with the House know Dan Glickman as a conscientious, studious, and thoughtful legislator.

Mr. Glickman will begin his tenure at an important moment in the Agriculture Department's history. USDA is among the largest Federal Departments. It comprises agencies that oversee national forests, administer the School Lunch Program, distribute food stamps, and provide agricultural supports.

In essence, 43 branches of USDA will be consolidated into 29 under the reform legislation adopted by the Congress last year. Thus, USDA is in need of strong leadership and direction at this moment. It requires active management by a Secretary who is knowledgeable, engaged, and assertive. Only in this way can the Department effectively implement its much needed reorganization. Only through vigorous leadership can the Department guide the development of the 1995 farm bill. The omnibus legislation we are about to consider in Congress will reauthorize many of USDA's programs. So far, the administration has made no proposals to the Congress detailing its views on what should be in that farm bill.

The nominee has stated that he will become involved immediately in developing administration positions on the farm bill. Senate hearings on the subject have already commenced. It is important that the new Secretary be confirmed promptly.

Mr. Glickman appeared before the Agriculture Committee of the Senate on March 21 and his nomination was favorably reported on March 23 by a unanimous vote. He answered Senators' questions on a wide variety of topics and was presented to the committee by our distinguished majority leader, Senator DOLE; the chairman of the Labor and Human Resources Committee, Senator KASSEBAUM; and the chairman of the House Agriculture Committee, Mr. Roberts. All of these distinguished Kansas legislators spoke highly of him.

In his responses to Senators' questions, Mr. Glickman was forthright and thoughtful. He and I do not agree on every issue, but we expect to work together cordially and cooperatively even when we have differences. I anticipate that there will be many more areas of agreement than disagreement.

Dan Glickman should be confirmed by the Senate as Secretary of Agriculture, and I urge my colleagues to vote for his nomination.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise today in support of the nomination of Dan Glickman for the position of Secretary of Agriculture. Mr. Glickman is uniquely qualified to lead the Department of Agriculture through this vital time in its history.

For the first time in my career serving in Congress, the very existence of the farm programs is being debated. In past farm bill debates, we have vigorously debated the content and substance of the farm program. But this year we are debating whether any type of farm program is justified.

Some in the agricultural community view this debate as an assault on the traditional way of providing for a stable food supply and a strong agriculture sector. I view this debate as an opportunity to make our case for agriculture. Agriculture contributes 16 percent to this country's gross national product. The United States continues to export more agriculture products than it imports. So in a time when the United States suffers from a substantial trade deficit, agriculture continues to enjoy a trade surplus.

Dan Glickman is well qualified to argue the case in favor of continuing the farm programs. Others have spoken of Mr. Glickman's 18 years in Congress and his work on three prior farm bills. While representing the Fourth Congressional District in Kansas, Mr. Glickman was a champion for the wheat and feed grains programs. Mr. Glickman knows the details of the farm programs, and more importantly, he understands why the country needs to provide a safety net for the family farm system.

I would like to address one issue that Dan has championed from his first days in Congress, an issue in which I also strongly believe. One of the first bills Dan introduced in Congress was a bill to promote the increased use of ethanol, a form of fuel manufactured with the use of corn. From his first days in Congress, Dan advocated the use of alternative fuels in order to promote new uses of agricultural products and promote national security interests by reducing the U.S. dependency on foreign oil. Later, Dan served on the National Alcohol Fuels Commission where he continued to support this vital cause. I urge him to continue to work hard for the interests of alternative uses of agricultural products, and specifically the increased use of ethanol.

Another issue that I would like to urge Dan Glickman to focus on in his